



Development Services Attachments
ORDINARY MEETING OF COUNCIL
Wednesday 20 June 2018

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.1.1	Proposed Extension to term of Development Approval (40m high NBN and Telstra monopole): Lot 12383 Forrest Hills Parade, Bindoon (Bell Hill Reserve - 44213) <ol style="list-style-type: none"> Minutes of item 9.1.1 of May 2016 Applicant's request for time extension Schedule of Submissions Late submission from the Department of Planning, Lands and Heritage (received 12 June 2018) 	1 – 91
9.1.2	Proposed Extractive Industry for Sand: Lot 502 (RN 737) Crest Hill Road, Bindoon <ol style="list-style-type: none"> Applicant's report Amended site map for proposed extraction area Schedule of Submissions Letter from applicants lawyers (CONFIDENTIAL – not for public disclosure) 	92 – 180
9.1.3	Proposed Scheme Amendment No. 66: Rezone from 'Agricultural Resource' to 'Industry General' and inserting Additional Land Use No A18 – Concrete Batching Plant <ol style="list-style-type: none"> Applicant's Report Revised BMP Schedule of Submissions 	181 – 362
9.1.4	Adoption of the Shire of Chittering Waste Local Law 2018 <ol style="list-style-type: none"> Shire of Chittering Waste Local Law 2018 Submission from the Department of Local Government, Sport and Cultural Industries Submission from the Department of Water and Environmental Regulation Submission from local resident 	363 – 384

9. REPORTS

9.1 DEVELOPMENT SERVICES

9.1.1 Proposed NBN and Telstra Co Location: Lot 12383 corner Ridgetop Ramble and Forrest Hills Parade, Bindoon*

Report date	18 May 2016
Applicant	Aurecon Pty Ltd on behalf of NBN Co.
File ref	A10088, P020/16
Prepared by	Stephanie Gladman, Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none"> 1. Report Accompanying Planning Application 2. NBN Co Community Drop In Session – Feedback (2014) 3. Aerial of site 4. Images from site inspection 5. Alternative locations (by applicant) 6. Advertising onsite 7. Schedule of Submissions 8. 'How NBN Works' 9. Photomontage of Proposed Telecommunications Infrastructure atop Bell Hill Reserve 10. Endorsed Management Plan

Executive Summary

Council's consideration is requested in relation to the proposed Telecommunications Infrastructure comprising of a 40m monopole structure consisting of NBN, Telstra and Vodafone infrastructure atop the monopole within a fenced compound totalling 118m² on Lot 12383 on the corner of Ridgetop Ramble and Forrest Hills Parade, Bindoon (Bell Hill Reserve).

Figure 1: Locality Plan



Background

Lot 12383 consists of 2.13 hectares of land and is currently reserved for 'Parks and Recreation'. Bell Hill is situated in the 'Country Club' estate which consists of rural residential properties in excess of 1 hectare.

The site is lightly vegetated at its lower levels, with rocky outcrops and trees found on the middle section with the plateau of the reserve sparsely vegetated. The reserve is located at the highest point of one of two ridges in the Bindoon locality which sit alongside the Bindoon town site and Parkinson's Hill. Access is currently available from an existing gravel track/firebreak which has been historically established on the reserve and utilised for access by emergency services.

The reserve is largely undeveloped in terms of infrastructure which would generally be found on a reserve gazette for 'Parks and Recreation', with informal walking tracks and also a Vodafone communication tower which is utilised by emergency services groups such as St John's Ambulance and local firefighting units.

Previously in 2008 Ericsson proposed the development of an 80m lattice structure from which the applicant withdrew and relocated into 'Parkinson's Hill' (opposite to Bell Hill). In 2015, Daly International/Aurecon on behalf of NBN Co. applied to the Shire to develop a 40m monopole and associated infrastructure compound area totalling 90m².

The item was presented to Council at its May 2015 Ordinary Council Meeting where it did not support the officers recommendation on the basis that Council did not want to make an application to the Department of Lands to excise a portion of the Reserve for the purpose of Telecommunications Infrastructure.

In January 2016, the NBN group met with Council to gauge whether it was interested in considering a new application for the Shire. Following Councils interest in reconsidering a new application, the applicant lodged a new application which includes a 40m monopole structure comprising Telstra mobile phone infrastructure in addition to including the existing Vodafone communications infrastructure. This infrastructure pertaining to these 3 telco's is envisaged to be contained within a fully fenced (2.4m high chain-link security fence with 3m wide access gate) compound totalling 118m².

The application plus additions is now being presented to Council for its consideration.

Consultation

Consultation was undertaken in accordance with Section 9.4 of the *Shire of Chittering's Town Planning Scheme No. 6*. In accordance with the abovementioned provision of the Scheme, the application was advertised in the following methods:

- Letter to nearby/affected landowners;
- Sign placed on the site (corner Forrest Hills Parade and Ridgetop Ramble) including advertisement, maps indicating proposed development;
- On the 'Have your say' page on the Shire's webpage; and
- On the Shire's Social Media page.

The application was advertised for a period of 32 days from 29 February to 1 April 2016.

The application was also advertised to a number of government and referral agencies such as (amongst others):

- Department of Planning;
- Department of Health;
- Department of Parks and Wildlife; and
- Chittering Land Care

During the advertising period, a total of 720 letters were sent directly to landowners, with a total of 113 submissions received (reply rate of 15%).

Of the submissions received, 67 were in support of the application (59.3%), whilst 46 objected to the application (40.7%). In addition to the submission, there was also a petition submitted with a total of 134 signatures objecting to the application. Many of those who signed the petition also made a submission on the application separately.

Of those whom were supportive of the application, the basis of their support was the following:

- *Provide significantly improved connectivity to both the internet and also mobile phone coverage with the co-location of the Telstra equipment;*
- *Will benefit the community in times of emergency with greater connectivity in an area known for poor to non-existent mobile phone coverage;*
- *Provide emergency groups with a more comprehensive ability to obtain coverage during emergencies;*
- *Benefits to the youth of the township whom are increasingly reliant upon the internet in their educational pursuits and it may enable more of them to stay in the area whilst undertaking university studies.*

The basis of the submissions which were objecting to the proposal were for the following reasons:

- *Visual impact;*
- *Health implications regarding Electro Magnetic Emissions (EME);*
- *Bushfire;*
- *Range of proposed NBN Infrastructure not adequately covering town site;*
- *The infrastructure should be placed underground;*
- *Decrease the value of the property;*
- *Impact on emergency aircraft*
- *Impact on endangered species*
- *Loss of nature reserves;*
- *Noise pollution from cooling off units;*

Further analysis of these submissions are referred to in the comments section of this report and also in the Schedule of Submissions (see attachment 7).

Statutory Environment

State: *Telecommunications Act (1996)*
Planning and Development Act (2005)
Planning and Development (Local Planning Schemes) Regulations 2015
Land Administration Act (1997)

Local: *Shire of Chittering Town Planning Scheme No. 6*

State: *Planning and Development Act (2005)*
 Sec. 152 – Certain land to vest in Crown
 Division 6 – Crown Land, Sec 97 – Schemes for Crown Land

State: *Land Administration Act (1997)*
 Part 4 Reserves
 S. 41 Ministers Power as to Reserving Crown Land

Local: *Shire of Chittering Town Planning Scheme No. 6 (TPS No. 6)*
 Under *TPS No. 6*, Lot 12383 (Bell Hill Reserve) is designated as a “Local Reserve” for ‘Parks and Recreation’ with its intended purpose for “Public Recreation and Water Supply”. In 1996 at the time of vesting, a Management Order was created with a number of conditions observed (see Attachment 10).

At present, the land use definition most closely aligned with this type of development would be Telecommunications Infrastructure. In accordance with *TPS No. 6* Telecommunications Infrastructure “means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network”.

Part 10 – Procedure for Dealing with Applications

10.2 Matters to be considered by Local Government

There are a number of considerations in which Council can base its decision on in relation to planning applications. The Local Government in considering an application for Planning Approval, is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application (these include amongst others)-

- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (w) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (x) whether the proposal is likely to cause soil erosion or land degradation;*
- (y) the potential loss of any community service or benefit resulting from the Planning Approval;*

Policy Implications

State: *State Planning Policy No. 5.2 – Telecommunications Infrastructure (2015)*
State Planning Policy 2.5 Land Use Planning in Rural Areas (2012)
Visual Landscape Planning in Western Australia (2008)

Local: *Shire of Chittering Local Planning Policy No. 1 – Bindoon*

The above statutory and policy implications are addressed in detail under the Officer’s Comments section.

Financial Implications

Subject to approval from Landgate/Department of Lands, a lease agreement would need to be drawn up between the applicant and the Shire of Chittering to excise a portion of the reserve and re-designate the portion for 'Telecommunications Infrastructure'. This is to facilitate a portion of Lot 12383 to be leased in order for the applicant to utilise the property for the proposed Telecommunications Infrastructure.

The value of the lease would be negotiated between the applicant and the Shire, if the application was to be approved. This may be in the vicinity of \$10,000.00 from NBN for tower per annum, with Telstra lease in the vicinity of \$5,000.00.

Should Council refuse the application and in the future demand from the community requires this type of infrastructure to be installed then it would have to be installed at the Shire's expense. The application at present is to the value of \$200,000.00 which may increase in the future and require Council funds to develop it.

Strategic Implications

State: *State Planning Strategy 2050*

Local: *Shire of Chittering Local Biodiversity Strategy (2010)*
Shire of Chittering Local Planning Strategy (2001 – 2015)
Shire of Chittering Strategic Community Plan (2012 – 2022)

Other documentation

- *Management Plan – Bell Hill Reserve*
 Council at its Ordinary meeting held on 6 September 2001 resolved to endorse the first Management Plan for the Chittering Country Club Estate. The plan was prepared by a volunteer group, the Chittering Country Club Public Open Space Committee.

Management Plan Recommendation – Bell Hill Reserve

"The general recommendation for the area is the preservation of the existing flora and fauna with the upgrading of firebreaks, control of wild oats and weeds and the removal of hazardous dead trees and fire hazard reduction. The recommendations set out in the Landcare Report will be followed for the regeneration of the Reserve. It is recommended that no development be undertaken on the Reserve due to the Reserve's fragile nature, small size (1.815 hectares) and impact on adjacent properties.

This area is recommended as a total conservation area, due to its fragile nature. The Reserve has at present several natural points of access for local bushwalkers and it is recommended that no formal access be undertaken or developed.

As for Evergreen Reserve, picnic facilities and public toilets are not recommended or desirable."

In October 2001 Landcare co-ordinator, Mr Raffy Andreoli provided a report of the site visit of the Bell Hill Reserve. The purpose of the report was to investigate 3 issues facing the Reserve, *"Weeds and Weed Control, Erosion potential and vegetation types."*

Below is the conclusion of the report stating the status of the site.

Site visit conclusion

“Bell Hill Reserve would greatly benefit from rehabilitation works. The weed control necessary would lessen the fire risk and reduce the erosive potential of the Reserve. In addition, the vast majority of the revegetation species recommended do not burn well so does not encourage fire.

It is very important from an ecological point of view that these natural areas that are left in subdivisions are looked after and managed as to provide an example of local flora and provide hassle free habitat for our native fauna.”

Later in February 2003, Council endorsed an amended version of the Management Plan which dealt with changes to Evergreen Reserve 43686.

Site Inspection

A number of site inspections (both for the previous application and also the current application) have been undertaken since the lodgement of the application by Officers at the Shire (see attachment 4 – images from site inspection). Officers observed that the Bell Hill Reserve is quite steep in nature, with a large rocky outcrop protruding towards the plateau of the Bell Hill Reserve. Furthermore the site is quite visible on entering the Bindoon town site from both the north and south via Great Northern Highway and overlooks the town site in the lower valley and further east towards Parkinson’s Hill where the Optus Lattice Structure (80m) stands. It is likely that the monopole structure would be seen more readily from the road, where similar albeit smaller electricity and light poles are found.

The lower section of Bell Hill reserve is quite steep and is sparsely vegetated. The middle section of the Reserve is vegetated with native plants, and contains a rocky outcrop towards the easterly facing section of the plateau. The plateau is largely cleared of vegetation, with the area mostly grassed and bordered by relatively trees with a height of around 15m and a trunk circumference of 50-150mm. At present the DFES Pager tower is located at the plateau nearby where the Telecommunications Infrastructure is proposed to be located.

The Planning Officer observed some wildlife on Bell Hill Reserve at the time of inspection including birds and kangaroos resting on the reserve. It is evident that there is activity from mammals; however prolonged grazing would be unlikely due to the rocky nature of the reserve and sparse amount of feed during the year.

The houses which surround Bell Hill Reserve generally have an outlook towards the valley’s below and not Bell Hill which is at a higher elevation than those nearby. Critically the dwellings which are located directly adjacent to Bell Hill, are oriented in a position which has their garage or other minor rooms facing the reserve and therefore the perception that they will view the monopole continuously is unfounded.

Triple Bottom Line Assessment

Economic implications

The economic implications as a result of the establishment of the Telecommunications Infrastructure may provide the following significant benefits to Bindoon and in the long term the broader Shire of Chittering in the following ways:

- Meet the objectives outlined in the *Shire of Chittering’s Strategic Community Plan 2012 – 2022* in terms of supporting local business and advocating for improved broadband access;
- Provide opportunities for local businesses to conduct business activities over the internet in a more efficient and time effective way due to faster speeds.

A number of submissions advised that they believed there would be a negative economic impact, in that the development of the Telecommunications Infrastructure would result in the devaluation of private property as a result of its construction. The issue of devaluation has been addressed by the applicant and Officers in the Schedule of Submissions (see attachment 7). Property devaluation is not a planning consideration under Section 10.2 Matters to be considered by Local Government in the *Shire of Chittering Town Planning Scheme No. 6*.

Whilst concerns are acknowledged, other members of the community may see the installation of the Telecommunications Infrastructure on Bell Hill Reserve as a positive contribution to the value of their property as they may be able to access the internet readily and reliably, which they may have been unable to do so before.

Regularly the topic of poor communication availability in the Shire is highlighted in a variety of streams and the provision of better services such as that proposed in this application has the ability to address this. Whilst it is acknowledged, that not every member of the community will benefit from the technology (as some already have connection which already adequately suits their needs), it is a much larger, strategic step towards ensuring the Shire is better connected to a range of telecommunication options.

If Council were to refuse this application, and in the future community demand grew exponentially Council funds would need to be spent in order for this type of infrastructure to be established, which at present can only be for the benefit of the community for tomorrow and well into the future.

Furthermore, economic growth for the Shire is an additional economic implication as this service has the potential to provide further opportunity for 'home' type businesses to flourish.

Social implications

A variety of social implications were expressed by residents who submitted both support and objections to the proposal during the advertising period.

From a positive social perspective, they noted that the proposed Telecommunication Infrastructure may enhance their ability to stay connected with family and friends using the internet in addition to providing faster speeds to conduct and undertake business transactions. Others ascertained they may be able to work from home to a greater capacity rather than commute to Perth.

The co-location of the Telstra services in addition to the relocation of the existing Vodafone receiver has the potential to provide residents with a more reliable mobile connection and also be of assistance to volunteer organisations during emergency situations.

An example of where this infrastructure would have been useful is in the 2015 Bindoon fire which affected many of the residents south of Bell Hill alongside Gray Road and throughout the Country Club estate with many residents voicing their concerns regarding poor availability of connection to the internet to keep them updated on the situation from social media pages, through to the lack of mobile coverage as residents were evacuated into the town site.

The area around Bell Hill Reserve has also been identified in the Federal Governments 'Black Spot' Mobile Initiative. This initiative is envisaged to work towards improving mobile phone coverage and competition in regional and remote Australia.

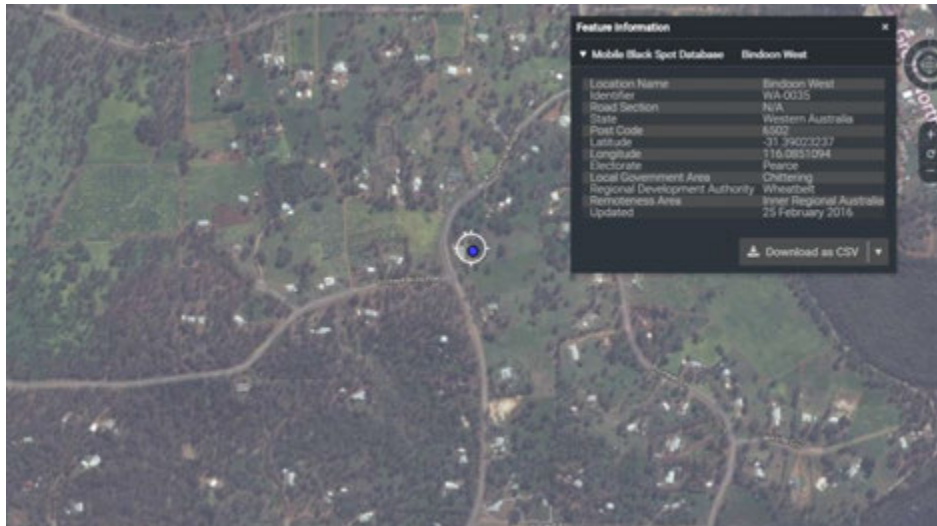


Image source: <http://nationalmap.gov.au/> (22/4/2016)

The negative social aspects mentioned in the submissions include:

- a diminished level of visual amenity for residents living in close proximity to the Bell Hill Reserve;
- devaluation of property;
- impact on lifestyle;
- health implications such as exposure to electromagnetic radiation and also the risks associated with exposure for those with serious illness and pacemakers; and
- restricted access to a site which is used for public recreation.

These concerns will be discussed in detail in the Officer's comments.

Environmental implications

During the advertising period, a range of submissions outlined the environmental implications as a consequence of the Telecommunications Infrastructure being constructed on the Bell Hill Reserve. Many were in relation to the impact on native and endangered species which have been observed on the Reserve and the amount of clearing which the applicant is proposing to construct the 118m² compound, which is in fact minor with the requirement of six (6) trees needing to be cleared.

Other points raised in the submission included:

- disturbance of native flora and fauna;
- removal of remnant vegetation;
- increased bushfire risk, i.e. obstruction of firefighting aircraft as a result of the construction of the Telecommunications Infrastructure; and
- land degradation and soil erosion.

In the previous application presented to Council in 2015, the Ellen Brook Integrated Catchment Group provided information on the Bell Hill Reserve (email dated 19 March 2015), which stated that:

'In 2006 the review of the vegetation survey listed the site as Rating 3 – Good. Evidence of localised high level damage to otherwise low level damaged bush. Recruitment is localised and populations of some species may be senescent (dying). Weed and grazing damage is apparent in <50% of the area. Modification to vegetation structure due to changes in fire regimes may be apparent. Gall and mistletoe damage may be apparent. Evidence of logging or fire wood collection.'

This is an improvement on the 2001 survey – possibly the two major fires in the late nineties and the spraying for weeds by the shire in the 2003 (see management plan) has allowed some natural restoration.

It is still a very damaged area and could do with some help – but as far as the placement of the tower goes the site is already disturbed’.

The Ellen Brook Integrated Catchment Group has also undertaken further consultation in relation to Bell Hill Reserve in 2016 specifically in relation to this application and have stated that:

‘Bell Hill is one of a number of small reserves in the Bindoon estate, each providing stepping stones and connections for wildlife movement. These reserves are important and should remain unaffected by development. Although Bell Hill, while mentioned in the Biodiversity Strategy, does not fall into the mapping of a High Value Conservation Areas (HVCA).

A subsequence assessment report was carried out to ascertain the conservation value of the reserve. It must be noted that this assessment was completed in late summer which is not the ideal time of the year for such assessments, however, it did indicate that the reserve has been degraded and has little understory and no large significant trees suitable for nesting. A cursory look for indicators of fauna was also done (scats, lairs etc.) and little was found. A den, possibly a fox lair was situated amongst the rocks on the eastern face (breakaway).

Information was sought from a wildlife carer and there was a recorded presence of a female and young Western Spotted Quoll (Chuditch). A young Chuditch was recorded in a poor condition on 22nd October 2011, treated, and returned to its mother on site at Bell Hill on 23rd October 2011. The carer did comment that they ran under the only bush and there was little understorey present then. It is our considered opinion that there is little suitable understory to sustain a population of Chuditch and as a top order predator, little food source to sustain them.

No large significant trees were recorded that contained suitable breeding hollows for Carnaby’s Black Cockatoos and there would be minimal forage habitat.

Kangaroos may be present periodically but there is little for them to feed on but may use Bell Hill as a resting place.

Feral animals such as rabbits and foxes may be present in the reserve as these species are cosmopolitan.

In our opinion, the footprint area to be taken for the NBN Tower would have minimal impact on the environmental value of this reserve, however, the tower would reduce the visual amenity of the reserve’

(Refer to Submission No 5 (of Referral Authority submissions), attachment 7 Schedule of Submissions)

This ascertains the status of Bell Hill Reserve and reflects its relatively poor condition from a vegetation and ecological perspective.

In the submissions from the Ellen Brook Integrated Catchment Group and the Department of Parks and Wildlife respectively they supported the applications subject to conditions. Their responses are included in the Schedule of Submissions (see attachment 7).

The applicant has also identified their willingness to work with both the Ellen Brook Integrated Catchment Group/Chittering Landcare and the Friends of Bell Hill Reserve to revegetate the Reserve for the loss of six (6) trees which are required to be cleared for the proposal.

The additional trees, indigenous to the area may help mitigate soil erosion from storm water runoff which currently occurs frequently on the Reserve, leading to spills onto the road surface.

It should also be noted that a large portion of the Country Club estate would have been vegetated similarly to that of Bell Hill Reserve prior to being subdivided. The development of houses and ancillary structures (i.e. outbuildings, rainwater tanks, driveways etc.) in addition to the introduction of grazing animals and domestic animals on some properties has also contributed to the loss of habitat for many of animals whom may have previously been seen in these areas. The clearing of six (6) trees associated with the development is therefore minor to the impact that previous residential development has had and continues to have on the habitat of native animals in the area. These animals have been able to largely adapt to the increased presence of people, cars etc. and would be able to adapt to the presence of the 118m² compound atop Bell Hill Reserve considering its relatively cleared nature and lack of vegetation.

Comment

Site assessment

It must be acknowledged that it is not the Shire's role to identify sites which they believe are the most suitable prior to lodgement of an application. It is the applicant's role with knowledge, technology and understanding of how the technology works to ascertain the most appropriate site for their proposal in order to meet their coverage objectives and other performance indicators and from this perspective the application is assessed.

The applicant has with the previous application (2015) and this new revised application undertaken various studies into the suitability of a number of sites from their own research and also those suggested by members of the community. On both occasions the applicant has ascertained that Bell Hill provides the ideal location to meet its coverage objectives.

The applicant in the accompanying planning report submitted to the Shire with the development application (p. 14-16) (see attachment 5 – Alternative Locations (by applicant)), indicated a number of sites in the Bindoon Town Site area which had been investigated to identify a suitable location for the Telecommunications Infrastructure. The location, facility type and description/justification (as derived from the planning report) are included in the table below:

Site	Address and Lot Number	Facility Type	Description
A	Lot 3874 on Plan 175546	Co-location	NBN Co investigated the possibility to co-locate on the existing Optus tower. Co-location was not feasible due to a shortage of space to mount equipment and inability to achieve coverage requirements.
B	Lot 3874 on Plan 175546	New 40m Monopole	NBN Co investigated the possibility to establish a new facility on the Optus tower site. The location was not feasible due to the inability to achieve coverage requirements.
C	40 Forrest Hills Parade, Bindoon (Lot 155 on Plan 15355)	New 40m Monopole	NBN Co Investigated the possibility to establish a new facility. Land tenure was unable to be obtained.
D	68 Forrest Hills Parade, Bindoon (Lot 183 on Plan 15355)	New 40m Monopole	NBN Co Investigated the possibility to establish a new facility. Land tenure was unable to be obtained.
E	169-201 Gray Road, Bindoon (Lot 3 Diagram 13169)	New 40m Monopole	NBN Co Investigated the possibility to establish a new facility. Land tenure was unable to be obtained.

Site	Address and Lot Number	Facility Type	Description
F	57 Forrest Hills Parade, Bindoon (88 on Plan 57454)	New 40m Monopole	NBN Co Investigated the possibility to establish a new facility. Land tenure was unable to be obtained.
G	Lot 12383 on Plan 15355 (Bell Hill Reserve)	New 40m Monopole	Proposed Site
H	Lot 12116 on Plan 15360 (Evergreen Reserve)	New 40m Monopole	NBN Co investigated the possibility to establish a new facility. The site would not achieve coverage requirements at this height. A taller alternative structure (tower) was not pursued due to potential visual impact.
I	Water Corporation site, Forrest Hills Parade, Bindoon (Lot 269 on Plan 15358)	New 40m Monopole	NBN Co investigated the possibility to establish a new facility. The site would not achieve coverage requirements at this height. A taller alternative structure (tower) was not pursued due to potential visual impact.
	Subsequently investigated sites	Facility type	Description
1	Lot 20 Gray Road, Bindoon	New 40m Monopole	NBN Co investigated the possibility to establish a new facility. The site would not achieve coverage requirements at this height (25% fewer premises served). A taller alternative structure (tower) was not pursued due to potential visual impact.
2	Lot 7 Gray Road, Bindoon	New 40m Monopole	NBN Co investigated the possibility to establish a new facility. The site would not achieve coverage requirements at this height (25% fewer premises served). A taller alternative structure (tower) was not pursued due to potential visual impact.
3	Lot fronting both Crest Hill Road and Gray Road Bindoon	40m Monopole	NBN Co investigated the possibility to establish a new facility. The site would not achieve coverage requirements at this height (25% fewer premises served). A taller alternative structure (tower) was not pursued due to potential visual impact.

The image below identifies the various locations explored by the applicant.



Image source: NBN Co Report (p. 14)

In addition to the sites investigated above and following the advertising period, additional sites were suggested by the community including:

- Lot 20 Gray Road (addressed in table above)
- Lot 7 Gray Road (addressed in table above)
- Parkinson's Hill (addressed in table above)
- Lot 208 Crest Hill Road 'Hangover Hill' (addressed in table above).

NBN Co investigated the Castle Hill site (Lot 504 Great Northern Highway) and ascertained that, if the proposed Telecommunications Infrastructure were to be located on Castle Hill:

- 130 unique residences will be lost as a result of locating at Castle Hill;
- at the current location for Bindoon, the Network Targeted Properties (NTPs) are distributed almost evenly to all the sectors;
- at the proposed alternate location, almost 80% of the target NTPs will be covered by the sector 1 antenna – which also results in very bad coverage for most of the NTPs;
- to maintain good network quality and NTP coverage, current location should not be shifted to proposed location (email 15 April 2016).

At present, the proposed infrastructure atop Bell Hill is envisaged to provide a catchment of up to 483 residents with access to NBN technology (which has increased from 370 in the original application. This equates to, with a population of 1063 (Bindoon Locality) of 45% of the population being potentially able to utilise the infrastructure. Whereas Castle Hill could potentially provide a catchment of 33% of the population (353 residents).

They also investigated the 'Hangover Hill' site (Crest Hill Road) and ascertained that, if the proposed Telecommunications Infrastructure were to be located on "Hangover Hill" that it would be unable to meet coverage objectives. This property is identified as 'Subject Site' 3 in the table above.

Consultation

- *NBN Consultation*

Prior to the lodgement of the 2015 application (40m monopole and 90m² compound), NBN Co undertook initial consultation with the Bindoon community. No additional community consultation by NBN Co. was undertaken regarding this new application in 2016.

In August 2014, the applicant, NBN Co, met with Councillors to discuss the proposal prior to them lodging a formal application. Further to this meeting on 11 November 2014, NBN Co conducted a community drop-in session at the Bindoon Hall to ascertain the level of support for the construction of a Telecommunications Infrastructure such as a fixed wireless facility in Bindoon (results of the session – see attachment 2) which earmarked Bell Hill Reserve as its preferred location to site the said Telecommunications Infrastructure. Following the drop-in session, a Planning Application was submitted by Daly International to the Shire (15 January 2015) for planning approval.

The item was presented to Council at its May 2015 Ordinary Council Meeting where it did not support the officers recommendation on the basis that Council did not want to make an application to the Department of Lands to excise a portion of the Reserve for the purpose of Telecommunications Infrastructure

This application is separate to the previous and now includes Telstra Mobile Technology Co-located on the monopole now being considered by Council in addition to DFES Vodafone Pager Service.

Notification of the consultation session (conducted by NBN Co) was sent to 300 households via letter in addition to advertisements in the Northern Valley News and invitations were sent to Council staff, Councillors, local MP's and local business representatives via letters.

The session was attended by 50 people, with 27 feedback forms received from the drop in session.

The results of the consultation session conducted by NBN Co. indicated that **71%** of attendees supported the proposal, whilst **22%** of attendees did not. The remaining **7%** did not know (see attachment 2).

A variety of additional suggestions and comments (both positive and negative) were tabled by NBN Co in attachment 2.

- *Internal Consultation*

The Shire's Planning Officers referred the application internally to the Shire's Principal Environmental Health Officer, Community Emergency Services Manager and the Economic Development and Communications Officer. Their respective advice is detailed below.

- Health

The Shire's Principal Environmental Health Officer did not have any objection to the proposal. He noted that the application met Australian Radiation Protection and Nuclear Safety Agency (APARNSA) minimum standards in regard to electromagnetic radiation.

- Community Emergency Services

The Shire's Community Emergency Services Manager outlined there would be benefits for the existing Department of Fire and Emergency (DFES) paging tower being co-located on the Telecommunications Infrastructure if the proposal was to go ahead.

He stated that if it were not co-located then there would be risk of overshadowing of the paging tower leading to a decrease in connectivity and service for those operating in the area.

The potential for Telstra to also co-exist on the Telecommunications Infrastructure would also increase the reception and operational capacity to communicate between officers in the area which would be significantly beneficial to those volunteer organisations operating in Bindoon and beyond. Co-location of the Vodafone DFES paging tower with the Telecommunications Infrastructure if approved has the potential to allow for the increased connectivity between all emergency service officers who use the paging system. He also stated that it may provide extended coverage to the Hart Drive area which at present is difficult to receive reception.

o Economic Development/Communications

The Shire's Economic Development/Communications Officer highlighted that the proposed Telecommunications Infrastructure if approved would provide improved telecommunications within Chittering (which) can only be seen as a positive move forward for the community and business.

Further to the above, according to the Australian Government the digital economy is *"the global network of economic and social activities that are enabled by information and communications technologies, such as the internet, mobile and sensor networks"*.

They advise that *"the digital economy is part of the shift from the past industrial period to the new digital or information period, where the factors of production rely on the deployment / use of information and communications technology (ICT) such as computers, the Internet, mobile telephones, landlines and multi-media devices"*.

It is agreed that *"in the digital economy broadband is increasingly the precondition for industry competitiveness, job creation, and overall economic and social growth. The NBN has the capability to develop new industries, reshape old ones and redefine both occupational boundaries and the skills required to complete existing or new jobs. It has the power to accelerate current efforts to educate children; support learning; deliver health care; sell online to the world; run a business; communicate and manage global supply chains; and to capture, store, share, discover and access data and knowledge"*.

Reference: Impact of the Digital Economy and the National Broadband Network on Skills - Innovation & Business Skills Australia Ltd

• Shire of Chittering Public Consultation

In accordance with Section 9.4 of the *Shire of Chittering's Town Planning Scheme No. 6*, the application was advertised for a period of 32 days. A total of 720 letters were sent to residences within a 2.5km radius of the area where the proposal is envisaged. In addition to letters sent, signage was placed on the property in addition to the application being placed in a newspaper advertisement and also on the Shire's social media account and 'Have Your Say' page on the Shire's website.

A total of 113 submissions were received (reply rate of 15%). Of the submissions received, 67 were in support of the application (59.3%), whilst 46 objected to the application (40.7%). In addition to the submission, there was also a petition submitted with a total of 134 signatures objecting to the application.

The 2011 ABS census states Bindoon has an estimated population of 1,063 persons and on that basis 720 letters were sent relating specific to the proposed development application to residents which equates to 67% of the population.

A number of households provided multiple submissions (i.e. husband/wife/life partner and then individually). The multiple submissions, whilst accepted does distort the figures slightly as it is generally thought of that 1 submission is received per 1 household. A petition was also submitted to the Shire with a total of 134 signatures objecting to the proposal, a number of those whom signed the petition also wrote in a separate submission.

There were also some informal petitions regarding the application; however these were not formally submitted to the Shire.

Officer's comments regarding the submissions are addressed below and also in the Schedule of Submissions (see attachment 7).

Statutory Provisions

Local: Shire of Chittering Town Planning Scheme No. 6

In assessing the application, the Planning Officers have addressed Part 10 – Procedure for Dealing with Applications, Section 10.2 – Matters to be considered by Local Government (see below).

10.2 – Matters to be considered by Local Government

The Local Government in considering an application for Planning Approval, is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application-

(a) *the aims and provisions of the Scheme;*

Throughout the assessment process, officers have taken consideration of the aims and provisions of the Scheme. The key aims of the scheme which relate to (amongst others) the proposal includes:

- (a) *To provide environmental protection and enhancement of biodiversity and the natural resources including land, air and water quality;*
- (g) *To protect and improve areas of remnant vegetation and, waterways from further degradation;*
- (n) *To co-operate with community groups and to assist in sustainable enterprises for the benefit of the agricultural industry and the community as a whole.*
- (o) *To provide for essential infrastructure consistent with and as needed to support the other aims of the Scheme.*

Whilst the applicant has advised the need to remove six (6) trees for the proposed development of the Telecommunications Infrastructure including compound (118m²), the development may provide an opportunity for Council, local community and environmental groups to work collaboratively to improve and enhance the Bell Hill Reserve area through replanting of indigenous trees to compensate for the loss.

The proposed development, atop the plateau of Bell Hill Reserve minimises the possibility of degradation (if it were placed on the steep slopes), however revegetation to screen the compound may mitigate the rate of degradation.

The applicant have advised, that if approved, they would utilise an existing access track (along Forrest Hills Parade) with the possibility for improvements to this portion of the track – a benefit for volunteer emergency vehicle, which may need access to the reserve to fight fires.

The proposal for the Telecommunications Infrastructure, provides increased opportunities for the Shire to provide residents of Bindoon with infrastructure which may provide benefits for a variety of residents both in terms of access to internet, but through the co-location of the DFES Pager and Telstra Mobile Antenna with improved mobile service coverage.

- (b) *the requirements of orderly and proper planning including relevant proposed new district planning scheme or amendment, which has been granted consent for public submissions be sought;*

The Shire has assessed and dealt with the Planning Application in accordance with *Shire of Chittering's Town Planning Scheme No. 6*.

- (c) *any approved Statement of Planning Policy of the Commission;*

Throughout the process, the Shire has referred to the *Western Australian Planning Commission's State of Planning Policy No. 5.2 Telecommunications Infrastructure*, which has been read in conjunction with the '*Guidelines for the Location, Siting and Design of Telecommunication Infrastructure*' (2008).

- (d) *any approved environmental protection policy under the Environmental Protection Act 1986;*

The applicant advised that they undertook a desktop study of the Department of Environmental Regulation 'Environmental Sensitive Areas' mapping system (see attachment 1 Section 7.4 Flora and Fauna Study (p. 39).

- (e) *any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*

Officers have assessed the application under the provisions of WAPC's *State Planning Policy No. 5.2 Telecommunications Infrastructure* (2008) in addition to the State Planning Strategy.

- (f) *any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*

Officers have taken into consideration the provisions of the *Shire of Chittering's Local Planning Policy No. 1 – Bindoon*. There is no known documentation which identifies this reserve as being of any heritage significance.

- (g) *the aims and objectives of Catchment Management Plans and Principles for the Scheme Area;*

Not applicable

- (h) *in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*

The land is identified as being reserve for 'Parks and Recreation'. The land is crown land, vested with the Shire as a reserve with the landowner being the Department of Lands. The Department of Lands has signed the necessary documentation and as such the officers consider this an appropriate use from the Scheme.

- (i) *the conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;*

Not applicable

- (j) *the compatibility of a use or development within its setting taking into consideration any Special Control Area;*

The location of the proposal is not within any of the Shire's 'Special Control Area's' as outlined in the *Shire of Chittering Town Planning Scheme No. 6 – Scheme Maps*.

(k) any social issues that have an effect on the amenity of the locality;

From a social perspective, a range of concerns have been raised by various residents and community groups in their respective submissions to the Shire regarding the development application.

These concerns have been addressed by Council Officers and the applicant in the Schedule of Submissions (see attachment 7), however it is considered that this proposal will not have a detrimental social impact on the Shire.

(l) the cultural significance of any place or area affected by the development;

Bell Hill Reserve was set aside as part of a subdivision for the "Chittering Country Club Estate" to be utilised by local residence as a place for bushwalking and other recreation. There is no known cultural significance associated with the site.

(m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

The planning report accompanying the development application has outlined that it is envisaged that six trees will be required to be removed from the site as a result of construction of the Telecommunications Infrastructure including the compound.

Further grading will be required to improve vehicular access to the site (as noted on the site plans). This application was referred to all relevant state environmental agencies and determined that there would be no negative environmental implications.

(n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;

The Reserve pertaining to this application has historically been prone to bushfires. There may be opportunities however for the applicant to help improve vehicular access ensuring more efficient firefighting access. In a number of submissions concerns outlined the ability of 'water bombing' helicopters to access the site during fire emergencies.

The applicant has advised "*in accordance with the 'Reporting of Tall Structures' the 40m structure will be registered as a Tall Structure with the RAAF in accordance with CAAP 92-1 at the time of Building Approval*" (p. 40).

(o) the preservation of the amenity of the locality;

The amenity of the area will be largely preserved if the Telecommunications Infrastructure was to be established within the Bell Hill Reserve. Many of the dwellings which are located in close proximity are directed towards the valley and surrounding rural views and vistas.

From a direct street level adjacent the Bell Hill Reserve, it would be difficult to see most of the tower and compound itself with it sitting atop a plateau and surrounded by existing vegetation. The impact of the tower itself is more prominent when a short distance from the reserve itself and also from Great Northern Highway.

The tower is not unlike the street light poles (albeit higher and excluding the connecting power lines) which line the residential roadways on the way to accessing the site. The similarities are indicated on the photomontage included in attachment 9 which clearly shows both the street light poles in the foreground and the tower atop Bell Hill Reserve. Furthermore, the images from the site inspection reiterate the same perspective (attachment 4).

With its grey colouring and streamline monopole, is not as visually intrusive as a lattice structure with red and white colouring.

- (p) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*

As noted above (o), many of the dwellings located along Forrest Hills Parade face away from Bell Hill Reserve taking in the rural vistas and valley below further north of the town site. The impact on their views despite its size is diminished because of this and the fact that the proposal is atop a steep plateau of Bell Hill with the highest elements vegetated by established trees. The location of the proposed tower to the two closest dwellings is 80m and 94m respectively.

Whilst the proposed Telecommunications Infrastructure may be partly visible from a number of locations due to the topography of the area, the amenity of the area is not as significantly affected due to the design proposed and possibilities for revegetation.

A graphically generated depiction of the Telecommunications Infrastructure and the remnant trees was included in the planning report submitted with the development application (see attachment 1) and also the photomontage (see attachment 9) indicates the height, bulk, scale and appearance of the Telecommunications Infrastructure.

- (q) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

The applicant proposes to upgrade the entry/exit and in addition to this legal access for this purpose will be obtained through a lease/easement agreement.

- (r) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

As detailed above in (q)

- (s) *whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*

Not applicable

- (t) *whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area;*

This is a self-sufficient structure and no additional utilities will be required other than those outlined in the applications.

- (u) *whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*

The applicant envisages utilising a compound measuring an area of 118m², with security chain mesh fencing at a height of 2.4m surrounding the compound. The rest of the Reserve is able to be accessed by the general public. The proposed facility will have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

(v) *whether adequate provisions have been made for access by disabled persons;*

Not applicable

(w) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

The applicant has indicated that they are willing to screen the compound with vegetation to minimise any visual amenity issues as a result of the proposed development. The proposed development envisages clearing a total of 6 trees; the rest of the Bell Hill Reserve will be left untouched.

(x) *whether the proposal is likely to cause soil erosion or land degradation;*

The applicant addresses the above in Section 7.5 *Erosion, Sedimentation Control and Waste Management* in attachment 1.

Locating the facility on top of Bell Hill Reserve poses a smaller risk of land degradation than if it were located on the steep slopes. The removal of six trees for the proposed construction of the Telecommunications Infrastructure including the compound could be compensated through a revegetation program which may help mitigate any adverse effects such as soil erosion and land degradation.

(y) *the potential loss of any community service or benefit resulting from the Planning Approval;*

The proposal under consideration has the ability to provide a portion of the community of Bindoon with significantly improved internet speeds. Improved internet speeds may be seen as crucial to those involved in business through to the town's youth who need to 'stay connected' for educational (as well as social) purposes. With the co-location of the Telstra mobile antenna and also the DFES pager tower it may also result in improved mobile coverage in areas where it is currently identified as unreliable or not satisfactory.

(z) *the conservation of water resources;*

Not applicable

(aa) *any relevant submissions received on the application;*

All submissions received by the Shire have been included and addressed in attachment 7 – Schedule of Submissions with responses addressed from both the applicant and also Shire Officers.

(bb) *the comments or submissions received from any authority consulted under clause 10.1.1; and*

As above

(cc) *any other planning consideration the Local Government considers relevant.*

As above.

Policy implications

State: State Planning Policy 5.2 Telecommunications Infrastructure

Policy objectives:

- a) *facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;*
- b) *manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;*
- c) *ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,*

- d) *promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.*

Policy Measure 1

Telecommunications infrastructure should be sited and designed to minimise visual impact

Applicant's response

The proposal involves the erection of a new facility incorporating a 40 metre high monopole and associated ground level equipment. The height and design of the proposed tower is considered to be the minimum required to achieve reasonable transmission objectives. NBN considers that the proposed new facility will have minimal visual impact on the existing landscape setting as seen by local residents and people passing through the area (p. 27).

Officer response

In reference to the proposed location of the 40m monopole and associated infrastructure within the 118m² compound, it is acknowledged that there will be some visual impact on the amenity of the area. The streamline design of the monopole is not too dissimilar to that of a light or electricity pole found throughout many rural residential areas. The area within Bell Hill which the proposed monopole may be sited is largely surrounded by trees and requires minimal clearing which in turn reduces the impact of the compound from the street level.

Specific Policy Measures

- a) Telecommunications infrastructure should be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.

Applicant's response

The site is located in a rural residential area, 1.35km west of Great Northern Highway. The specific location within the property is setback approximately 70m from Forrest Hills Parade and 125m from Ridgetop Ramble Rise on a plateau. The hill will limit the impact from the abutting roads. (p. 27)

Officer response

The proposed 40m monopole if approved will be located atop the plateau of Bell Hill Reserve. Whilst a significant view point and reserved for 'Parks and Recreation', there is no formal infrastructure encouraging passive or active use of the reserve only informal walking tracks. The probability of the wider community utilising the Reserve would be small, as the topography of the site makes access difficult for many with steep inclines and unstable gravel and rock. The design of the slim line monopole is significantly less visually obtrusive than the 80m lattice structure which sits atop the opposite 'Parkinson's Hill'.

- b) Telecommunication Infrastructure should be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or panorama, whether viewed from public or private land.

Applicant's response

The facility is designed so as not to compromise any locally or regionally significant views or places of heritage or cultural significance. The subject site is located away from Gray Road so as to protect the view line for this strategic approach to the town centre, and is sufficiently offset from the abutting local collector roads so as to not be located within a driver's view shed. Whilst reserved for recreational purposes the subject land is not heavily utilized, nor does it contain any recreational infrastructure. (p. 27)

Officer response

The location of the proposed 40m monopole atop Bell Hill is located towards the top plateau of the reserve, set back a distance from its respective boundaries. A significant portion of dwellings located in close vicinity to the Reserve are oriented away from the Reserve itself and towards the valley views to the nearby town site and Lake Needonga. Many of these residents now view the 80m lattice structure atop Parkinson's Hill which is significantly higher and visually prominent than a 40m monopole.

- c) Telecommunication Infrastructure should not be located where environmental, cultural heritage, social and visual landscape values may be compromised.

Applicant's response

The construction area and overall compound area of the facility is designed to have minimal disturbance to the environmental characteristics of the site. The installation of the proposed facility can be undertaken at any time and is not anticipated to affect the use of the site or the surrounding area due to the accessibility of the site. (p. 27)

Officer response

The applicant has undertaken studies pertaining to the cultural heritage of the reserve (both indigenous and European (p. 38) and the investigation did not identify any registered cultural, historical or environmental heritage significance in the immediate vicinity of the proposed site.

Furthermore, the reserve is not identified in the Shire's Municipal Inventory. Residents and visitors will still be able to utilise the reserve at their leisure. Clearing of the six trees on the reserve, if the proposal were to be approved would be compensated through a revegetation program the applicant has identified as willing to participate in, with the support of Chittering Land Care and Friends of Bell Hill Reserve.

- d) Telecommunication Infrastructure should display design features including scale, materials, external colours and finishes that sympathetic to the surrounding landscape.

Applicant's response

To minimize the visual impact of the facility NBN have proposed the use of a monopole and selected a site that is located away from residential zoned land and other sensitive land uses.

The proposed monopole is a structure that has a small profile and is considered the least visually intrusive design option for a new base station. Furthermore, the monopole will remain unpainted (galvanized steel), which over time has been demonstrated to most successfully blend with the uniform colours of the site's rural setting.

Notwithstanding significant setbacks to surrounding roads and dwellings offset planting is proposed to ensure an environmental 'net gain'.

Underground power will be provided essentially replacing existing overhead lines to further minimize the visual impact of the consolidated facility.

The Telstra equipment shelter features a concealed roof to minimize height and be finished in a pale eucalypt Colourbond to blend with existing vegetation. (p. 28)

Officer response

The proposed telecommunication infrastructure is set back atop the plateau of Bell Hill Reserve which as it extends towards the outer edges is vegetated with native trees and shrubs. The plateau of the reserve is difficult to see from Ridgetop Ramble, but may be more prominent from Forrest Hills Parade. The applicant has advised their willingness to engage in a replanting program which could extend towards Forrest Hills Parade thus overtime mitigating any visual impact from the road.

The grey steel monopole structure is similar in width and colour to that of the street light poles which are found throughout the estates, albeit taller. It is, in comparison to the lattice structure atop Parkinson's Hill potentially significantly less visually prominent due to the streamlined nature

Policy Measure 2

Telecommunications Facilities should be located where it will facilitate continuous network coverage and/or improve telecommunications services to the community.

Applicant's response

NBN through its strategic planning process has identified this site as having potential to provide the optimal required quality of service for the Bindoon Area (p. 28).

Officer response

The applicant has ascertained that the proposed location for the less visually significant monopole structure best meets the telco's coverage objectives for the area, which has significant constraints due to the topography of the area with the majority of residents living in the town site which sits at the bottom of a valley between two significant hills and a large number of rural residential properties being located on the most further portion of the hill.

Policy Measure 3

Telecommunication cables should be co-located whenever possible

Officer response

The applicant in their submission has identified the ability to cater for and have agreement between parties for the co-location of the NBN infrastructure (the 40m monopole) with the additions of Telstra Mobile Antenna and Vodafone DFES Pager infrastructure. The ability to co-locate these services results in a reduced need for multiple towers catering for different telecommunications services.

- a) Cables and lines should be located within an existing underground conduit or duct.

Applicant's response

Underground power has been proposed that will accommodate both NBN, Telstra and Vodafone requirements and can accommodate other carriers. The final design is subject to Western Power recommendations and approval (p. 28).

Officer response

At present, electricity is connected to the existing Vodafone DFES via overhead powerlines. The applicant envisages, if the applicant were to be approved that the overhead powerlines are proposed to be replaced with underground power connectivity.

Through the use of underground power connectivity as opposed to overhead, it has the ability to reduce the visual prominence of the existing power cables and potentially address concerns regarding fire through the mitigating the possibility of sparks from the overhead power supply lighting leaf litter and debris on the ground.

- b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

Applicant's response

There are no structures or buildings of sufficient height within the surrounding area that could facilitate NBN infrastructure.

The co-location of Telstra mobile phone network infrastructure and Vodafone paging equipment is proposed. Existing Vodafone overhead power lines will be decommissioned. (p. 29)

Officer response

The existing overhead powerlines which connect the existing Vodafone DFES pager are proposed to be decommissioned and placed underground, whilst the tower structure which the pager is supported on will be relocated onto the proposed NBN infrastructure (40m monopole). The ability to co-locate and also placement of multiple streams of telecommunications infrastructure reduces to need for multiple towers in the future.

State: Visual Landscape Planning in Western Australia (2008)

Applicant's response

The guiding principles for the location, siting and design of Telecommunications Infrastructure (Guiding Principles) is published by the Western Australian Planning Commission to underpin State Planning Policy 5.2. The guiding principles philosophy is also reiterated in Part Three of Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design which was also prepared by the WAPC. The applicant has detailed that the guidelines were taken into consideration when selecting the site (p. 29).

Officer response

In undertaking the assessment of this application, Officers took due regard in relation to the *Western Australian Planning Commissions State Planning Policy 5.2* and also the guiding document, *Visual Landscape Planning in Western Australia (2007)*.

This guiding policy indicates the importance of the provision of telecommunications, as '*the WAPC State Planning Strategy that advocates the provision of effective statewide telecommunications network in a manner consistent with the state's sustainability objectives (environmental, economic and social planning objectives*' (p. 135, *Visual Landscape Planning in Western Australia (2008)*).

In relation to the document, it is acknowledged that Telecommunications Infrastructure may be negatively perceived as, '*regardless of the visual prominence of utility towers, the community's perception of the importance of their function may impact on their perceived visual impact and therefore on the extent of visibility that is acceptable. For example, towers designed to provide safety, including lighthouses and airport control towers, may be perceived favourably.....Public suspicion about potential health risks associated with mobile phone towers and power transmission lines may result in these being less tolerated*' (p. 128). This is reiterated and the assumption that '*towers are least tolerated in natural landscapes and*

more likely to be considered acceptable in rural landscapes' (p. 128) in the number of submissions received in regards to this application.

However, the presumption by some members of the community that the applicant is placing the proposed Telecommunications Infrastructure on the reserve as a cost cutting measure or an easy way out is negated by the document clearly stating that *'telecommunication towers are often located prominently in the landscape, for example on hilltops, ridgelines, escarpments or in long view corridors, to maximize reception'* (p. 137). This is further substantiated by the extensive number of alternative sites explored on p. 14 – 16 of the applicant's report and also addressed in the Schedule of Submissions where alternative sites have been suggested, many of which have been explored by the applicant in their investigation of a suitable site.

Strategic

From a strategic perspective the State Government's *State Strategic Strategy 2050* outlines the developmental objectives in which the State of Western Australia envisages to achieve broadly amongst urban and regional localities throughout the state. Additionally, the Shire has a number of documents which outline the Shire's objectives. These objectives outline a variety of measures in which the Shire envisages to achieve in terms of economic, social and environmental from a short, medium to long term perspective.

State Planning Strategy 2050 (2014)

The State Government, has in its *State Planning Strategy 2050* (2014) outlined its strategic direction for the state and ascertained a variety of areas it envisaged to achieve socially, environmentally and economically. The document outlines areas including 'Telecommunications' from which they wish to plan for, with it outlining that *"Telecommunications facilities are also crucial to improving regional and remote education and training outcomes"* (p. 44). Furthermore one of the objective states that they wish to 'To ensure those responsible for telecommunications take into account Western Australia's planning and development priorities and requirements' (p. 83).

Importantly it also ascertains that *"Telecommunications services in Western Australia are provided through a mixture of fixed, wireless and satellite based networks operated by a number of licensed commercial carriers. Technology improvements mean that telecommunications infrastructure is in a constant state of upgrade, expansion and replenishment"* (p. 83). This is something in which the applicant is trying to achieve through its proposed telecommunications infrastructure. The aspirations of this scheme also detail specifically that it is envisaged that:

- *Regional WA has reliable access to high-speed telecommunications*
- *Deployment of a high-speed and reliable broadband and telecommunications network for the whole community*
- *Telecommunications improves everyday life and assists business growth* (p. 84).

The State's strategic document clearly outlines the State government's support in establishing a broad range of telecommunications infrastructure for both urban and regional centres, with an underpinning theme of enhancing the social and economic benefits of its residents. The application meets the aspirations of the document in relation to telecommunications as it potentially provides a regional Shire with a rapidly growing population on the peri urban fringe with a service which may have a vast improvement on to the existing infrastructure currently available.

Critically it also ascertains that *'Telecommunications facilities are also crucial to improving regional and remote education and training outcomes'* (p. 44), a point which was brought up in a number of submissions both supporting and objecting to the application.

Shire of Chittering Local Planning Strategy (2001 – 2015)

The Shire of Chittering Local Planning Strategy outlines the long term goals of the Shire. In the mission statement of the document it states that:

“Our Mission is to work with and for the community to:

- *Protect our natural environment*
- *Enhance our rural lifestyle*
- *Develop quality services and facilities*
- *Facilitate suitable development and employment opportunities” (p. 2).*

Whilst the mission states that the Shire is to protect the natural environment, it also is encouraging of providing facilities and infrastructure which will enhance the rural lifestyle and also facilitate suitable development and employment opportunities.

The proposed Telecommunications Infrastructure is an opportunity for the Shire to establish infrastructure which would enhance the lifestyle of many of the residents within the Bindoon Town Site who use internet services on a daily basis for educational, business and personal pursuits.

It also has a minimal impact on the environment in terms of the clearance of 6 trees and the possibility of the applicant engaging in a revegetation program to compensate for the loss of trees with local community groups.

In a State Planning Strategy context, the Local Planning Strategy follows the Regional vision statements of the State Planning Strategy:

- *Development of a range of expanded and consolidated towns linked by improved infrastructure*
- *Encouragement of innovation in agriculture, environmental management, and downstream processing of agricultural produce*
- *Rehabilitation and protection of productive farmlands*
- *Maintain and enhance vibrant, viable communities*
- *Sustainable management of the natural resources (p. 4)*

Further to the above, Section 5 – Settlement Patterns and Infrastructure (p. 14) of the Local Planning Strategy states that one of the key aims is to *“Promote Bindoon as the primary service centre for administration, retail and community services”*.

The development of the Telecommunications Infrastructure on Bell Hill Reserve would provide an opportunity for the aims of the strategy mentioned above to be met and improved as it would enable increased connectivity for business in the Town Site.

Shire of Chittering Strategic Community Plan (2012-2022)

The Shire’s Strategic Community Plan, ‘Economic: Prosperity for the Future’ section states ‘Our Vision’ as: *Chittering will have created a prosperous and thriving economy to ensure employment is available and Chittering thrives. Our natural areas will continue to attract visitors and be a weekend destination.*

This outcome to ‘Support Local Businesses’ in the strategy was to *‘Advocate for improved broadband access. Promote local businesses.* The key priorities of this was to *Lobby Federal Government*, with the timeframe as *ongoing* with partners such as NBN (p. 17, Shire of Chittering Strategic Community Plan).

Further to the above, in the section titled *“Economic: Prosperity for the Future”* the outcome is to *“Support Local Businesses” with the strategies to “Advocate for improved broadband access. Promote local businesses”*. The measurable results state that *‘Council proactively participates in the National Broadband Network rollout – level of take up of new “broadband” services* (p. 26, Shire of Chittering Strategic Community Plan).

The timeframe was seen as being achieved in the short, medium and long term and reiterates the Shire’s desire to obtain such infrastructure to the benefit of the community at large.

Shire of Chittering Biodiversity Strategy (2010)

The Shire’s Local Biodiversity Strategy identifies Bell Hill Reserve as one of several natural areas assessed against the Natural Area Initial Assessment (NAIA) Templates. The reserve is indicated as having a 1A-Priority Rank, which comprises 2.14 ha of native remnant vegetation remaining of the Yalanbee 6 vegetation complex *“the protection status of the regionally significant reserves could be improved by amending their current zoning in the Town Planning Scheme to a ‘conservation reserve”* (p. 42).

The Chittering Landcare in its letter stated that *“Bell Hill is not identified on the revised mapping of HVCA’s (High Value Conservation Areas) and is not within a local or regional linkage, its priority for changing its purpose from “Recreation and Water Supply” to “Conservation” would not be as high”*.

The Local Biodiversity Strategy document emphasised that before a final decision can be made regarding which parts of the remaining vegetation are to be retained and protected, on ground assessment needs to be undertaken to confirm the remnant vegetation status.

The applicant conducted a desktop study of the EPBC Act’s ‘Protected Matters’ search which indicated *“that there may be threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of fauna identified as possibly being in the area”* (see attachment 1 - Sections 7.4 Flora and Fauna Study and 7.5 Endangered Species)

Management Plan – Bell Hill Reserve

In May 2001 the Chittering Country Club Open Space Committee adopted the Management of the Public Open Space in the Chittering Country Club Estate.

In this document it outlined a number of recommendations which had the potential to be implemented to improve the Bell Hill Reserve from an environmental perspective. Whilst the general recommendation for the area is for the preservation of the existing flora and fauna, there was potential for the upgrading of firebreaks, control of wild oats and weeds and the removal of hazardous dead trees and fire hazard reduction.

If the proposal for the Telecommunications Infrastructure were to be approved, the recommendations from the Management Plan could be implemented to a more significant extent than previously through conditions of approval.

- *Report from site visit to Bell Hill Reserve No. 44213 Chittering Country Club Estate (by Raffey Andreoli, Landcare Coordinator dated Monday 22 October 2001)*
The document indicated that whilst having conservation values, the Reserve is degraded and would benefit from some rehabilitation works. The proposal entertained in this report, whilst requiring works to be undertaken may also provide an opportunity for rehabilitation works in collaboration with local community groups to improve the site.

If it were to be approved it has the potential to contribute to improvements to services such as the internet and telecommunications with the co-location of the Telstra infrastructure. The area in close proximity to Bell Hill Reserve is identified as a mobile phone communications 'Blackspot' and therefore if it were approved would help alleviate issues regarding poor or non-existent mobile coverage

Other documentation

- **Management Plan – Bell Hill Reserve**

In October 2001 Landcare coordinator, Mr. Raffy Andreoli provided a report of the site visit of the Bell Hill Reserve. The purpose of the report was to investigate 3 issues facing the Reserve, *"Weeds and Weed Control, Erosion potential and vegetation types."*

Below is the conclusion of the report stating the status of the site:

"Site visit conclusion

Bell Hill Reserve would greatly benefit from rehabilitation works. The weed control necessary would lessen the fire risk and reduce the erosive potential of the Reserve. In addition, the vast majority of the revegetation species recommended do not burn well so does not encourage fire.

It is very important from an ecological point of view that these natural areas that are left in subdivisions are looked after and managed as to provide an example of local flora and provide hassle free habitat for our native fauna."

Later in February 2003, Council endorsed an amended version of the Management Plan which dealt with changes to Evergreen Reserve 43686.

Conclusion

In concluding, the application for the Telecommunications Infrastructure on Bell Hill Reserve, if approved has the potential to generate a significant improvement in communications in the Bindoon Town Site and surrounding Rural Residential areas via the internet and potentially via mobile and pager services. This development may also have the potential to provide to a broad range of residents and businesses with social and economic benefits with smaller benefits to the environment to the Bell Hill Reserve itself.

Critically, in the Shire's Strategic Community Plan outlined that in the section titled *"Economic: Prosperity for the Future"* the outcome is to *"Support Local Businesses"* with the strategies to *"Advocate for improved broadband access. Promote local businesses"*. The measurable results state that *"Council proactively participates in the National Broadband Network rollout – level of take up of new "broadband" services"*. If Council were to entertain this application and approve it, it would be a step towards achieving its strategic goal in supporting local businesses and advocate (successfully) for the improved broadband access which the Telecommunications Infrastructure has the potential to achieve.

Furthermore, these improvements have the potential to modernise services available in this part of the Shire with the potential for improved business connectivity and efficiency for those undertaking business online and also the younger generation whom are increasingly being educated via online means or required to move away to study. The Shire could, if approved, provide visitors with free Wi-Fi availability for a prescribed period to attract passers-by when the Bindoon Bypass has been completed. This potentially may entice people into the townsite to sit, stay and engage in the area as opposed to simply 'bypassing' Bindoon. This type of free Wi-Fi availability can be found in a range of metropolitan and regional centres throughout Australia and Europe.

From a social perspective, local emergency personnel have advised that if the tower were to be approved, it has the potential to improve communication (by both the pager network and also mobile coverage) between emergency officers whom may be attending a call out, something which has been strongly advocated for following the 2015 bushfire.

There will be no significant environmental impact upon the reserve, which has been reiterated by a number of State Authorities in regards to the development. There is however, potential for positive significant improvements (if approved) through rehabilitation and revegetation of the Reserve with the applicant working with local community groups to achieve these objectives. In addition to this, the major concerns in relation to visual amenity can be addressed through screening, siting and additional conditions imposed on the applicant.

It is understood that there may be some visual impact pertaining to the pole, therefore Council may consider requiring the monopole structure to be painted in a pale eucalypt colour as opposed to the untreated galvanized steel.

Additionally, if the Council were to refuse the application and in the near future the community demanded the improvement of telecommunications infrastructure (both mobile phone and/or internet) it would be at a significant cost to the Shire to undertake the installation of it and potentially on multiple locations as to be able to service the growing residential population of Bindoon.

In assessing the application for the proposed Telecommunications Infrastructure, it is highlighted that Bell Hill Reserve provides the most appropriate location for such a development due to:

- the locations ability to provide coverage to a significant catchment of potential users covering a large portion of people living in Bindoon Town Site and also further west of Bell Hill Reserve into the “Chittering Country Club Estate” which is a more densely populated area of the town. This location is seen by the applicant as providing the most evenly distributed coverage for the four antenna sectors which in turn provides optimal network service. Other locations explored by the applicant indicate a diminished catchment of potential users and a reduced efficiency of the service. Other alternative sites explored may result in a larger, more visually obtrusive structure which may not even with the increased height, meet the residential catchment as the Bell Hill Reserve;
- the location also providing potential coverage to areas of new Rural Residential development further north of the town site such as along Gray Road and Tea Tree Road in a long term strategic context;
- the reserve is an appropriate area for the co-location of a number of additional communications networks i.e. the DFES paging tower, Telstra in an area which is identified by the Federal Governments Department of Communications ‘Mobile Blackspot Program’; and
- the potential to improve and rehabilitate the area to the benefit of the environment.

It is recommended that Council approve the application subject to conditions.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Tilbury / Seconded Cr Rossouw

1. That Council grant planning approval for the proposed Telecommunications Facility/NBN Fixed Wireless Facility at Lot 12383 (Bell Hill Reserve No. 44213) Forrest Hills Parade, Bindoon subject to the following:
 - a. All development to be in accordance with the approved plans.
 - b. Screening and landscaping of the area is to be implemented by the applicant within a period of 3 months of finalising of the Fixed Wireless Facility.
 - c. The Landscape Management Plan is to be submitted and approved by the Chief Executive Officer. The Landscape Management Plan is to address:
 - i. Screening planting;
 - ii. Upgrading of firebreaks;
 - iii. Control of weeds;
 - iv. Removal of dead trees.
 - d. The applicant is required to plant 50 trees to compensate for the loss of six trees as a result of the construction of the 118m² compound to house the tower and these are to be maintained for two years summers from the date of planting. Timing of planting and species to be at the discretion of Chittering Landcare.
 - e. If trees which are required to be removed are deemed as habitat for any endangered species at present or in the future upon maturation, the applicant is to fund to the installation of roosting boxes to compensate for the potential loss of habitat.
 - f. Any soils deposited or disturbed on-site shall be stabilised to the approval of the Chief Executive Officer.
 - g. Stormwater generated from the development of the compound and access track shall be managed to the satisfaction of the Chief Executive Officer.
2. After the issuing of Planning approval, the Shire of Chittering is to apply to the Department of Lands to:
 - a. excise a portion (118m² compound and separate access easement) of Bell Hill Reserve; and
 - b. re-reserve it for the purpose of 'Telecommunications Infrastructure' with the power to lease.
3. Following the excision of the land for the purposes of 'Telecommunications Infrastructure' that the applicant:
 - a. enters into a lease agreement with the Shire for the portion of the reserve for the purpose of Telecommunications Infrastructure.
 - b. the Lease Agreement is to be prepared by the applicants Solicitors and all costs associated with the preparation of the lease agreement will be borne by the applicant to the satisfaction of the Shire.
4. Any revenue as a result of the lease is to be placed into the Public Open Space Reserve.
5. That the Shire President and Chief Executive Officer be authorised to sign and fix the Common Seal to all relevant documents relating to this approval.

Advice Notes:

1. Kangaroo proof protection of new trees (for revegetation and landscaping) to be installed during the planting process.
2. The applicant is required to obtain a clearing permit from the Department of Environmental Regulation prior to undertaking any clearing of vegetation and/or trees on the Bell Hill Reserve.

3. The applicant to provide rubbish bins during construction phase at an appropriate site and remove all rubbish from the site and any damage caused to be remediated upon completion of works to the Chief Executive Officers satisfaction.
4. The applicant is to immediately once upon construction of the tower is complete, co-locate the existing DFES pager antenna on the tower to the satisfaction of DFES.
5. The applicant is to register the tower with the Aviation Authority/RAAF.
6. A building permit shall be issued by the Shire of Chittering prior to the commencement of any work on the site.
7. Any noise emitted during the operation of the tower shall be in accordance with the *Environmental Protection (Noise) Regulations 1997*.
8. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where planning approval has lapsed, no further development is to be carried out.
9. The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.

AMENDMENT

Moved Cr Tilbury / Seconded Cr Rossouw

1. That an additional condition be included as follows:
The proponent undertake all works in accordance with the Aboriginal Heritage Act 1972 with respect to disturbing Aboriginal Heritage Sites under section 5 of the Act.
2. That an additional advice note be included as follows:
The proponent is to liaise and engage with the South West Land and Sea Council regarding Aboriginal Heritage prior to any works being undertaken.

THE AMENDMENT WAS PUT AND DECLARED CARRIED 7/0
AND FORMED PART OF THE SUBSTANTIVE MOTION

9.1.1 SUBSTANTIVE MOTION - COUNCIL RESOLUTION 020516

Moved Cr Tilbury / Seconded Cr Rossouw

1. That Council grant planning approval for the proposed Telecommunications Facility/NBN Fixed Wireless Facility at Lot 12383 (Bell Hill Reserve No. 44213) Forrest Hills Parade, Bindoon subject to the following:
 - a. All development to be in accordance with the approved plans.
 - b. Screening and landscaping of the area is to be implemented by the applicant within a period of 3 months of finalising of the Fixed Wireless Facility.
 - c. The Landscape Management Plan is to be submitted and approved by the Chief Executive Officer. The Landscape Management Plan is to address:
 - i. Screening planting;
 - ii. Upgrading of firebreaks;
 - iii. Control of weeds;
 - iv. Removal of dead trees.
 - d. The applicant is required to plant 50 trees to compensate for the loss of six trees as a result of the construction of the 118m² compound to house the tower and these are to be maintained for two years summers from the date of planting. Timing of planting and species to be at the discretion of Chittering Landcare.

- e. If trees which are required to be removed are deemed as habitat for any endangered species at present or in the future upon maturation, the applicant is to fund to the installation of roosting boxes to compensate for the potential loss of habitat.
 - f. Any soils deposited or disturbed on-site shall be stabilised to the approval of the Chief Executive Officer.
 - g. Stormwater generated from the development of the compound and access track shall be managed to the satisfaction of the Chief Executive Officer.
 - h. The proponent undertake all works in accordance with the *Aboriginal Heritage Act 1972* with respect to disturbing Aboriginal Heritage Sites under section 5 of the Act.
2. After the issuing of Planning approval, the Shire of Chittering is to apply to the Department of Lands to:
 - a. excise a portion (118m² compound and separate access easement) of Bell Hill Reserve; and
 - b. re-reserve it for the purpose of 'Telecommunications Infrastructure' with the power to lease.
 3. Following the excision of the land for the purposes of 'Telecommunications Infrastructure' that the applicant:
 - a. enters into a lease agreement with the Shire for the portion of the reserve for the purpose of Telecommunications Infrastructure.
 - b. the Lease Agreement is to be prepared by the applicants Solicitors and all costs associated with the preparation of the lease agreement will be borne by the applicant to the satisfaction of the Shire.
 4. Any revenue as a result of the lease is to be placed into the Public Open Space Reserve.
 5. That the Shire President and Chief Executive Officer be authorised to sign and fix the Common Seal to all relevant documents relating to this approval.

Advice Notes:

1. Kangaroo proof protection of new trees (for revegetation and landscaping) to be installed during the planting process.
2. The applicant is required to obtain a clearing permit from the Department of Environmental Regulation prior to undertaking any clearing of vegetation and/or trees on the Bell Hill Reserve.
3. The applicant to provide rubbish bins during construction phase at an appropriate site and remove all rubbish from the site and any damage caused to be remediated upon completion of works to the Chief Executive Officers satisfaction.
4. The applicant is to immediately once upon construction of the tower is complete, co-locate the existing DFES pager antenna on the tower to the satisfaction of DFES.
5. The applicant is to register the tower with the Aviation Authority/RAAF.
6. A building permit shall be issued by the Shire of Chittering prior to the commencement of any work on the site.
7. Any noise emitted during the operation of the tower shall be in accordance with the *Environmental Protection (Noise) Regulations 1997*.
8. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where planning approval has lapsed, no further development is to be carried out.
9. The applicant has a right of review to the State Administrative Tribunal should the applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.

10. The proponent is to liaise and engage with the South West Land and Sea Council regarding Aboriginal Heritage prior to any works being undertaken.

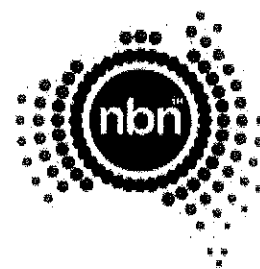
THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/1

Cr Gibson voted against the motion



Aurecon Australasia Pty Ltd
ABN 54 005 139 873
Level 5,
863 Hay Street
Perth Western Australia 6000
Australia

T +61 8 6145 9300
F +61 8 6145 5020
E perth@aurecongroup.com
W aurecongroup.com



Our Ref: GPEZ-6TOO-5101-Bindoon
Your ref: P020/16, A10088, PA10695

19 March 2018

Chief Executive Officer
Shire of Chittering
PO Box 70
Bindoon WA 6502

Via email: [<emds@chittering.wa.gov.au>](mailto:emds@chittering.wa.gov.au)

Attention: Bronwyn Southee

Dear Madam,

Extension of Time Request for a Proposed NBN Fixed Wireless (Telecommunications) Facility situated on the corner Forrest Hills Parade and Ridgetop Ramble Road, Bindoon (legally known as Lot 12383 on Plan 15355)

As you are aware **nbn** has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network. Ericsson has in turn engaged Aurecon Australasia (Aurecon) to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

We have been working through the conditional requirements of the Development Approval for the above facility and require an extension of time to clear the outstanding obligations prior to commencing construction. Significant delays were experienced given an application for Registration of a place of Aboriginal significance was lodged that required liaison with the Department of Aboriginal Affairs (DAA). Meaningful engagement with the South West Aboriginal Land and Sea Council (SWALSC) was only able to recommence after the status of the reservation was affirmed (registration unsuccessful).

To date we have engaged with the Chittering Landcare Group and a local nursery to confirm the appropriate species for rehabilitation initiatives and planting methodology. Mid-June to mid-August is the preferred planting window. We are also investigating opportunities for the Yued People to be contracted for the rehabilitation activities.

We have also received written confirmation that a Clearing Permit is not required from the DWER.

Subsequent to re-engagement with the SWALSC a presentation was made to a Yued Working Party meeting and an anthropological survey undertaken for the site. As a result of findings of the survey registration of the place (limited to the extent of the Bell Hill reserve) has again been sought through the Aboriginal Cultural Material Committee. It is our expectation that registration as a significant men's' site

(men's initiation/Lore grounds) will be favourably reconsidered in light of our anthropological survey report such that a Section 18 Application to enable construction has been lodged to the DAA. The Section 18 application is in the process of being assessed by the Department of Planning, Lands and Heritage and the SWALSC in their capacity as nominated stakeholders. We would anticipate the Section 18 application to be approved to enable construction to occur in conjunction with the winter planting season.

As such we respectfully request a two-year extension of time to finalise our compliance activities and complete construction of the approved works.

Should the Shire require a fee for this request, or any further clarification or additional information, please do not hesitate to contact the undersigned on 08 6145 9405 or at joel.gajic@aurecongroup.com in the first instance to expedite the exchange of information.

Yours faithfully



Joel Gajic
Manager, Environment and Planning

Aurecon on behalf of nbn

Cc chatter@chittering.wa.gov.au

DATE OF ISSUE DRAWING PACKAGE VERSION GENERAL 6T00-51-01-BIND-T1 COVER SHEET 6T00-51-01-BIND-C1 SITE SPECIFIC NOTES 6T00-51-01-BIND-C2 OVERALL SITE PLAN 6T00-51-01-BIND-C3 SITE SETOUT PLAN 6T00-51-01-BIND-C4 SITE ELEVATION AND DETAILS 6T00-51-01-BIND-C6 REHABILITATION PLAN ELECTRICAL RF AND TX CONFIGURATIONS AND EME ZONES 6T00-51-01-BIND-A1 ANTENNA CONFIGURATION & SETOUT PLAN STRUCTURAL CIVIL MONOPOLE/TOWER DESIGN LEASE/LICENSE DISTRIBUTION SAED ERICSSON	 nbn	 ERICSSON	CLIENT CLIENT PROJECT NATIONAL BROADBAND NETWORK SITE No: 6T00-51-01-BIND BINDOON CNR FORREST HILLS PDE & RIDGETOP RAMBLE ROAD BINDOON WA 6502 PRELIMINARY	G3 16.02.16 RF NOV 14.07 G4 21.01.16 PROPOSED TELTRA EQUIPMENT ADDED G5 26.01.16 ANTENNAS REVISED U1 27.01.16 SITE COMPOUND DELICATED ST 01 28.10.14 PRELIMINARY ISSUE ARS Rev Date Revision Details	 aurecon <small>Aurecon Australia Pty Ltd ABN 54 005 139 873</small> DESIGNER: LJM CHECKED: RC APPROVED: CB COVER SHEET	Drawing No. 6T00-51-01-BIND-T1 Revision 05 Scale 1:100 A3																																				
	<h1 style="text-align: center;">SITE No: 6T00-51-01-BIND BINDOON</h1> <h2 style="text-align: center;">CNR FORREST HILLS PDE & RIDGETOP RAMBLE ROAD BINDOON WA 6502</h2> <div style="display: flex; justify-content: space-around; align-items: center;"> <p style="text-align: center;">Australia's broadband network</p> </div> <div style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <h3 style="text-align: center;">PROJECT SUMMARY</h3> <p style="text-align: center;">PROPOSED NBN GREENFIELD WITH 40m HIGH MONOPOLE PROPOSED NBN OUTDOOR CABINETS ON CONCRETE SLAB ON GROUND</p> </div>																																									
	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td>26.11.13</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>28.10.14</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>30.10.14</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>21.01.16</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>16.02.16</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>							1	2	3	4	5	26.11.13						28.10.14						30.10.14						21.01.16						16.02.16					
		1	2	3	4	5																																				
	26.11.13																																									
	28.10.14																																									
30.10.14																																										
21.01.16																																										
16.02.16																																										
<div style="border: 1px solid black; padding: 10px; margin-top: 20px;"> <p>SIGNED: _____ DATE: 24/05/16</p> <p>NOTES: THIS APPROVAL DOES NOT CONSTITUTE A BUILDING LICENCE REFER TO SCHEDULE 10 FOR PLANNING CONDITIONS</p> </div>																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td>SHIRAZ OCHTERLING</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DAVID CHAMBERLAIN</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>APPROVED COUNCIL MEETING 18 / 5 / 16</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>SUBJECT TO THE ENDORSMENT HEREON AND COMPLIANCE WITH THE CONDITIONS OF APPROVAL TO COMMENCE DEVELOPMENT</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>APPLICATION NO: 2020/116</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						SHIRAZ OCHTERLING						DAVID CHAMBERLAIN						APPROVED COUNCIL MEETING 18 / 5 / 16						SUBJECT TO THE ENDORSMENT HEREON AND COMPLIANCE WITH THE CONDITIONS OF APPROVAL TO COMMENCE DEVELOPMENT						APPLICATION NO: 2020/116												
SHIRAZ OCHTERLING																																										
DAVID CHAMBERLAIN																																										
APPROVED COUNCIL MEETING 18 / 5 / 16																																										
SUBJECT TO THE ENDORSMENT HEREON AND COMPLIANCE WITH THE CONDITIONS OF APPROVAL TO COMMENCE DEVELOPMENT																																										
APPLICATION NO: 2020/116																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr> <td>CHRIS BRAYTON</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CARLY FERGUSON</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						CHRIS BRAYTON						CARLY FERGUSON																														
CHRIS BRAYTON																																										
CARLY FERGUSON																																										

SITE LOCATION

SHIRE OF CHITTERING
DEVELOPMENT APPLICATION
APPROVED COUNCIL MEETING 18/11/16
SUBJECT TO THE ENDORSEMENT HEREON AND CO-APPROVED ACCESS TRACK, APPROX. 80m.
WITH THE CONDITIONS OF APPROVAL OF THE COMMUNITY DEVELOPMENT
APPLICATION No. 2020/116
SIGNED: [Signature] DATE: 24/05/16
NOTES: THIS APPROVAL DOES NOT CONSTITUTE A BUILDING LICENCE
APPROVED TO SCHEDULE 1 FOR PLANNING ZONATIONS

OVERALL SITE PLAN

SCALE 1:2000

PROPOSED TELSTRA UNDERGROUND POWER CONDUIT. REFER NOTE 2.
EXISTING OVERHEAD SUB-MAIN CONNECTING VODAFONE SITE
EXISTING VODAFONE COMPOUND (3.2m x 3.2m) WITH APPROX. 12m HIGH TOWER
PROPOSED TELSTRA EQUIPMENT
PROPOSED NBN UNDERGROUND POWER ROUTE APPROX. 70m REFER NOTE 1.
EXISTING WESTERN POWER AERIAL POWER LINE
EXISTING SWITCHBOARD MOUNTED ON SERVICE POLE. PROPOSED NBN POINT OF SUPPLY.
EXISTING BUILDING TYPICAL
EXISTING WESTERN POWER POLE #355549 WITH 3 PHASE OVERHEAD POWER LINE
EXISTING OVERHEAD CONSUMER MAINS
EXISTING RESTRICTED ENTRY. VERY STEEP ACCESS, APPROX. GRADE 43.5 TO BE UPGRADED.
PROPOSED NBN INSTALLATION
EXISTING SMALL TO MEDIUM TREES
PROPERTY BOUNDARY
RIDGEWAY ROAD
RAMBLE ROAD
FORREST HILLS PDE
SETBACK 7.6m
SETBACK 30.4m

SITE CO-ORDINATES



£ MONOPOLE	
DATUM: MGA (GDA94)	ZONE: 50
LATITUDE -31.39153°	
LONGITUDE 116.08365°	
EASTING 412 877	
NORTHING 6 526 642	

LEGEND

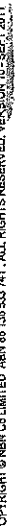
— AE —	AERIAL ELECTRICAL SUPPLY
— NUE —	PROPOSED NBN U/G POWER ROUTE
— UE —	PROPOSED TELSTRA U/G POWER CONDUIT
— / —	FENCE LINE
=====	EXISTING BUILDING
— — — — —	BOUNDARY LINE

NOTES:

- THE NBN CONSUMERS MAINS ROUTE SHOWN ON THE DRAWINGS IS INDICATIVE ONLY. ELECTRICAL CONTRACTOR TO DETERMINE EXACT ROUTE. ELECTRICAL CONTRACTOR TO LOCATE AND IDENTIFY EXISTING U/G SERVICES PRIOR TO COMMENCEMENT OF WORK.
- NBN CONTRACTOR SHALL SUPPLY AND INSTALL SUITABLE BURIED POWER CONDUITS AND DRAW WIRE, ADJACENT TO NBN POWER ROUTE, TO ACCOMMODATE POWER FOR TELSTRA AND VODAFONE.

 	<p>Client: NATIONAL BROADBAND NETWORK SITE No: 6T00-51-01-BIND BINDOON CNR FORREST HILLS PDE & RIDGETOP RAMBLE ROAD BINDOON WA 6502</p> <p>Project: PRELIMINARY</p> <p>Revision: 03</p> <p>6T00-51-01-BIND-C1</p> <p>20 10 0 10 20 30 40 50mm</p>
<p>11. SITE SPECIFIC INFORMATION:</p> <ul style="list-style-type: none"> - LATENTITE OUTCROP FOUND. EXTRA EFFORT SHOULD BE TAKEN INTO CONSIDERATION FOR EXCAVATION. - SAFE VEHICLE ACCESS IS CURRENTLY NOT POSSIBLE AS THE ENTIRE ACCESS IS STEEP. THE ACCESS IS TOO STEEP AT ENTRY. - ACCESS UPGRADE IS REQUIRED THAT INCLUDE EARTHWORKS, GRADING AND RE-SURFACING TO AN ALL-WEATHER STANDARD AND COMPLIANT WITH SHIRE REGULATIONS. APPROXIMATE ACCESS UPGRADE LENGTH IS 80m. - PRIOR TO THE COMMENCEMENT OF WORKS, THE NBN CONTRACTOR SHALL CONFIRM ACCESS IS SUITABLE FOR CONSTRUCTION WORKS, INCLUDING IN WET CONDITIONS. - NBN CONTRACTOR SHALL SUPPLY AND INSTALL A NEW COMMON METER PANEL/ MAIN SWITCHBOARD. - NBN CONTRACTOR SHALL SUPPLY AND INSTALL SUITABLE BURIED POWER CONDUITS AND DRAW WIRE, ADJACENT TO NBN POWER ROUTE, TO ACCOMMODATE POWER FOR TELSTRA AND VODAFONE. - VEGETATION REMOVAL REQUIRED FROM NBN COMPOUND. SIX SMALL TREES WITH TRUNK DIAMETER 50-150mm AND HEIGHT 3-6m TO BE REMOVED. - PROPOSED AREA SURROUNDING NBN COMPOUND TO BE REHABILITATED, REFER SHEET C6. - NBN CONTRACTOR TO LIAISE WITH VODAFONE FOR OUTAGES/CUTOVER AND FOR RELOCATION OF OUTDOOR CABINET. 	<p>12. SITE SIGNAGE REQUIREMENTS</p> <ul style="list-style-type: none"> - GENERIC SITE SIGNAGE. - REFER TO SECTION 15.4 OF NBN RAN MANUAL. - ENE SIGNAGE. REFER TO DRG. NBN-STD-0025. <p>13. DIAL BEFORE YOU DIG</p> <p>DBYD JOB NUMBER - 8472431</p> <p>ENQUIRY DATE: 27/10/2014</p> <p>CONTRACTOR SHALL REVALIDATE AND VERIFY AT THE TIME OF CONSTRUCTION.</p> <p>14. WIND PARAMETERS</p> <p>TO BE CONFIRMED.</p>
<p>1. SITE ADDRESS</p> <p>CNR FORREST HILLS PDE & , RIDGETOP RAMBLE ROAD, BINDOON, WA 6502</p> <p>2. GENERAL</p> <p>THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, CURRENT AUSTRALIAN STANDARDS AND SPECIFICATIONS.</p> <p>3. SITE ACCESS</p> <p>HEADING NORTH ON THE GREAT NORTHERN HIGHWAY, AFTER BINDOON TOWNSHIP TURN LEFT ONTO GRAY RD. AND GO FOR APPROXIMATELY 700m. TURN LEFT ONTO RIDGETOP RAMBLE RD, THEN AFTER APPROXIMATELY 950m TAKE THE FIRST RIGHT ONTO FORREST HILLS PDE. EXISTING ENTRY TO THE LOT IS ON LEFT APPROX. AFTER 10m, PROPOSED NBN SITE IS AT HILL TOP. EXISTING ACCESS IS AN UNFORMED TRACK ON CLEARED AND COMPACTED GROUND. THE ENTIRE ACCESS TRACK IS VERY STEEP. GRADE VARYING FROM APPROXIMATELY 13.5 TO 16. IT IS VERY STEEP AT ENTRY AND NOT SUITABLE FOR SAFE VEHICLE ACCESS WITHOUT UPGRADE.</p> <p>4. EQUIPMENT</p> <p>NBN</p> <p>PROPOSED NBN OUTDOOR CABINETS TO BE INSTALLED WITHIN NBN COMPOUND. ALL ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.</p> <p>TELSTRA</p> <p>PROPOSED TELSTRA EQUIPMENT SHELTER TO BE INSTALLED WITHIN TELSTRA COMPOUND. HEADFRAME, ANTENNA'S AND FEEDERS TO BE INSTALLED BY OTHERS.</p> <p>VODAFONE</p> <p>PROPOSED VODAFONE ANTENNA'S, MOUNTS, GANTRY AND FEEDERS TO BE INSTALLED BY NBN CONTRACTOR. RELOCATED EXISTING OUTDOOR CABINET TO NEW LOCATION. INSTALL SECURITY FENCE AND GATE. ONCE CUTOVER AND CONSTRUCTION IS COMPLETE, EXISTING VODAFONE LATTICE STRUCTURE AND SECURITY FENCE TO BE SCRAPPED.</p> <p>5. STRUCTURE</p> <p>PROPOSED NBN 40m HIGH MONOPOLE.</p> <p>6. ANTENNA ACCESS</p> <p>ANTENNA ACCESS VIA LADDER AND FALL ARREST OR EWP (BY QUALIFIED PERSONNEL ONLY).</p> <p>7. EXISTING SERVICES</p> <p>THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.</p> <p>8. EXISTING SITE HAZARDS</p> <p>THE FOLLOWING HAZARDS ARE PRESENT ON SITE:</p> <ul style="list-style-type: none"> - SLIP, TRIP AND FALLS - SUN EXPOSURE - WEATHER / LIGHTNING - ELECTRICAL HAZARDS - LATENTITE OUTCROP - STEEP ACCESS - DEAD TREE BRANCHES - SNAKE/SPIDER <p>9. ELECTRICAL SUPPLY</p> <p>TO BE CONFIRMED.</p> <p>10. TRANSMISSION LINK</p> <p>REFER TO ANTENNA TABLE ON DRG. 6T00-51-01-BIND-A1.</p>	<p>SHIRE OF CHITTERING</p> <p>DEVELOPMENT APPLICATION</p> <p>APPROVED COUNCIL MEETING 18/5/16</p> <p>SUBJECT TO THE ENDORSEMENT HEREON AND COMPLY WITH THE CONDITIONS OF APPROVAL TO COMPLY WITH THE DEVELOPMENT</p> <p>APPLICATION NO. 2020/16</p> <p>SIGNED: [Signature]</p> <p>DATE: 24/05/16</p> <p>NOTES: THIS APPROVAL DOES NOT CONSTITUTE A BUILDING LICENCE</p> <p>REFER TO NOTICE IN HER PLANNING CYNDI</p>





ANTENNA CONFIGURATION

ANTENNA DETAIL												MAIN FEEDER			RRU DETAIL			RF TAIL		RET CABLE	
SECTOR	SYMBOL	TYPE	DIMENSION HxWxD	HEIGHT	AZIMUTH (TN)	P1 & P2 eTILT	P3 & P4 eTILT	MECH DOWN TILT	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	TYPE	QTY	LOCATION	HEIGHT	TYPE	LENGTH	TYPE	LENGTH	
1		ARGUS SSPX310R	750x300x115	40m	300°	6°	6°	0°				4.5m	RADIO 2218 B42	2	BEHIND ANTENNA	4.0m	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m	1/TSR 484 21/2000	2.0m	
2		ARGUS SSPX310R	750x300x115	40m	10°	7°	7°	0°				4.5m	RADIO 2218 B42	2	BEHIND ANTENNA	4.0m	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m	1/TSR 484 21/2000	2.0m	
3		ARGUS SSPX310R	750x300x115	40m	70°	7°	7°	0°				4.5m	RADIO 2218 B42	2	BEHIND ANTENNA	4.0m	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m	1/TSR 484 21/2000	2.0m	
4		ARGUS SSPX310R	750x300x115	40m	170°	8°	8°	0°				4.5m	RADIO 2218 B42	2	BEHIND ANTENNA	4.0m	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m	1/TSR 484 21/2000	2.0m	
5		ARGUS SSPX310R	750x300x115	40m	240°	6°	6°	0°				4.5m	RADIO 2218 B42	2	BEHIND ANTENNA	4.0m	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m	1/TSR 484 21/2000	2.0m	
GPS		KRE 102082/1	ø69 x 96	2.5m																	

FEEDER			RAU	
TYPE	OVERALL LENGTH	QTY	TYPE	OVERALL LENGTH
LDFI-50	5m		LDFI-50	50m
				1 OFF

PARABOLIC					
ANTENNA SYMBOL	TYPE	DIMENSION HxWxD	HEIGHT	AZIMUTH (TN)	DESTINATION
	PARABOLIC	ø900	37m	282°	GINGIN

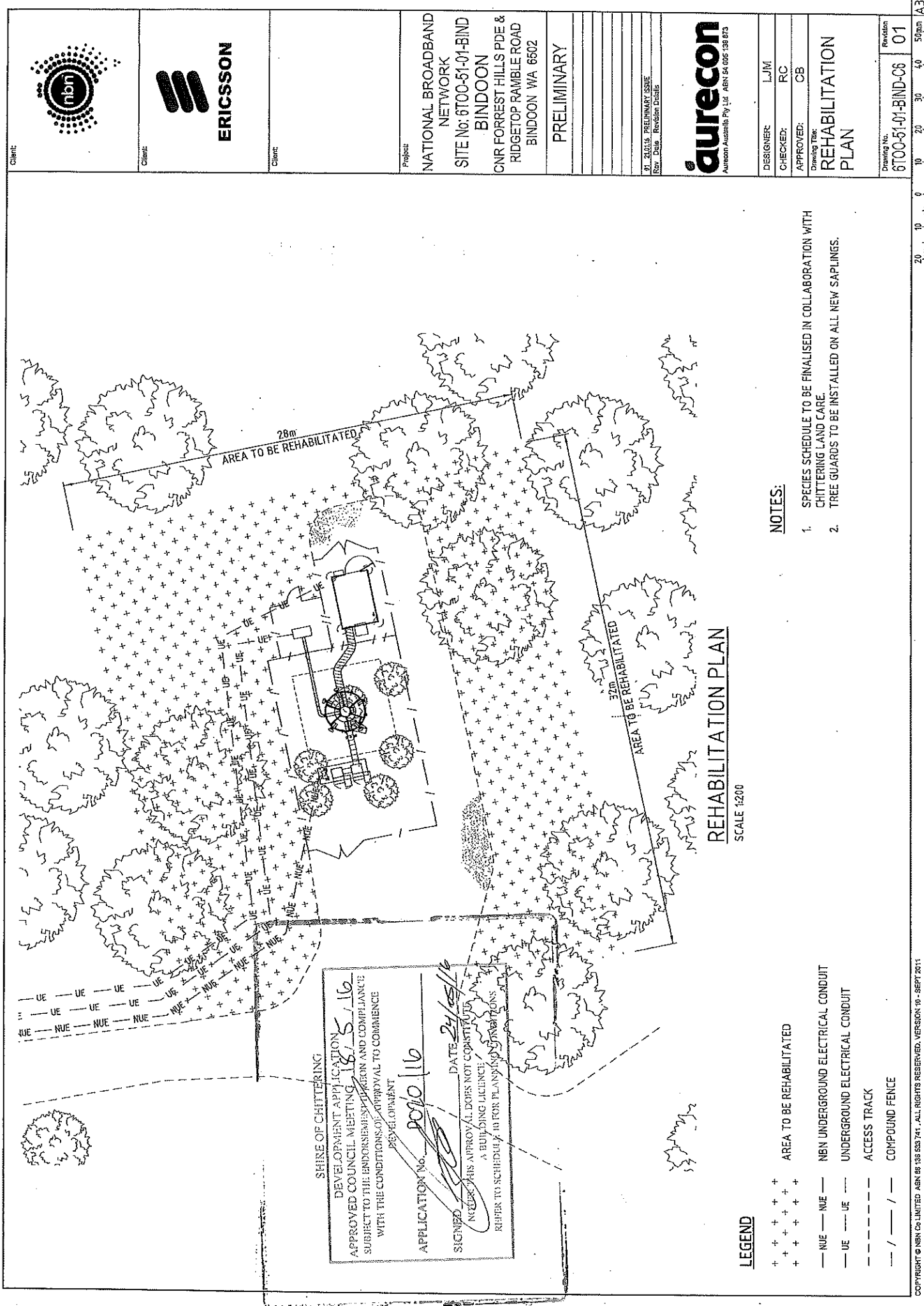
ANTENNA PLAN
SCALE 1:50

SHIRE OF CHITTERING
DEVELOPMENT APPLICATION
APPROVED COUNCIL MEETING 18/05/16
SUBJECT TO THE ENDORSEMENT HEREON AND COMPLIANCE WITH THE CONDITIONS OF APPROVAL TO COMMENCE DEVELOPMENT

APPLICATION No. P020/16 DATE 24/05/16

SIGNED [Signature] NOTES: THIS APPROVAL DOES NOT CONSTITUTE A BUILDING LICENCE REFER TO SCHEDULE 10 FOR PLANNING CONDITIONS

 		NATIONAL BROADBAND NETWORK SITE No: 6T00-51-01-BIND BINDOON CNR FORREST HILLS PDE & RIDGETOP RAMBLE ROAD BINDOON WA 6602	PRELIMINARY	 Aurecon Australia Pty Ltd ABN 54 005 138 873	DESIGNER: LJM CHECKED: RC APPROVED: CB Drawing Title: ANTENNA CONFIGURATION & SETOUT PLAN	Drawing No. 6T00-51-01-BIND-A1 Revision 03
------	--	---	-------------	--	--	---



AGENCY SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service)	Parks and Wildlife Service have assessed the above 'Opportunity to Comment' regarding an extension to an existing development approval and have no comments to make at this time.	Noted	Noted.
Department of Health	The DOH has no objection to the request for extension of terms of approval.	Noted	Noted.
PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
SUPPORT 1	Only concerns are: 1) We probably are out of the line of sight of this tower and unsure if we will be able to access it 2) Further delays in this project may render the technology obsolete with the proposed potential of the 5G network. Is this being taken into consideration.	The proposed nbn fixed-wireless facility has been located and designed to service the local community. Any premise unable to receive a service due to localised obstructions will be able to access satellite delivery. The proposed facility will be able to facilitate a 5G service without any changes to the equipment shelter or strengthening of the monopole structure.	The telecommunication carriers have the ability to place additional antennas to the monopole to upgrade any system if necessary.
SUPPORT 2	About time we moved forward	Noted	Noted.
SUPPORT 3	Hurry up and build it We need this	Noted, construction is anticipated in 2018	Noted.
SUPPORT 4	I think this is a great idea so I am all for the NBN Fixed Wireless Facility in this Shire over the last 30 years a lot of good ideas have been knocked back by "concerned residents" who have never done very much for anyone anywhere in the Chittering Shire I believe the National Broadband network will in the long run benefit us all	Noted	Noted.
SUPPORT 5	WE ARE GOBSMACKED BY THIS, WE THOUGHT IT WAS DONE AND DUSTED ALREADY. NOW WE HAVE TO WAIT ANOTHER 2 YEARS. I PRESUME ALL THIS STUFFING AROUND HAS PUT US TO THE BACK OF THE QUEUE.	Noted, construction is anticipated in 2018.	The Shire does not have control over the timing of the infrastructure being installed and the telecommunication services being available.
SUPPORT 6	Good more speed all enternet connection good job everyone	Noted	Noted.
SUPPORT 7	We have no objection to the request for extension of term of approval for the NBN Fixed Wireless Facility	Noted	Noted.
SUPPORT 8	ALL OKAY	Noted	Noted.
SUPPORT 9	No Comment	Noted	Noted.
SUPPORT 10	I support this application	Noted	Noted.
SUPPORT 11	I support this application	Noted	Noted.
SUPPORT 12	I support this application	Noted	Noted.
SUPPORT 13	I support this application	Noted	Noted.
SUPPORT 14	I support this application	Noted	Noted.
SUPPORT 15	Lived in Bindoon for 17 years with minimal phone service and Internet service, its time to accept the modern way of living and have this tower built Having this extension approved will mean better access for schooling, Work/Businesses to the Internet and to people currently trying to sell a property – we will no longer be the time behind the times.	Noted	Noted.
SUPPORT 16	We don't have a problem with this.	Noted	Noted.
SUPPORT 17	I support this application	Noted	Noted.
SUPPORT 18	I support this application	Noted	Noted.

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
SUPPORT 19	I support this application	Noted	Noted.
SUPPORT 20	I support this application	Noted	Noted.
SUPPORT 21	OK by us to extend time. Personally I think it should on top of hill on east side of town.	Noted	The application at hand is required to be determined on its merits.
SUPPORT 22	Our internet, at the moment, is hit and mis, with the new Tower it will hopefully fix that, and also improve mobile signal.	Noted	Noted.
SUPPORT 23	I support this application	Noted	Noted.
SUPPORT 24	I support this application	Noted	Noted.
SUPPORT 25	I support this application	Noted	Noted.
SUPPORT 26	I support this application	Noted	Noted.
SUPPORT 27	fully support the extension timeline proposal	Noted	Noted.
SUPPORT 28	Approve	Noted	Noted.
SUPPORT 29	I support this application	Noted	Noted.
SUPPORT 30	BETTER COMMUNICATIONS	Noted	Noted.
SUPPORT 31	Whole heartedly support extension of time	Noted	Noted.
SUPPORT 32	AS AN EMERGENCY ORGANISATION WHO RELY UPON THESE SERVICES WE ARE SOMEWHAT DISAPPOINTED THAT THE PROCESS IS TAKING SO LONG. CERTAINLY WE SUPPORT THE PROJECT + ENCOURAGE ITS COMPLETION.	Noted	Noted.
SUPPORT 33	IF THE SHIRE CAN ASSIST TO EXPEDiate THE SERVICES THEN PLEASE DO SO. THE SOONER THE BETTER.	Noted	Noted.
SUPPORT 34	I support this application	Noted	Noted.
SUPPORT 35	I support this application	Noted	Noted.
SUPPORT 36	I support this application	Noted	Noted.
SUPPORT 37	I support this application	Noted	Noted.
SUPPORT 38	<div>- We Need this tower to run our Bussiness</div> <div>- We want the correct approvals gained not rushed</div> <div>- Lets take Bindoon Forward with Better mobile + Intenet</div>	Noted	Noted.
SUPPORT 39	I support this application	Noted	Noted.
SUPPORT 40	<div>Would appreciate some feedback on why the NBN Facility is taking so long (NBN holding back or other factors involved)?</div> <div>We need a less expensive alternative for our internet connection than the wireless connection we currently use with only slow 3G service and limited data. Too far from the Exchange for copper wire ADSL.</div>	Noted, the nbn are endeavouring to deliver the service in a timely fashion whilst respecting due process regarding compliance activities and obtaining indigenous heritage clearances.	<div>The applicant indicated that meeting the requirements of the <i>Aboriginal Heritage Act 1972</i> provided significant delays in progressing the development.</div> <div>The cost of an internet connection is not a matter for the Shire to consider.</div>
		Noted	

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
SUPPORT 41	<p>To whom it may concern.</p> <ul style="list-style-type: none">• This proposal should be approved on the grounds of keeping up with the times. We must not regress• It is essential as there are places on Ridgetop Ramble where there is no Telstra coverage.• The lack of coverage could lead to unfavourable or life threatening issues if there is an emergency.• Internet coverage is essential in todays technological advancing world.• Families, businesses, school pupils have a right to an improved service.	Noted.	Noted.
SUPPORT 42	I support this application for an extension of time for the N.B.N. fixed wireless facility at Bell Hill Reserve No. 44213	Noted	Noted.
SUPPORT 43	WE NEED TO HAVE A RELIABLE COMPUTER SERVICE AS SOON AS POSSIBLE AND FEEL THAT THIS TOWER IS NEEDED ASAP. THE LOCATION SEEMS IDEAL FOR THIS PURPOSE.	Noted	Noted.
SUPPORT 44	Mobile phone reception here is very poor + non existent for us, so we dont own a ‘mobile phone’ We are both seniors in our eighties + require good commications for emergencies + family contacts. We rely on Landline phone connection.	Noted	Noted.
SUPPORT 45	We support this application in its current form.	Noted	Noted.
SUPPORT 46	I support this application	Noted	Noted.
SUPPORT 47	I support this application.	Noted	Noted.

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
SUPPORT 48 ATTACHMENT 1 (Pages 14 to 31)	<p>I write in support of the current matter before Council whereby NBN Co. seeks an extension of time to an existing approval to construct a 40 metre monopole of the State Reserve at the intersection of Forrest Hills Parade and Ridgetop Ramble, Bindoon. I understand that is approved it is the intention of NBN Co. and Telstra to collocate equipment on the tower providing much needed and significant improvements in both mobile phone coverage and high speed internet accessibility throughout the town and across the region. Council made a decision at its meeting on 18 May 2016 to conditionally approve the project with the requirement to ‘.....undertake all works in accordance with the <i>Aboriginal Heritage Act 1972</i> with respect to disturbing Aboriginal Heritage Sites under Section 5 of the Act.’. I attach to my submission Question On Notice 36 and related Tabled Paper 322 which confirms that the site was formally assessed by the Aboriginal Cultural Material Committee (ACMC) on 11 April 2017 and it was determined that the reserve ‘is not a site’ under section 5 of the Act. Further attached is Question Without Notice 379 and related Tabled Paper 350 which confirms the decision of the ACMC and notes that the South West Aboriginal Land and Sea Council (SWALSC) does not agree with the view of the expert aboriginal heritage committee. Notwithstanding this, NBN has engaged extensively with SWALSC since the above mentioned consideration and have taken a voluntary decision to seek listing of the site under the Act and therefore the required Section 18 exemption. This process is the primary reason for the projects commencement delay and I think it ought to be recognised the significant length that the project proponent has gone to in an attempt to satisfy all stakeholders, and in this case the Traditional Owners. I understand that located currently on the State Reserve is tower (old windmill frame) containing Vodafone telecommunications equipment for the purpose of paging and dispatching local emergency service volunteers. From my previous inquiries with the Shire of Chittering I have received information via the former Community Emergency Services Manager that this tower continues to provide critical communication coverage for local emergency services and any attempt to remove the tower should only be considered if coverage and capability is not compromised. The condition on the current tower is now preventing maintenance on the communications equipment from occurring and I understand that it is planned to remove this tower and relocate this equipment on the abovementioned installation. Despite the outcome of this application by NBN Co., the future and legitimacy of this tower on the State Reserve is a matter that must be considered and addressed by Council should the proposed development not proceed. Communication infrastructure in the modern and ever evolving world is quickly becoming a major factor in ones ability to connect with and compete in todays global market place. It has been said that communication towers have the potential to diminish the value of nearby land, however I would argue that not having modern and reliable access to technologies such as high speed internet and adequate mobile phone coverage will and is having a greater influence on property value and the attractiveness of a place for tourism, for business and for population growth. This was a topic that was</p>	<p>Noted and agreed.</p>	<p>Noted.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
	<p>canvassed in the May edition of the Northern Valley News (Page 17). Communications infrastructure today is just as important as the water pipelines and electricity network that has provided essential services over the last century. It is my view that NBN Co. and their contractors have undertaken an exhaustive search for potential and alternative sites in Bindoon. Sites have been eliminated largely on the basis of significant coverage loss or the willingness of the property owner to provide access. The proposal identifies the need for a total of 128m² of the total estimated size of the reserve being 18,150m² or 0.007% of the total area. It is has been said by some in the community opposed to the proposed installation at this site, that they are not opposed to the tower itself, just the location. The great challenge for Bindoon which is not easily overcome is its terrain and geography. There is a reason why the emergency services communications tower has been on this site for many years if not decades now and that is that it provides superior coverage to the alternatives. I note some within the community have expressed concern relating to Electromagnetic Emissions (EME) from the installation. Whilst this is a matter that falls within federal jurisdiction under the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and not Local or State Government the predicted emissions are expected to be 0.11% of the maximum exposure limit. These limits are set by international standard and established scientific evidence. It is quite likely that residents concerned with EME are exposed to a much greater extent by their proximity to overhead powerlines, their mobile phones and electrical devices such as clock/radios by the bedside. The perception by some that the State Reserve is an environmentally sensitive area must be challenged. The land forms part of the Crown estate and should not be confused with those that are classified as National Parks or Nature Reserves. I am aware that Chittering Landcare has assessed the site and disputed claims that the reserve is environmentally sensitive to a range of flora and fauna. Noting that the project includes the removal of six 3-6 metre high trees, this will be adequately offset by the approval require works to counter the vegetation loss. The office recommendation and subsequent Council approval of May 2016 was that fifty trees be planted to compensate for the loss of six, as well as screening and landscaping of the area. The expected revenue for the Shire of Chittering is not something that should be dismissed during consideration of this proposal. Lease terms are usually in the order of twenty years and given the new proposal includes colocation by NBN Co., Vodafone and Telstra, the economics of the project have significantly improved. Given the strategic nature of the site and lack of alternatives, the Shire of Chittering is in an excellent position to negotiate a manage fiscal constraints of the Shire or alternatively to invest in community programs such as those that advance environmental or Natural Resource Management (NRM) outcomes on the State Reserve or across the Shire. The Council approval of May 2016 requires ‘Any revenue as a result of the lease is to be placed into the Public Open Space Reserve’. In summary I strongly hold the view that the project and requested extension of time is in the interest of the residents of the Shire of Chittering and more specifically</p>		

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
	Bindoon and similarly in the State interest. The mobile phone coverage that will arise from the site being enabled with Telstra radio equipment will enhance coverage in the local area, across the region and improve safety on the key transport route which is Great Northern Highway. I implore Council to provide approval to the request for an extension of time having due regard to the matters outlined above.		
SUPPORT 49	I support this application.	Noted	Noted.
OPPOSE 1	NO COMMENTS NO Ingles	Noted	Noted.
OPPOSE 2	I oppose this application	Noted	Noted.
OPPOSE 3 ATTACHMENT OMMITTED [References to personal information and identity of submitter]	My name is [NAME REDACTED] and after visiting the Bell Hill site I forwarded a Heritage Submission to Department of Aboriginal Affairs on 22/05/2016. I was a National Park Ranger for 30years in Western Australia and I identify has an Aboriginal person. It was during my period of being Senior Ranger at Millstream Chichester National Park in the Pilbara in 1984 I was taken through Traditional Lore by the Custodions of the area the Yindjibarndi people. I have attached my Confirmation of Aboriginality with this Submission I oppose the development due to the content of my Heritage Submission. Stone structures or arranged stones (culturally modified stones. Ritual or established ceremonial site where Aboriginal people communicate with or undertake practices in relation to sacred beliefs. Place that is of historical anthropological or ethnographical interest and shoul be preserved because of its importance and significance to the cultural heritage of the State. Places of importance and significance where objects, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of Aboriginal people, past or present have been left. I undertook the Heritage Submission inspection after consultation eith Yued Elder Uncle Charlie Shaw due to cultural protocols as the area is within his duristiction and also after consultation with Margaret Drayton also a Yued representative and member of Kwelena Mambakort Aboriginal Corporation Lot 322 Wedge Island. As an Aboriginal Elder myself I conducted the survey with integrity and sensitivity.	Noted. The nbn have engaged in good faith with the Department of Aboriginal Affairs, the South West Aboriginal Land and Sea Council (SWALSC), and the Yued Working Party. Critical to this engagement has been to allow the initial unsuccessful application for heritage registration to be fully assessed prior to re-engaging with the SWALSC and undertaking a heritage assessment with the Yued Working Party. Subject to registration of Bell Hill Reserve as a place of Aboriginal significance by the Aboriginal Cultural Materials Committee Ministerial heritage clearance will be obtained prior to any works commencing. The nbn remains committed to ensuring compliance with any condition of approval prior, during and post construction of the Bindoon facility.	If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i> . It is noted from the application that the proponent has met significant delays due to the requirements of the <i>Aboriginal Heritage Act 1972</i> which has involved the consultation with the South West Land and Sea Council.
OPPOSE 4	I do not support the extension to this development for the following reasons 1. I believe that the applicant has already had adequate and sufficient time to ensure that all conditions were met. 2. To allow an extension would set a precedent for the future, which could be problematic to the council. 3. I am concerned that large organisations, such as the ones involved get preferential or perceived preferential treatment from the shire, Would an individual be able to apply for such an extension?	We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process. We further understand that any application for an extension of time can be lodged by any proponent and must be assessed on its merits.	Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced.

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 5	<p>This is an urgent and very necessary facility for the whole community of Bindoon.</p> <ol style="list-style-type: none"> 1) for conducting business. 2) for students who require access to the internet etc. for their learning. 3) a large portion of the population is elderly. Communication can be a matter of life or death in an emergency. 4) Tourists and visitors to Bindoon will not stay long or visit again if they cannot communicate with the outside world. 5) Tradesmen/women coming into the area to work have many issues with communication which delays jobs etc. 6) when I moved into the area 2 ½ yrs ago it took 3 weeks to sort out communication issues and many people have the same problem. <p>Two years is <u>too</u> long a delay on top of the 2 years since approval. It affects the <u>whole</u> community and that should be top priority. Also to my understanding anyone who submits any application should have all the conditions of approval finalised before submission.</p>	<p>We view the comment as support to progress the facility, not as opposition.</p> <p>Notwithstanding our commitment engage with all stakeholders in good faith and follow due process, we agree that two additional years to complete the works is too long a delay for the community to receive nbn fixed wireless services and improved Telstra network services. It is; however, noted that although a two-year extension of time is sought construction is anticipated in 2018.</p>	<p>The submitter appears to be in support of the application.</p>
OPPOSE 6	<p>There is Documented Evidence of The Harmful Effects on Human Health of E.M.F. Radiation.</p> <p>As A near By Resident</p> <p>I oppose The Extension of Approval for the Tower</p>	<p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p>	<p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p>
OPPOSE 7	<ol style="list-style-type: none"> 1. THE EMF RADIATION FROM RADIO TOWERS HAS BEEN PROVEN TO DAMAGE HUMAN CELLS, CAUSING BRAIN + HEART CANCERS 2. THE RATEPAYERS IN CLOSE PROXIMITY TO BELL HILL DO NOT DESERVE TO HAVE THEIR HEALTH COMPROMISED BY RADIATION. 3. THE HARMFUL EFFECTS OF PHONE TOWER RADIATION HAVE BEEN RECOGNISED FOR MORE THAN 15 YEARS BY W.H.O. 4. CELL PHONE RADIATION HAS BEEN LINKED WITH CANCERS OF THE LIVER, PANCREAS AND PROSTRATE IN HUMANS 5. PUBLIC HEALTH IS FAR MORE IMPORTANT THAN INCREASED EXPOSURE TO MICROWAVES, AND SUBSEQUENT HEALTH RISKS. 6. THE POTENTIAL DAMAGE TO THE HEALTH + WELFARE OF RESIDENTS MAKES THIS PROPOSAL UNVIABLE, AND AGAINST THE BEST INTERESTS OF RATEPAYERS. 	<p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions.</p>	<p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p>
OPPOSE 8	<p>We really feel there is enough towers in and around the Bindoon Area without another one being added. This is suppose to be a park (Natural) for all to enjoy, not a concrete park.</p>	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>The proposed development would occupy 0.0055% of the total Reserve area.</p>
OPPOSE 9	<p>JUST GET ON WITH IT!!</p>	<p>We view the comment as support to progress the facility, not as opposition.</p>	<p>The submitter appears to be in support of the application.</p>
OPPOSE 10	<p>Public Health is a Priority over Communication infrastructure.</p> <p>Due to documented Proof of the dangers of E.M.F. Radiation to the human Brain + heart. I am opposed to the Extension of approval for the N.B.N. tower.</p>	<p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions.</p>	<p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 11	<p>We oppose this Development Application for the following reasons;</p> <ul style="list-style-type: none">• Telecommunication towers should never be constructed in close proximity to residential housing. The fact that there is evidence that these towers are detrimental to the health of people living close to them means the onus is on the people approving these towers to err on the side of caution, therefore this application should not have been approved at all.• Bell Hill is a very fragile reserve and is a place of cultural significance. To even consider disturbing such a spiritual place is appalling.• I still question the validity of NBN’s reason for not using Castle Hill as a possible place for a telecommunication tower, a representative from nbn co and the Shire of Chittering have said on numerous occasions that they have tested the site and it is not a viable site. The lot number given by nbn co for the area tested is not the Castle Hill site. <p>Why was Telstra included in the original application, but is not included in this application for a two-year extension?</p> <p>Why was the advertising board only placed on Forrest Hills Parade? The only people seeing the sign would be people living on this road. There should also be a sign on Ridgetop Ramble.</p>	<p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>Castle Hill has been assessed and ruled out as it is unable to meet the coverage objectives.</p> <p>This application for an extension of time has been lodged by the Applicant (Aurecon) on behalf of the nbn to extend the original approval inclusive of Telstra equipment.</p>	<p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>. It is noted from the application that the proponent has met significant delays due to the requirements of the <i>Aboriginal Heritage Act 1972</i> which has involved the consultation with the South West Land and Sea Council.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>The two year extension application applies to the whole development as approved at the Ordinary Council Meeting of 18 May 2016. There are no changes to the proposed built form.</p> <p>The Regulations stipulate the minimum means of advertising an application of this nature. The sign placed adjacent to the site was in excess of the minimum requirements which included a notice in the local newspaper and letter correspondence being sent to all landowners within a 4km radius of the proposed development.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 12	<ul style="list-style-type: none">• Have not been given all the information in regards to the effects of the electromagnetic fields in outgoing areas from the tower.• Need to hear from scientists to give a more accurate view of these types of towers near homes, not from a salesman from Erricson.• What are the noise levels from the air-conditioner required for the electrics like intrusive to nearby properties/homes.• Tower will be breaking the skyline this is against Shire policy.• This land was given to the Shire by a Bindoon resident to be used for the Shire, eg public open space.• Still not confirmed that the placement of the tower at Bell Hill will give everyone the best coverage.• This does not effect us, but we are hearing the concerns of people near the site.• I am not opposed to improving our Internet + mobile service, just not in this position.	<p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>Noise emitted from the development is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.</p> <p>The visual amenity aspects of the development were considered by Council when the development was originally approved in 2016.</p> <p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>The chosen location of the development is based on a private commercial decision to supply the public with the opportunity for better telecommunication coverage.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 13	<ul style="list-style-type: none">• Contravenes Shire policy and guidelines for sub-division developement.• Noise pollution from air-conditioning unit.• Health issues for long term exposure of Electro-magnetic fields .• Alternative location must be sort for low impact.• We need to improve communications Just not from this location	<p>The applicable planning policy framework has not changed since the approval was granted.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>The Shire’s LPS6 allows for development proposal to be considered on local reserves.</p> <p>Noise emitted from the development is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.</p> <p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>The proposed development will improve the ability of the public to connect to telecommunication services.</p>
OPPOSE 14	<p>PLEASE DO NOT PUT ATOWER ON BELL HILL</p> <p>It needs to go on Parkinson’s Hill, keep the unsightly but necessary towers together.</p> <p>Also I do not get ‘cover’ if the Tower is on Bell Hill, its a waste of so much money as a large Number of us that live this side the Hill will be affected.</p> <p>NO COVER</p>	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits. Furthermore, the consolidation of telecommunication infrastructure in one location would not achieve the intended purpose as coverage would be limited.</p> <p>The development is proposed in this location to achieve the coverage objectives of the telecommunication carriers to further service the needs of the public at large. It is acknowledged that the benefits of this type of development may not be experienced by all members of the public.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 15	<p>I oppose this development application, as it stands.</p> <hr/> <p>I would, however, support a development application for a 25m high tower rather than the 40m tower proposed.</p> <p>My reasons for supporting a 25m tower :-</p> <p>1) A 40m tower is actually close to 45m in finished height with antennas. I believe this very height is the cause for much of the objection by community to the tower. A 25m tower would be more acceptable to the community. The Shire has well established guidelines for dwelling construction and considerable detail therein, yet we are asked to simply accept a telecommunication tower design even though it causes concern to many adjacent residents and some in the community at large. Has the telecommunications applicant provided technical confirmation that the 40m tower height is essential ?... and not just sales talk.</p> <p>2) A 40m tower with the difficult access and equipment logistics of the site may cost \$600,000 to construct. by comparison, a 25m tower may cost 300,000 and thus two could be constructed and achieve a better coverage in the challenging topography of the area. Has the telecommunications applicant considered and offered to the Shire a plan to achieve coverage with multiple smaller towers?</p> <p>3) I believe there is an attitude by NBN / Telstra designers in rural areas that taller is better, however the true concept of cellular phone design is that of creating reliable, well covered cells of communication. This is best served by multiple smaller tower design. Given the increasing population of the Shire, does the one tall tower design best suit our future needs?</p> <p>4) The topgraphy of the area is such that two 25m towers would provide a superior coverage. This is simply because the radio frequencies used by mobile phones and NBN are very much line of sight and just increasing tower height does not provide line of sight into valleys only a few km from Bell Hill.... another tower is required. Has the telecommunications applicant considered a 25m tower for Bell Hill ?</p> <p>5) One argument put up by telecommunications representatives was that the Microwave signal link to Gingin required the 40m tower. I see in the design that the microwave dish is mounted at only 37m, already suggesting that the link is not that height critical. Has the telecommunications applicant provided technical evidence for this 40m height requirement or is the community just expected to accept the comment ?</p> <p>6) I recall that a threat made to Council and community in 2016 by telecommunications representatives was that any form of hold up to approval at that time would set the service rollout back. Yet, even after approval was granted in 2016, we find ourselves 2 years on without any progress on construction.</p>	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring. Nbn fixed-wireless technology requires line of sight to premises as well as other facilities in the network. The height as proposed is required to meet the service objectives of the nbn, and affords sufficient elevation for Telstra to achieve their service objectives. The planning policy framework encourages co-location to minimise the number of individual facilities. The nbn are endeavouring to deliver the service in a timely fashion whilst respecting due process regarding compliance activities and obtaining indigenous heritage clearances. Construction is anticipated in 2018.</p>	<p>Alternative heights cannot be considered through this process. The application at hand is required to be determined on its merits. Furthermore, it is understood that the proposed height of the monopole is to achieve the telecommunication carrier's coverage objectives.</p> <p>The cost of the proposed development is not a matter to consider as it has no financial bearing on the Shire.</p> <p>The Shire cannot impose requirements relating to the completion date for construction. If approved by Council, the development approval will be valid for a further two years within which, the development shall be substantially commenced.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 16	<p>AN EXTENSION SHOULD NOT BE GRANTED BECAUSE:-</p> <ol style="list-style-type: none"> The Approval of 18th May 2016 expires on 18th May 2018, therefore it lapses and no further development is to be carried out (quote). NBN did not meet the conditions of the two year time for approval of the application. NBN did not “substantially” commence the development within the two year period. NBN did not listen to the community when Yued Aboriginal Heritage issues were publically advised to them and the Council. If these issues have prevented them from commencing the development, then they have failed to do their research prior to the original application. They now should go elsewhere, find another more appropriate location without heritage issues. NBN knows that there are other suitable sites but refuse to assess them correctly and appear to be determined to win at any cost. The disrespect shown to the Yued Aboriginal people and elders is astounding. The disregard for their cultural heritage is shameful, especially when they notified NBN and the Council prior to the voting of 18th May 2016. All the issues in my original submission to Council and voted on 18th May 2016 still stand and have NOT been resolved. It must be noted that a high priority alternative site being Castle Hill (intersects Lots 38, 502 and 503) Great Northern Highway, Bindoon, was NOT correctly assessed by NBN and the Council. A much lesser elevation being Lot 504 was assessed instead of Lot 38 and was thus rejected (refer Council report – Minutes 18th May 2016). This is a gross error. The proposed telecommunication facility is much too near residences – visual and noise pollution and safety aspects are critical negatives to this proposal (as previously stated). Bell Hill Reserve is just that a “LOCAL RESERVE” for nature and wildlife, with two endangered species (Chuditch and Carnaby’s Black Cockatoo), to be quietly enjoyed, appreciated and respected by the community for generations to come. How many years of torture does NBN and the Shire Council intend to inflict on the community with this prolonged fiasco of applications, submissions and voting. It appears to be gross incompetence! How much has this all cost the ratepayers for the Shire’s time and the production of massive reports to Council? It is surely time to move on and find another site that is in harmony with all and the people will then have their telecommunications they desire (be it on Castle Hill, Parkinson’s Hill (Optus tower site), Lot 7 or Lot 20 Gray Road or combinations that are in a rural area and not residential). Therefore the Shire Council should reject the request for an extension of Term of Approval. 	<p>We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process.</p> <p>The nbn have engaged in good faith with the Department of Aboriginal Affairs, the South West Aboriginal Land and Sea Council (SWALSC), and the Yued Working Party. Critical to this engagement has been to allow the initial unsuccessful application for heritage registration to be fully assessed prior to re-engaging with the SWALSC and undertaking a heritage assessment with the Yued Working Party. Subject to registration of Bell Hill Reserve as a place of Aboriginal significance by the Aboriginal Cultural Materials Committee Ministerial heritage clearance will be obtained prior to any works commencing.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p>	<p>Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>. It is noted from the application that the proponent has met significant delays due to the requirements of the <i>Aboriginal Heritage Act 1972</i> which has involved the consultation with the South West Land and Sea Council.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>Noise emitted from the development is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times. The visual amenity aspects of the development were considered by Council when the development was originally approved in 2016.</p> <p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced. Shire officers are obliged to process each application as it is presented to Council. It is noted that each application lodged attracts an application fee, intended to cover the cost of processing the application.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 17	NO EXTENTION.... GET ON WITH BUILDING The TOWER!	Given we are unable to legally commence the works without the extension of time we view this comment as support.	The submitter appears to be in support of the application.
OPPOSE 18	Two years ago we objected to the tower project being so close to our home however the new elected COUNCIL OVER-turned the decision of the previous Council which gave us little choice but to accept the outcome. Now we find NBN, after two years, NBN are now applying for a further two year to comply with the conditions already layed down by the present Council. To our mind NBN have had more than enough time to comply with the conditions required!	We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process.	Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced.
OPPOSE 19	THERE ARE BETTER OPTIONS AVAILABLE NOW. THE HEALTH RISK TO NEARBY RESIDENCE COULD BE A CONSIDERABLE HEATH RISK, SUCH AS PEOPLE WITH A PACEMAKER. ALSO THIS LAND WAS DONATED TO THE RESIDENCE OF OUR SHIRE NOT BE DEVELOPED.	The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring. The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.	The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.
OPPOSE 20	This tower should never been approved in the first place because it's land that is a nature res. and next to residents. (1) Shire rules – No building on Nature Res. – OPTUS not allowed Why is the N.B.N? Money should NOT be more important than the Life of Nature or HUMAN BEINGS. (2) To be so close to homes – one less than 100mts! another 150mts is TORTURE, mentally tormenting 24/7. A form of BULLYING. (3) NOISE level from aircon for many will be torture as we live here for nature's noise – it will echo thro + drive wildlife away. (4) HEALTH – Residents – some have pacemakers – NOT RECOMD to be near tower. Emissions – harmful. (5) LIABILITY – WHO COVERS ROCKFALLS + THE DAMAGE. Only takes one to damage, hurt, cause accident. Even DEATH. (6) LIGHTNING STRIKES – AREA PRONED TO THEM. EG POWER POLE 400 mts away on Ridgetop been hit twice! TRANSFERANCE from tower could be deadly. (7) DUTY OF CARE – Lives will be damaged , Nature/wildlife affected. IT. IS. A. NATURE RESERVE. HEALTH RISKS TO RESIDENTS – (TOO LATEAFTER THE FACT!) PROPERTY PRICES FOR SOME WILL FALL BADLY	The applicable planning policy framework has not changed since the approval was granted. We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process. The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations. The development has been designed and will be constructed in accordance with applicable building standards.	Lot 12383 is a local reserve for 'Parks and Recreation' under LPS6. The reserve is also vested to the Shire with a management order for the purpose of 'Public Recreation and Water Supply'. The proposed development will occupy 118m ² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public's use of this land.

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 21	<p>18/5/16 Council approved the NBN/Telstra Tower – 5 councilers voted for the tower and 2 voted against. At the Ratepayers meeting 11/12/17 our Shire CEO Alan Sheridan said that the NBN/Telstra Tower for ‘Bell Hill’ would commence in late April 2018. Recently I heard that the hold up with the Road up to the proposed Tower site. Now I gather that NBN/Telstra want to delay construction for 2 years!</p> <p>I spoke in support of Tower on the 18/5/2016 when Council approved the Tower and I still believe it will be very good for our town/region. Communication is everything. This age of Smart phones/GPS/Computers/with Skype/Video-Conferencing, for personal, business, Medical, (aged care in our own home) Education and many other things in the future.</p> <p>[NAME] who lives on [STREET] has had his whole working life in Communications, believes that the Tower for Bell Hill does not need to be 40 Metre high. He believes that multiple smaller towers would give a superior coverage in this topography, of the Chittering Shire.</p>	<p>The nbn is seeking to progress construction as soon as possible having regard to due process.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>At the Ordinary Council Meeting of 18 May 2016, the Council granted approval to the proposed development. The minutes of that meeting indicate Councillors voted 6/1 in favour of the application.</p> <p>Alternative heights cannot be considered through this process. The application at hand is required to be determined on its merits. Furthermore, it is understood that the proposed height of the monopole is to achieve the telecommunication carrier’s coverage objectives.</p> <p>Notwithstanding the above, the submitter appears to be in support of the application.</p>
OPPOSE 22	<p>(1) NBN had sufficient time to organise putting up the NBN Fixed Wireless Facility.</p> <p>(2) They pushed the local residents + council so hard to get this through + then can’t get their act together + build it within the timeframe – time has lapsed. Let it go + find another more appropriate site.</p> <p>(3) We do not believe it is fair for those closely affected by this plan to be put under any more emotional stress.</p> <p>(4) They have been put through enough, have been traumatised enough.</p> <p>(5) This site is - too close to homes</p> <ul style="list-style-type: none"> - too dangerous a site to be disturbed - an aboriginal heritage site - home to native wildlife + fauna <p>(6) All this correspondence is a waste of money for local residents + taxpayers</p> <p>(7) NO to the extension of time. Fine another more appropriate site.</p> <p>(8) If the site was that important it would have been up by now – find another site that does not negatively affect so many poor peoples lives.</p>	<p>We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p> <p>The nbn have engaged in good faith with the Department of Aboriginal Affairs, the South West Aboriginal Land and Sea Council (SWALSC), and the Yued Working Party. Critical to this engagement has been to allow the initial unsuccessful application for heritage registration to be fully assessed prior to re-engaging with the SWALSC and undertaking a heritage assessment with the Yued Working Party. Subject to registration of Bell Hill Reserve as a place of Aboriginal significance by the Aboriginal Cultural Materials Committee Ministerial heritage clearance will be obtained prior to any works commencing.</p>	<p>Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced.</p> <p>It is noted from the application that the proponent has met significant delays due to the requirements of the <i>Aboriginal Heritage Act 1972</i> which has involved the consultation with the South West Land and Sea Council.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>The proposed development will be subject to a Building Permit which verifies the suitability of the construction on the subject land.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>.</p> <p>If approved by Council, a condition can be imposed that requires an environmental report be prepared to ensure the protection of any threatened or endangered species habitat.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 23	<div><div>*</div><div>THE TOWER WILL HAVE AN ENVIRONMENTAL IMPACT</div><div>*</div><div>THE SERVICE PROVIDED BY THE TOWER WILL BE LIMITED AND POOR PERFORMING. THIS HAS BEEN PROVEN WITH NUMEROUS COMPLAINTS FROM MANY THAT HAVE A WIRELESS NBN SERVICE</div><div>*</div><div>THE TOWER WILL PRESENT A VISUAL MONSTROSITY IN THE COUNTRY CLUB</div><div>*</div><div>THE SERVICE WORKS ON LINE OF SIGHT- GIVEN THE TERRAIN & TREES THROUGH THE COUNTRY CLUB HOW WELL IS IT GOING TO WORK AND HOW MANY RESIDENTS WILL GET THE SERVICE?</div><div>*</div><div>WHAT ARE THE HEALTH IMPACTS OF THESE OF THESE MICROWAVES?</div><div>*</div><div>WHAT WILL THE IMPACT BE ON THE VALUE OF THE NEIGHBOURING PROPERTIES.</div><div>*</div><div>IF YOU WANT HIGH SPEED NBN THEN MOVE INTO THE METROPOLITAN AREA. I MOVED UP HERE TO GET AWAY FROM THE CITY LIFE.</div></div>	<div><div>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</div><div>Perceptions of impacts on property values or public health are not planning grounds.</div></div>	<div><div>If approved by Council, a condition can be imposed that requires an environmental report be prepared to ensure the protection of any threatened or endangered species habitat.</div><div>The quality of service provided by the telecommunication carriers cannot be considered as part of this application.</div><div>The visual amenity aspects of the development were considered by Council when the development was originally approved in 2016.</div><div>The coverage objectives of the proponent will be met by the construction of the proposed development.</div><div>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</div><div>Impacts on property valuation are not a valid planning consideration.</div></div>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 24	<p>I DO NOT SUPPORT THIS DEVELOPMENT APPLICATION – OPPOSE</p> <p>The NBN rollout so far has been a complete disaster – There have been countless news reports on the failings of NBN. ABC 4 Corners had a report about the NBN failings. The head of the NBN Co is rather vocal about just how appalling the whole NBN network is, now that he is leaving.</p> <p>Why are we banging on still about this with enough evidence that it a waste of in every sense of the word? I do not want my environment, my lifestyle, my health and my home impacted by this.</p> <p>I have asked this question numerous times – to council, to NBN, to that politician with vested interests, if Bell Hill Reserve was actually Bell Hill Gully or Bell Hill Flatlands, or better yest Lot 12383 Forest Hills Parade, home of Mr & Smith – where would NBN co look to put a tower instead? Why is BHR the ONLY option? Or is it BHR is the cheapest option? At the expense of those that have made Bindoon our home so bugger us?</p> <p>BHR was not the first option when this application first came to council, anyway. First option was privately owned property on FHP – funny how residents living around that property didn’t want the tower next to their residences and kicked up a stink about it, leading NBN co to inflict their next choice on us.</p> <p>The only thing stopping anyone growing a brain and selecting a 2nd less contentious site is pig headedness. For heaven’s sake, a 2nd site could have been found (numerous options have already been put forward to council and NBN) and a tower could have been erected by now!</p> <p>There is no proof that the microwaves emitted by this technology is safe for humans. The so called reports put out regarding this saying it is safe proves nothing. This technology has not been around long enough to accurately determine the *long term* effects on human health. Not short term, not medium term, but long term. I don’t want to be anybody’s guinea pig.</p> <p>Property values will be affected. Everybody wants technology but nobody want to live anywhere near it. There is a stigma around these towers. Why should my hard work and financial input into my property take a hit financially for a tower that could and should be located elsewhere, and could be quite easily if somebody stepped up and did something sensible for a change?</p> <p>It has been proven time and time again that this technology will not suit the terrain in the country club estate. It operates on line of sight. How is that going to work effectively when we live under a massive tree canopy right through the estate? I’m not sure what part of this is so hard to understand. This technology will not work in this location.</p> <p>This tower will be a visual eyesore and blight upon the landscape. When you come across a group of 4 x 4WD loads of German tourists in town and they are looking around and you say to them yep see that great look out point up there – well a bunch of wankers want to build a telecommunication tower on it, they react with incredulity that such a stupid proposal would be put</p>	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p> <p>Perceptions of impacts on property values is not a planning consideration.</p>	<p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>Impacts on property valuation are not a valid planning consideration.</p> <p>The coverage objectives of the proponent will be met by the construction of the proposed development.</p> <p>The visual amenity aspects of the development were considered by Council when the development was originally approved in 2016.</p> <p>The proponent is required to comply relevant aviation legislation independent of this planning process. If Council approve the application, an advice note can be provided on the approval advising the proponent of the its obligations to meet relevant legislation regarding structure heights in relation to a low flying aircraft.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 25 ATTACHMENT 2 (Pages 34 – 40)	<p>PLEASE NOTE: This document is an augmentation of the previous submissions delivered previously on this topic, by the same author/s.</p> <p>Our continuing opposition to this proposal is further based on the following:</p> <ul style="list-style-type: none"> Breach of undertaking – before we purchased and built in Bindoon we made inquiries as to the likelihood of future infrastructure likely to impact our lives, being located on or near our proposed property, and were assured there was none. Bell Hill was a reserve/public open space, and to remain as such. Would this not equate to a breach of contract..... as I have since been made aware of other land owners who made similar enquiries and have been likewise deceived and misled, and to put it bluntly – been lied to. Bell Hill is irrefutably a place of much significance to the aboriginal people and their culture, and as such, should be respected and preserved. From my understanding, with the tower now south of the Bindoon town site, additional coverage has been received elsewhere, making the erection of a tower in the midst of our populated enclave un-necessary. To persist in proceeding would now be solely because of bloody minded obstinacy to punish those of us who have – and do – strenuously object on immutable grounds. I am tired of the emotional stress of having to revisit this issue time after time, after time..... I am tired of the personal tension and dread I feel welling within me every time I hear an unidentified truck labouring up the hill. Is it going to be Bell Hill? What are those vehicles and personnel doing on Bell Hill? There's a constant and negative emotional response to any activity associated with Bell Hill, and I know it's not doing me, or anyone else in the same situation, any good. There's not one of us who need a further prolongation of that stress and uncertainty. On an almost daily basis now, evidence is surfacing that shows the wanton danger and negative impact of microwave radiation on every living thing. Few, if any, long term studies have been carried out by the telecommunication industry in ANY country, and the information relied upon by said industry is fatally flawed. <u>To circumvent this little inconvenience, the telecommunication industry is seeking carte blanche approval to erect towers and antenna arrays with no approval necessary from any source – therefore NO CHECK AND BALANCES, period. WHY??</u> If the telecommunication industry was genuinely convinced that their product was safe for human, animal and plant life, they would have no problem producing the evidence of being open and honest with governments or residents, but the opposite is shown to be the case. Why? Could it be that the rationale is that once it's in situation, it's too late to do anything about it? I'm asking as a genuine, concerned and educated citizen, who has dug and delved and discovered much information that the general public is being denied. Either, my many and varied sources are all lying – which seems highly improbable and unlikely – or the telecommunication industry is being furtive and deceptive – so which one is it? 	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p>	<p>Previous advice received by the submitter cannot be verified by the Shire. The application is to be assessed against the relevant legislation at this time.</p> <p>Lot 12383 is a local reserve for 'Parks and Recreation' under LPS6. The reserve is also vested to the Shire with a management order for the purpose of 'Public Recreation and Water Supply'. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public's use of this land.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>.</p> <p>The coverage objectives of the proponent will be met by the construction of the proposed development.</p> <p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit. This standard is the only legislated standard that assessment of telecommunication infrastructure applications is to be made against.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 26	<ol style="list-style-type: none"> 1. I OBJECT TO THE REQUEST BY NBN FOR AN EXTENSION OF TERM OF APPROVAL , AS THEY HAVE FAILED TO FULFILL THE TWO YEAR TIMEFRAME FOR “CONDITIONAL DEVELOPMENT APPROVAL” WHICH REQUIRED THAT DEVELOPMENT SHOULD BE <u>SUBSTANTIALLY</u> COMMENCED WITHIN THE PERIOD OF TWO YEARS, EXPIRING ON THE 18TH MAY 2018. THEREFORE THE APPROVAL GRANTED HAS LAPSED. 2. BELL HILL RESERVE SHOULD NEVER HAVE BEEN CONSIDERED AS IT IS A “RESERVE” AND <u>NOT</u> MEANT FOR COMMERICAL VENTURES. 3. THE PROPOSED TOWER + FACILITY IS FAR TOO CLOSE TO HOMES. 4. THE RESERVE HAS NUMEROUS WILDLIFE AND ENDANGERED SPECIES. 5. THERE ARE MANY OTHER SITES THAT COULD BE UTILIZED IN PREFERENCE TO A “NATURE RESERVE” AND THE ARGUMENT BY NBN THAT THERE ARE NO OTHER SITES, IS AS WE ALL KNOW NOT TRUTHFUL. 6. IT HAS NOW COME TO LIGHT THAT BELL HILL RESERVE IS A VERY IMPORTANT <u>ABORIGINAL HERITAGE SITE</u> FOR THE YUED PEOPLE AND THEREFORE SHOULD NEVER BE TOUCHED IN ANY WAY. 7. IT WOULD BE MORE SENSIBLE FOR NBN TO FIND ANOTHER SITE, WITHOUT RESTRICTIONS, CONTROVERSY AND ONE THAT ISN’T DIVISIVE IN THE COMMUNITY. 8. THE SHIRE COUNCIL SHOULD TO THE RIGHT THING AND REFUSE THE APPLICATION FOR EXTENSION OF TERM OF APPOVAL. 	<p>We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p> <p>The nbn have engaged in good faith with the Department of Aboriginal Affairs, the South West Aboriginal Land and Sea Council (SWALSC), and the Yued Working Party. Critical to this engagement has been to allow the initial unsuccessful application for heritage registration to be fully assessed prior to re-engaging with the SWALSC and undertaking a heritage assessment with the Yued Working Party. Subject to registration of Bell Hill Reserve as a place of Aboriginal significance by the Aboriginal Cultural Materials Committee Ministerial heritage clearance will be obtained prior to any works commencing.</p>	<p>Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced.</p> <p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>If approved by Council, a condition can be imposed that requires an environmental report be prepared to ensure the protection of any threatened or endangered species habitat.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>.</p> <p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 27	<p>1. The Reserve site (No. 44213) was gifted to the Shire and community by the Clune family to be used exclusively as “PUBLIC OPEN SPACE</p> <p>2. PUBLIC OPEN SPACE is not an open invitation for incompetent corporations to use as a cheap alternative solution to providing a service that can be provided from another more suitable location or with advanced alternative technology. Setting the precedent of permitting corporate use of Public Open Space (Reserves) is fraught with danger and there is no turning back.</p> <p>3. In consideration of the considerable evidence associated with health issues arising from locating such structures in close proximity to housing/people it would be folly and reckless of the Shire to leave itself open to significant litigation in the future. Historical examples of corporations telling us “Smoking will not kill you” and “Asbestos is safe to use” is indicative of the lengths they will go to in a bid to progress their biased and self interested agendas.</p> <p>4. Drawing No 6T00-51-01-BIND-C3 (interestingly, not provided in the mail out to residents) clearly states in the Notes: Item 2: “Laterite outcrop found. <u>Extra</u> effort should be taken into consideration for excavation.” This would lead one to presume significant earth works are required to make the site suitable for the proposed structure thereby further degrading the landscape. Item 3: “Safe vehicle access is currently not possible as the entire access is steep. The access is too steep at entry.” Item 4: “Access upgrade is required that include earthworks, grading and re-surfacing to an all weather standard and compliant with Shire regulations. Approximate access upgrade length 80m.” At present there has been no information coming forward to the public from the Applicant as to how this problem is to be solved and at what cost to the environment and how the significant increased stormwater runoff is to be managed.</p>	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring. The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations. Construction remains to be proposed in accordance with the endorsed plans and conditions of approval.</p>	<p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>Alternative sites cannot be considered through this process. The application at hand is required to be determined on its merits.</p> <p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>If Council approve the application, disturbance of the earth is expected as part of the construction phase of the development however, a condition can be imposed that requires the land to be disturbed to be stabilised and/ or remediated to the satisfaction of the Shire.</p> <p>If Council approve the application, a condition can be imposed that requires all stormwater from the proposed development and associated access tracks to be suitably managed and contained on site to the satisfaction of the Shire.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 28	<p>We OPPOSE the request for the following reasons.</p> <ol style="list-style-type: none"> 1. When we considered moving to Bindoon in 1993 it was for the healthy country lifestyle 2. In discussion with Ray Hooper the then CEO of Chittering Shire. We were assured that the Bell Hill Reserve was just that and that there would be no construction on the reserve, ever. It was always to remain a public open space with perhaps a viewing platform in the distant future. This is the main reason why we decided to purchase our property in this location as Bell Hill was not gazetted for any other use and definitely not what is being proposed but which appears is being pushed upon us by those who are not in our situation. If we had at the time been advised that this could be a future proposal and that the Chittering Shire would consider such a proposal we would never have considered purchasing in the area. The thought of having a massive structure within 200 metres towing over our property is not something which we would consider advantages for us 3. As per previous submission, we are deeply concerned with the potential health hazard that this tower will pose for those in close proximity to the development. There are concerns in the USA and EU that these towers pose substantial risk to those living in close proximity to such structures, our residence will be within 200 metres of this structure. 4. The ‘science’ as of today states that the radiation emitted from these towers is within safe limits. However, this was also the science on mobile phone use which has proven to be false. They are now concerned that substantial mobile phone use, in particular ear to phone use is a hazard to the brain and substantially so with the young. Also, they now recommend that mobile phones where possible should be used in speak mode as prolonged use is detrimental to one’s health. Phones are not recommended to be carried close to the body or on the person for substantial periods of time, and particularly if a person has a pacemaker as the phone will interfere with the operation of the devise. This was not known before but time has proved that it is so now. This is what we believe will be the end result of such towers erected in close proximity to residential properties, in this case those who are within a stone throw from the NBN fixed wireless facility. This is the case with mobile phones which are used spasmodically where the NBN tower is operational 24/7. 5. We understand from good authority that the microfibre cable is already in place and has been for quite some time. Endeavour Drive, Ridgetop Ramble, Pioneer Drive, Gray Road, and the Bindoon precinct being covered. We believe this has perhaps been kept from the public to further the agenda of NBN. 6. 5G is being currently rolled out which is 100 times more powerful than the current facility. Technology is rapidly progressing and these structures will be obsolete as new streams of technology are rolled out in the near future. 7. We also believe that Optus exhibited good corporate/community sense when they decided to keep their tower away from the residential area 	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>The proposed facility will be able to facilitate a 5G service without any changes to the equipment shelter or strengthening of the monopole structure.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p>	<p>Previous advice received by the submitter cannot be verified by the Shire. The application is to be assessed against the relevant legislation at this time.</p> <p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>Telecommunication monopoles are not typically restricted to a single use or unable to accommodate upgrades with most being utilised to co-locate different telecommunication services.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 29	<p>Oppose for the reasons below.</p> <ul style="list-style-type: none"> The technology NBN will supply to this area is outdated and will not supply a worthwhile product or coverage to the residents in the area. There was a decision by council made May 2015 rejecting the NBN tower. Then in May 2016 this decision was overturned by a newly elected council. The decision regarding Bell Tower should be reviewed considering the advancement in technology since the decision was made to go ahead with the Bell Hill Tower. If another extension is requested in two years time do we still just accept the old technology and again not consider other advancements in technology available? <p>Why we should reject the NBN tower for Bell Hill</p> <ul style="list-style-type: none"> Bell Hill is extremely fragile and a development in this area would create wash and erosion. The continuous exposure and noise from the 24/7 air conditioners would impact on the near neighbours and wildlife. The unknown effects of the emissions from the tower, as we all know it is always safe until proved otherwise (too late then). The microfiber cable has already been laid in Endeavour Drive, Ridgetop Ramble, Pioneer Drive, Gray Road and the full length of the main street (Great Northern Highway). Considering the micro fibre is there already we could have a first rate product for our district instead of the very poor option being offered by NBN. ADSL has improved considerably over the last couple of years, the service is reliable and continuous (we have very rarely experienced loss or drop outs in the service we have). <p>Reasons we object to the Bell Hill Tower</p> <ul style="list-style-type: none"> The land was set aside as a reserve for public recreation and water supply. The water supply was developed in another area, this leaves the area for public recreation as gazetted. When we purchased the land in Ridgetop Ramble on enquiry with the Shire of Chittering were told there would be no development on Bell Hill and nothing we or anyone else built would be able to break the tree line (we hardly expecting a 40 metre tower to be built). 	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p> <p>We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process.</p> <p>The proposed facility will operate in accordance with applicable Federal standards and licensing conditions pertaining to human health, as well as State noise regulations.</p>	<p>Telecommunication monopolies are not typically restricted to a single use or unable to accommodate upgrades with most being utilised to co-locate different telecommunication services.</p> <p>The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> do not restrict the amount of time extensions that can be granted by Council for one particular Development Approval.</p> <p>If Council approve the application, a condition can be imposed that requires all stormwater from the proposed development and associated access tracks to be suitably managed and contained on site to the satisfaction of the Shire.</p> <p>Noise emitted from the development is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.</p> <p>The proposed development electromagnetic energy emissions are expected to be 0.17% of the ARPANSA maximum public exposure limit.</p> <p>Alternate telecommunication options cannot be considered through this process. The application at hand shall be determined on its merits, as presented to Council.</p> <p>Lot 12383 is a local reserve for 'Parks and Recreation' under LPS6. The reserve is also vested to the Shire with a management order for the purpose of 'Public Recreation and Water Supply'. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public's use of this land.</p> <p>Previous advice received by the submitter cannot be verified by the Shire. The application is to be assessed against the relevant legislation at this time.</p>
OPPOSE 30	<p>I consider there are absolutely NO grounds for granting NBN an extension to their application to build a NBN tower on Bell Hill Reserve.</p> <p>1. NBN has had more than enough time (2 years) to remediate any</p>	<p>We have submitted to the Shire justification for the delays and suitably resourced the timely progression of the compliance activities whilst respecting due process.</p> <p>The nbn have engaged in good faith with the Department of Aboriginal</p>	<p>Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
	<p>problems they may have encountered. They have unlimited resources and are uncompromising in every aspect of their business ethos. They should be shown the same in relation to this matter of an “extension”. Plain and simple, they have not made a “significant start” to this project so there should not be an extension granted, “it should lapse”.</p> <p>2. There are important Aboriginal Heritage issues that should be addressed. Bell Hill is a very significant Yued Aboriginal Heritage Site and as such it is recognized by the South West Aboriginal Land and Sea Council and all parties fully respect the Aboriginal Heritage of the Yued – 30,000 years of cultural heritage. We and the Shire are here but a blink of an eye when compared to Aboriginal Culture. They full deserve the respect of their oneness of “land and spirit”. “LEAVE THIS SITE ALONE!” “DO NOT DESECRATE”.</p> <p>3. If a tower is erected on Bell Hill Reserve, it will be a Monument to “White Man’s Mindless Arrogance and wilfulness”. Will we ever learn to respect to respect and pay homage to original people of this continent!</p> <p>4. The Shire of Chittering has mismanaged its duty of responsibility for Bell Hill Reserve, which is to protect Bell Hill Reserve from any form of exploitation and to preserve the ambience and wellbeing of those who live around it. It is their “Duty of Care”, what they pay are paid and elected to do!</p> <p>5. There should be a judicial inquiry into the whole sorry saga.</p> <p>There would appear to be grounds to explore the relationships between:</p> <p>5.1 The Turnbull Government/NBN and their relationship to the Shire of Chittering, Administration and Councillors.</p> <p>5.2 The Barnett Government/NBN and their relationship to the Shire of Chittering, Administration and Councillors.</p> <p>5.3 NBN and their relationship to the Shire of Chittering, Administration and Councillors.</p> <p>5.4 WA Politicians/NBN and their relationship to the Shire of Chittering, Administration and Councillors.</p> <p>The relationships under questions are for:</p> <ul style="list-style-type: none"> - CONFLICT OFINTEREST - UNDUE INFLUENCE - INTIMIDATION - COLLUSION 	<p>Affairs, the South West Aboriginal Land and Sea Council (SWALSC), and the Yued Working Party. Critical to this engagement has been to allow the initial unsuccessful application for heritage registration to be fully assessed prior to re-engaging with the SWALSC and undertaking a heritage assessment with the Yued Working Party. Subject to registration of Bell Hill Reserve as a place of Aboriginal significance by the Aboriginal Cultural Materials Committee Ministerial heritage clearance will be obtained prior to any works commencing.</p> <p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>development shall be substantially commenced.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>.</p> <p>Lot 12383 is a local reserve for ‘Parks and Recreation’ under LPS6. The reserve is also vested to the Shire with a management order for the purpose of ‘Public Recreation and Water Supply’. The proposed development will occupy 118m² of the total reserve area which equates to 0.0055% of the total site area. The development is therefore considered to be incidental to the vested and reserved purpose of the land and will not restrict the public’s use of this land.</p> <p>Submissions are invited and considered in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
	<p>- DUTY OF CARE</p> <p>The guiding principles should be the embodied established principle of natural justice and procedural fairness must prevail.</p> <p>6. Statistical Evidence</p> <p>6.1 Only signed submissions should be considered relevant and counted.</p> <p>6.2 Non return of mailed out submission material should not be counted in the statistics as FOR or AGAINST but registered zero.</p> <p>6.3 This criteria should have been applied to the 2016 submissions and would have given a much more accurate picture of the results.</p> <p>DUE TO ALL THE ABOVE CONCERNS, THIS APPICATION SHOULD BE REFUSED.</p>		
OPPOSE 31	<p>We still oppose the location proposed for this tower.</p> <p>We were extremely disappointed in the new councils decision to re-vote on the proposal and reverse the previous decision opposed to the location.</p> <p>To extend the timeframe would be only to the benefit of the big corporation and do nothing to benefit residents affected by this eyesore.</p>	<p>The proposed location, siting and design has been proposed considering the need to balance visual impact against the community benefits the technology will bring.</p>	<p>Noted.</p>

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 32 (late submission) This submission was received after the report was finalised and is not included in the consultation results summary, within the report.	<p>I Wish to make the following points regarding the extension of time granted for the term of approval for the installation of the NBN Fixed Wireless facility tower.</p> <ul style="list-style-type: none"> The time for the installation of this facility has expired, therefore their approved application should be null and void. All previous applicants for installation of such a tower should therefore be reconsidered and be given a new time limit to re-apply. <p>Further to the minutes of 18th May, 2016 - <u>9.1 Development Services, 9.1.1 Proposed NBN tower</u>, the following details relevant to the tower, were published:</p> <ul style="list-style-type: none"> 67 individual written submissions were in support of erection of the tower 46 individual written submissions were against the erection of the tower <p><u>However:</u></p> <ul style="list-style-type: none"> 134 people voted in a group submission, against the erection of the tower <p>It is evident that the greater majority of people who responded to the question of whether Bell Reserve is an appropriate site for erecting the NBN tower are most definitely against the proposal and far outweigh those who responded positively.</p> <p>It is clear that the proposed NBN site has had a drastic effect on residents in its immediate location, notwithstanding the cultural nature of the site, which has not yet been resolved and the obvious devaluation of their properties, in an already difficult real estate market place.</p> <p>I urge that the Shire re-address the site for such a tower.</p>	<p><i>This submission was received after the applicant had provided comment on submissions.</i></p>	<p>Sch. 2, Pt. 9, Cl. 77 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> makes provision for any Development Approval to be considered for an extension of time within which development shall be substantially commenced.</p> <p>Previous applicants for development approval on the subject site generally had the same extension application rights as the current applicant.</p> <p>The application was advertised in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> with the results of the advertising period provided within the report. When determining the application, Council are to have regard to the submissions received as part of this application.</p> <p>If the application is approved, the proponent is required to comply with <i>Aboriginal Heritage Act 1972</i>.</p>
NO RESPONSE GIVEN	No Comment	Noted	Noted.

*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.

ATTACHMENT 1
(as referenced in SUPPORT 48)

Heritage Information Submission



Government of **Western Australia**
Department of **Aboriginal Affairs**

When should I consider submitting a Form?

Complete and submit this Form if you wish to provide information about a possible Aboriginal Site under the Aboriginal Heritage Act 1972 (Act). The Form can also be used to provide information about a registered Aboriginal Site or other heritage place that is additional to information already held by the Department of Aboriginal Affairs (DAA).

How can I make sure I provide the right information?

The Form is intended to capture sufficient and relevant information to enable a decision on the applicability of the Aboriginal Heritage Act 1972 (Act) to the place. When completing the Form:

- Record all relevant information on the Form. Do not refer to attachments such as survey reports. Note that there is no requirement to include a survey report with the Form.
- All questions must be answered unless otherwise stated.
- Refer to the document Section 5 of the Aboriginal Heritage Act 1972 to assist with interpreting the Act and completing the Form.
- Visit Site Search to see if DAA already has information about this place. It is recommended that searches be made for both 'Registered Sites' and 'Other Heritage Places' (this includes places awaiting assessment).
- Attach shapefiles and maps, if possible. Shapefiles are the preferred option.
- Contact the Department of Aboriginal Affairs if you require further information by emailing submissions@daa.wa.gov.au or phoning (08) 6551 7950.

You may be asked to provide additional information during the assessment process. Note that you and other knowledge holders that you identify may be asked to provide additional information about the place (such as its condition) if it is alleged to have been damaged by someone else at a later date.

What happens when I submit a Form?

Once a Form is submitted, the information is assessed and a decision is made in relation to the applicability of the Act to the place. If the decision is that the Act applies to the place, then relevant information will be recorded on the Register of Places and Objects.

What happens to the information I submit?

It should be noted that information provided in this Form and supporting documentation received by the DAA, becomes a State of Western Australia record. The keeping or archiving of the records, is subject to the State Records Act 2000 (WA) and the record keeping plan of DAA. If records provided to DAA are required by law to be produced to a court, tribunal, or any other agency, then DAA shall at all times act subject to the Freedom of Information Act 1992 (WA) and any other relevant Commonwealth or State legislation.

It should be noted that the Act does not require Aboriginal people to disclose information or otherwise act contrary to Aboriginal customary law or tradition. Secret information is not usually required to establish that an area is an Aboriginal Site. Information regarding an Aboriginal place which has been nominated by the knowledge holders as culturally sensitive on the Form must nevertheless be considered as part of the decision making process in order to fulfil statutory duty. The Form however provides for arrangements to be made for a summary of that information to be available to other interested parties.

Recorder Details

Given name

Family name

Organisation name (if applicable)

Friends of Bell Hill Reserve Bindoon

Position (if applicable)

Adviser

Please enter either a landline phone or a mobile number (including area code for local numbers)

Phone number

Mobile number

Fax number (optional)

E-mail address

Address

Suburb/Town

State

Postcode

Are you an Aboriginal person who holds cultural knowledge about this place?

☒ Yes

☐ No

Location of Place

Provide as much information as possible about where the place is located to enable it to be accurately mapped on DAA's mapping system. You may wish to contact DAA on (08) 6551 7950 or email submissions@daa.wa.gov.au to discuss the required information.

Select a boundary that accurately reflects the extent of the cultural material (preferably the smallest boundary possible with no buffers).

Do you have a shapefiles (preferred), coordinate data and maps to attach (GDA94 referenced is preferred)?

☒ Yes

☐ No

What is the datum of the shapefiles, coordinate data and maps if not GDA94 referenced?

MGA (GDA94)

You will be asked to attach these after you click the Send Application button at the end of this Form.

Are you able to list at least one coordinate (spatial reference) for the location?

☒ Yes

☐ No

Are the coordinates:

- ☒ projected (easting/northing) - this is preferred
☐ geographic (latitude/longitude in decimal degrees)

Map Grid of Australia (MGA) Zone

- ☐ 49
☒ 50
☐ 51
☐ 52

List these coordinates and what the coordinate(s) represents (eg central point of the place, boundary points).
If you are unable to attach a shapefile or map, include boundary coordinates to ensure that DAA accurately maps the location of the place.

Central Point
Easting 412 877
Northing 6 526 642

54/500 characters

Description of boundary of the place.

Corner Ridgetop Ramble Eastern Boundary
Forrest Hills Parade Northern Boundary
Lot 152 Southern Boundary
Lot 153 Western Boundary
Chittering Country Club Estate Bindoon

234/1000 characters

Why did you select this boundary (i.e. what methodology did you use to arrive at this boundary)?

Most accurate way to ascertain.
Northern Valleys Townsite Maps

62/500 characters

Name(s) that this place is known by?

Bell Hill Reserve

17/500 characters

Does this information relate to an existing place on DAA's records?

- ☐ Yes
☐ No
☒ Unsure

What is the tenement ID for the location (if known)?

G152746

Are you submitting this form as part of another submission e.g. Section 18 Notice or Section 16 Application?

- ☒ Yes

☐ No

Ensure that you record the Receipt ID when you submit this Form as you will be required to state it on the Section 18 Notice or Section 16 Application.

Type of Site

Check as many as are applicable to the place.

- ☐ Burial ground set aside for Aboriginal burials by tradition, by use or is considered as a reserve
- ☐ Rock art (cave or rock drawings, paintings, stencils (pictograph))
- ☐ Rock art (engravings (petroglyph))
- ☒ Stone structures or arranged stones (culturally modified stones)
- ☐ Carved trees (culturally modified)
- ☐ Storage place where Aboriginal objects have been traditionally stored, are currently stored or will be stored in future
- ☐ Sacred site which in its entirety is devoted to religious use only, where ancestors or spirit beings reside or where central figures in important spiritual events reside or where the events occurred
- ☒ Ritual or established ceremonial site where Aboriginal people communicate with or undertake practices in relation to sacred beliefs
- ☒ Place that is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State
- ☒ Places of importance and significance where objects, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of Aboriginal people, past or present have been left

Describe the Place, Importance and Significance, Site Condition, Culturally Sensitive Information

Describe the place

For each type of site checked above, provide as much detail and evidence as possible to enable fair assessment under the Aboriginal Heritage Act 1972. The description and evidence will be the basis on which the place is determined to meet the requirements of the Act (e.g. Section 5). The following provides a guide to the information that will be required in order to determine whether the Act applies.

For rock art, provide details of the:

- type and number of motifs/panels;
- total motif number (estimation is large/complex);
- techniques used;
- type and colours of pigment used;
- association with objects or other site types;
- substrate (e.g. rock overhang, cave, boulder);
- composition;
- presence of mineralisation or patina; and
- chronology and dating.

For modified stones or modified trees, provide details of the:

- size, orientation and composition;
- number of features (eg grooves or scars);
- evidence the modification is cultural in origin (ie not a natural occurrence); and
- chronology and dating.

For a storage place, provide details of:

- the past, present and future use of the storage place;
- the Aboriginal object(s) traditionally stored in the place or the Aboriginal object(s) taken or removed to the place under the provisions of the Act;
- how the object(s) is or was of sacred, ritual or ceremonial significance to persons of Aboriginal descent;
- how the object(s) is or was used, made or adapted for use for any purpose connected with the traditional cultural life of Aboriginal people past or present;
- the Aboriginal people or group storing the objects;
- from where, when, how and by whom were the objects removed;
- when, how and by whom was the place used as a traditional storage site; and
- if there is any other evidence of use of the place.

For a sacred site, if it is associated with:

- travelling ancestors, provide details of the stories and songs that celebrate their activities, the events which occurred to the ancestors at the place, or any marks or things left by the ancestors;
- figures or powers, provide details of the figure or power which belongs to the country or was always there.

For a ritual or established ceremonial site, provide details of:

- higher religious ceremonies that are carried out at the place;
- respect that is paid to the place as a result of past or current ceremonial use;
- whether the place is retained for future ceremonial use; and
- whether an identified form of ritual or ceremony is carried out at the place.

For a place that is of historical, anthropological, archaeological or ethnographical interest, provide details of how and why the place:

- is associated with Aboriginal people;
- is of historical, anthropological, archaeological or ethnographical interest;
- marks important events, changes or patterns of Aboriginal prehistory or history;
- possesses uncommon, rare or endangered features of Aboriginal prehistory or history;
- has the potential to yield important information that will make a substantial contribution to an understanding Aboriginal prehistory or history;
- demonstrates the principal characteristics of Aboriginal prehistoric and historic places or environments;
- exhibits particular aesthetic characteristics valued by the community;
- demonstrates the creative or technical achievement of a particular period of Aboriginal prehistory or history; or
- has special association with the life or works of an Aboriginal person or persons of historical importance.

For a place where objects have been left, provide details of:

- the object(s) particularly in relation to section 6 of the Aboriginal Heritage Act 1972;
- who you believe left the objects;
- how the object(s) were used for, or made and adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- the intactness and condition of the place;
- the intactness and condition of the object(s);
- the temporal context of the place and object(s) (ie relationship in time to other places and things);
- the complexity or diversity of the object(s);
- the relationship between the object(s) and the place;
- the rarity and uniqueness of the place and object(s);
- the context and relationship of the place to other places; and
- the contribution to research to the understanding of Aboriginal people past and present.

Culturally modified stones/ artefacts scatter.
Lore tracks/Mens business/tool making.
High elevation/ lookout, tribal communications, food gathering.
Non endemic rocks and stones located on site.
Ceremonial site.

212/10000 characters

Importance and Significance

For sacred, ritual or ceremonial places, provide details of:

- the names of the person(s) of Aboriginal descent to whom the place is of importance and special significance;
- their relationship to the place;
- why this place is of importance and special significance to them; and
- the ways this place is set apart and distinct from the general surroundings.

For places of historical, anthropological, archaeological or ethnographical interest, provide details of:

- how and why the place is of importance and significance to the cultural heritage of the State of Western Australia;
- why its preservation would benefit current and future generations; and
- any experts who support your opinion.

For objects, provide details of:

- the names of the person, group of persons, or section of the Aboriginal or general community to whom the place is of importance and significance;
- their relationship to the place;
- why this place is of importance and significance to them; and
- why the place is of importance and significance to the community as a whole.

In evaluating the importance of a place, there will be regard for section 39(2) of the Aboriginal Heritage Act 1972.

If you have not provided the following details above you may do so here:

- any existing use or significance attributed under relevant Aboriginal custom;
- any former or reputed use or significance which may be attributed upon the basis of tradition, historical association or Aboriginal sentiment;
- any potential anthropological, archaeological or ethnographic interest;
- aesthetic values.

The site is valuable to all existing aboriginal people but especially to the Yued descendants of the tribal area. [REDACTED] of Kwelena Mambakort Wedge Island Aboriginal Corporation and family /relatives due to their ancestors walking and utilizing the area for Ceremony/ Tool making/ food gathering/ hunting. All artefacts

and knowledge as well as the importance of the site need to be preserved and protected for all generations of aboriginal and non aboriginal peoples for respect of the first australians. The area would have been used also for the ability to see 360 degrees of the countryside.

607/10000 characters

Site Condition

Provide details regarding the current condition of the site, particularly if has been damaged or disturbed.

The site has been disturbed with the unlawful erection of an old windmill which presently has radio transmission equipment for local emergency services and has possibly been there since 2007 as well as a surrounding security fence that is not secured by lock and apparently never has been.

There was no community consultation or section 18 presented for this structure.

The structure is ugly considering the surrounding flora and rock formations and has electricity supplied to it.

481/10000 characters

Culturally Sensitive Information

Is there any information that is culturally sensitive?

- ☐ Yes
- ☒ No

Knowledge Holders

Are there any people or groups who will be able to provide additional information if required?

Note: you may or may not have consulted with them.

- ☒ Yes
- ☐ No

Knowledge Holder 1

Given name

Family name

Organisation or group (if applicable)

Optionally please enter the contact details of this knowledge holder.

Phone number

Mobile number

Fax number

E-mail address

Address

Suburb/Town

State

Postcode

Is the person an Aboriginal person who holds cultural knowledge about the place?

- ☒ Yes
- ☐ No

What is their relationship to place and/or specialist expertise?

Knowledge holder.

17/250 characters

Did you gather information from this person?

☒ Yes

☐ No

Date information provided.

19/05/2016

Information provided.

Former name of Bindoon, Bindjooroot plenty(bin) tracks/paths (djooroot) possibly meaning many lore tracks.

Use of ochre and lore business trails both mens and womens business.

175/250 characters

Knowledge Holder 2

Given name

[REDACTED]

Family name

[REDACTED]

Organisation or group (if applicable)

[REDACTED]

Optionally please enter the contact details of this knowledge holder.

Phone number

[REDACTED]

Mobile number

[REDACTED]

Fax number

[REDACTED]

E-mail address

[REDACTED]

Address

[REDACTED]

Suburb/Town

[REDACTED]

State

[REDACTED]

Postcode

[REDACTED]

Is the person an Aboriginal person who holds cultural knowledge about the place?

☒ Yes

☐ No

What is their relationship to place and/or specialist expertise?

Traditional Owner/ Elder

24/250 characters

Did you gather information from this person?

☒ Yes

☐ No

Date information provided.

19/05/2016

Information provided.

ancestral knowledge of area.

28/250 characters

Other Views

Are there any Aboriginal people or appropriately qualified experts known or believed to hold other views in respect of any information provided by the Informant?

- ☐ Yes
- ☒ I am not aware of any other views

Declarant Declaration

Declarant - I declare that the statements made in this application form are true and correct.

☒ I agree

Declarant given name

[REDACTED]

Declarant family name

[REDACTED]

Date

22/05/2016

Submission Acknowledgement

Your application has been successfully sent. Please keep a copy of this acknowledgement for your records.

Date and time

22/05/2016 16:53:26 AEDT

Form submission number

HIS-5202112-1702



To save or print a copy of the completed application and acknowledgement go to the "File" menu and select "Save as" or "Print".



Department of Planning,
Lands and Heritage

Aboriginal Heritage Inquiry System

List of Other Heritage Places

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Terms of Use statement at
<http://www.dpa.wa.gov.au/Terms-Of-Use/>

Search Criteria

Other Heritage Place ID 36742

Disclaimer

The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at heritageenquiries@daa.wa.gov.au and we will make every effort to rectify it as soon as possible.

South West Settlement ILUA Disclaimer

Your heritage enquiry is on land **within or adjacent to** the following Indigenous Land Use Agreement(s): Yued People ILUA.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at heritageenquiries@daa.wa.gov.au.

Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved.

Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.



Department of Planning,
Lands and Heritage

Aboriginal Heritage Inquiry System

List of Other Heritage Places

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Terms of Use statement at
<http://www.dpa.wa.gov.au/Terms-Of-Use/>

Terminology (NB that some terminology has varied over the life of the legislation)

Place ID/Site ID: This a unique ID assigned by the Department of Planning, Lands and Heritage to the place.

Status:

- **Registered Site:** The place has been assessed as meeting Section 5 of the *Aboriginal Heritage Act 1972*.
- **Other Heritage Place which includes:**
 - **Stored Data / Not a Site:** The place has been assessed as not meeting Section 5 of the *Aboriginal Heritage Act 1972*.
 - **Lodged:** Information has been received in relation to the place, but an assessment has not been completed at this *stage* to determine if it meets Section 5 of the *Aboriginal Heritage Act 1972*.

Access and Restrictions:

- **File Restricted = No:** Availability of information that the Department of Planning, Lands and Heritage holds in relation to the place is not restricted in any way.
- **File Restricted = Yes:** Some of the information that the Department of Planning, Lands and Heritage holds in relation to the place is restricted if it is considered culturally sensitive. This information will only be made available if the Department of Planning, Lands and Heritage receives written approval from the informants who provided the information. To request access please contact heritageenquiries@dap.wa.gov.au.
- **Boundary Restricted = No:** Place location is shown as accurately as the information lodged with the Registrar allows.
- **Boundary Restricted = Yes:** To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km²) provides a general indication of where the place is located. If you are a landowner and wish to find out more about the exact location of the place, please contact the Department of Planning, Lands and Heritage.
- **Restrictions:**
 - **No Restrictions:** *Anyone* can view the information.
 - **Male Access Only:** *Only males* can view restricted information.
 - **Female Access Only:** *Only females* can view restricted information.

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place. This has been replaced by the Place ID / Site ID.

Basemap Copyright

Map was created using ArcGIS software by Esri. ArcGIS and ArcMap are the intellectual property of Esri and are used herein under license. Copyright © Esri. All rights reserved. For more information about Esri software, please visit www.esri.com.

Satellite, Hybrid, Road basemap sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, HERE, DeLorme, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community.

Topographic basemap sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community.



Department of Planning,
Lands and Heritage

Aboriginal Heritage Inquiry System

List of Other Heritage Places

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Terms of Use statement at
<http://www.dps.wa.gov.au/Terms-Of-Use/>

ID	Name	File Restricted	Boundary Restricted	Restrictions	Status	Type	Knowledge Holders	Coordinate	Legacy ID
36742	Bell Hill Reserve	No	No		Stored Data / Not a Site	Artefacts / Scatter, Ceremonial	*Registered Knowledge Holder names available from DAA	412916mE 6526658mN Zone 50 [Reliable]	

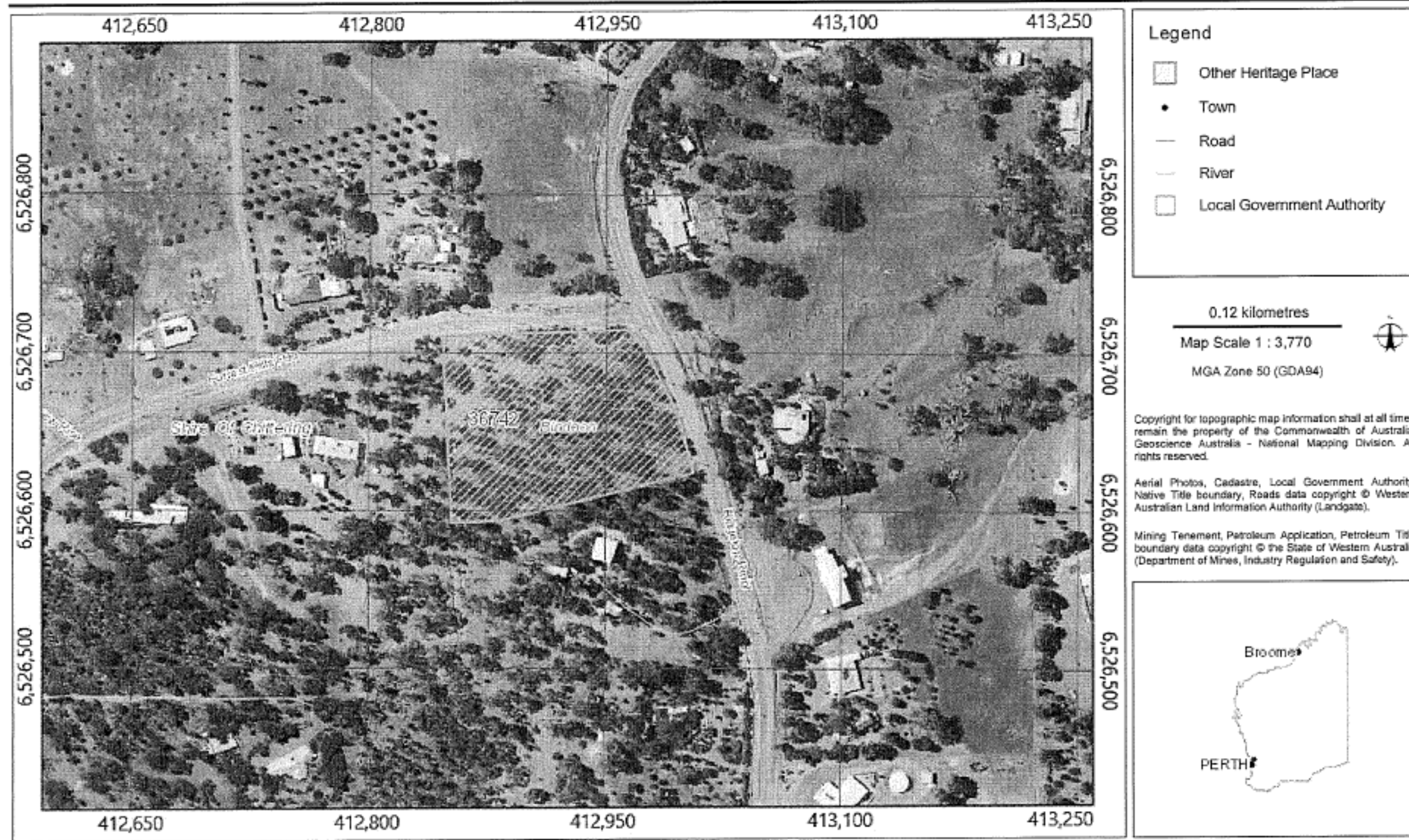


Department of Planning,
Lands and Heritage

Aboriginal Heritage Inquiry System

Map of Other Heritage Places

For further important information on using this information please see the
Department of Planning, Lands and Heritage's Terms of Use statement at
<http://www.dpla.wa.gov.au/Terms-Of-Use/>



© Government of Western Australia

Map created: 15/08/2017 11:41:09 AM by: GIS_NET_USER

Identifier: 300857

MINUTES OF THE ORDINARY MEETING
OF THE ABORIGINAL CULTURAL MATERIAL COMMITTEE
HELD IN EAST PERTH ON 11 APRIL 2017

ATTENDEES

Mrs Vanessa Kickell, Chairperson
Mr Lindsay Dean, Member
Mr Bruce Smith, Member
Mr Quinton Tucker, Member
Mr Vaughan Davies, Ex-Officio, Department of Aboriginal Affairs
Mr Murray Dolling, Ex-Officio, Landgate
Ms Deanne Fitzgerald, Deputy Ex-Officio, Western Australian Museum

APOLOGIES

Ms Merle Carter, Member
Mr Patrick Churnside, Member
Mr Alec Coles, Ex-Officio, Western Australian Museum

DEPARTMENT OF ABORIGINAL AFFAIRS STAFF

Ms Tiffany Vale, Registrar of Aboriginal Sites; Executive Director
Ms Andrea Barton, Executive Officer
Mr Mathew Portwood, Executive Manager Boards and Committees



1. WELCOME AND APOLOGIES

The Chairperson noted the apologies and declared the meeting open at 10.35 am.

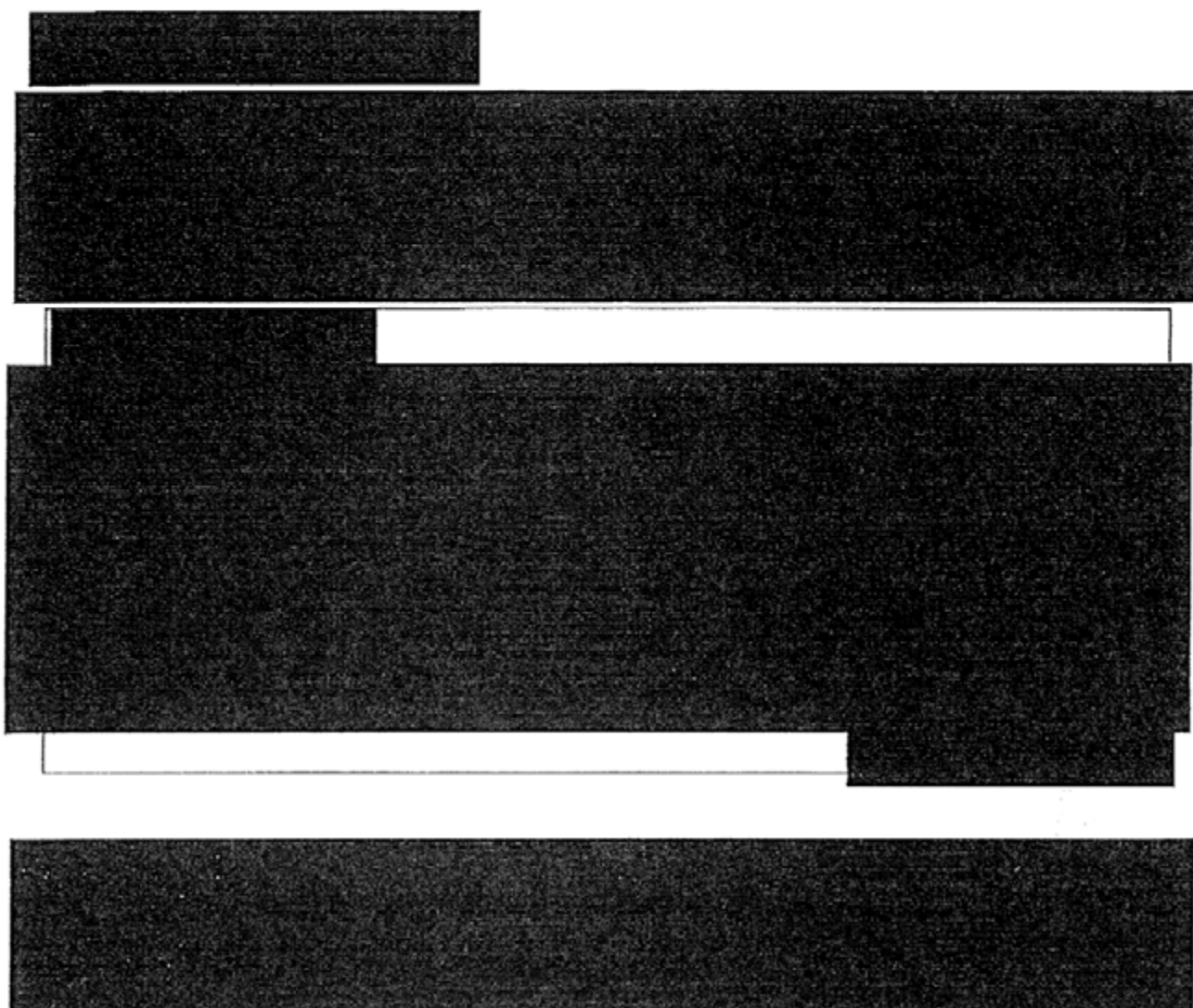
2. ENDORSEMENT OF MINUTES OF PREVIOUS MEETING

RESOLUTION 2017/024

The ACMC resolved that the minutes of the Tuesday 7 March 2017 meeting of the Aboriginal Cultural Material Committee be confirmed as a true and accurate record of proceedings.

CARRIED





6.2 Place Assessment – DAA36742 (Bell Hill Reserve)

The Committee noted the South West Aboriginal Land and Sea Council disagreed with the assessment of the Department of Aboriginal Affairs and the procedural fairness process stating, that it should be a site under section 5(b). Following discussion and consideration of sections 5, 39(2) and 39(3) of the AHA; the information provided; and having regard to the DAA advice received, the Committee made the site assessment listed in Table 6 on the information available.

RESOLUTION 2017/038

The ACMC resolved that the site assessments listed at Table 6 be confirmed and endorsed.

TABLE 6

Item #	DAA #	Place Name	Place Type	Current Assessment	Resolution
1	36742	Bell Reserve	Artefact scatter, Ceremonial		Not a site

CARRIED

Extract from Hansard
[COUNCIL — Wednesday, 28 June 2017]
p1924a-1924a
Hon Martin Aldridge; Hon Stephen Dawson

ABORIGINAL AFFAIRS — LOT 12383 — TELECOMMUNICATIONS FACILITY

36. Hon Martin Aldridge to the Minister for Environment representing the Minister for Aboriginal Affairs:

I refer to Lot 12383, Forrest Hills Parade, Bindoon and the application by NBN Co. for the construction of a telecommunications facility, and ask:

- (a) has a referral been made under the *Aboriginal Heritage Act 1972* for assessment of the site;
- (b) on what date and on what grounds has a referral been made;
- (c) who has made the referral to the Department of Aboriginal Affairs and will the Minister provide a copy of the referral to the House;
- (d) has the Department of Aboriginal Affairs made a decision in relation to Aboriginal heritage at the site, and what is that decision; and
- (e) if no to (d), when will a decision be made and published?

Hon Stephen Dawson replied:

- (a) Yes.
- (b) The Heritage Information Submission Form was submitted on 22 May 2016, to have the Aboriginal Cultural Material Committee consider DAA 36742 (Bell Reserve) under section 5 of the *Aboriginal Heritage Act 1972*.
- (c) The Heritage Information Submission form was submitted by the Friends of Bell Hill Reserve Bindoon. Yes. [Please see tabled paper no 322.]
- (d) DAA 36742 (Bell Reserve) was considered by the Aboriginal Cultural Material Committee at its 11 April 2017 meeting. The Aboriginal Cultural Material Committee considered DAA 36472 (Bell Reserve) as not being a site under section 2 of the *Aboriginal Heritage Act 1972*. Aboriginal Cultural Material Committee deliberations are publicly available on the Aboriginal Heritage Inquiry System.
- (e) Not applicable.

Extract from *Hansard*
[COUNCIL — Tuesday, 15 August 2017]
p2723a-2723a
Hon Martin Aldridge; Hon Stephen Dawson

ABORIGINAL AFFAIRS — LOT 12383 — TELECOMMUNICATIONS FACILITY

379. Hon MARTIN ALDRIDGE to the minister representing the Minister for Aboriginal Affairs:

I refer to question on notice 36 answered on 28 June 2017, and the answer to (d) that directed me to a website. After making inquiries with the minister's department, it has confirmed that the information I have requested is not available from the Aboriginal Heritage Inquiry System as the minister suggested. Can the minister now provide the deliberations and decision of the Aboriginal Cultural Material Committee from its meeting of 11 April 2017 with respect to DAA 36742—Bell Hill Reserve?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following information has been provided by the Minister for Aboriginal Affairs.

The decision of the Aboriginal Cultural Material Committee regarding ID 36742 is publicly available on the Aboriginal Heritage Inquiry System. I table the attached document. I also table a copy of the Aboriginal Cultural Material Committee's resolution.

[See paper 350.]

ATTACHMENT 2
(as referenced in OPPOSE 25)

EMFs and RFRs Finally Taken To Court, In Canada That Is

about:reader?url=https://www.naturalblaze.com/2018/05/emfs-and-r...

[naturalblaze.com](https://www.naturalblaze.com)

EMFs and RFRs Finally Taken To Court, In Canada That Is

12-15 minutes



By [Catherine J. Frompovich](#)

A Class Action was filed in Superior Court, Province of Quebec, District of Montreal, Canada, Case No. [500-06-000760-153](#) against 50 Respondents including the Attorneys General of Quebec and Canada, the City of Sainte-Anne-Des-Lacs, Hydro-Quebec, and approximately 40 corporations involved in the manufacture, production, servicing and transmission of Electromagnetic Frequencies (EMFs) and Radiofrequencies (RFRs), for their contributory roles in the transmissions, products and services that emit

in excess of one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or for sensitive individuals (children, pregnant women or persons who are electromagnetic hypersensitive) from any one or any combination of anthropogenic the listed electromagnetic field (EMF) sources... [Pg. 6]

EMFs and RFRs Finally Taken To Court, In Canada That Is

about:reader?url=https://www.naturalblaze.com/2018/05/emfs-and-r...

Anthropogenic EMF is measurable throughout Quebec attributable to technologies and infrastructures ranging from the low frequency power distribution grid through to high frequency mobile telecommunications networks. Not isolated systems, EMF from one system may couple onto an adjacent network compounding health effects, particularly for electro-sensitive individuals. [Pg. 7] [CJF emphasis]

Not only is *anthropogenic* [man-made] EMFs measurable in Quebec, but throughout entire global communities where various microwave technologies are prolific, e.g., cell, stingray and GWEN towers, Wi-Fi, AMI Smart Meters, 3G—4G and “*trial communities*” for 5G communications networks, plus antenna arrays and radar facilities.

Those technological “advances” have been implemented and allowed to be placed everywhere without proper environmental and human health impact studies—at least in the USA—being made available to consumers and the public at large. *If such studies exist*, they are not privy to public knowledge nor are warnings about adverse health reactions, e.g., electromagnetic hypersensitivity, etc. However, that information probably can be found during the *Discovery* process of any lawsuit, unless such ‘proprietary information’ may not be divulged due to “trade secrets”!

Charles O’Brien is the Attorney of Record for Marcel Durand, Evelyn and Myles Mahon, the Petitioners. The document presented to a Canadian Superior Court was signed July 27, 2017, on behalf of

All persons who reside, work, study in any part of the Province of Quebec, well as flora, fauna, pets and animals that are exposed to a level in excess of one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments; or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or for sensitive individuals (children, pregnant women or persons who are electromagnetic hypersensitive) from any one or any combination of anthropogenic the above-listed electromagnetic field (EMF) sources, who suffered

moral, physical, psychological and/or genetic damages as a result of EMF pollution. Pursuant to the precautionary principle, those born, not of the age of majority, are nonetheless claiming as class members given the pervasive, escalating and cumulative effects of EMF pollution (as appears from the Threshold Exposure Standard below): [Pp. 43-44]

In reading the 64-page document, I found it extremely exciting to realize a member of the legal profession was "calling to task" corporate behemoths for product liability 'negligence', *plus other stated accusations, and especially their FAILURE to inform of potential exposure to EMFs from their wireless products, services, etc., including their FAILURE to encourage means to reduce EMF exposures:*

Air Canada for inflight cabin Wi-Fi;
Apple Canada for all its tech products producing EMFs;
Arris Canada for Internet protocols and satellite transmissions;
BCE, Inc. (Bell Canada) for cell towers, cell and smart phones, etc.;
Cisco Systems Canada Co. for modems, networks, and Internet of Things;
Ericsson Canada, Inc. for cell phones and mobile broadband;
ESIT Canada Enterprise Services for PCs, digital imaging, semiconductors;
Facebook Canada Ltd;
FCA Canada, Inc. International for Wi-Fi, Bluetooth, Apple car;
Fido Solutions Inc. for cell phone, telecommunications equipment;
General Electric Canada for every GE product, MRI and X-ray machines;
General Motors of Canada for Apple car, Bluetooth, Wi-Fi;
Google Canada Corporation for cell phones, laptops, cloud communications, and fraud;
Hitachi Data System, Inc. for telecommunication systems, cloud based services;
Honeywell Limited for computers, thermostats, security alarm systems, flight management systems;
Hydro Quebec for improperly installed and located power lines, wireless smart meters, EMF-generation transformers;
IBM Canada Limited for computer hardware, ATMs, Internet of Things;

EMFs and RFRs Finally Taken To Court, In Canada That Is

about:reader?url=https://www.naturalblaze.com/2018/05/emfs-and-r...

Koodo for cell phone, telecommunication equipment, mobile broadband, mobile and fixed networks;
Ledvance Limited for lighting and high EMF light products, dimmers;
Lenovo Canada for computers, smart phones, smart TVs;
LG Enterprise Canada, Inc. for smart speakers, cloud based services;
Marriott International for providing free Wi-Fi;
Mattel / Fisher Price Canada for baby monitors; plug-in kids' toys, DECT devices;
Microsoft Canada for cell phones, Bing, computers, cloud services, Xbox, MS operating systems, software applications, HoloLens VR headsets;
Panasonic Canada for digital TVs, electric shavers and household appliances, failure to inform customers about EMFs;
Philips Electronics Ltd. for wireless baby monitors, DECT, electric breast pumps and toothbrushes, failure to inform customers about EMF exposures;
Restaurant Brands International for providing free Wi-Fi;
Rogers for cell phone towers, cell phones, Wi-Fi transmission; failure to warn about EMFs;
Royal Society of Canada for gross negligence and fraud in its description of science and safe levels of EMFs;
Sainte-Anna-des-Lacs for authorization for tower; permission to Hydro Quebec to install dangerous wires near houses;
Samsung Electronics Canada for cordless phones, cell phones, smart TVs, smart refrigerators, large screen 3D movies, GalaxyX8 virtual assistant Bixby, failure to advise the dangers of EMFs;
Siemens Canada Ltd. for test bed 7 exposing Montreal Municipal water system to excessive levels of EMFs, rail automatic systems;
Silicon Labs, Inc. for semiconductors, Internet of Things, network equipment;
Sony of Canada Ltd. for cell phones, Play Station, and its gaming division;
Starbucks Corp. for instore Wi-Fi;
STM for Montreal Metro system EMF in stations and buses, etc.;
Tesla Motors for high EMFs within Tesla cars, Wi-Fi, Bluetooth, failure to notify about EMFs;

Telus for cell phone towers, cell phones, Wi-Fi, failure to notify about EMFs;

Texas Instrument Canada for semiconductors, computers, failure to notify about EMFs;

The TDL Group Corp. for Tim Horton's Wi-Fi at every location;

Toshiba for cell towers, cell phones, Wi-Fi, failure to notify about EMFs;

Videotron for cell towers, cell phones, TV transmission, failure to notify about safe use;

Virgin Mobile Canada for wireless voice, Wi-Fi transmission, failure to inform users about EMFs;

Volkswagen Canada for Apple car play, Wi-Fi, EMF from vehicle power, failure to use modes to reduce EMF exposures;

Whirlpool Canada L.P. for residential consumer and commercial equipment and appliances;

Xerox Canada Inc. for printers, photocopiers, scanners, failure to inform of potential exposures to EMFs.

The above represents *only a fraction of the citations*, which I chose to use as examples for each corporation, since each company has extra citations. If you would like to read all of them, start at page 24 and end with page 35 of [this link](#).

The Attorney General of Canada was cited for

failure of Canadian government; especially Health Canada, to fulfill mandate of "... ensuring best health of Canadians"; capitulation with industry to suppress health risks, conflicts of interest; willful negligence in reviewing/considering relevant recent research for updating EMF safety guidelines;

and the Attorney General of Quebec:

Failure to apply its environmental legislation, permitting of EMF pollution, failure to make operational and enforce the EMF provisions in the Environment Quality Act, conflicts of interest with the industries employing EMF, Letter R-4, which constitutes in-beddedness, suppression of evidence and intentional interference with citizens' health, intentional breaches of both Charters, sub-delegation of jurisdiction to Hydro-Quebec. WiFi in schools (attractive nuisance and addictive). False information to Quebec doctors complicitous behaviour;

Other interesting aspects of this filing, *in my opinion*, are as follows,

X. Whether by failing to adequately regulate and apply laws, regulations, codes or bylaws, the governmental entities named herein were at fault, acted in bad faith and willingly participated in or sanctioned [...] EMF pollution and the breach of class members' fundamental rights; [Pg. 35]

*BB. Whether children are at particular risk due to cell phone [...] radiation and its links to cancer, as indicated in American pediatrics radio frequency (RF) guidelines produced as **Exhibit R-24** ; [Pg. 35]*

EE. Respondents including the Provincial and Federal governments:

(i) hid information concerning EMF pollution and its effects, which caused prejudice to those subjected to EMF pollution;

(ii) willfully and intentionally caused prejudice to the Quebec population, its flora and fauna, children, pregnant women and the EMF hypersensitive by covering up technical information, carcinogenic nature, and other health risks due to cumulative EMF exposure; [Pg. 36]

JJ. What amount should farmers effected [sic] by "stray voltage" in excess of the standard proposed by Petitioner, namely, one volt from the ground, be compensated and what measures must be taken by Defendants to ensure that stray voltage in farming communities is curtailed ? [Pg. 37]

LL. [...]

Is section 48 of the Quebec Charter which protects the right every handicapped person against any form of exploitation breached? [Pg. 37]

NN. Does one have the right to not be exposed to EMF emissions above one milliGauss of magnetic field, 0.6 V/m of electric field, or 0.1 microWatt per square centimeter of microwave power density for general populations in uncontrolled environments or 0.3 milliGauss of magnetic field, 0.2 V/m of electric field, or 0.01 microWatt per square centimeter of microwave power density for sleeping environments or sensitive individuals (children, pregnant women or the electromagnetic hypersensitive and for pets and

animals); [Pg. 37]

9. The conclusions sought by the Petitioner are too many and are cited at pages 39 through 42.

This filing, *in my opinion*, indicates what *may be* considered a *long-arm reach of the law, in Canada at least*, being applied to the unbelievable usurpation of corporate overreach, plus the lack of proper government agency enforcement to protect human and animal wild life (fauna), the environment, trees and other flora being impacted by **electrosmog**, plus what's strategically subverted and denied by all who deal with microwave technologies, i.e., **the non-thermal radiation adverse health effects and damage to humans and our DNA**, and what's called electromagnetic hypersensitivity (EHS) or medically known as **idiopathic environmental intolerance (IEI)**.

Catherine J Frompovich (website) is a retired natural nutritionist who earned advanced degrees in Nutrition and Holistic Health Sciences, Certification in Orthomolecular Theory and Practice plus Paralegal Studies. Her work has been published in national and airline magazines since the early 1980s. Catherine authored numerous books on health issues along with co-authoring papers and monographs with physicians, nurses, and holistic healthcare professionals. She has been a consumer healthcare researcher 35 years and counting.

Catherine's latest book, published October 4, 2013, is Vaccination Voodoo, What YOU Don't Know About Vaccines, available on Amazon.com.

Her 2012 book A Cancer Answer, Holistic BREAST Cancer Management, A Guide to Effective & Non-Toxic Treatments, is available on Amazon.com and as a Kindle eBook.

Two of Catherine's more recent books on Amazon.com are Our Chemical Lives And The Hijacking Of Our DNA, A Probe Into What's Probably Making Us Sick (2009) and Lord, How Can I Make It Through Grieving My Loss, An Inspirational Guide Through the Grieving Process (2008)



Department of Planning,
Lands and Heritage

Your ref: O1894904, A10088
Our ref: PLH0022-2018
Enquiries: Aidan Ash Ph 08 6551 8040

Chief Executive Officer
Shire of Chittering
Email: chatter@chittering.wa.gov.au

Dear Sir/Madam,

**REQUEST FOR EXTENSION OF TERM APPROVAL NBN FIXED WIRELESS
FACILITY BELL HILL RESERVE**

Thank you for your letter dated 25 April 2018 regarding the request for extension of term of approval for the works planned within Bell Hill Reserve (Reserve 44213).

Please be advised that an application to undertake works within Bell Hill Reserve was submitted by Aurecon to the Department of Planning, Lands and Heritage (DPLH) on the 9 February 2018 under section 18 of the *Aboriginal Heritage Act 1972* (AHA). An outcome of this application will be considered by the Minister for Aboriginal Affairs in due course.

If you have any queries in regards to this please do not hesitate to myself on (08) 6551 8040 or via email aidan.ash@dplh.wa.gov.au.

Yours Sincerely

A black rectangular box redacting the signature of Aidan Ash.

Aidan Ash

TEAM LEADER

12 June 2018

RENEWAL OF SAND EXCAVATION

AAA Sands

EXCAVATION and MANAGEMENT PLAN

Lot 502 (737) Mooliabeenie Road, Bindoon

Shire of Chittering

October 2017

RENEWAL OF SAND EXCAVATION

AAA sands

EXCAVATION and MANAGEMENT PLAN

Lot 502 (737) Mooliabeenie Road, Bindoon

Shire of Chittering



Landform Research

Lindsay Stephens BSc (Geology), MSc (Plant Ecology)
Mem Aus Geomechanics Soc – MEIANZ – FIQA

U1 49 Birdwood Avenue, Como WA 6152

Tel 08 9474 3978, landform@iinet.net.au

SUMMARY

D J Price, operating as AAA Sands, is applying for Planning Consent and an Extractive Industry Licence for renewal of the sand excavation that operated from Lot 502, (737) Mooliabeenie Road, Bindoon, between 2002 and 2009.

The proposed pit is within the same location, same depth and same scale of excavation as previously operated, using the same methods.

Whilst the total resource is around 50 hectares, only 2 hectares is required to be open at any time.

The sand is yellow slightly earthy sand, that is suitable for fill sand, although it has a small clay content, and is highly suitable for uses where phosphate retained sands are required, such as near waterbodies and environmentally sensitive areas.

Rehabilitation will follow excavation, assisting in minimising the amount of open ground. Some ground open in the past has been left and there has been minor natural regrowth of Tagasaste.

The site is covered by pasture with a planting of Tagasaste in the northern portion of the resource. The Tagasaste will provide the continued screening from Mooliabeenie Road.

No Clearing Permit is required because the scattered Eucalypts are sufficiently far apart

The operations comply with the Government buffer setbacks and various policies.

A 20 year planning approval and Extractive Industries Licence is applied for.

CONTENTS**SUMMARY**

1.0 INTRODUCTION	1
1.1 Background and Proposal	1
1.2 Project Summary	2
1.3 Proponent	3
1.4 Location and Ownership	3
1.5 Project Objectives	3
1.6 Description of the Resource	5
2.0 PLANNING ASSESSMENT	5
2.1 Current Land Use	5
2.2 Proposed Land Use	5
2.3 End Use	5
2.4 Land Zoning and Policies	5
2.5 Responsible Authorities	10
3.0 BUFFERS AND SOCIAL IMPACTS	13
3.1 Consideration of nearby sensitive premises	13
3.2 Policies	13
3.3 Community Consultation	15
3.4 Heritage	15
3.5 Complaints mechanism	15
4.0 PHYSICAL ATTRIBUTES	20
4.1 Geology and Geomorphology	20
4.2 Regolith and Soils	20
4.3 Climate	21
PROJECT DESCRIPTION	23
5.1 Construction	23
5.2 Excavation	23
5.3 Pit Design and Staging	24
5.4 Processing	24
5.5 Stockpiles	24
5.6 Hours of Operation	25
5.7 Access and Security	25
5.8 Equipment	25
5.9 Water Use	25
5.10 Safety	25
6.0 DUST MANAGEMENT	32
6.1 Environmental Dust	32
6.2 Assessment of Dust Risk	33
6.3 Buffers	34
6.4 Occupational Dust	35
6.5 Actions and Management	36
6.6 Dust Monitoring	37
7.0 NOISE MANAGEMENT	38

7.1 Operations	38	
7.2 Regulatory Framework	38	
7.3 Environmental Noise Management	39	
7.4 Occupational Noise	40	
8.0 VISUAL MANAGEMENT	41	
9.0 WATER QUALITY MANAGEMENT	42	
9.2 Water Source Protection Areas	42	
9.2 Water Requirements	42	
9.3 Water Quality Protection Guidelines	42	
9.4 Surface Water	43	
9.5 Groundwater	43	
9.6 Salinity	43	
9.7 Dewatering	44	
9.8 Recharge	44	
9.9 Acid Sulfate Risk	44	
9.10 Closure Inventory	46	
9.11 Unauthorised Access and Illegal Dumping	47	
9.12 Wastewater Disposal	47	
9.13 Refuelling	47	
9.14 Servicing and Maintenance	48	
10.0 BIODIVERSITY	50	
10.1 Flora	50	
10.2 Fauna	50	
10.3 Wetlands	50	
10.4 Stygofauna and Trglofauna	50	
10.5 Weeds and Plant Diseases	50	
11.0 CLOSURE	51	
11.1 Geotechnical	51	
11.2 Revegetation Considerations and Closure Objectives	51	
11.3 Completion Criteria	51	
11.4 Closure Implementation	52	
11.5 Rehabilitation	52	
11.6 Weed Management Plan	55	
11.7 Dieback Management	56	
12.0 RISK MANAGEMENT	58	
FIGURES		
Figure 1	Location of Lot 502	4
Figure 2	Location of the sand resource	12
Figure 3	Aerial photograph of proposed pit	16
Figure 4	Aerial photograph of the Existing Pit	17
Figure 5	Floor of the existing pit	18
Figure 6	Edge of the existing sand pit showing the Tagasaste regrowth around the perimeter	19
Figure 7	Access Road Entrance	28
Figure 8	Existing Contour Plan	29
Figure 9	Concept Final Contour Plan	30
Figure 10	Concept Mining Operations	31

ENVIRONMENTAL RISK ASSESSMENT AND REFERENCE TABLE

1.0 INTRODUCTION

1.1 Background and Proposal

D J Price, operating as AAA Sands, is applying for Planning Consent and an Extractive Industry Licence for renewal of the sand excavation that operated from Lot 502, (737) Mooliabeenie Road, Bindoon, between 2002 and 2009.

The proposed pit is within the same location, same depth and same scale of excavation as previously operated.

The sand is yellow slightly earthy sand, that is suitable for fill sand, although it has a small clay content, and is highly suitable for uses where phosphate retained sands are required, such as near waterbodies and environmentally sensitive areas.

Rehabilitation will follow excavation, assisting in minimising the amount of open ground. Some ground open in the past has been left and there has been minor natural regrowth of Tagasaste.

1.2 Project Summary

ASPECT	PROPOSAL CHARACTERISTIC
EXCAVATION	
Total area of excavation applied for, including the land already open	Current excavation – 2.0 hectares Excavation open at any one time – 2.0 hectares Area of resource 50 hectares
Rate of excavation based on average anticipated volumes.	50 000 – 100 000 tonnes per year
Life of project	20 years
Area cleared per year	No native vegetation. Around 1 – 2 hectares required per year.
Dewatering requirements	Nil
Maximum depth of excavations	2 - 4 metres at final depth
PROCESSING	
Resources	No processing proposed at this stage. A screening plant remains a possibility to produce specialty sands if required.
Water requirements	Nil
Water supply source	Farm supplies
INFRASTRUCTURE	
Total area of plant and stock	None required
Area of settling ponds	None required
Fuel storage	No fuel storage
TRANSPORT	
Truck movements	Variable but approximately 3 – 10 laden trucks per day on average.
Access	Existing access road to Mooliabeenie Road.
WORKFORCE	
Construction	Renewal – already in operation.
Operation	2 persons
Hours of operation	Hours of operation, will be 7.00 am to 5.00 pm Monday to Friday inclusive, excluding public holidays for processing and excavation. Loading and transport from site may commence at 6.00 am Monday to Friday inclusive, excluding public holidays

This Excavation and Management Plan has been prepared addressing the factors outlined in EPA Guidance Statement 33, Environmental Guidance for Planning and Development 2005 and Department of Planning Guidelines for Extractive Industries.

1.3 Proponent

D J Price
AAA Sands
P O Box 2
Bindoon WA 6502

1.4 Location and Ownership

Lot 502, 737 Mooliabeenie Road, Bindoon.

The landholder is ; Talgarth Enterprises Pty Ltd

1.5 Project Objectives

The proposal is to continue to provide a source of local sand to assist in minimising the cost of construction in the local and wider area.

Importance and Rationale

The sand extraction is a recognised resource that, within the provisions of State Planning Policy 2.5 (December 2016), should be protected for the staged extraction of sand for the local community.

A summary of the documentation of basic raw materials is listed below.

- Western Australian Planning Commission, *State Planning Policy 2.4, Basic Raw Materials*. (superseded locally by SPP 2.5 but has background information).
- Western Australian Planning Commission, *State Planning Policy No 2.5, Agricultural and Rural Land Use Planning 2016*.
- Department of Planning 2016, *Basic Raw Materials Fact Sheet*.
- Department of Planning 1998 *State Gravel Supply Strategy*.
- Chamber of Commerce and Industry, 1995 and 1996, *Managing the Basic Raw Materials of Perth and the Outer Metropolitan Region, Parts 1 and 2*.
- Chamber of Commerce and Industry, 2008, *Basic Raw Materials Access and Availability*.
- Abeyasinghe P B, 2003, *Silica Sand Resources of Western Australia, Geological Survey of Western Australia, Mineral Resources Bulletin 21*.
- Department of Planning 2009, *Basic Raw Materials – Applicants Manual*.
- Western Australia Department of Mines, Geological Survey, 1984, *A Guide to the Facing Stones of Perth and Fremantle*.

The aims of the proposal are to;

- Provide Planning Approval and the Extractive Industries Licence for the renewal of sand excavation.
- Prepare the land for a final end use of improved pasture and native vegetation.
- Work with Main Roads to ensure that the sand resource is maximised but does not compromise the Bindoon Bypass.
- Provide reserves of strategically located basic raw materials for the local and wider district.
- Maximise the use of basic raw materials in the local area, to enable greenhouse gases, transport, and other environmental issues associated with alternative resources, to be minimised.

- Help to keep the prices of local basic raw materials at the lowest possible levels, by maintaining small transport distances. This benefits the whole community.
- Comply with State Planning Policy No 2.5, Agricultural and Rural Land Use Planning 2016, which states that basic raw materials should be taken prior to sterilisation of the area by development.

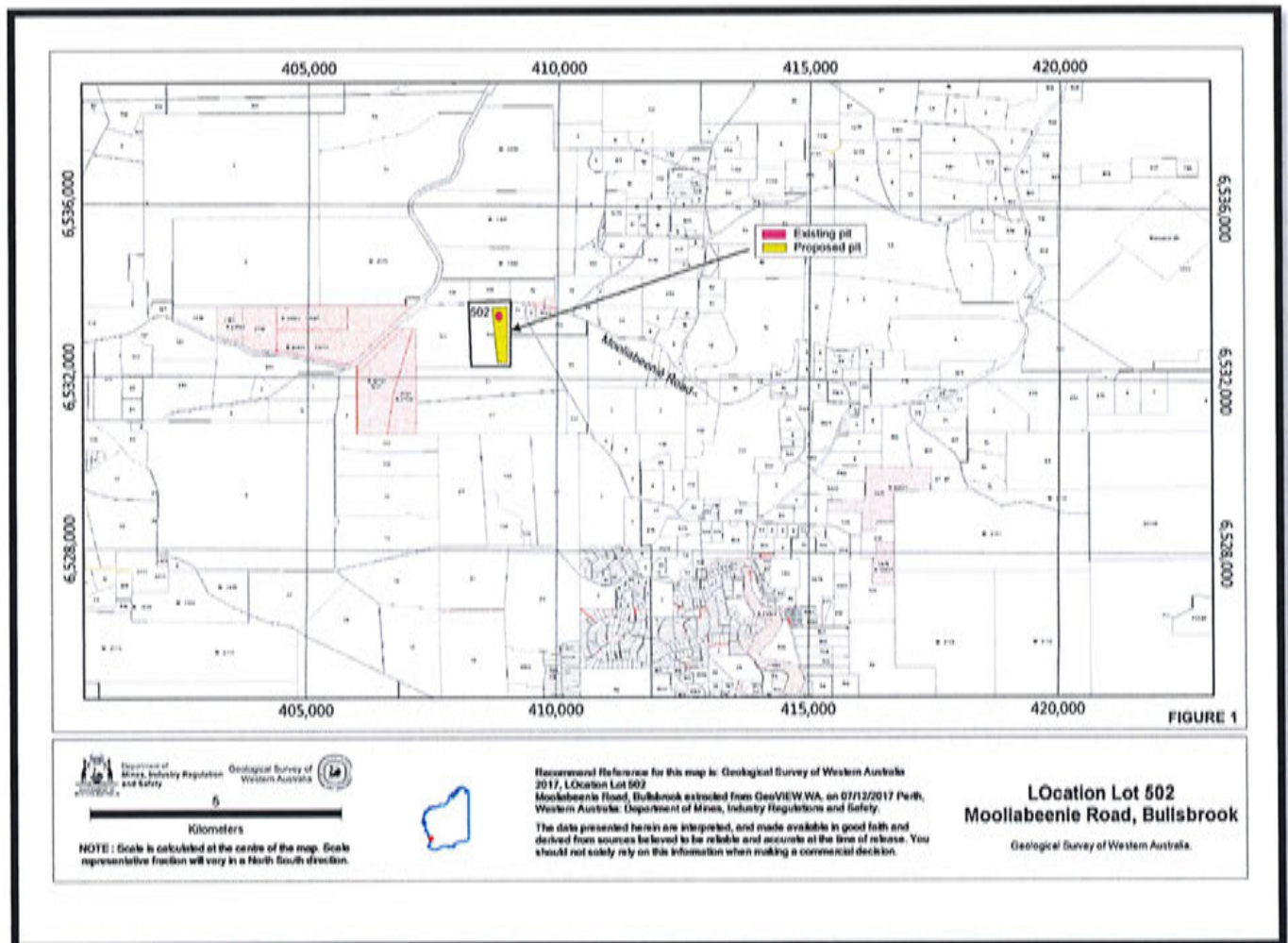


Figure 1 Location of Lot 502

2.0 PLANNING ASSESSMENT

2.1 Current Land use

The site was previously used for the extraction of sand and was licensed through the Shire of Chittering.

The land is now used as grazing and general agriculture. The capability of the sands is reduced because of the leached surface soils which will be removed and replaced by more earthy sands.

Currently those lower capability sands are planted to tagasaste.

2.2 Proposed Land use

Renewal of sand extraction.

2.3 End Use

After sand excavation the land will be returned to productive agricultural land.

The contoured surface will therefore be restored slopes and form that match the adjoining land and land uses.

2.4 Land Zonings and Policies

State Government Policies and Planning Schemes

➤ *State Planning Policy 1.0, State Planning Framework Policy*

The State Planning Policy Framework provides for the implementation of a planning framework through the recognition and implementation of Regional Planning Policies above Local Planning Schemes and Policies.

A number of State Policies have been released under the State Planning Framework Policy.

State Planning Policy 2.0, Environment and Natural Resources Policy
State Planning Policy 2.4, Basic Raw Materials
State Planning Policy No 2.5, Agricultural and Rural Land Use Planning
State Planning Policy No 4.1, State Industrial Buffer Policy

These are considered in turn.

A number of other key State Government Policies are also relevant to the local regional planning.

State Planning Strategy, 1997

➤ *State Planning Policy 2.0, Environment and Natural Resources Policy*

This policy provides for the protection of all natural resources under a number of sections;

5.1 General Measures

- 5.2 Water Quality including stormwater and wetlands
- 5.3 Air Quality
- 5.4 Soil and Land Quality
- 5.5 Biodiversity
- 5.6 Agricultural Land and Rangelands
- 5.7 Minerals Petroleum and Basic Raw Materials
- 5.8 Marine Resources and Aquaculture
- 5.9 Landscape
- 5.10 Greenhouse Gas Emissions and Energy Efficiency.

In addition to recognising the importance of protecting air quality, soil and land quality, water and wetlands and landscapes, the importance of Basic Raw Materials to the community is identified with reference to *SPP 2.4 Basic Raw Materials*, *State Gravel Strategy 1998* and *State Lime Strategy 2001*.

Section 5.7 of SPP 2.0, deals with Minerals, Petroleum and Basic Raw Materials.

Part of Section 5.7 states;

Basic raw materials include sand, clay, hard rock, limestone and gravel together with other construction and road building requirements. A ready supply of basic raw materials close to development areas is required in order to keep down the cost of land development and the price of housing.

Planning strategies, schemes and decision making should:

Identify and protect important basic raw materials and provide for their extraction and use in accordance with State Planning Policy No 10 (2.4); Basic Raw Materials.

Support sequencing of uses where appropriate to maximise options and resultant benefits to community and the environment.

The other factors of the natural environment are provided with the best protection possible, by this management plan, by selection of the site, operational staging and footprint and rehabilitation, bearing in mind the constraints of excavating and processing the resource.

➤ **State Planning Policy 2.4, Basic Raw Materials**

This policy makes many statements on the intent and actions which local authorities should use to protect and manage basic raw materials.

Section 3.4 is very specific in explaining that basic raw materials need identification and protection because of increased urban expansion and conservation measures, (3.4.1), (3.4.2) and (3.4.4). Sections 3.4.5 and 3.4.6 recognise that environmental and amenity matters need to be considered.

There are specific provisions in Section 6.2 Local Planning Scheme Provisions, such as;

No support for the prohibition of extractive industries in zones that permit broad rural land uses.

Providing an appropriate P, D or A use.

Not precluding the extraction of basic raw materials on land which is not identified as a Priority Resource Location, Key Extraction Area or Extraction Area (6.4.2).

Currently the Department of Planning and Department of Mines and Petroleum are reviewing and updating the basic raw materials policy over the whole Swan Coastal Plain and near areas, including Bunbury to Augusta and the Darling Scarp.

The excavation of resources is recognised by State Planning Policy No 2.4, Basic Raw Materials, (WA Planning Commission, 2000). The site is shown as Quarry CH18.

➤ **State Planning Policy No 2.5, Agricultural and Rural Land Use Planning, 2016**

SPP 2.5 Agricultural and Rural land Use Planning predominantly deals with the continued rural use of suitable land and its protection for the future. The policy was updated in December 2016 and provides strong measures to identify, protect and use basic raw materials.

SPP 2.5 does reiterate the need to protect and use basic raw materials.

Basic Raw Materials are included in the definitions as

Sand (including silica sand), clay, hard rock, limestone (including metalurgical limestone), agricultural lime, gravel, gypsum, and other construction materials. The materials may be of State, regional or local significance depending on the resource location, size, relative scarcity, value and demand for the product.

Amongst seeking to protect agricultural values, Policy Objective 4 (c) states

Outside the Perth and Peel Planning regions, secure significant basic raw material resources and provide for their extraction.

Section 5.9 deals with Basic Raw Materials and seeks to achieve the following in an environmentally acceptable manner;

Protect the resources until the resource is extracted (5.9.a)

Identify significant basic raw materials on sub-regional and local planning strategies, region and local planning schemes (5.9.b, 5.9.c, 5.9.d)

The extraction of basic raw materials should not be generally prohibited (5.9.e)

Provide for sequential land use (5.9.f)

Limit sensitive land uses to locations demonstrated to not limit existing or potential extraction of basic raw materials (5.9.g)

Provide for the consideration of native vegetation or significant biodiversity values and may require retention and protection of vegetation and environmental assets (5.9.h)

Have regard for the potential impacts of fragmentation and connectivity of native vegetation (5.9.i)

Maintain adequate buffers to protect water quality in public drinking water source areas (5.9.j).

SPP 2.5 also supports preventing conflicting land uses (5.12.1), supports the generic buffers recommended by other Government documents such as the EPA Guidelines for separation distances (5.12.3), and seeks to restrict subdivision from impinging on basic raw material resources.

The Policy is also supported by Guidelines that seek to protect the Landscape and secure Transport Routes.

➤ ***State Planning Policy No 4.1, State Industrial Buffer Policy***

SPP 4.1 discusses the need to consider adjoining land uses when locating buffers but does not prescribe set buffers for operations such as this. The development and processing of the resource has been designed to maintain maximum buffer distances. In situations where the buffers are less, actions such as the provision of perimeter bunding to provide visual and noise management, tree planting and operational procedures are used to mitigate and reduce impacts.

This is discussed further in Section 2.11 Surrounding Landuses and Buffers of this document.

➤ ***State Planning Strategy, 1997***

The Western Australian Planning Commission (WAPC) released the State Planning Strategy in 1997. It comprises a range of strategies, actions, policies and plans to guide the planning and development of regional and local areas in Western Australia and assists in achieving a coordinated response to the planning challenges and issues of the future by State and Local Governments.

The State Planning Strategy contains the following five key principles. These are:

- Environment & resources: to protect and enhance the key natural and cultural assets of the State and to deliver to all Western Australians a high quality of life which is based on sound environmentally sustainable principles.
- Community: to respond to social changes and facilitate the creation of vibrant, accessible, safe and self-reliant communities.
- Economy: to actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.
- Infrastructure: to facilitate strategic development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.
- Regional Development: to assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

The provision of construction materials will achieve sustainable development of the Metropolitan Area.

The resource is strategically located close to Bindoon and the north eastern corridor development from the metropolitan region and, therefore, continuing to source sand from the quarry provides for significantly reduced transport costs, impacts and greenhouse gas emissions.

Shire of Chittering Town Planning Scheme No 6.

The resource area is zoned Agriculture Resource in the Shire of Chittering Town Planning Scheme.

3.2.5 Agricultural Resource Zone

AMD 21 GG 3/4/09; AMD 62 GG 14/02/17

The objectives of the Agricultural Resource zone are to:

- a) preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;
- b) protect the landform and landscape values of the district against despoliation and land degradation;
- c) encourage intensive agriculture and associated tourist facilities, where appropriate;
- d) allow for the extraction of basic raw materials where it is environmentally and socially acceptable.

The Agricultural Resource Zone has the objective of allowing for the extraction of basic raw materials as well as providing for environmental protection. The proposal has been designed to comply with the objectives of the zone.

Basic Raw Materials are covered by section 5.16 of the Town Planning Scheme. This provides for the extraction of materials provided adequate buffers and environmental management are in place. The proposal has been designed to comply with Section 5.16 Basic Raw Materials with adequate separation distances available to dwellings, and detailed environmental management proposed.

Shire of Chittering Local Planning Strategy – 2001 - 2015

The Shire of Chittering Local Planning Strategy has a number of aims and objectives, which have been considered during the environmental management of the proposed quarry application.

The soils of the agricultural areas are to be retained and enhanced rather than lost from production (LPS 7.2). The pre-excavation soils on site have low agricultural capability because of the deep leached sand with very low water holding capacity.

The taking of the sand and the lowering of the soils will not impact on the agricultural capability of the land as the soils can be reconstructed to their original land capability or better as the more leached surface sands will be removed.

In Section 10.3 of the Local Planning Strategy, Basic Raw Materials Extraction Areas, the intent is to protect appropriate buffers to extraction areas. The proposed excavation maintains large buffers to adjoining houses.

Shire of Chittering Local Law – Extractive Industries

The Shire of Chittering Local Law – Extractive Industries specifies the information that is required to be submitted in relation to the application for a quarry and provides guidance with the long term management of the operations.

It is noted that, in law, Planning Consent under the Town Planning Scheme has been determined to prevail over a Local Law.

The local law also provides for buffers in Section 6.1 of the Local Law. Section 6.1 allows variations to the buffers by way of conditions imposed. The proposed quarry complies with all the provisions of the Local Law – Extractive Industries but has modified the buffers to native vegetation slightly to enable a better environmental outcome for the sand excavation.

4.1.3 Sequential Land Use

The site forms part of a productive agricultural property and will be returned to that function.

2.5 Responsible Authorities

A number of state and local government authorities are responsible for overseeing the safety and management of quarries in the area. Other authorities have an interest in the proposal but may not hold any responsibility.

Shire of Chittering

Provides Planning approval under Town Planning Scheme 6.

Issues Extractive Industries Licence for the quarry under the Local Law.

Regulates land zonings and planning in conjunction with the Western Australian Planning Commission

Controls the measures used to prevent bush fires.

Issues approvals for transport vehicle owners to apply to MRWA (Main Roads) for permits to utilise oversize vehicles on specific roads.

The subject land is zoned Agricultural Resource.

➤ Department of Planning, Lands and Heritage

Maintains records of aboriginal sites and administers the *WA Aboriginal Heritage Act 1972*.

➤ Western Australian Planning Commission

Prepares State Planning Policies.

Makes recommendation on Development Approval for Extractive Industries. Prepared State Planning Policy 2.4, Basic Raw Material Strategy and SPP 2.5. Whilst SPP 2.5 now covers this area, the existing gravel resource is listed as T23 in SPP 2.4 (2000).

➤ **Department of Mines, Industry Regulation and Safety**

Controls the safety and methods of extraction.

Oversees the health and safety of workers.

Manages the SRS safety management system for quarries.

➤ **Department of Water, Environment Regulation**

May provide advice on aspects of environmental impact and management.

Issues clearing permits under the *Environmental Protection Act 1986*. (Not required)

Issues licenses for crushing and screening plants. (not currently anticipated to be used on this site).

Published guidelines for water quality management for extractive industries.

Licenses bores and oversees water use.

Has control over the management of ground and surface water in the area, including water catchments.

➤ **Main Roads Department**

The proposed Bindoon bypass runs along the eastern side of the resource area, just west from the eastern boundary. Discussions with Main Roads are being held with respect to the construction of the road, its location and any potential impacts on the sand resource.

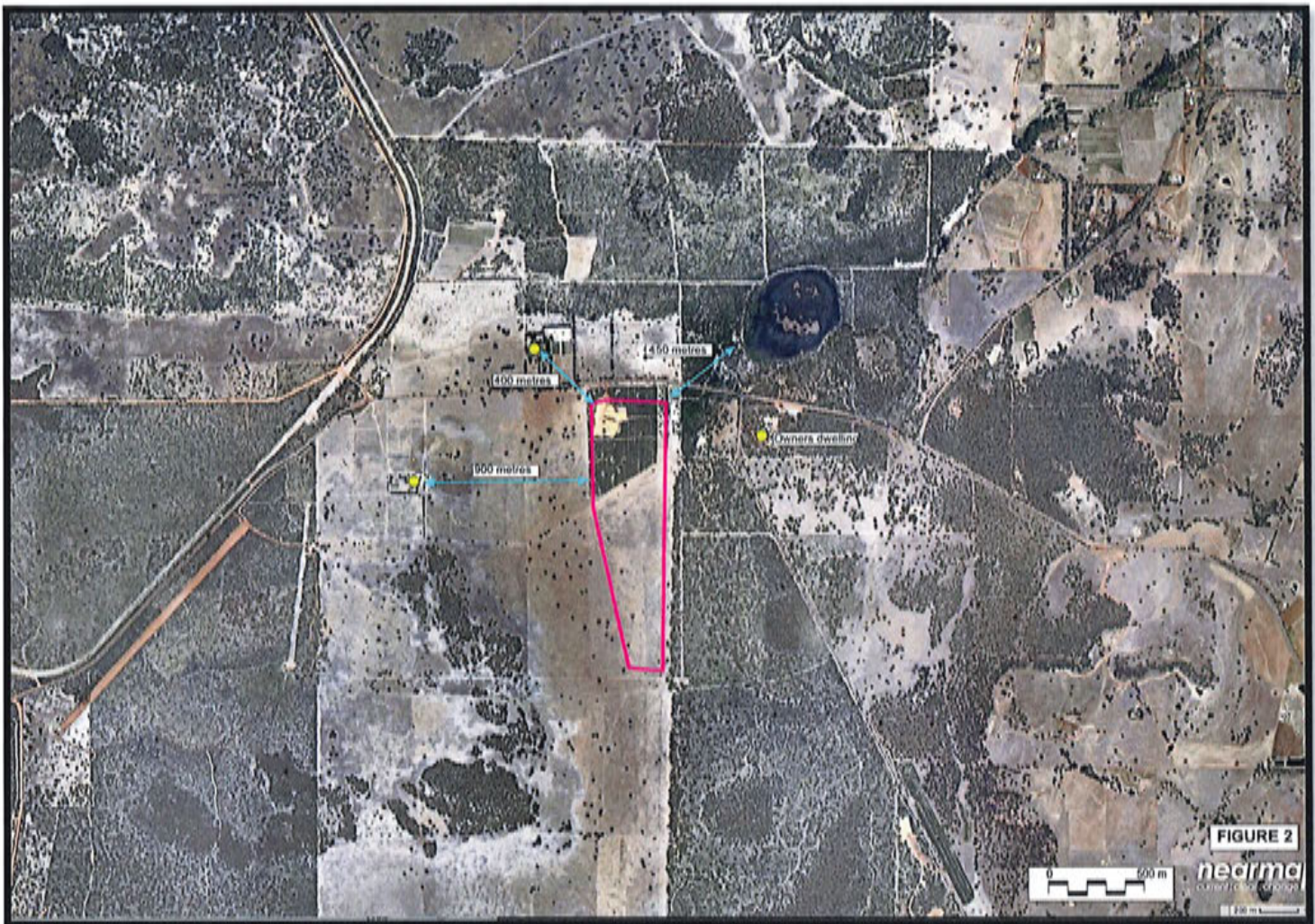


Figure 2 Location of the sand resource

3.0 BUFFERS AND SOCIAL IMPACTS

There are no proposed changes to the scale and nature of the excavations. The access points and intensity of excavation will not change.

3.1 Consideration of nearby sensitive premises

The quarries have been designed to maximise the setbacks to the closest sensitive premises.

As part of the development of the management plans for the proposed quarries extensive analysis of the local landform, land uses and location of sensitive premises were made by Landform Research from the available sources of published information, aerial photography, historical aerial photography, site mapping, review of the nearby and surrounding land uses, local and regional planning and local and wider environmental attributes.

The main environmental issues identified in relation to buffers and setbacks to sensitive premises, in addition to those generally recognised by the various Government and Published guidance's are;

- Visual amenity
- Dust management
- Noise management
- Blasting
- Local amenity
- Cumulative impacts of quarries

3.2 Policies

A number of Government Policies relate to buffer distances and the protection of basic raw materials. *State Planning Policy No 4.1, State Industrial Buffer Policy, (draft July 2004)* discusses the need to consider adjoining land uses when locating buffers but does not prescribe set buffers for operations such as this.

SPP 4.1 discusses the need to provide buffers both on site and offsite with respect to industry including extractive industries. It does not however specify any distance for the buffer, but notes that site specific studies should be prepared that will demonstrate that the extractive industry can operate in a manner compatible with nearby sensitive premises.

The State Industrial Policy 4.1 does not specify a set buffer distance, but notes that buffers are to be based on "scientific study" and are flexible. It further specifies the buffers by reference to other documentation such as the Environmental Protection Policies, EPA and DWER standards and DPLH Generic Industrial Buffer Guidelines; that is the EPA 1 000 metre generic buffer used in SPP 2.4 and SPP 2.5 that are used in the absence of supporting or scientific studies and information.

The buffer referred to can be both on site and offsite although in this case only on site buffers are required.

State Planning Policy No 2.4, Basic Raw Materials, makes provision for the extraction of basic raw materials. SPP 2.4. is currently being rewritten and restricted to the Perth to Peel Region. The Chittering area is now covered by SPP 2.5

However the previous excavation was completed under SPP 2.4 and the site is listed as Basic Raw Material Operation T23 in SPP 2.4 mapping.

SPP 2.4 states in Section 6.3.2 that before determining an application within 1000 metres of a sensitive land use *"the Commission or Local Government must consider the following as appropriate.*

An application may require referral to the Department of Environment Protection, The significance of the resources in terms of whether it is a key extraction area, priority resource area or extraction area;

The likely effects of vehicular traffic, noise blasting, dust, vibration arising from the extractive industry on the proposed land use or development."

SPP 2.4 goes on to state in Section 6.4.1

Applications for extractive industry operations are to be accompanied by a management plan and report which:

Demonstrates that sensitive land uses within 1 000 m of the proposal will not be adversely affected by the extractive industry operations;

Identifies appropriate buffer distances, being those distances required for extraction that are needed to buffer the impact of operations to adjacent land users.

Provides details of the proposed use, development and management of the site including the environmental and water resource management standards, quarry areas, stockpiles, machinery maintenance areas, processing plants, fuel storage and on site access roads, parking of cars and other vehicles used on the site and proposals for landscaping to screen activity on the site;

Describes arrangements for access to the site, including the roads which it proposes will be the main vehicular access and likely traffic flows; and

Sets out proposals for the progressive and ultimate rehabilitation for its intended use.

SPP 2.5 also supports preventing conflicting land uses (5.12.1), supports the generic buffers recommended by other Government documents such as the EPA Guidelines for separation distances (5.12.3), and seeks to restrict subdivision from impinging on basic raw material resources.

The Policy SPP 2.5 is also supported by Guidelines that seek to protect the Landscape and secure Transport Routes.

EPA guidance *"Separation Distances between Industrial and Sensitive Land Uses"*, June 2005 lists the generic buffers for sand quarries as 300 – 500 metres depending on the extent of processing.

The EPA issued *Draft Generic Buffer Guidelines 2015*, but these have been withdrawn.

A generic buffer relates to the distance at which there are unlikely to be any impacts without further investigations. It does not mean that smaller buffers are not acceptable. EPA Guidance for the Assessment of Environmental Factors No 3, June 2005, provides for a case by case separation, based on the potential impacts.

For this site there is a dwelling to the north - north west that is over 400 metres from the closest edge of the existing sand pit. A dwelling to the west is > 1000 metres from the proposed edge of the pit and there is a dwelling to the east which is the land owner's dwelling.

The sand pit therefore complies with the EPA Generic Buffer Guidelines.

3.3 Community Consultation

The Proposal will be advertised to the local property owners as part of the consideration by the Shire of Chittering.

No new dwellings have been constructed since the last quarry operations.

3.4 Heritage

A search of the Department of Aboriginal Affairs database does not reveal aboriginal sites on Lot 502.

The site has been an operating farm for many years, with ongoing soil disturbances through that time.

Should any archaeological site be uncovered, work will cease in that area pending an assessment of the site by an independent consultant, traditional owners and the Department of Planning Lands and Heritage as required.

3.5 Complaints Mechanism

The following complaints mechanism is proposed.

1. The contact details will be displayed at the entrance to the operations.
2. A complaints book will be provided and maintained.
3. Upon receipt of a complaint AAA Sands will investigate and action the complaint.
4. When a complaint is found to be legitimate, AAA Sands will, where possible, undertake any reasonable actions to mitigate the cause of the complaint and where possible, take reasonable steps to prevent a recurrence of the situation in the future.
5. Details of any complaints, the date and time, means by which the complaint was made, the nature of the complaint, the complainant, investigations and any resulting actions and the reasons, will be recorded in the Complaints Book.
6. The Shire of Chittering will be informed of any complaint or any other report provided to a Government Department within 3 working days.
7. The complaints book will be made available for viewing or requested details made available to the Shire of Chittering or any other official upon request.



Figure 3 Aerial photograph of proposed pit

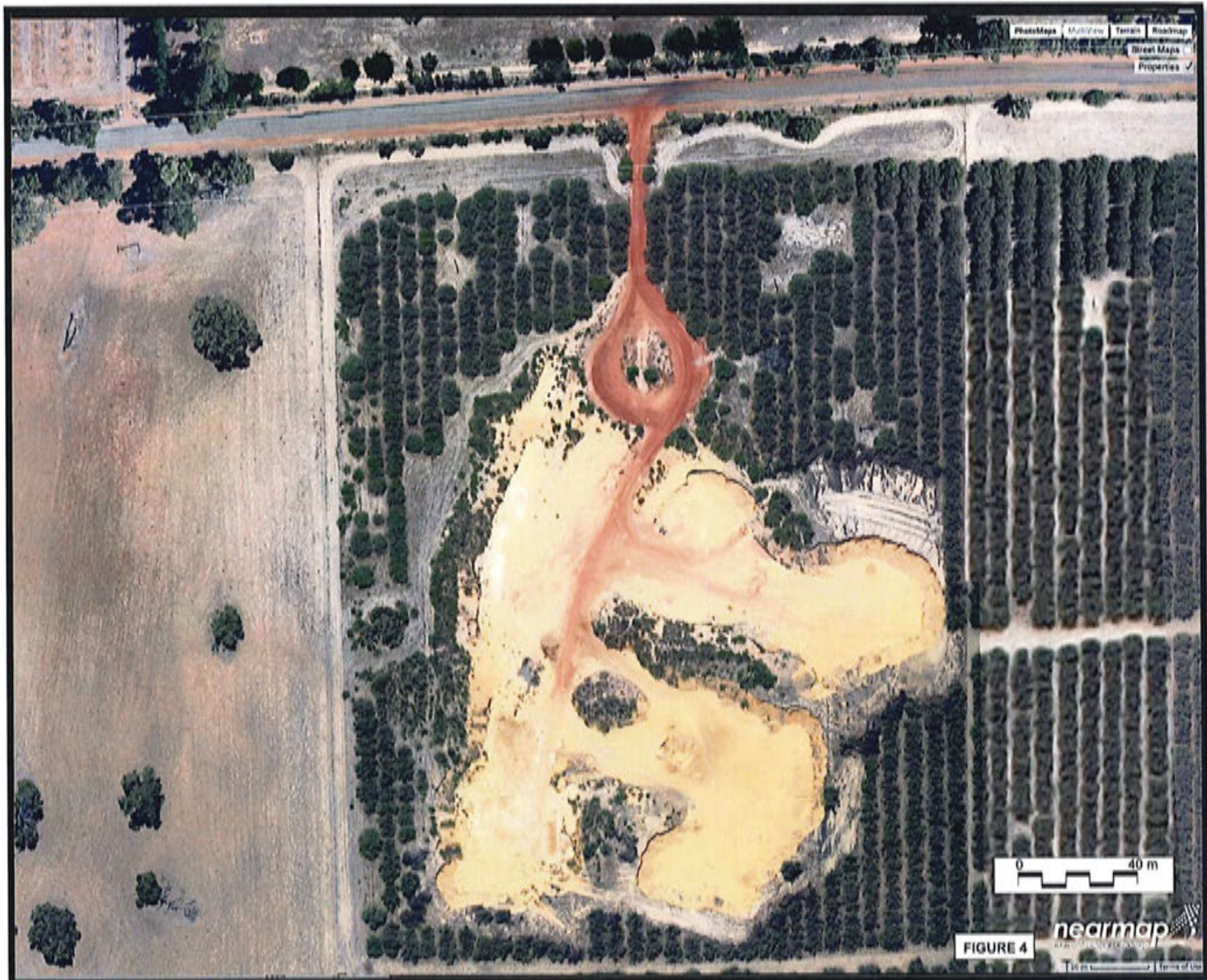


Figure 4 Aerial photograph of the existing pit



Figure 5 Floor of the existing pit

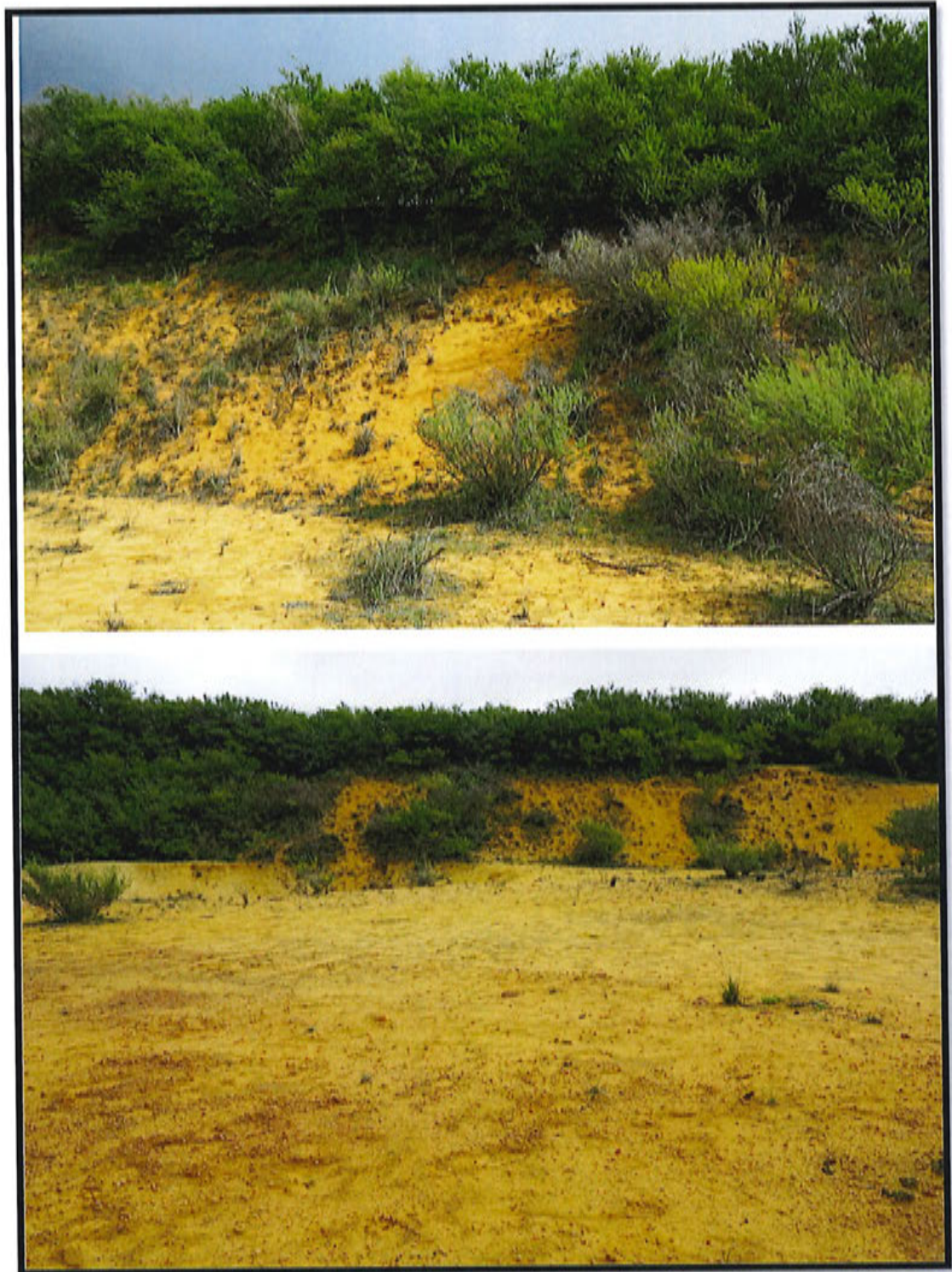


Figure 6 Edge of the existing sand pit showing the Tagasaste regrowth around the perimeter

4.0 PHYSICAL ATTRIBUTES

4.1 Geology and Geomorphology

The sand lies on the Swan Coastal Plain, near the edge of the Darling Fault which lies just west of the site, but well east of the Gingin fault.

The sand is of aeolian origin overlying Mesozoic sediments.

The land is relatively flat and gently sloping to the east, dropping from 206 metres AHD in the west down to 190 metres AHD in the east.

4.2 Regolith and Soils

The resource on site is a yellow earthy quartz sand that originally contained a small amount of feldspar that has been weathered to clay coatings with traces of heavy minerals.

The sand is naturally yellow in colour due to a coating of goethite on the sand grains. The goethite has been found to originate from the weathering of iron based heavy minerals. There can also be minor amounts of clay originating from the weathering of small amounts of feldspar that occurred in the original sediment.

Over time and under the influence of organic acids the iron oxides (goethite) are dissolved from the sand grains and deposited at the wet – dry seasonal interfaces related to the thickness of the sand, depth of groundwater and depth to clay.

With the removal of the iron oxide coating, the sand grains turn their natural white colour, hence the white near surface soils, explaining why yellow sand on exposure to the atmosphere for some years is gradually "bleached" white. This creates the small areas of white sand resource on site.

The removed iron oxides congregated as weak gravel within certain horizons of the sands.

Sands of this type normally have a PRI of 3 to 8 and can be effective at retaining phosphorus from developments.

4.3 Climate

The climate of the area is classified as Mediterranean, with warm to hot Summers and cool wet Winters.

Climatic data is recorded at Gingin, west of the site. Precipitation is 671 mm per annum, of which most falls in the months April to October inclusive.

Average maximum temperatures at Bullsbrook reach 33.2 degrees Celsius for the hottest months, January and February, but fall to 18.2 degrees Celsius in July. Average minima for the coldest month August, is 6.1 degrees Celsius.

The predominant summer winds are from the east at 9.00 am and from the south west at 3.00 pm

Gingin Ap Climate

GINGIN AP LONG-TERM AVERAGES

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
Mean Max (°C)	33.2	33.2	30.7	26.7	22.7	19.6	18.2	19.1	20.6	24.4	28.0	30.5	25.5
Mean Min (°C)	16.6	17.1	15.3	12.1	9.1	7.3	6.1	6.6	7.4	9.2	12.0	14.3	11.0
Mean Rain (mm)	18.4	16.9	21.8	30.6	76.8	114.2	128.2	110.9	84.8	36.0	20.4	10.0	671.7
Median Rain (mm)	0.4	3.0	7.6	22.4	74.3	121.5	109.9	117.6	88.9	31.8	11.9	2.4	612.4
Mean Rain Days	2.3	2.0	4.5	6.8	10.8	13.3	16.3	14.8	13.9	8.4	5.2	3.3	97.4

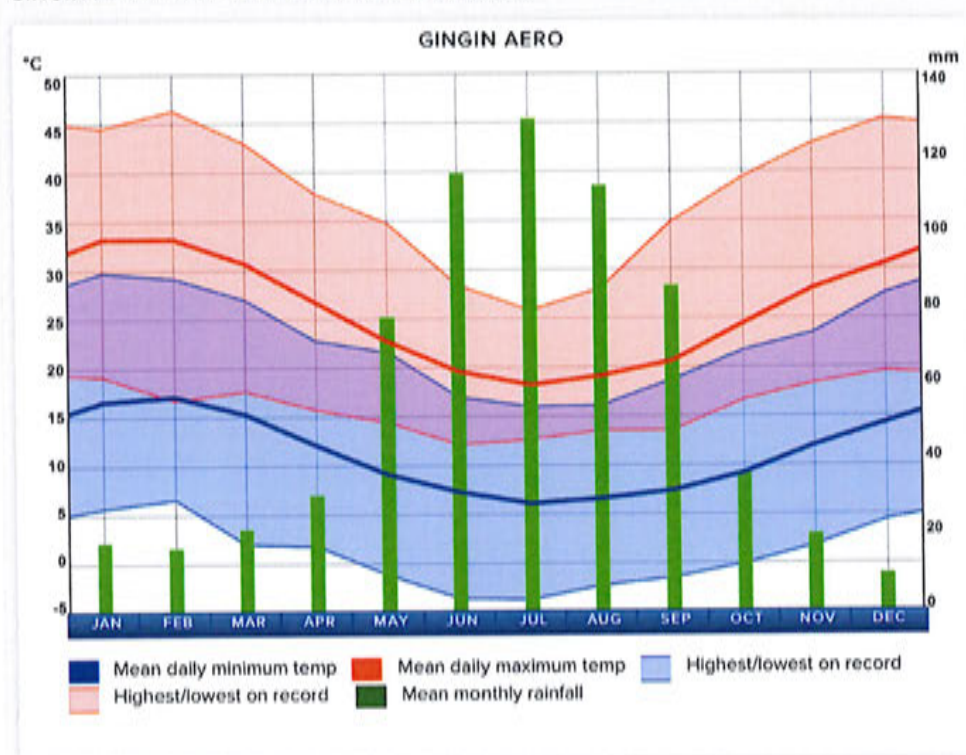
GINGIN AP DAILY RECORDS

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
High Max (°C)	44.5	46.3	43.0	37.8	34.8	28.4	25.8	28.0	34.8	39.3	42.8	45.3	46.3
Low Max (°C)	19.1	16.7	17.6	15.7	14.4	12.1	12.6	13.5	13.5	16.6	18.3	19.5	12.1
High Min (°C)	29.8	29.2	27.0	22.8	21.6	17.0	16.0	16.1	18.7	21.7	23.5	27.5	29.8
Low Min (°C)	5.7	6.6	2.0	1.8	-1.2	-3.6	-3.7	-2.3	-1.5	-0.1	1.8	4.4	-3.7
High Rain (mm)	95.0	74.0	49.6	43.6	40.0	70.2	86.0	49.8	47.0	38.0	24.6	19.6	95.0

GINGIN AP MONTHLY RECORDS

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
High Mn. Max (°C)	35.5	35.2	32.8	28.9	25.5	22.9	19.3	22.2	22.9	28.1	30.9	32.7	26.3
Low Mn. Max (°C)	30.3	30.4	28.7	23.9	20.9	18.0	16.3	17.6	18.6	21.5	24.1	25.3	24.5
High Mn. Min (°C)	19.3	20.6	17.5	15.0	13.3	11.2	12.1	8.8	11.0	11.8	14.3	17.0	12.8
Low Mn. Min (°C)	14.0	14.9	12.9	9.1	6.0	3.9	3.2	3.8	5.3	7.2	10.4	10.7	9.7
High Rain (mm)	96.2	152.2	106.6	94.8	139.0	236.4	213.6	172.6	161.2	93.2	82.0	57.6	881.6
Low Rain (mm)	0.0	0.0	0.0	0.2	27.2	23.6	42.5	26.6	23.2	8.4	0.0	0.0	421.8

GINGIN AP ANNUAL TEMPERATURES & RAINFALL



Climate data

5.0 PROJECT DESCRIPTION

5.1 Construction

The site is an old sand pit that will be re-opened.

There is no proposed expansion to the scope and scale of the operations or the amount of open ground open at any one time. This proposal is a continuation of the previous operations.

Construction Time

Not applicable as this is an operating pit.

5.2 Excavation

Excavation will be conducted to the:-

- Mines Safety and Inspection Act 1994 and Regulations 1995.

Excavation Methods

There are no proposed changes to the methods or rates of excavation.

1. When new ground is opened, tagasaste and pasture will firstly be removed, followed by topsoil, which will be used for direct transfer to areas being rehabilitated. If this is not possible it will be stored in low dumps for later use in rehabilitation.
2. Overburden, if found, will then be removed and also stored in dumps for future use in rehabilitation. There is anticipated to be little or no overburden.
3. A loader will be used to remove any pasture and topsoil cover by pushing it into windrows, for use on the batters to minimise soil erosion and spreading on the final land surface as part of the final rehabilitation.
4. Excavation will be carried out as a sequence.
5. Overburden – interburden, or subgrade sand will be removed by pushing to the perimeter of the proposed pit to form perimeter bunding to the pit.
6. Sand will be excavated by loader loading directly to road trucks where fill sand is being extracted or for transport to the general processing and stockpiling area if screening of the sand is required.
7. Sand is to be excavated to the base of the resource at a depth of 2 – 4 metres.
8. The floor of the excavation will be gently sloping, simulating nearby natural land surfaces
9. The batter slope to the vegetation to the pasture will be 1 : 4 vertical to horizontal.
10. The loader will excavate from the face using an in – out movement, only approaching the face from a perpendicular movement which is the safe option. The face will be no higher than the reach of the bucket, unless the sand free falls at the angle of repose in which case the face can be higher.

5.3 Pit Design and Staging

Final Contours

The end use will, however, remain a relatively flat floor with rehabilitated sloping sides in compliance with the safety considerations of the Mines Safety and Inspection Act 1995 and the requirements and guidelines of the Department of Mines Industry Regulation and Safety; for example Guidelines on Safety Bund Walls Around Abandoned Open Pits 1991.

The depth of the sand pit will be similar to that during the previous operations at 2 – 4 metres deep.

See the attached concept section lines and photographs.

The proposed Bindoon bypass runs along the eastern side of the resource area, just west from the eastern boundary. Discussions with Main Roads are being held with respect to the construction of the road, its location and any potential impacts on the sand resource.

Staging and Timing

The pit has a current area of 2.0 hectares and it is anticipated that the area of open ground required will not change.

There is approximately 50 hectares of resource on Lot 502. With 1 – 2 hectares being excavated annually.

The quarry is anticipated to have a life of 20 plus years depending on market demands for the products.

There will be no planned changes to the current extraction rates of 50 000 to 100 000 tonnes annually.

Wherever possible rehabilitation will be continued as areas are completed to ensure that the amount of ground that is open at any one time is minimised.

Geotechnical parameters

The sand pit has steeply sloping faces during excavation in compliance with the DMIRS face angles for sand excavation. These will be battered down to 1 : 4 vertical to horizontal as a geotechnically stable landform that can be used for agricultural purposes.

The floor will remain gently undulating approximately 2 – 4 metres below the current land surface.

5.4 Processing

There is no on site processing of the sand. There remains that possibility for screening sand at some point in the future for specialty markets.

5.5 Stockpiles

Stockpiles have not been required in the past and are not anticipated now, although it does remain a possibility at some point in the future.

5.6 Hours of Operation

The hours requested are 7.00 am to 5.00 pm Monday to Friday inclusive, excluding public holidays and 7.30 am to 12.00 pm Saturday.

The flexibility of a six day week operation is seen as necessary to maintain efficiency, because not all parts of the site can be excavated at all times of the year.

5.7 Access and Security

Access will continue from Mooliabeenie Road. There are good sightlines.

Locked gates and warning signs will be used as required.

The access road is gravel and will remain as a maintained gravel road.

5.8 Equipment

No facilities are proposed for the site.

As the site is close to the landowner's dwelling toilets at the dwelling will be used, although there is potential for a serviced portable toilet system to be used on site.

The only mobile plant will be a loader, which will excavate the sand and load the trucks. At night this will either be parked in the pit or at the landholder's dwelling.

Refueling will either be conducted at the landholder's dwelling or from mobile tanker in the pit. There will be no fuel stored on site.

As noted above, there remains the potential for a screening plant to be used to prepare specialty sands, but at the monument this is not anticipated.

Maintenance will be conducted offsite.

5.9 Water Use

Water is to be mainly used for dust suppression if required. No particular water amount is anticipated to be required at this stage. Should water for dust suppression on the access road be required it will be sourced from farm supplies.

Dust has not been a problem in the past with the excavation on the floor of the pit and the only vehicle movements being road trucks.

Potable water is to be brought to the site as needed.

5.10 Safety

AAA Sands is committed to maintaining a safe working environment.

Excavation is conducted to *Mines Safety and Inspection Act 1994 and Regulations 1995*. Excavation practices, and operations procedures are in compliance with the Act. Health and safety issues are overseen by the Department of Mines Industry Regulation and Safety.

Regular inspections and audits are carried out by officers of the Department of Mines Industry Regulation and Safety to inspect safety, operational procedures and workplace health such as dust and noise.

Every morning prior to start there is a daily briefing to report on hazards, any incidents such near misses, health and safety and any other relevant issues.

A site specific Emergency Response Plan covers operational procedures, which includes workforce induction and training to ensure that all employees involved are made aware of the environmental and safety implications associated with all stages of the mining activities.

These are required as part of the Department of Mines Industry Regulation and Safety SRS Safety Reporting System and PMP Project management Plans that are required to be in place prior to excavation commencing.

Site Safety

- The loader will excavate from the face using an in – out movement, only approaching the face from a perpendicular movement which is the safe option. The face will be no higher than the reach of the bucket, unless the sand free falls at the angle of repose in which case the face can be higher.
- All vehicles have two way radio capability.
- No light vehicles are permitted on site without registering with mobile plant on site.
- Full personal protection is required and worn by all persons on site at all times as required, with a minimum of hi – viz, safety boots, long clothing, hearing and eye protection and helmets when near the face or operating machinery.
- Road trucks are separated from the operating loader. Site warning signs and directions will be installed as required to maintain safety.
- Safety bunds or temporary fences will be used above any active vertical faces.
- Warning signs will be installed at the entrance to the pit.
- Emergency preparedness plans will be developed and implemented.
- Staff and contractors will be inducted and trained as necessary and have the relevant qualifications to fulfill the tasks they are assigned to.
- Where applicable Safe Operating Procedure Sheets are made available for hazards. Workers and staff on all sites are trained in the use of the procedures and all employees provided with site induction and training as necessary prior to commencing work on the site.

Emergency

- The site is within mobile phone contact and all vehicles are equipped with two way UHF radios.
- Safety management and operating procedures will be implemented.

Fire Management

The excavation area will form a natural firebreak; the access road will also assist. Water available on site can be used for fire fighting.

The safety of workers is managed through a Safety Management Plan developed through the *Mines Safety and Inspection Act 1994 and Regulations 1995*.

Normally developments in bushfire areas are required to have fire management plans in place.

Western Australian Planning Commission Planning Bulletin 111/2016 provides for an exemption of a bushfire plan requirements because there will be no structures that will burn and the open ground will form a fire break. It also provides for an exemption where the proposed activity is a continuation of existing activities.

The Department of Mines Industry Regulation and Safety, SRS and PMP systems with the registration of all quarries require bushfire planning to be covered under that system. The PMP (Project Management Plan) will be required to be produced and approved prior to excavation being commenced.

The management actions that are used to minimise fire risk are summarised below.

- Vehicles will be restricted to operational area, particularly on high fire risk days.
- Diesel rather than petrol powered vehicles are used.
- Perimeter fire breaks will be maintained for Lot 502.
- The mobile plant on site will be available to assist with emergency fire management when safe to do so.
- Fire risk is addressed and maintained through the site Safety Management Procedures (Project Management Plan)
- Water supplies will be drawn from existing farm supplies.
- The farm fire fighting unit is available for fire management.
- The site will be secured from unauthorised access by maintaining the existing fencing and locked gates.
- Public access will not be permitted.
- An emergency muster area is provided.
- On site communications and worker induction and training will be provided.
- The site is within mobile phone range, vehicles will be equipped with UHF radios, the surrounding area is relatively flat and any bushfire smoke will readily be noticed.
- Emergency and evacuation contingencies either via the access to Mooliabeenie Road or through the farm to the west south and east.
- Prior to start, daily briefings are held to report on hazards, any incidents such as near misses, health and safety and any other relevant issues.



Figure 7 Access road entrance; view west (top) and view east (bottom)

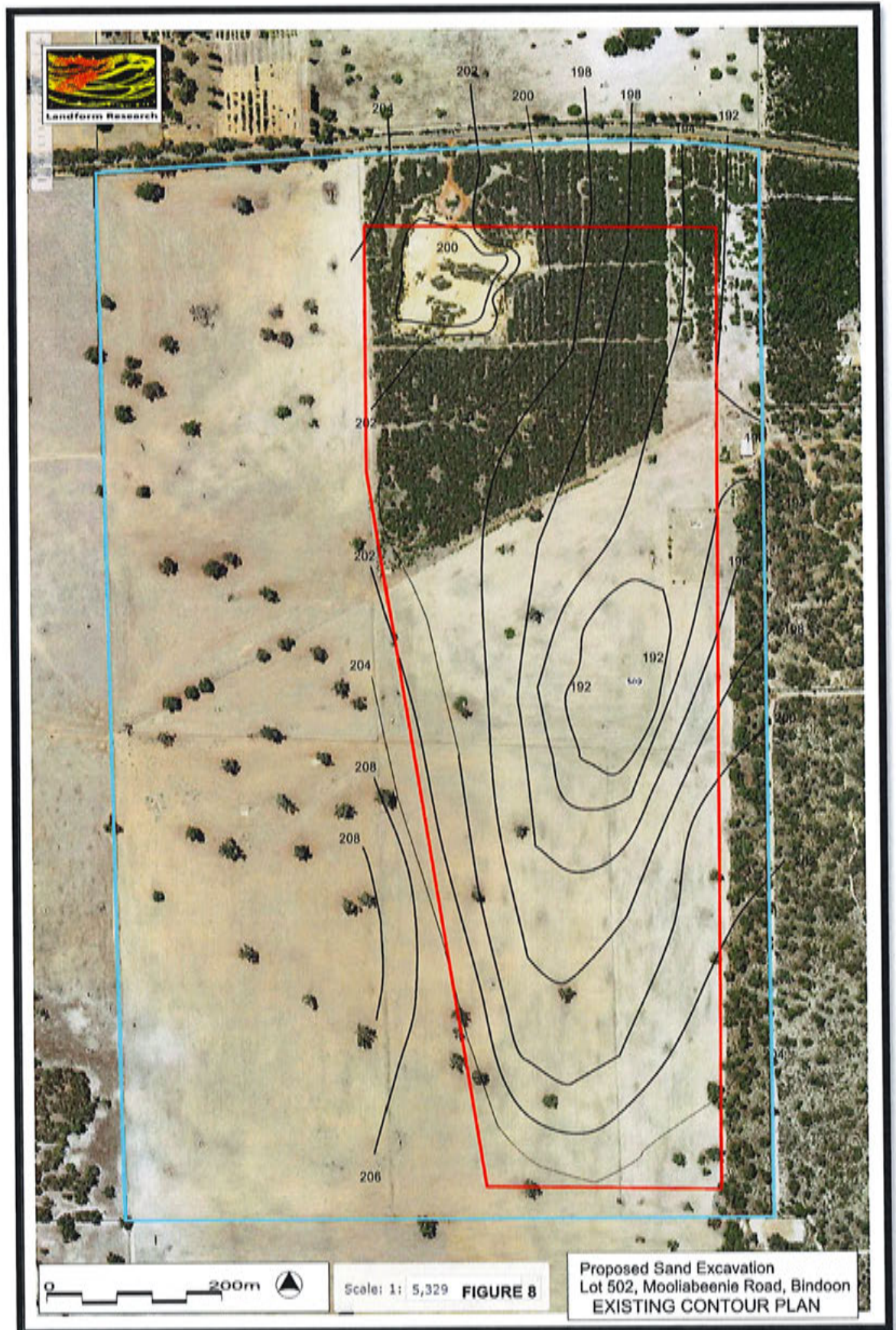


Figure 8 Existing contour plan

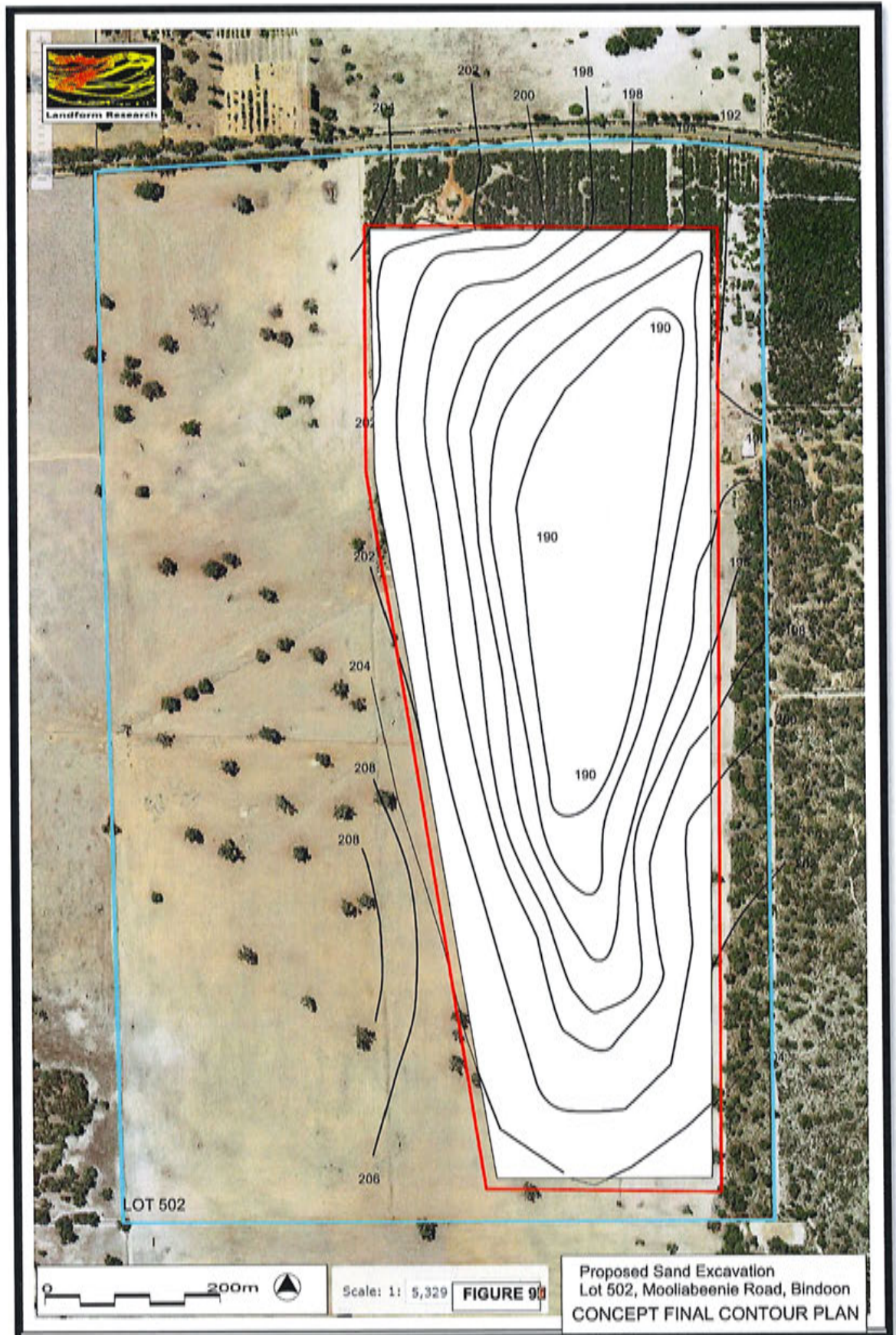


Figure 9 Concept final contour plan

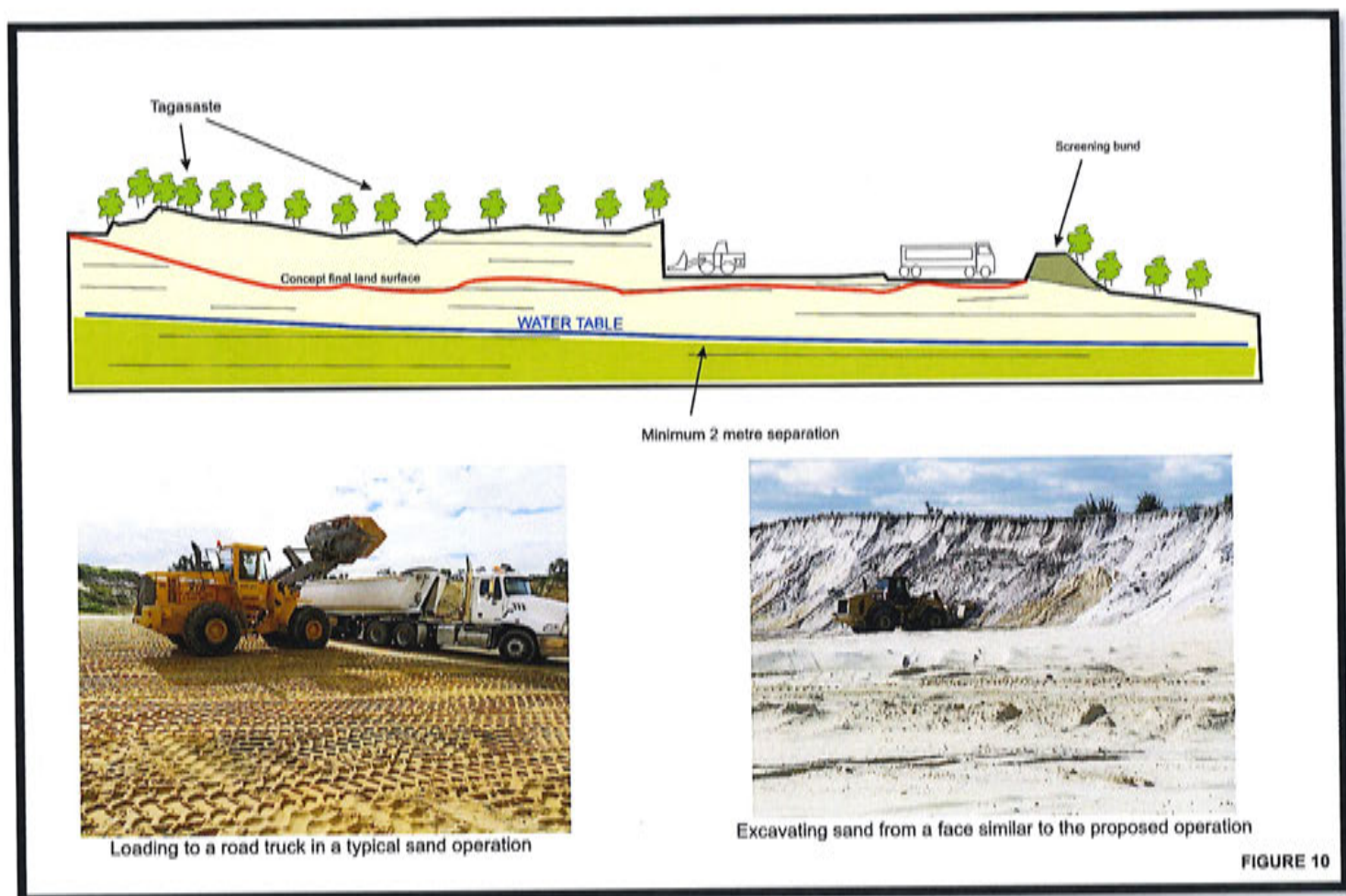


Figure 10 Concept mining operations

6.0 DUST MANAGEMENT

6.1 Environmental Dust

Background

Excessive dust has the potential to impact on both the workers and the adjoining land, and its potential for generation must be taken in context.

There are a number of key aspects to dust impacts;

- What is the source of particles?
- What is the potential for the particles to be disturbed?
- What is the nature of the particles and how are they likely to behave?
- What types of impacts are the particles likely to have if they move?
- What management actions can be used to mitigate or reduce dust impacts?

Most dust on site will be generated during vehicle movements.

Commonly called "dust," scientists and regulators refer to the term particulate matter (or PM) to describe the range of particles that exists in the air breathed in.

Particulate matter exists naturally in the atmosphere, eg sea-salt spray and pollens. PM can be increased due to human activities such as vehicle exhaust, industrial processes, power stations, mining, farming and wood heaters, or smoke from bushfires.

Exposure to PM can be associated with health and amenity impacts if the exposure is excessive.

The likely risk of these impacts depends on a range of factors including the size, structure and composition of the PM and the general health of the person.

Particulate matter needs to be suspended in the air to carry any distance. The particles must be smaller than sand grains, which will only carry short distances because the grains are too large to move at any more than bouncing. The particles that are able to be suspended are called Suspended Particulate Matter and the total amount of that is referred to as TSP.

Little published data is available from general mining in Western Australia even though monitoring is undertaken at some sites. There is data specifically from mining, (predominantly coal) from New South Wales (NSW Health) where particulate levels have been measured to be;

PM <2.5 microns as 2 – 5% of emissions (One micron is 1 / 1000 of 1 mm).

PM < 2.5 are invisible and called "fine particles". They are the main health issue and are caused by vehicle emissions whether they are along roads or on private land. Vehicle emissions will not occur at night or at other times when the site is not active.

PM 2.5 – PM10 microns as 15 – 45%

PM 10 (particles between 2.5 and 10 microns) are invisible and called "coarse particles". They can be breathed in, but are removed by alveoli and mucus. (NSW Health). This dust may be generated when land is cleared and topsoil disturbed or the site is subject to traffic in summer.

PM>10 microns as 50 – 70%

PM>10 is visible dust and will, based on the resource, be the vast majority of the particles.

Normally all sizes of dust are generated together, there will be visible dust being generated when invisible dust is being formed. Therefore any visible dust present is a good sign and early indicator of a dust risk. A summary of the sources and proportions of dust is shown in; NSW EPA and NSW Ministry of Health Environmental Health Branch 2015, Review of the health impacts of emission sources, types and levels of particulate matter air pollution in the ambient air in NSW.

Most quarries rely on visual monitoring in Western Australia backed up by occupational monitoring through the Department of Mines Industry Regulation and Safety. Unpublished data from those quarries shows quarries are compliant or can readily be made compliant with the health and safety and community standards through normal dust management practices. See Section 1.4 Occupational Dust.

Sand Quarries

Sand excavation is at the lowest risk from dust, producing very little material, with the exception of the vehicle dust generated from unsealed roads. These roads are no different to any other local gravel road. Mooliabeenie Road is sealed.

The only particles present are large sand grains which are not mobilised to the atmosphere and cannot be breathed in. The small amounts of fine clay and other particles from roads are "coarse particles" and do not provide a significant health risk even if generated.

Occupational dust associated with the quarrying processes falls under the *Mines Safety and Inspection Act 1994 and Regulations 1995* overseen by the Department of Mines Industry Regulation and Safety who regularly inspect the site.

6.2 Assessment of Dust Risk

Dust Guidelines

Dust management is an integral part of the extraction and processing of any basic raw material.

The most common form of disturbance is by mobile plant and vehicle impacts. In this local area dusty roads have the most potential to produce dust, such as the access road which is no different to any other local unsealed road.

The potential for dust emissions fall under the *Guidance for the Assessment of Environmental Factors, EPA, March 2000*. Assessments of the potential dust risk are normally made using the Land development sites and impacts on air quality, *Department of Environmental Protection and Conservation Guidelines, November 1996*.

These guidelines are still in place but are incorporated into the *DEC (DER) 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities*.

The DEC (DER) in 2008 released a draft Guideline for the Development and Implementation of a Dust Management Plan.

The site has operated for ten years and effective dust management is in place and has proven to be effective. Even so a dust risk assessment has been completed using the DEC (DWER) 2011 Guideline.

Dust Risk Assessment from DWER (DEC) 2011

PART A Number	Item	Score
1	Nuisance potential of the material	Low for excavated material - 2
2	Topography and vegetation screening	Sheltered and screened – 1
3	Area of site activities	Active trafficked areas at any one time are 1 - 5 hectares in area - 3
4	Type of work being undertaken	Bulk earthworks - 9
	Summer total without dust measures	Maximum = 15

PART B Number	Item	Score
1	Distance to premises	Premises > 450 metres to north, north west - 12
2	Effect of prevailing wind	Isolated premises affected by one wind direction The premises is not really affected as it lies north-north west- 1
	Total Part B	Maximum = 13

Activity	Calculated Score Part A x Part B	Allocated Risk of Dust
Excavation with or without dust suppression.	Maximum Premises = 15 x 13 = 195	Classification 1 Negligible Risk, No recommended actions or contingencies required for the dwellings. Dust management will be required for pit best practice and worker environment. The main risk is transport on the gravel access road which is 400 metres to the dwelling, but not in line of prevailing winds.

6.3 Buffers

The sand operations comply with the EPA Generic Buffers for sand excavation.

Dust particles are readily stopped by tree belts and distance, with which the site complies. Tree belts slow the wind and allow the dust to settle. See *Planning Guidelines Separating Agricultural and Residential Land Uses*, Department of Natural Resources Queensland 1997(Pages 65 – 111) and *Department of Health WA, 2012, Guidelines for Separation of Agricultural and Residential Land Uses which uses the same criteria* (Pages 112 – 118).

The Queensland Guidelines predominantly relate to agricultural spray drift, but based on particle size also relate to dust. They are based on field studies and demonstrate the effectiveness of tree belts and distance in providing screening against particulate travel.

The Guidelines provide for a buffer of 300 metres for open agricultural land, dropping down to 40 metres where an effective tree belt is in place. The Western Australian Department of Health also uses the same guidelines.

The operations comply with the Department of Health buffer recommendations, with landform screening, tree belts and 350 metres of separation distances to the dwelling at the closest distance.

The available buffers and intervening tree belts and Tagasaste will mitigate the dust risk to the nearest dwelling, over 400 metres to the north north west, and not in the direction of the prevailing winds.

There is also the proposed contingency to stop work when abnormal conditions significantly increase the dust risks.

6.4 Occupational Dust

There is very low risk from occupational dust to workers on site, and if dust levels on site are low they are also low offsite.

6.5 Actions and Management

ACTIVITY	POSSIBLE RISK SEVERITY and FREQUENCY	OPERATIONAL PROCEDURES AND COMMITMENTS	RISK AFTER MANAGE MENT
EARTHWORKS			
Land Clearing, construction earthworks and building the bund	Low - Occasionally to open new ground	<ul style="list-style-type: none"> This involves removing the topsoil for use in revegetation and topping the screening bunds, followed by removal of the overburden. Clearing will be conducted to only remove the area required for immediate mining to expose the resource and construct the operational features. The tagasaste provides dust screening. If winds are sufficiently strong, or other weather conditions are unacceptable to negate the effects of dust management, operations will cease until conditions improve and compliance can be achieved. Visual monitoring of the visual dust is the best and fastest method of monitoring dust risk and dust generation and faster response can be achieved than alarms or monitors. If visual dust is significant then smaller particles may also be present. 	Low
Land restoration	Low - Once per year or less frequent	<ul style="list-style-type: none"> Currently no ground is available for revegetation but when conducted will be completed to minimise dust. Land restoration is infrequent and normally conducted only once per year. Scheduled activities such as ripping, overburden and topsoil spreading will be conducted at times of low dust risk 	Low
EXCAVATION - PROCESSING			
Excavation	Low - Frequent	<ul style="list-style-type: none"> There are no changes to the sand excavation methods. Sand excavation is moving away from the dwelling to the north. Excavation will be conducted on the floor of the pit to provide maximum shelter for dust protection. The tree belts and distances enable compliance with Government Guidelines. 	Low
Loading and Stockpile Creation	Low - Frequent and in campaigns	No stockpiles will be used unless the sand is screened, which is not proposed. Loading from the face produces little dust and is covered under excavation.	Low
TRANSPORT			
Road condition	Moderate to High - Frequent	<ul style="list-style-type: none"> The short access road is gravel. Moolabeenie Road is sealed. All loads for transport outside the pit are covered. The access road and crossover will be maintained in good condition (free of potholes, rills and product spillages). 	Low
Health and Amenity		<ul style="list-style-type: none"> A readily auditable trigger of no visible dust to cross the property boundary in line with DER Licence and best practice in WA. The trigger for dust management is the generation of visual dust. The loader operator will determine the amount of dust being generated and they are in the best position to assess dust generation and to direct remediation. On site induction training will include observation and mitigation where possible of all dust emissions. Occupational dust associated with the quarrying processes falls under the <i>Mines Safety and Inspection Act 1994 and Regulations 1995</i> overseen by the Department of Mines Industry Regulation and Safety who regularly inspect the site. Included in the program are personal dust monitoring assessments. If on site dust is managed, offsite dust risk is also managed. Operations will temporarily cease if conditions occur where dust cannot be managed. The latest weather conditions to increase the awareness of dust risk. 	

Complaints		<ul style="list-style-type: none"> All complaints relating to dust are to be investigated immediately on receipt of a complaint. A record of all dust complaints is to be maintained together with the mitigation measures to be used to reduce the dust impacts. 	
------------	--	---	--

6.6 Dust Monitoring

Most dust generated from processing and vehicle movements has a very large visible component.

The loader operator is in the best position to assess dust and implement management to mitigate or reduce the dust risk and generation.

Human monitoring can detect potential dust risks prior, and take action prior, to significant dust being generated. They notice dust immediately such as from tyres, whereas machine monitoring has to rely on significant dust being generated, travelling to the boundaries of the premises and triggering an alarm. The operators would be negligent if they let the dust get to that level of impact prior to taking action.

The auditable condition is visible dust crossing the boundary of the premises; the lot boundary. This is the condition used on Department of Water Environment Regulation Licences and all other quarries such as sand and hard rock quarries in Western Australia and has worked well in the past.

It is also the method used by the Department of Mines Industry Regulation and Safety to rapidly assess occupational dust on site.

All operators on site are instructed to be vigilant to dust generation and management and report any excessive dust or potential dust management issues.

Visual monitoring is even more effective when complemented by an extensive reporting and complaints process and this is used.

The effectiveness of the dust management is shown by no complaints regarding dust normally being received. No complaints are known relating to dust from excavation within the past five years.

7.0 NOISE MANAGEMENT

7.1 Operations

Noise Management is designed to comply with Best Practise, such as Institute of Quarrying Australia/Queensland Government, Noise Management.

7.2 Regulatory Framework

Noise can originate from a number of operations and may impact on onsite workers, or travel offsite and impact on external sensitive premises. Both potential noise impacts are addressed by reducing the noise generated from the quarrying and processing operations.

Offsite noise is governed by the *Environmental Protection (Noise) Regulations 1997*.

The Environmental Protection (Noise) Regulations 1997, require that sensitive premises including dwellings in non industrial and rural areas, are not subjected to general noise levels (excluding blasting), during the hours 7.00 am to 7.00 pm Monday to Saturday that exceed 45 dBA. Allowable noise to 55 dBA is permitted for up to 10% of the time and to 65 dBA for 1% of the time. Noise levels are not to exceed 65 dBA during normal working hours.

Between 9.00 am and 7.00 pm on Sundays and Public Holidays, and between 7.00 pm and 10.00 pm on all days, the base level is 40 dBA.

At night, between 10.00 pm and 7.00 am Mondays to Saturday, and before 9.00 am on Sundays and Public Holidays the permitted level drops to 35 dBA.

The 10% and 1% "time above" allowances apply at night and on Sundays and Public Holidays as well.

There are penalties for tonality of 5 dB, modulation 5 dB and 10 dB for impulsiveness, that are added to the permitted levels. That is, if the noise is tonal or modulated the permitted levels drop by 5 dB. Impulsiveness is not likely to be relevant for the quarry under normal circumstances.

The Noise Regulations provide for Construction Noise exemptions to enable construction of the site such as the building of the screening bund and opening the pits.

Influencing factors that raise the allowable noise levels are activities such as external industrial noise, some nearby land uses and busy roads. These are not relevant to this site.

Under Schedule 1 of the Noise Regulations the premises on which the extraction of basic raw materials are extracted, is classified as Industrial Land for the purposes of calculating influencing factors. This was defined as the whole cadastral boundaries in State Administrative Tribunal decision {2013} WASAT 139, Bushbeach v City of Mandurah. In this case the premises is quite small and approximates the area of disturbance and will have little impact on the influencing factors.

At a distance greater than 15 metres from the sensitive premises (eg dwelling), and commercial premises, a base level of 60 dBA applies at all times, with the 10% time permitted to be up to 75 dBA and the 1% permitted to be up to 80 dBA. For industrial premises the base level is 65 dBA at all times with the 10% time permitted to be up to 80 dBA and the 1% permitted to be up to 90 dBA.

7.3 Environmental Noise Management

The types of equipment proposed to be used are listed below. Not all plant will be on site at any one time and that provides for contingencies to reduce the operational noise on site if necessary at certain times.

Based on the experience of Landform Research and the operation of many other sand quarries the proposed sand excavation will easily be able to comply with the Noise Regulations at the closest dwellings.

Anticipated equipment required for the production of the various resources are.

Equipment	Sand Extraction
Rubber tyred loader (Komatsu WA 430 or similar)	Loading sand from the face.
Semi trailer or other road trucks	Transporting product

General Noise Management		
OPERATIONAL PROCEDURES	COMMITMENTS	MANAGED RISK
<ul style="list-style-type: none"> Comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. 	<ul style="list-style-type: none"> AAA Sands is committed to compliance with the Regulations. The proposed operations are designed to comply with the EPA generic buffer distances or have proven to be effective during the previous operations. 	Noted
<ul style="list-style-type: none"> Maintain adequate buffers to sensitive premises. 	<ul style="list-style-type: none"> The operations comply with the EPA generic buffer distances of 300 to 500 metres for a sand pit and have proven to be effective during the past operations. The closest dwelling remains the dwelling to the north north west at a distance of 400 plus metres from the closest pit face and increasing as excavation proceeds. Another dwelling appears to be 1000 m to the west with the owner's property being to the east. No changes are proposed to the previously applied footprint in terms of distances to the closest dwellings. Excavation is moving south away from the closest dwelling. 	Low
<ul style="list-style-type: none"> Locate exposed features behind natural barriers and landform. 	<ul style="list-style-type: none"> Excavation is conducted on the floor of the pit behind the faces and natural landform to provide maximum noise screening. Perimeter bunding is used where overburden is available, to provide maximum noise screening and safety protection. 	Low
<ul style="list-style-type: none"> Maintain all plant in good condition with efficient mufflers and noise shielding. 	<ul style="list-style-type: none"> This is used and is committed to. All plant is to be maintained in 	Low

	sound condition.	
<ul style="list-style-type: none"> Maintain haul road and hardstand surfaces in good condition (free of potholes, rills and product spillages) and with suitable grades. 	<ul style="list-style-type: none"> No changes to the access roads are proposed. See dust management 	Low
<ul style="list-style-type: none"> Implement a site code outlining requirements for operators and drivers for noise management. 	<ul style="list-style-type: none"> A site code is to be implemented and AAA Sands is committed to site induction and training for all personnel for all parts of the operations. 	Low
<ul style="list-style-type: none"> Shut down equipment when not in use. 	<ul style="list-style-type: none"> Shutdown is to be used to save fuel and maintenance costs in addition to noise minimisation. 	Low
<ul style="list-style-type: none"> Fit warning lights, rather than audible sirens or beepers, on mobile equipment wherever possible. 	<ul style="list-style-type: none"> Lights or low frequency frog beepers are to be used rather than high pitched beepers to restrict noise intrusion. 	Low
<ul style="list-style-type: none"> Provide a complaints recording, investigation, action and reporting procedure. 	<ul style="list-style-type: none"> A complaints recording and investigation procedure is proposed and will be implemented and maintained. 	Low
<ul style="list-style-type: none"> Provide all workers with efficient noise protection equipment. 	<ul style="list-style-type: none"> All personal noise protection equipment will be provided to staff as required. 	Low
<ul style="list-style-type: none"> Minimise and conduct at the least disruptive times. 	<ul style="list-style-type: none"> Quarrying is to be conducted during the approved working hours. 	Low

7.4 Occupational Noise

Occupational noise associated with the quarrying processes falls under the *Mines Safety and Inspection Act 1994 and Regulations 1995*.

The management of occupational noise is normally handled by providing all necessary hearing protection, as well as conducting worker inductions and educational programs for all staff. Regular site audits of quarry and mining operations are normally conducted by the Department of Mines Industry Regulation and Safety.

As part of its commitments, AAA Sands will be pro-active with its worker safety awareness;

by providing all necessary safety equipment such as ear protection, identifying sections of the plant where hearing protection is required, as well as, conducting induction and educational programs for its staff.

Warning signs are used to identify areas of potential noise associated with mobile plant.

The DMIRS conducts inspections of all quarries.

8.0 VISUAL MANAGEMENT

There are a number of management actions that can be taken in quarries to minimise visual impact and these will be used wherever possible. The general management actions are summarised below together with the visual impact issues that relate to this site. The actions will be used where applicable and as the opportunity presents to minimise visual impact.

Guidance on visual impact is contained in *Department of Planning, 2007, Visual Landscape Planning in Western Australia (DoP 2007)*. Guidance can also be found in *Forest Commission of Victoria, undated, Landscape Types of Victoria*.

The pit is set back 100 metres from Mooliabeenie Road with a small section in the north west at 80 – 90 metres.

The pit is below natural ground level and behind tagasaste plantings and is not visible from Mooliabeenie road from near the pit and complies with the planning policies.

The final land surface will be formed with a similar landform to the pre-excavation form but at 2 – 4 metres lower.

9.0 WATER QUALITY MANAGEMENT

9.1 Water Source Protection Areas

Lot 502 is listed as occurring within Surface Water Area SWA/34 Swan River System a water source protection area and the Gingin Groundwater Area GWA/19 Gingin.

9.2 Water Requirements

The pit is relatively small with short access roads and operated intermittently in campaigns.

The water requirements are anticipated to be minimal and sourced from farm supplies. In most cases dust suppression will not be required.

9.3 Water Quality Protection Guidelines

The Department of Water Environment Regulation (DWER) WQPN 15, Water Quality Protection Note "Extractive Industries near sensitive water resources 2009, provides guidelines for quarries within catchments and the operation complies with that guideline.

All facilities and procedures on site are designed to comply with the DWER – DMIRS Water Quality Protection Guidelines for Mining and Mineral Processing and are all complied with;

- Minesite stormwater
- WQPN 15 Extractive Industries near sensitive water resources
- *Department of Water Environment Regulation – South West Region Guideline – Water resource considerations for extractive industries.*

Guidance on the quality of water can also be found in;

- Western Australian Water Quality Guidelines for Fresh and Marine Waters, EPA Bulletin 711, 1993.
- ANZECC, 1992, Australian Water Quality Guidelines for Fresh and Marine Waters.

A number of documents provide guidance on the management and disposal of surface water that can lead to waterways, wetlands and underground water systems. These mainly apply to urban development but the methods are also applicable to the quarrying industry.

- Engineers Australia 2003, Australian Runoff Quality, National Committee on Water Engineering.
- Stormwater Management Manual for Western Australia, Department of Environment WA, 2004.
- Guidelines for Groundwater Protection in Australia, ARMCANZ, ANZECC, September 1995.

9.4 Surface Water

There is no surface water on site as the land is a sand resource and all precipitation will infiltrate to the water table. All water is retained in the pit.

There are no watercourses on site or nearby, with the closest water body being a wetland 480 metres to the north east with a slight gradient from the north eastern corner of Lot 502 from around 192 metres AHD to the wetland at a base elevation of around 184 metres AHD.

9.5 Groundwater

As noted above the ground surface drops to the north east to the wetland 480 metres away. The land surface across the pit varies from around 205 metres dropping to 192 metres and then drops to 184 metres AHD at the wetland.

There is no evidence of water within the pit or water table, and based on the shallow contours, the footprint of the wetland and the pit it is interpreted that the elevation of the water table will be less than 190 metres on the north eastern boundary.

That means that the pit will daylight out to natural ground level in the north eastern corner giving in excess of 2 metre separation to the groundwater in line with Government Policy.

9.6 Salinity

Precipitation falling on the site is fresh.

The groundwater is not exposed, and will not be, therefore there will be no impact on salinity.

Sketch geological section, derived from Drilling results and geological mapping

9.7 Dewatering

No dewatering is proposed or has been required in the past. All water is retained in the pit and infiltrates into the sand,

9.8 Recharge

When the farm was first cleared the removal of the vegetation will have increased the recharge. That additional recharge will have travelled to the water table and then moved to the wetland in the north east, increasing the water in the wetland. On the other hand any bores taking water from the local area or catchment will be potentially reducing the groundwater

The recharge will then have reduced slightly with the planting of tagasaste.

However the areas, involved are so small compared to the catchments that the changes cause by sand excavation are insignificant.

As the pit is opened with a bare sand floor the pit will contribute slightly more recharge, that will again reduce on closure.

Overall the changes to recharge are not significant and are unlikely to change the groundwater or level of the wetland by even 1 mm.

As the pasture is to be returned there will be no significant changes to the current level of recharge on site as a result of excavation.

Potable water is brought to the site as needed.

9.9 Acid Sulfate Risk

Definitive survey procedure is produced in *DEC (DWER) 2013, Identification of Acid Sulfate Soils and acidic Landscapes* and within document *Acid Sulfate Soil Management Advisory Committee NSW, 1998, Acid Sulfate Manual*. This information forms the basis for much of the assessment procedures in Australia, including those adopted by the Western Australian Planning Commission and the Department of Environment Regulation.

Acid sulfate only becomes a potential risk when a number of circumstances are present.

Acid Sulfate is a natural phenomena, that can be exacerbated by disturbance.

- There is rock, soil or regolith present that is carrying sulfides.
- Sulfide carrying materials from below the water table are to be exposed to the atmosphere.
- Excavation below the water table is to be carried out exposing the sulfide carrying materials to oxygen in the atmosphere.
- Dewatering of the sulfide carrying materials is proposed, exposing them to oxygen.
- Exposure of peat or organoferricrete materials, that were permanently under reducing conditions, to the air.

Materials at risk under reducing conditions are normally grey in colour or have been grey with no brown or red brown iron oxides. Where exposed to the atmosphere there is a change to brown iron oxides, with yellow jarosite and other alteration minerals that are distinctive.

Potential acid sulfate soils or rocks are tested under conditions which speed up the natural oxidation of the soils on exposure to the atmosphere. Natural oxidation can occur within hours and days of exposure and is normally complete for small samples within a month. Laboratory testing speeds up this process with the use of H₂O₂ or other oxidising agent and then tries to quantify the amount of oxidation and acid development.

The site has been inspected by Lindsay Stephens of Landform Research. None of the at risk parameters occur on site.

On site the soils are yellow sands that are oxidised and do not carry any risk of acid sulphate potential. This concurs with *Nattaporn-Prakongkep, R J Gilkes, B Singh and S Wong, 2011, Mineralogy and chemistry of sandy soils in the Perth metropolitan area of the Swan Coastal Plain, Department of Environment and Conservation* who concluded that there is no risk of acid sulfate soils in sands unless there is peat or organoferricrete present and excavation proceeds below the water table. In such situations no testing would be required because there is no risk.

9.10 Closure Inventory

The materials remaining at closure from sand mining are natural soil materials that do not produce any remaining or lingering environmental risk.

An audit of the potential materials that may be present from mining at closure are presented below.

Closure Materials Inventory - Characterisation

Type	Comment	Treatment
Saline surface water	There are no drainage lines surface water or saline conditions.	None required. No legacy of salinity will be left.
Saline ground water	There are no drainage lines surface water or saline conditions.	The groundwater will not be intersected with a minimum separation of 2 metres to the water table.
Acidic materials and drainage	The sand does not carry acidic materials or any at risk materials. Concurs with <i>Nattaporn-Prakongkep, R J Gilkes, B Singh and S Wong, 2011, Mineralogy and chemistry of sandy soils in the Perth metropolitan area of the Swan Coastal Plain, Department of Environment and Conservation</i>	The groundwater will not be intersected with a minimum separation of 2 metres to the water table. Therefore there will be no acid sulfate legacy on closure.
Sodic or dispersive materials	Neither sodic materials or clay are present to cause potential dispersive conditions.	None required.
Asbestos – asbestiform minerals	Not present	The site has been regularly inspected by Lindsay Stephens of Landform Research.
Radioactive materials	Not present	Radiometrics from DMIRS show low levels.
Metallic or chemical materials	Not present	None required
Ablutions waste		Not located on this site or a serviced portable system will be used.
Dangerous Goods and Hazardous Materials	None will remain on closure.	No hazardous materials used for sand excavation, apart from fuel and servicing.
	EXPLOSIVES	Not used
	FUEL The various plant are refueled from mobile tanker. None will remain on closure.	Any soil or other materials with drips and spills will be removed offsite to an approved waste site or location. Fuel is discussed in Section 4.9 of the Water Management Plan, (Attachment C).
	SERVICE MATERIALS Only minor lubrication will be conducted on site. All major servicing will be conducted offsite. None will remain on closure	Any wastes will be collected and removed from site promptly to an approved recycling or waste disposal area. Servicing is discussed in Section 4.11 of the Water Management Plan, (Attachment C).
Waste rock and non surface material and tailings	Not present. The pit bottoms in earthy yellow sand which is a natural material normally occurring on the surface.	None required.
General waste		Regularly removed from site to an approved disposal area

9.11 Unauthorised Access and Illegal Dumping

The potential for rubbish to be dumped relates mainly to unauthorised access and is low as the site is set back from roads. This has not been a problem in the past.

Access restrictions such as gates or barriers will be maintained when the site is unmanned and equipment retained on site.

- Any illegally dumped materials are to be removed promptly to an approved landfill or other suitable site, depending on the nature of the material.

9.12 Wastewater Disposal

The facilities at the land owner dwelling will be used, although there is the potential for a serviced portable toilet system to be used during operations.

Serviced means they are pumped out by a licensed contractor.

9.13 Refuelling

Fuel management will be in accordance with the relevant guidelines. The methods to be used are summarised below.

Documents specific to the fuel and maintenance are the DOW – DMIRS Water Quality Protection Guidelines for Mining and Mineral Processing

- *WQPN 60 – Tanks for mobile fuel storage in PDWSAs.*
- *WQPN 15 - Extractive Industries near sensitive water resources.*
- *Department of Water Environment Regulation – South West Region Guideline – Water resource considerations for extractive industries.*

Refuelling - Fuel Management Plan

- There will be no onsite fuel storage. The loader will be refuelled at the landowner's dwelling or refuelled on site from a mobile tank or tanker. This method is used on most mine and construction sites as well as many farming properties.
- Refuelling on site will occur in the active pit area to allow for containment if any spill did occur.
- The main risk of contamination is the minor drips that occur during the removal of hoses etc. Minor spills are quickly degraded by soil microbial matter.
- The only other risk is from a tank rupture, but tanks are designed to manage this eventuality and are approved to the relevant standards. Soil contaminated by large spills will be removed from the site to an approved disposal area.
- The operators of the mobile refuelling facilities (SWP) are trained in re-fuelling duties including the management of any spills.
- In the event of a spill or adverse incident, activities will be stopped in that area until the incident is resolved.

- Spillage will be contained in plant and working areas by shutting down plant or equipment if the plant or equipment is the source of the spill (provided it is safe to do so). The sand will provide high absorbency and will retain any spill.
- Soil contaminated by spills will be removed from the site to an approved disposal area.
- All significant adverse incidents (such as a fuel spill of >5 litres) in one dump, are to be recorded, investigated and remediated. A record is to be kept of incidents, and DWER, and Shire of Chittering notified within 24 hours of an incident.

9.14 Servicing and Maintenance

Documents specific to the fuel and maintenance are the DWER Water Quality Protection Guidelines for Mining and Mineral Processing

- *WQPN 15 - Extractive Industries near sensitive water resources.*

The main risk of contamination comes from tank or hose rupture on earth moving machines.

- All major servicing of vehicles will be conducted off site.
- The loader will normally be parked at the landowner's dwelling at night and minor servicing will be conducted there.
- Regular inspections and maintenance of fuel, oil and hydraulic fluids in storages and lines will be carried out for wear or faults.
- In the event of a small service item being required during operations, such as lubricating and maintenance activities, these will be carried out in designated areas in the pit. Equipment for the containment and cleanup of spills is to be provided as required.
- Waste oil and other fluids derived from the routine maintenance of mobile machinery, will be transported off site and disposed off at an approved landfill site. Grease canisters, fuel filters, oil filters and top-up oils is stored in appropriate containers in a shed or brought to the site as required.
- If any spillage occurs it will be contained in the plant and working areas by shutting down plant or equipment if the plant or equipment is the source of the spill (provided it is safe to do so).
- Accidental spill containment and cleanup protocol will be implemented as necessary.
- Non essential or old operating plant and materials will be removed from the site. Locked gates and the existing fences will be maintained to prevent illegal dumping and contamination of water.
- There will be no waste disposal on site. Wastes generated will be recycled wherever possible and periodically disposed of at an approved landfill site. Any waste materials derived during routine maintenance activities will be stored in appropriate sealed containers within a designated storage area or taken from site and disposed of at an approved facility.

- Regular inspections (at least weekly) are conducted to ensure no wastes, litter and the like are present in or around the excavation and processing area.
- The site will be maintained in a tidy manner by removing all rubbish regularly offsite.

10.0 BIODIVERSITY

10.1 Flora

The vegetation on Lot 502 is pasture with Tagasaste, both normal farm fodder. The only trees present are isolated *Eucalyptus* trees (*Eucalyptus tottiana*) which are sufficiently isolated not to require a clearing permit if they are to be taken.

The site will be returned to pasture and productive agricultural land.

10.2 Fauna

The excavation area is covered by pasture. The vegetation will still contain some minor fauna but this is minimal.

10.3 Wetlands

There are no wetlands on the resource area. The closest wetland is 450 metres away to the north east.

10.4 Stygofauna and Troglofauna

Stygofauna, occur in caves and "are aquatic subterranean animals, found in a variety of groundwater systems". Troglofauna occur in air chambers in underground caves or smaller voids.

There is no limestone and therefore no potential for significant or unusual stygofauna in sand.

10.5 Weeds and Plant Diseases

Weed and plant disease management plans are attached at the end of this document.

11.0 CLOSURE

11.1 Geotechnical

Proposed Final Contours

The end land surface will be in accordance with the safety considerations of the Mines Safety and Inspection Act 1995 and the requirements and guidelines of the Department of Mines and Petroleum; for example *Guidelines on Safety Bund Walls Around Abandoned Open Pits 1991*.

The depth of the pit will continue at 2 – 4 metres below natural ground level with the side faces battered down to 1 : 4 vertical to horizontal.

The land surface will be contoured to match the existing landform of the area.

The excavated area will be formed into a self draining landform that drains to swale in the sand with no surface water running off from site.

11.2 Revegetation Considerations and Closure Objectives

The extraction of sand is an interim use prior to reconstruction to a restoration of parkland pasture.

Dieback and Weed Management in addition to monitoring and replanting failed areas is proposed.

Appropriate topsoil management is an important element in achieving successful rehabilitation and pasture re-establishment on the restored surface.

Rehabilitation will progressively follow mining, with completed areas of the excavation being revegetated as soon as practicable.

The final land surface will be smoothed and sloped to be compatible with the existing natural landform of the area.

Appropriate contour banks will be used to control and harvest surface water from the post mined landform.

A definitive time for seeding and the planting of tube stock is not prescribed, but rather a commitment to establish the vegetation within the first autumn/winter following placement of the overburden/topsoil.

11.3 Completion Criteria

- Stable post-mining landscape, and the minimisation of wind and water erosion.
- Match slopes and landform to those of the surrounding local area.

- Maximum slopes of 1 : 4 vertical to horizontal are to be provided except in the pits, bunds, dams and other locations where slightly steeper slopes may be applicable
- Provide for the protection of the local groundwater resource in terms of both quality and quantity.
- Achieve weed species at levels not likely to threaten the pasture and land uses.

11.4 Closure Implementation

The closure planning will be updated from time to time as the excavation progresses forwards. This will include both anticipated costs and procedures.

The following procedures will be used for final closure and rehabilitation.

- The closure of completed areas of the operations will be progressive with closure of all remaining ground at the end of operations.
- Maintenance and monitoring will be conducted until completion criteria is met. A three year cut off is provided for rehabilitated soils.
- Unexpected or early closure will be completed in the same way as permanent closure below but the full rehabilitation will be completed as one operation.

11.5 Rehabilitation

Vegetation Clearing

- No Clearing Permit is required for tagasaste or the isolated Eucalypts.
- The Tagasaste will be cleared by pushing to windrows for burning in winter.
- Pasture will be taken with the topsoil.

Existing Infrastructure, roads, buildings and plant.

- All structures (none are currently proposed) and any other foreign materials will be removed from site.
- Roadbase, hardstand and any other inert materials left over from the site operations will be scraped and picked up and will be used to backfill the pit faces. Note that the access road will be retained for future farm use.
- Access roads not required will be deep ripped, and spread with any remaining overburden and topsoil and revegetated.
- Where possible topsoil and overburden will be directly transferred from an area being cleared to an area to be rehabilitated to increase the total organic carbon fraction, improving soil properties such as resistance to erosion and moisture retention.

- A minimum of 100 mm of topsoil will be spread over the surface where available to provide a substrate for agriculture.
- Topsoil will be spread directly from an area being cleared where possible, otherwise reclaimed from a topsoil dump.

Landform

- Pit faces will be made safe. Steep or vertical slopes will be pushed down, to be non eroding and stable in compliance with the *Mines Safety and Inspection Act 1994* and Department of Mines Industry Regulation and Safety *Guidelines for the Abandonment of Excavations*.
- Maximum slopes of 1 : 4 vertical to horizontal are to be provided.
- The land surface is to be non eroding and stable from wind or water erosion using contour drains or other measures as necessary to prevent water erosion or water running off site.
- Compacted areas to be revegetated will be ripped or raked during ground preparation and cultivation.

Pre-Planting/Seeding Weed Control

- Pre-seeding weed control is only likely to be required where topsoils are used that contain weed species. As the current land use is pasture it is not anticipated that weed control will be other than normal agriculture practice.
- If required, weed control will normally only be conducted after overburden and topsoil have been spread and any seeds have been allowed to germinate.
- In May, after the first autumn rains, check for broadleaf weed germination.
- The Weed Management Plan will form the basis of weed treatment. Weed management will be integrated with the normal farm practise on site.

Rehabilitation - Pasture Areas

- The preferred method of revegetation is to use the pasture seed from existing topsoil on pasture areas. However this may be deficient and additional seed is likely to be required.
- The sowing of pasture and crop will be integrated into the normal farming systems. Seeds of pasture species will be spread by normal farm practice at rates and species determined by the land holder with advice from either a consultant or the Department of Primary Industries and Regional Development.
- The pasture species will be matched to the soil types and rainfall. The location falls into the "High Rainfall Coastal" planting regime with sandy soils. Suitable perennial legumes include Birdsfoot trefoil, Lucerne, Strawberry Clover, and Sulla. Perennial pasture includes Perennial Ryegrass, Phalaris, Cocksfoot, and Summer Active Tall Fescue, Kikuyu and Rhodes Grass. Annual pasture species include Italian Ryegrass, Serradella, subterranean clover.

- The actual species used will be determined by the individual season, nature of the rainfall in the preceding months and stocking/hay production proposed by the landholder which may change from time to time.
- Seeding rates are 2 – 5 kg/ha depending on the species used; for example Ryegrass is seeded at 3 kg/ha whereas Rhodes Grass is seeded at 4 kg/ha.

Weeds

- The Weed Management Plan will form the basis of weed treatment combined with the normal farm weed management programs.

Monitoring

- During late summer an assessment of the success of the rehabilitation will be made to determine the rehabilitation requirements for the following winter.
- Rehabilitation of each stage will be monitored for a period of three years to ensure that the revegetation meets the completion criteria of providing self sustaining indigenous shrub vegetation.
- If rabbit damage is detected either place guards around the tube stock or bait using commercial baits laid under low concrete slabs. Kangaroos are difficult to control other than by culling but this is not desired. Normally impact from kangaroos is regarded as acceptable damage. Double the number of tube stock will be used to cover mortalities.
- Ongoing weed management will be combined with normal farm practices and the Weed Management Plan, to identify and treat significant environmental weeds or weeds likely to impact on the rehabilitation.
- In areas of rehabilitation that do not meet the completion criteria measures are to be taken to increase the stem density to achieve the completion criteria. This could include but not be limited to;
 - additional seeding,
 - planting additional tube plants,
 - additional use of fresh topsoil.

11.6 Weed Management Plan

Weed management is to be used to minimise impact adjoining remnant vegetation and on adjoining properties as well as maintaining the agricultural capability of the farm.

The management of weeds is essentially similar to that for plant diseases. The impact of weeds is really the impact within the local area and the more they are controlled the better. It is desirable that the site does not become a haven for environmental weeds and therefore a management and control program is warranted at all sites.

No environmentally significant or Threatened weeds species were recorded.

Weeds can be declared under the *Agriculture and Related Resources Protection Act 1976* which requires that Declared Weeds are eradicated. Other weeds are not Declared but may be classified as Environmental Weeds because they are well known for impacting on vegetation.

Weeds are most likely to impact on;

- Disturbed areas such as overburden dumps, topsoil stockpiles.
- Edges of access roads.
- Edges of firebreaks adjacent to surrounding vegetation.
- Locations accessible to the public on which rubbish is dumped.

The main sources of weeds are;

- Weeds from edge effects from access and local roads.
- Gradual creep of weeds along access roads.
- Rubbish dumped by the public. This is not likely as the resource is set well back from Mooliabeenie Road
- Materials or waste brought to site by employees.
- Soil and seeds from vehicles arriving at site. This often applies to trucks that have carried something else such as grain, or vehicles to be used in earthworks.
- Wind blown seed from surrounding land.
- Birds and other vectors. This is more common than is often given credit for. eg Solanum species.
- The Dieback Management Actions will be used to assist weed management.

Weed Management

- Weed Management will integrate with normal farm weed management.
- Inspections are to be conducted to monitor the presence and introduction of Environmental and Declared Weeds on an annual or more frequent basis. On identification, Declared and significant environmental weeds will either be removed, buried, or sprayed with a herbicide.
- All vehicles and equipment to be used during land clearing or land reinstatement, are to be clean and free from soil or plant material when arriving at site.

- No soil and vegetation will be brought to the site apart from that to be used in rehabilitation.
- Plants to be used in rehabilitation are to be free from weeds.
- Weed affected top soils may need to be taken offsite, used in weed affected areas, buried by 500 mm soil/overburden or taken offsite.
- Illegally dumped rubbish is the major source of weeds and will be removed promptly.
- No weed contaminated or suspect soil or plant material is to be brought onto the site.
- When clearing land or firebreaks vehicles will work in conjunction with dieback principles and push from areas of better vegetation towards areas of lower quality vegetation.
- Weeds are to be sprayed with broad spectrum spray prior to planting or seeding in weed affected soils as required.

11.7 Dieback Management

Dieback of vegetation is often attributed to *Phytophthora cinamomi* even though there are other *Phytophthora* species and other diseases such as *Armillaria* that can cause dieback like symptoms. Microscopic soil-borne fungi of the genus *Phytophthora* kill a wide range of native plants and can cause severe damage to many vegetation types, particularly those from the families Proteaceae, Epacridaceae, Xanthorrhoeaceae and Myrtaceae.

In most cases dieback is caused by a pathogen which infests the plant and causes it to lose vigour, with leaves dying, and overtime may kill the plant. As such the management of Dieback is essentially related to plant hygiene when coming onto a site and within a site.

There are several guides to the management of Dieback.

- Department of Parks and Wildlife (DBCWA) Dieback Hygiene Manual 1992 is a practical guide to Dieback management.
- Department of Parks and Wildlife (DBCWA) Best Practice Guidelines for the Management of *Phytophthora cinamomi*, draft 2004.
- Dieback Working Group 2005, Management of *Phytophthora Dieback* in Extractive Industries.
- Dieback Working Group, 2000, Managing *Phytophthora Dieback*, Guidelines for Local Government.

Jarrah Dieback (*Phytophthora cinnamomi*) is scattered across this part of the State, but in many cases such as this site the vegetation is not interpretable because of the levels of disturbance.

On this site, even though there is no current evidence of dieback or other normal best practice, plant disease management actions will be used,

- The aim of dieback management during excavation is to minimise the risk of entry of any additional plant pathogens to the site.
- There is very little risk of the operations spreading dieback onto vegetation on adjoining properties as there is no access to those properties and they are cleared.

- All vehicles and equipment used during land clearing or land reinstatement, will be clean and free from soil or plant material when arriving at site.
- When removing topsoil and clearing, vehicles will run around the perimeter and then push inwards where possible.
- No soil and vegetation will be brought to the site apart from that to be used in rehabilitation and that which is dieback free.
- Plants to be used in rehabilitation are to be certified as from dieback free sources.
- Excavation vehicles will be restricted to the excavation area apart from clearing land.
- Rehabilitated surfaces will be free draining and not contain wet or waterlogged conditions.
- Illegally dumped rubbish is to be removed promptly.
- When clearing land or firebreaks vehicles are to work from disturbed areas towards the pit; or, in situations where dieback interpretation is not possible, from areas of higher quality vegetation to areas of lower quality vegetation.

DBCA has determined that material such as sand, taken from deeper in the regolith profile where there is no organic and other plant matter, carries low risk of spreading dieback. (DEC 2004).

The Weed Management Policy will be complied with.

12.0 Risk Management

Environmental Management

Environmental Management is normally controlled through conditions imposed by Planning Approval under the Local Authority Town Planning Scheme, approval under a Local Authority Local Law, WAPC approval under a Regional Planning Scheme and any other conditions imposed by other approvals such as a Clearing Permit or Licensing through the Department of Water Environment Regulation.

Management is also achieved through the design and site procedures relating to the operations, and commitments made by the proponent which are reflected in this Management Plan.

The environmental management is designed to reflect best practise, outlined in particular in;

Department of Resources, Energy and Tourism (Commonwealth), 2011, A Guide to Leading Practice Sustainable Development in Mining, and guidelines produced by Environmental Protection Authority, Department of Environment Regulation, Department of Water, Department of Mines and Petroleum, Western Australia Planning Commission and the Local Authority.

An Environmental Risk Assessment has been developed based on the EPA Environmental Factors which have been identified by the EPA as the factors to be considered when reviewing environmental impact and outcomes in Western Australia.

The EPA Factors have been used and added to in the following table which provides for the environmental risk if not mitigated or managed and the assessed environmental risk when the proposed design and management procedures are effectively implemented.

All the EPA environmental factors, together with the other factors, are provided in the Environmental Risk Table to show that some are not relevant to this proposal. Leaving them out may lead to some uncertainty in a reviewer's mind.

The Environmental Risk Matrix was developed to the principles of AS/NZS ISO 14001:2004 (Environmental Management Systems) and AS/NZS ISO 19011:2014 (Guidelines for auditing Management Systems). The principles of AS/NZS 31000:2009 (Risk Management Guidelines) are also used when considering any risks.

The Risk Table includes references to the various parts of the document to enable easy review and provides a summary of the project and its management.

The Risk Assessment Table also forms the basis of an auditable matrix and references where the information is to be found.

The Environmental and Social Risks have been identified and considered in the attached Risk Table.

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
FLORA and VEGETATION To maintain representation, diversity, viability and ecological function at the species, population and community level.	Vegetation communities and/or biodiversity may be significantly impacted by clearing, weeds and dieback.	E	1	Low	The site is an extension of existing sand operations on an area of pasture with Tagasaste bushes. The only trees are small scattered Eucalypts (<i>Eucalyptus tottiana</i>) which are isolated enough not to require a clearing permit.		E	1	Low
	Threatened Communities may be impacted by inadvertent impacts.	E	1	Low	None recorded.		E	1	Low
	Priority species may be affected by clearing, disturbance, weeds, dieback and other impacts.	E	1	Low	None recorded.		E	1	Low
	Threatened Species may be impacted by inadvertent impacts.	E	1	Low	None recorded.		E	1	Low
	Weeds may become established and impact on the local and on site biodiversity	C	3	High	A weed management program is proposed and will be used in conjunction with normal farm management	Weed Management Plan in	C	1	Low
	Dieback disease may be present and impact on the local and onsite vegetation.	E	1	Low	Dieback management procedures are in place.	Dieback Management Plan	E	1	Low
	The developments may fragment communities, biodiversity and ecological linkages.	E	1	Low	The site is pasture with Tagasaste.		E	1	Low

Landform Research

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
TERRESTRIAL FAUNA To maintain representation, diversity, viability and ecological function at the species, population and assemblage level.	Communities and fauna and/or biodiversity may be significantly impacted by clearing, weeds and dieback.	E	1	Low	The site is pasture with Tagasaste.		E	1	Low
	Threatened Faunal Communities may be impacted by inadvertent impacts.	E	1	Low	No Threatened Communities occur on site.		E	1	Low
	Priority Fauna species may be affected by clearing, disturbance, weeds	E	1	Low	There are no Priority Fauna Communities on site.		E	1	Low
	Threatened Fauna Species may be impacted by inadvertent impacts.	E	1	Low	The site is pasture with Tagasaste. There are no Threatened fauna that will be impacted.		E	1	Low
SUBTERRANEAN FAUNA To maintain representation, diversity, viability and ecological function at the species, population and assemblage level.	The development may have an impact on an isolated population of subterranean fauna.	E	1	Low	The site is deeper sand with no subterranean cavities.		E	1	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
LANDFORMS To maintain the variety, integrity, ecological functions and environmental values of landforms and soils.	The local landform may be altered to a form that is not compatible with the surrounding geomorphology.	D	2	Low	The site is a continuation of the existing sand pit. There will be no increase in the disturbance footprints. The excavations are 2 – 4 metres deep low on the landscape and not on any skyline.		D	2	Low
	The final land surface should be fit for its required end use.	E	1	Low	The end use will continued to be pasture and productive agricultural land as previously approved.		E	1	Low
	The development and final landform will not lead to significant visual impacts.	D	2	Low	The site is a continuation of the existing sand pit. There will be no increase in the disturbance footprints. Visual management has been considered.		D	2	Low
	The final landform and soils may be subject to erosion by wind, water or other processes.	C	2	Mod	The sand excavation operations are designed to minimise erosion and dust. Drainage will be internal with no release of surface water.		D	2	Low
	Acid soils are not exposed or are managed to ensure that there are no long term adverse effects.	E	1	Low	Not present		E	1	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		Risk
		Likelihood	Consequence	Risk			Likelihood	Consequence	
HYDRO - GEOLOGICAL PROCESSES To maintain the hydrological regimes of groundwater and surface water so that existing and potential uses, including ecosystem maintenance, are protected.	The ecological functions of watercourses are to be maintained.	E	1	Low	Drainage will continue to be internal with no release of surface water. There are no on site or nearby watercourses.		E	1	Low
	Groundwater may be impacted by changes to recharge, over-pumping, alterations to flow paths or lead to significant evaporation and water loss.	D	1	Low	The operations are based on deep sand. Excavation will retain a minimum of 2 metres separation to the water table. All water is retained on site in the base of the pit.		E	1	Low
WATER QUALITY To maintain the quality of groundwater and surface water, sediment and biota so that the environmental values, both ecological and social, are protected.	Wetlands may be altered by draining or flooding, potentially changing their ecological functions and biodiversity.	E	1	Low	There are no local wetlands on the resource areas. The closest wetland is 450 metres to the north east.		E	1	Low
	Hydrocarbons, fuels and other chemicals are stored in a manner that they pose no risk to the environment.	C	M	High	Fuel and hydrocarbon management programs are in place. No fuel is to be stored on site. The loader is to be refueled at the landowner's dwelling.		D	2	Low
	Runoff from operations is contained and all water is either retained or treated to removed sediment and any deleterious materials.	C	3	High	All water is retained on site in the base of the pit. No adverse impacts on water have been recorded from the previous operations.		E	2	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

	Water quality during and after development and operations is not adversely affected or altered.	D	2	Low	See above		D	2	Low
--	---	---	---	-----	-----------	--	---	---	-----

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		Risk
		Likelihood	Consequence	Risk			Likelihood	Consequence	
OFFSITE EMISSIONS To maintain representation, diversity, viability and ecological function at the species, population and community level.	Dust emissions are minimised or controlled to ensure that the local amenity is protected.	B	3	High	This is a continuation of the existing sand pit on site. There have been no issues during past excavation. There are no new sensitive premises or land uses that have been constructed in recent years. The existing access road on Lot 502 will continue to be used. The site complies with the EPA Generic Buffer distances. The closest dwelling at 450 metres to the north north west is not within the prevailing wind directions.		D	2	Low
	Dust emissions will not significantly impact on local and on site personnel health or quality of life.	E	1	Low	See above.		E	1	Low
	Noise levels will comply with the <i>Environmental Protection (Noise) Regulations 1997</i> .	E	1	Low	Noise levels will comply with <i>Environmental Protection (Noise) Regulations 1997</i> . The site complies with the EPA Generic Buffer distances. The closest dwelling at 450 metres to the north north west is not within the prevailing wind directions.		E	1	Low
	Noise levels and operational procedures will be used to protect on site personnel health and safety.	C	3	High	The operations are designed to minimise on site noise and the potential for offsite noise. There are no new sensitive premises or land uses that have been constructed in the last five years. Excavation is moving further away from the closest dwelling.		D	2	Low
	Emissions gases and other materials potentially adverse to human health will not be used or will be managed.	D	2	Low	There are no gaseous or other potential harmful emissions from the operations.		D	2	Low
	Potential impacts from blasting will comply with the <i>Environmental Protection (Noise)</i>			NA	There is no blasting.				NA

Renewal of Sand Excavation, Lot 502 Moolabeenie Road, Bindoon - AAA Sands

	Regulations 1997 and guidelines for ground vibration.										
	Employ procedures and design the operations to minimise the risk of excessive greenhouse emissions.	E	1	Low					E	1	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		Risk
		Likelihood	Consequence	Risk			Likelihood	Consequence	
HERITAGE Known heritage sites will be protected.	Known aboriginal heritage sites will be protected.	E	2	Low	No archaeological or ethnographic sites are known from or recorded on Department of Planning, Land and Heritage databases.		E	2	Low
	Sites of European heritage will be protected.			NA	None known				NA
	Heritage sites uncovered during operations will be independently assessed and managed through communication with the community, Government and traditional owners.	D	2	Low	A commitment is made to this.	Section 2.5 Heritage	D	2	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		Risk
		Likelihood	Consequence	Risk			Likelihood	Consequence	
SOCIAL and HEALTH To minimise the impact on the local community	Human health is protected from adverse impacts of dust, noise, other emissions and chemicals.	E	1	Low	Sand grains such as this carry no known health impacts.		E	1	Low
	Transport may impact on local, and regional roads or school bus routes.	E	1	Low	Transport will continue to be directly to Mooliabeenie Road with no changes to existing transport routes or number of trucks accessing the site.		E	1	Low
	The operations have been designed to provide sufficient buffers and visual protection.	E	1	Low	The site complies with the EPA Generic Buffer distances. The closest dwelling at 450 metres to the north north west is not within the prevailing wind directions..		E	1	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
CLOSURE AND REHABILITATION To ensure that premises are closed, decommissioned and rehabilitated in an ecologically sustainable manner, consistent with agreed outcomes and land uses, and without unacceptable liability to the State	At the end of excavation the created soils should be deep enough or of sufficient quality to be sustainable to meet the long term end use or ecological values.	B	3	High	A void is to be retained at the end of excavation and reformed to a swale in the landscape at a depth of 2 – 4 metres lower than the pre-mine condition. Rehabilitation will be directed towards the final end land use of a return to pasture and productive agricultural land. Topsoil will be transferred directly from an area being cleared and spread across the surface of the areas to be rehabilitated if direct transfer is not possible, any material stored in dumps will be respread. This is committed to.		D	2	Low
	All infrastructure, roads, hardstand, non natural materials are to be removed from site progressively when not required and all removed at the end of the project.	C	2	Med			D	2	Low
	No materials are to be left on site that may cause long term detrimental outcomes in terms of impacts to soils, water, heritage, vegetation health or other factors.	C	2	Med	This is committed to.		D	2	Low
	All contaminated materials are to be removed from site prior to closure.	C	2	Med	All contaminated materials are to be removed from site prior to closure.		D	2	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
RESOURCE REQUIREMENTS Basic Raw Materials are required for continued use by the community and for future developments.	There is significant basic raw material on site that is suitable for community resources.				The site is nominated as Sand Resource Location CH18 in State Planning Policy No 2.4 Basic Raw Materials, (SPP 2.4), Western Australian Planning Commission. The sand resource has been identified by geological mapping across Lot 502 and from aerial photography and Geological Survey of Western Australia mapping. The resources therefore are to be protected under SPP 2.5 for staged use.	Figure 1			

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
COMMUNITY CONSULTATION To provide a community consultation process commensurate with the size nature and time line of the project.	The proposal will be advertised and the nearby people will be able to comment. A complaints and improvements procedure will assist management of the site.			NA	The Shire of Chittering has been consulted with respect to the proposed renewal of the sand excavation and will advertise the proposed sand pit. An ongoing complaints program is proposed.				NA
				NA		3.6 Complaints Procedure			NA

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
PLANNING COMPLIANCE To comply with Government Policy, planning zones and procedures.	The project is designed to comply with State and Local Planning requirements.	E	2	Low	The project is designed to comply with State and Local Planning requirements in particular SPP 2.5. The Land zoning is "Agricultural Resource". The zoning lists basic raw materials within the objectives of the zone. State Planning Policy 2.5 (SPP 2.5) requires basic raw materials to be identified, protected, used in a staged manner and not impinged by competing land uses. SPP 2.5 prevails over the Town Planning Scheme, which should reflect the intent of the State Planning Policy. This is a renewal of an existing sand operation.	Section 2.4 Land Zonings and Policies	E	2	Low
	The area of potential impacts is not large enough to significantly impact on essential or desirable land uses.	E	2	Low	The disturbance footprint is not anticipated to increase significantly as rehabilitation will follow excavation.		E	2	Low
	The development will not adversely impact on an area identified as having high agricultural or community values.	E	1	Low	The land is pasture and Tagasaste will be returned to pasture and croppable land. The final agricultural values are not expected to be significantly different.		E	1	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		Risk
		Likelihood	Consequence	Risk			Likelihood	Consequence	
SAFETY To ensure that the project provides high levels of safety to on site personnel and the community	Ensure that the project provides high levels of safety to on site personnel.	C	3	High	The operations are designed to comply and operate to the <i>Mines Safety and Inspection Act 1994</i> . The operations are registered under the Department of Mines Industry Regulation and Safety, SRS system. A Fire Management Plan is in place in combination with normal farm fire management.		D	2	Low
	Ensure that potential impacts are retained on site and do not cause significant risk of safety to the local and wider community.	D	2	Low	Transport is unchanged as directly to Mooliabeenie Road There are no proposed changes to the intensity and scale of the operations or the transport routes. The site is fenced and installed with locked gates.		D	2	Low
	Have in place a transport policy to ensure that transport along public roads is conducted in a safe manner.	E	1	Low	There are no proposed changes to the, route, scale or intensity of the transport operations.	A	E	1	Low

Renewal of Sand Excavation, Lot 502 Mooliabeenie Road, Bindoon - AAA Sands

Environmental Factor - Objective	Identified Issues and Commitments	Unmanaged Risk			Proposed Management	References	Managed Risk		
		Likelihood	Consequence	Risk			Likelihood	Consequence	Risk
GEOTECHNICS To ensure that all ground and geological materials is safe commensurate with the operations and final land surface.	The operational and final land surfaces will be made safe and not subject to subsidence, slippage or other adverse conditions.	C	2	Med	The end use is a gentle swale and a return to pasture and productive land.		D	2	Low
	The quarry and operations will comply with the <i>Mines Safety and Inspection Act 1994</i> .	C	4	High	AAA Sands is committed with complying with the relevant Acts and Regulations.		D	2	Low
	The operational and final surfaces and features are designed to be not affected by extreme climate events.	E	1	Low	The end use is a gentle swale and a return to pasture and productive land. There will be no alteration to drainage or other local landforms.		E	1	Low

RISK MATRIX

		Effect / Consequence				
		1	2	3	4	5
Type		Insignificant	Minor	Moderate	Major	Severe
Environmental Impact		No discernible, adverse impact, individuals of species may be affected locally.	Discernible effect on the environment but no adverse impact, minor number of individuals of species may be affected locally	Minor adverse effect to the environment (including public amenity), moderate loss of individuals of species locally.	Moderate damage to ecosystem function, major loss of individuals of species locally, loss of public amenity.	Significant long-term damage/loss to ecosystem function, extinction of a species locally
Likelihood	A Almost Certain	Medium 11	High 16	High 20	Very High 23	Very High 25
	B Likely	Medium 7	Medium 12	High 17	High 21	Very High 24
	C Possible	Low 4	Medium 8	High 13	High 18	High 22
	D Unlikely	Low 2	Low 5	Medium 9	High 14	High 19
	E Rare	Low 1	Low 3	Medium 6	Medium 10	High 15

REFERENCES – READING

Basic Raw Materials Resource Protection Working Plan, prepared for the Department of Planning and Urban Development (DPUD, 1996).

Bastian L V, 1996, *Residual soil mineralogy and dune subdivision, Swan Coastal Plain, Western Australia*, *Australian Journal of Earth Sciences* 43, 31-44.

Brearley A, 2005, *Swanland, Estuaries and Coastal lagoons of South-western Australia*, University of Western Australia press.

Chamber of Commerce and Industry, 1995 and 1996, *Managing the Basic Raw Materials of Perth and the Outer Metropolitan Region*, Parts 1 and 2.

Department of Conservation and Land Management, 1980, *Atlas of Natural Resources of the Darling System*.

Department of Environmental Protection, 1996, *Land development sites and impacts on air quality: A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia*. Department of Environmental Protection, Perth.

Department of Environment and Conservation, 2011 *Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities*.

Department of Environmental Protection (1997b). *Environment Protection (Noise) Regulations 1997: Summary of the Regulations*. Department of Environmental Protection, Perth.

Department of Minerals and Energy (1991). *Environmental Management of Quarries: Development, Operation and Rehabilitation Guidelines*. DOIR, Perth.

EPA Guidance Statement No 10, January 2003, *Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region*.

Geological Survey of Western Australia, 1990, *Geology and Mineral Resources of Western Australia, Memoir 3*.

Geological Survey of Western Australia, 1982, *1 : 50 000 Environmental Geology Series – Muchea Sheet*.

Gibson, N, Keighery, B.J., Keighery, G.J., Burbidge, A.H. and Lyons, M.N. (1994), *A Floristic Survey of the Swan Coastal Plain. Unpublished Report for the Australian Heritage Commission prepared by the Department of Conservation and Land Management and the Conservation Council of Western Australia*.

Hedde et al, 1980, *Vegetation Complexes of the Darling System, Western Australia in Atlas of Natural Resources, Darling System, Western Australia*, Department of Conservation and Environment.

Hill A L et al, 1996, *Wetlands of the Swan Coastal Plain, Volume 2b, Wetland Mapping, Classification and Evaluation, Wetland Atlas*, Water and Rivers Commission.

Lasky R P and A M Lockwood 2004, *Gravity and Magnetic Interpretation of the Southern Perth Basin, Western Australia*, Department of Mines and Petroleum, Record 2004/8

Kaesehagen, 1995, *Bushland Condition Mapping*, IN Invasive Weeds and Regenerating Ecosystems in Western Australia, Proceedings of Conference held at Murdoch University, July 1994, Institute for Science and Technology Policy, Murdoch University.

Lasky and Lockwood 2004, *Gravity and Magnetic Interpretation of the Southern Perth Basin, Western Australia*.

Playford, P E, A E Cockbain and G H Low, 1976, *Geology of the Perth Basin Western Australia, Geological Survey of Western Australia Bulletin 124*.

Western Australian Planning Commission, *State Planning Policy 1.0 State Planning Framework*.

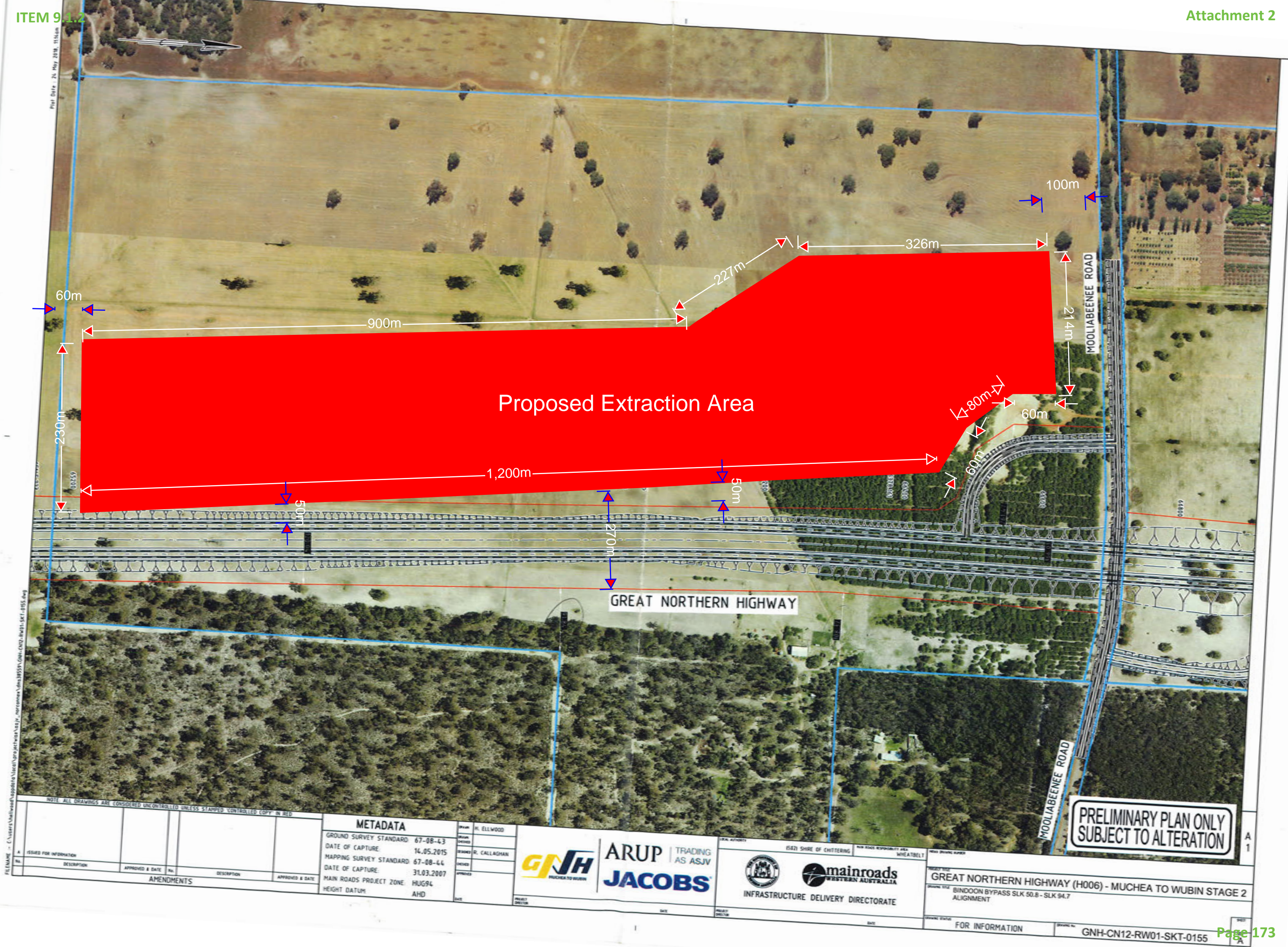
Western Australian Planning Commission, *State Planning Policy 2.0, Environment and Natural Resources Policy*.

Western Australian Planning Commission, *State Planning Policy No 2.5, Agricultural and Rural Land Use Planning*.

Western Australian Planning Commission, *State Planning Policy No 4.1, State Industrial Buffer Policy*.

Western Australian Planning Commission 2002, *State Planning Policy 2.5, Agriculture and Rural Land Use Planning*.

Western Australian Planning Commission 2000- 2002, *State Planning Policy 2.4, Basic Raw Materials*.



AGENCY SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
Department of Mines, Industry Regulation and Safety	<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>Although Extractive Industry Licences fall outside the <i>Mining Act 1978</i>, information on mineral resources, including basic raw materials, is of importance to the Geoscience and Resource Strategy Division, within the Department of Mines, Industry Regulation and Safety (DMIRS). The information is used in our MINEDEX database (http://www.dmp.wa.qov.au/Minedex), which is a source of information for our Statewide resource mapping system (http://www.dmp.wa.qov.au/GeoView). The locations and status of basic raw materials extraction sites are also valuable inputs to our resource assessment and land use planning role.</p> <p>Our aim is for the database to be a 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>		Noted.
Department of Water and Environmental Regulation	The Department of Water and Environmental Regulation has assessed the above referral as a proposal of no interest and as such has no comments to provide.		Noted.
Department of Biodiversity, Conservation and Attractions	Parks and Wildlife Service have assessed the above 'Opportunity to Comment' regarding the reactivation of an extractive industry and have no comments to make at this time.		Noted.
Department of Planning, Lands and Heritage (AHD)	<p>A review of the Register of Places and Objects as well as the Aboriginal Heritage Database confirms Lot 502 Crest Hill Road, Bindoon does not intersect any Aboriginal heritage places or sites. Therefore, approval under the Aboriginal Heritage 1972 is not required.</p> <p>The AHD recommends that proponents refer to the State's Aboriginal Due Diligence Guidelines, which can be found on the DPLH website (http://www.daa.wa.gov.au/land-use/). The guidelines allow the proponents to undertake their own assessment regarding any proposal's potential impact on Aboriginal heritage.</p>		Noted.
Main Roads WA	<p>The location of this proposed extractive industry will be directly impacted by the planned and funded Bindoon Bypass. The land owner has been made aware of the indicative land acquisition required for the road reserve in this location with copies of the indicative road reserve supplied in February 2017. Formal land acquisition processes for part of this property are expected to commence within the next two months, and will be completed within 18 months.</p> <p>The Proposal indicates its aim to work with Main Roads to ensure that the sand resource is maximised but does not compromise the Bindoon Bypass. There is a significant overlap of the proposed quarry area and the Bindoon Bypass, see attached diagram. The proposal indicates that discussions with</p>		<p>Noted.</p> <p>Noted. The applicant has since altered the proposed extraction area so as to not interfere with the proposed Bypass.</p>

	<p>Main Roads are being held regarding the potential impacts on the sand resource. The Project Team have no records of discussion on the potential conflict of the proposed quarry and the Bindoon Bypass alignment, except to note that Colin Price of Talgarth Enterprises Pty Ltd (not the applicant) has expressed an interest in supplying sand/fill to the Bindoon Bypass project (December 2017).</p> <p>The existing entrance from the former quarry will be unsuitable once the Bindoon Bypass is under construction due to its close proximity to the entrance/exit ramp on the western side of the Bindoon Bypass. The existing entrance will require relocation.</p> <p>Main Roads WA does not support reactivation of an Extractive Industry on the above property.</p> <p>It was also noted during the review of the proposal, that the applicant has omitted/not identified two residential dwellings close to the proposed quarry. These are also highlighted on the attached diagram by arrows. These dwellings should be considered in the proposal report.</p>		<p>Noted. The report recommends that any new crossover be to the satisfaction of MRWA or the Shire, should the crossover be relocated to a Local road.</p> <p>Noted.</p> <p>This has been addressed in the report.</p>
PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
OPPOSE 1	<p>UNFORTUNATELY AFTER DUE CONSIDERATION, WE FEEL WE MUST OPPOSE THIS APPLICATION.</p> <p>WE PURCHASED THIS BLOCK BECAUSE OF THE PEACEFUL LOCATION + UNPOLLUTED AREA.</p> <p>WE THEN BUILT A LOVELY LARGE HOUSE ON THE BLOCK WHICH WAS INTENDED TO BE USED AS A RENTAL PROPERTY TO FUND OUR RETIREMENT.</p> <p>THERE WAS ALSO THE THOUGHT THAT WHEN WE SOLD OUR FARM IT WOULD BE A NICE HOUSE + LOCATION TO RETIRE TO OURSELVES, POSSIBLY NOW THAT THE NEW BINDOON BYPASS IS TO TAKE SOME OF OUR LAND, INCLUDING OUR FRESH WATER SOAK. WE FEEL THAT IT WELL GREATLY DEVALUE THE PROPERTY + WE WOULD NOT WISH TO LIVE THERE. WE WERE ALARMED WHEN WE DISCOVERED A FLY OVER ROAD WOULD BE BUILT VERY CLOSE.</p> <p>NOW WE HAVE THIS NEW APPLICATION BEFORE COUNCIL.</p> <p>WE STRONGLY OBJECT AS IT IS SO VERY CLOSE TO OUR PROPERTY + MAKE IT EVEN HARDER TO RENT IT OUT OR SELL IT. THERE WILL BE MORE TRAFFIC, NOISE, DUST + DISTURBANCE.</p>	<p>We must take into consideration that the Sandpit was well and truly established in 2002 and operating at the time the submitter purchased their property. They proceeded to build a house and shed. All local sandpads at that time were sourced from our sandpit.</p> <p>The submitter claims that they purchased their block in a “peaceful + unpolluted area.” The property has always been located at a very busy tee junction and the area remains unpolluted. The property owners have never lived at the premises. During a period where the sandpit was not operational the property was advertised for sale for a long time without success followed by lengthy time periods between rentals.</p> <p>According to the latest Bindoon Bypass mapping, this project does not impact whatsoever on the submitter’s property. The Fresh water soak referred to by the submitter has been dry for some years. This fact prevented the previous owner from continuing irrigating pasture leading to the property being sold to the current owner.</p> <p>The submitter claims that the Sandpit would be close to their property “making it harder to sell or rent and making more traffic noise, dust and disturbance.” The Sandpit will be situated further west than where it was first established and operating at the time they purchased their block and used sand from it.</p> <p>There has never been any complaints made to our knowledge regarding</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Property valuation is not a valid planning consideration. In relation to the applicant’s response, the location of the submitter is assumed – no personal data has been forwarded or divulged to the applicant.</p> <p>Noted</p> <p>As stated above, property value is not able to be considered in the assessment of the proposal.</p> <p>The application is required to comply with the Environmental Protection (Noise) Act 1997.</p> <p>The report recommends the applicant undertake</p>

	<p>WE WOULD FIND IT LESS OBJECTIONABLE IF IT WERE MOVED FAR TO THE WEST OF THE PROPOSED AREA. WE DO HOPE THAT COUNCIL WILL TAKE OUR CONCERNS INTO CONSIDERATION.</p> <p>P.S. WHERE WILL THE REQUIRED WATER SUPPLY COME FROM?</p>	<p>noise, traffic or dust from the sandpit since its inception in 2002.</p> <p>If water is required at the sandpit a water truck will provide water from our adjoining property about 1.5 km west of the sandpit.</p>	<p>spraying of internal surfaces to minimise the spread of dust. The existing dust management plan in addition to the proposed update is considered to be adequate to mitigate the effect of dust.</p> <p>There will be an increase in traffic however, the proposed movements are considered to be low to moderate in impact. The route is also already a freight route suggesting the locality is accustomed to heavy vehicles.</p> <p>The proposed extraction area has been shifted 150m – 200m further west due to the proposed Bindoon Bypass traversing the lot.</p> <p>The proponent’s response is accepted.</p>
OPPOSE 2	<ol style="list-style-type: none"> 1. We hold an interest in the property owned by Talgarth Enterprises Pty Ltd (“Talgarth”) and located at 737 Crest Hill Road, Mooliabeenee, Bindoon in the State of Western Australia comprising Lot 501 on Deposited Plan 68166 being the whole of the land in Certificate Title Volume 2765 Folio 99 and Lot 502 on Deposited Plan 68166 being the whole of the land in Certificate of Title Volume 2765 Folio 100 respectively (“the Property”). 2. We have lodged an absolute caveat over the Property to protect our interest in the property. 3. Talgarth, along with Colin and Daniel Price the directors of Talgarth, have agreed with us that they will not directly or indirectly create, purport or attempt to create or permit to exist any encumbrance howsoever ranking over the Property. 4. Talgarth has agreed with us that it will not sell, transfer, lease, assign, encumber or otherwise deal with or dispose of any interest in or on the Property without our prior written consent, which consent we may withhold. 5. We were not previously aware of this application and do not consent to Talgarth, Colin Price or Daniel Price applying for or obtaining the proposed licence which will amount to an interest in the Property being dealt with and/or disposed of. 	<p>This submission has been made by a long time vexatious litigant who is also the author of Oppose 3.</p> <p>Our solicitors shall provide an answer to Council in the correct legal terms explaining the true position regarding the property and submitter.</p>	<p>Noted.</p> <p>Noted.</p> <p>The Caveat on the property is between two third party members. It was concluded that this is not a planning consideration pertinent to the application, rather it is more of a civil matter than a matter for the Shire.</p> <p>Noted.</p> <p>Noted.</p>
OPPOSE 3	<p>We object to the council approving this application because</p>	<p>Oppose 3 has been submitted by the same entity as oppose 2. The submission includes confused claims of ownership and numerous untrue allegations. None of which are relevant to the current application.</p> <p>We shall endeavour to reply to each of the submitter’s numbered points;</p>	<p>Noted.</p>

	<ol style="list-style-type: none"> 1. It was an illegal extractive industry from day one. The owners/director of the Talgarth Enterprises did not sign the applications in 2001. 2. Subsequent application in May 2009 was not approved, but sand continued to be taken from here illegally until February 2010. 3. This is a NEW application and be assessed as such. It is not an extension of the previous application because the original application was not a legal document. 4. The application for an excavation licence in 2001 was for 5 years. This mining should have ceased in 2006. In February 2010, this operation was still illegally operating. 5. We strongly object to the imposition of a buffer zone impinging onto our property because it will restrict the future development and opportunities on our property, therefore devalue our property and industrialise the area by stealth. 6. The proposal is within the locality of Lake Nangar and small soaks and surficial water sources. Without a full EPA assessment it should not proceed. Potential risk to surrounding water sources that will impact on Banksia woodland Carnaby Cockatoos and the environment within the local area. 7. Entry to the illegal pit is too close to the Mooliabeenee /Cresthill Road corner. It is in a blind spot when heading west. Trucks have been stopped on Mooliabeenee Road, waiting to have the gate opened 8. It is within 500 metres of neighbouring homes 9. The land <u>area</u> on the Application is outrageously large, too much to give permission for. 10. Wishy washy application 3-10 laden trucks on average. Wide open for exploitation. Neighbours and Shire should not have to prove they 	<ol style="list-style-type: none"> 1) Untrue. Council approved the application and granted extractive Industries Licence. (Previous application has no bearing on the current application.) 2) Untrue. 3) The Planners have this matter under control. Previous Planners approved the application. 4) Past matters are not relevant to the current application. The Shire of Chittering handled matters as they saw fit, the previous operator co-operated with Shire. 5) The Submitter does not own property, pay rates or dwell within our Shire. There is confusion over ownership here in the mind of the submitter. 6) All relevant Government agencies including the Department of Water and Environmental regulation have not opposed the Application. 7) The entry to the Sandpit was personally inspected and approved by the then C.E.O. of The Shire of Chittering in 2002. 8) The proposed Sandpit will not be within 500 meters of any dwellings. 9) The land area indicated is well within reasonable area constraints. 10) Truck movement expectations are consistent with previous sandpit activity. 	<p>Noted. The Shire officers are required to assess the application at hand.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. Property devaluation is not a planning consideration. The applicant's management plans are considered to be sufficient to mitigate the potential impacts of the operations.</p> <p>The Department of Biodiversity, Conservation and Attraction as well as the Department of Water and Environmental Regulation have been referred the application for comment on environmental issues. Neither authority raised any concerns for the nearby waterbodies. Furthermore, the EPA does not generally comment on development applications. The application was referred to the Shire's Executive Manager Technical Services who did not require the need for a traffic management plan. The report recommends the current crossover be upgraded to the Shire's specification. Sightline distances will be assessed should the crossover require upgrading.</p> <p>The boundaries of the proposed sandpit will be approximately 330m from the nearest dwelling, to the north. The Shire is however satisfied that the current management plans are generally sufficient.</p> <p>The proposed extraction area will not be excavated at one time. No more than 2 ha will be excavated at any one time. Rehabilitation of the entire extraction site shall occur within 12 months of the completion of the extractive operation or expiry of the Extractive Industry Licence.</p> <p>Noted. The report recommends approval for no greater than 20 truck movements a day.</p>
--	--	--	--

	<p>are <u>laden</u> and no need to add <u>average</u></p> <p>11. What is the name of the proponent making the application for this Sand Mining activity? What is the process if he later sells the licence to a large company? This is why we ask for you to have outside legal advice in regards to issuing a Planning Approval on this property.</p> <p>12. Restrictions and rules must be well documented by the Shire of Chittering, or else it will cost the shire and rate payers down the track, and we will all be shafted.</p> <p>13. Previous illegal mining here, poor track record of compliance, unknown quantities of sand already removed. We would request that the Shire of Chittering council reject this application.</p> <p>14. The red areas below include some of the reasons why this application should not proceed and some questions that we have.</p> <p>In the Shire of chittering TSP Shire of Chittering Local Planning Policy No. 10 Basic Raw Materials and Extractive Industries</p> <p>5.4 Preferred Development</p> <p>a) Council prefers extractive industries that:</p> <p>i) are located south of the Bindoon Townsite NO</p> <p>ii) Do not involve prime agricultural land</p> <p>iii) Cater for basic raw material needs within the Shire of Chittering</p> <p>iv) Are situated within areas identified in the WAPC's State Planning Policy No. 10 Basic Raw Materials- ?</p> <p>v) Are more than 1000m from the nearest house NO</p> <p>vi) Do not require the management of acid sulphate soils? Possibly</p> <p>vii) Have direct access to Brand or Great Northern Highway b) Subject to a) above,</p> <p>b) Council <u>will not</u> approve extractive industries that:</p> <p>i) Are situated in a visually significant location, such as on a ridge or along an unscreened section of regional or tourist road</p> <p>ii) Involve major disturbance of high value remnant bushland or natural areas, adjoining wetlands and native bush following detailed environmental assessment absolutely</p>	<p>11) The Applicant is A.A.A. Sands. The Proprietor is D.J. Price. We cannot comment on hypothetical questions asked by the submitter. The Shire of Chittering shall handle this application in such a way as it sees fit.</p> <p>12) The Shire of Chittering dictates all rules and regulations pertaining to all planning applications received and has all authority to do so.</p> <p>13) Further untrue allegations by the submitter. The Shire of Chittering will best determine the merits of this application.</p> <p>14) The Shire of Chittering is well aware of the Shire of Chittering T.S.P. Local Planning Policy No. 10 Basic Raw Materials and Extractive Industries Rules and Regulations therefor accordingly conducts planning and licencing issues within recognised parameters. The Shire Planners are skilled professionals that can easily differentiate between the best interests of the Shire its rate payers and inhabitants.</p>	<p>The Applicant is A.A.A. Sands. In the circumstance that the applicant sells the property, the planning approval stays with the land. The applicant is also required to obtain a Extractive Industry License, which stays with the Licensee.</p> <p>Any changes to operations on site will most likely require an amendment to the development application. Shire officers can then assess whether this amendment would be acceptable.</p> <p>Noted. The Shire requires annual reports to be lodged by the licensee.</p> <p>Noted. The officers report has recommended conditional approval.</p> <p>Noted.</p> <p>The Shire is required to have regard to <i>Local Planning Policy 10 – Basic Raw Materials</i> when assessing an application for Extractive Industry. The provisions in the policy are able to be varied. In this instance, it is considered the proposal can be adequately managed and is acceptable for the locality.</p> <p>Page 44 and 45 of the application indicates there is no risk of Acid Sulfate Soils occurring.</p> <p>The site is mostly cleared, with the exception of non - native, planted species. Consequently, there is no major disturbance of high value remnant bushland.</p> <p>As stated earlier, the application was referred to environmental agencies. These agencies did not object to the proposal.</p>
--	---	--	--

	<p>iii) Remove material below the winter groundwater table, would need professional assessment and constant shire monitoring</p> <p>iv) Are located on any lot where dieback is present, possibly, nearby mapping of dieback</p> <p>v) Are situated within 500m of the nearest house Yes, seems to be</p> <p>vi) Are located in the Chittering Valley or require access from Chittering, Chittering Valley, Julimar, Blue Plains or Maddern (North) Roads.</p> <p>5.5 General Requirements</p> <p>In granting a planning approval and an excavation licence, Council may in accordance with the Scheme and By-law attach conditions relating to any or all of the following:</p> <p>a) The term of the approval/licence</p> <p>b) The period during which substantial commencement is to be undertaken</p> <p>c) The required buffer area, which may be the subject of a Scheme amendment</p> <p>5.5 General Requirements in granting a planning approval and an excavation licence, Council may in accordance with the Scheme and By-law attach conditions relating to any or all of the following:</p> <p>a) <u>The term of the approval/licence, we would like for the actual licence to be no longer than 2 years, given previous non compliance</u></p> <p>b) The period during which substantial commencement is to be undertaken YES</p> <p>c) <u>The required buffer area, which may be the subject of a Scheme amendment</u> absolutely oppose this Industrial buffer zone encroaching on our property</p> <p>d) <u>maximum area and depth/height of excavations and stockpiles</u> Shallow aquifer Lake Nangar and soak in close proximity, risk to groundwater flow</p> <p>e) <u>the location and minimum height of protective bunds</u> ?not on application</p> <p>f) <u>the location and density of screen plantings</u> , complaints handling and penalties Noise procedure, policy control and monitoring, air quality monitoring, wind direction and noise studies</p> <p>g) <u>minimum distances of works from public and private roads, lot boundaries, fences, buildings, waterways and soaks/wetlands</u></p> <p>h) retaining walls, batters and wall slopes</p> <p>i) <u>access, parking and layout of works, including financial contributions to the upgrading and/or maintenance of roads</u> Absolutely, charge a fee and have a camera on the gate or weighbridge so shire can get correct payment and to check no non- compliance with rules.</p> <p>j) <u>maximum number of truck movements in a specified period</u> How is the monitored</p> <p>k) <u>hours of operation</u> How is this monitored</p> <p>l) <u>staging of work</u> needs to be a very small area at a time to ensure compliance</p> <p>m) <u>acid sulphate soils</u> Risk of happening, needs accessing throughout the</p>		<p>The applicants report stated no dieback was present on site.</p> <p>Extractive operations shall not occur less than two (2) metres from the maximum winter water table known ground water level at any time.</p> <p>With the addition of water spraying for dust, the management plans are considered sufficient to allow for the excavation area to be within 500m of the nearest dwelling.</p> <p>Noted. Development approval is required prior to the issuing of the License. The applicant may apply for the licence one development approval is granted.</p> <p>Noted.</p> <p>As stated earlier, the application was referred to environmental agencies. These agencies did not object to the proposal.</p> <p>The officer's report recommends restrictions on bund height and location.</p> <p>The applicant is required to comply with the Environmental Protection (Noise) Regulation 1997 at all times. It is considered the buffer distances and updated management plans are adequate to mitigate noise and dust impacts.</p> <p>Non-compliance with development approval conditions is a compliance matter, rather than a matter addressed at the development application stage.</p> <p>No more than 2ha of excavation occurring at any one time.</p> <p>See above response to Acid Sulphate Soils (ASS).</p>
--	---	--	--

	<p>term of licence</p> <p>n) <u>dieback control</u> Needs to be implemented, nearby dieback areas</p> <p>o) fire management</p> <p>p) <u>rehabilitation and maintenance</u>, Past history? has this happened previously. No don't think so</p> <p>q) <u>methods by which mining and rehabilitation shall take place</u>, screening, blasting, loaders and other noise making activities we will hear from our property. We object to the amenity on our property being impacted by an industrial land use.</p> <p>r) <u>drainage and disposal of waters</u> risk of contaminating surrounding waters and land</p> <p>s) treatment of wastes</p> <p>t) measures to protect existing vegetation, water quality Absolutely, and impact to surficial water table and flow in the vicinity</p> <p>u) additional landscape planting to be</p> <p>v) dust and noise suppression Yes, it would needs strict rules and penalties to protect neighbours, especially given previous noncompliance. Need a procedure for complaints put in place and swift penalties</p> <p>w) workplace and public safety</p> <p>x) public liability insurance ? hope so</p> <p>y) soil and water monitoring and reporting Yes</p> <p>z) any other matter permitted by the Scheme or By-laws ancillary to the above.</p>		<p>See above response to Dieback.</p> <p>Please see above response to non-compliance issue.</p> <p>The report does not recommend approval for screening or blasting. The operation is required to comply with the Environmental Protection (Noise) Regulations 1997.</p> <p>Application referred to environmental agencies with no objection received.</p> <p>Extractive operations shall not occur less than two (2) metres from the maximum winter water table known ground water level at any time.</p> <p>Non-compliance is not addressed at the development application stage. Notwithstanding, should approval be granted, the applicant is liable to prosecution is development approval conditions are not adhered to.</p>
SUPPORT 1	No objections		Noted.

*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.



SHIRE OF CHITTERING

LOCAL PLANNING SCHEME NO. 6

AMENDMENT No. 66

PLANNING AND DEVELOPMENT ACT 2005**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME****SHIRE OF CHITTERING****LOCAL PLANNING SCHEME NO. 6****AMENDMENT NO. 66**

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above local planning scheme by:

- (a) Rezoning Lot 22 Great Northern Highway, Muchea from "Agricultural Resource" to "General Industry".
- (b) Amending Schedule 3 – Additional Uses of the Shire of Chittering Local Planning Scheme No. 6 as follows:

No.	Description of Land	Additional Use	Conditions
A18	Lot 22 (RN 3728) Great Northern Highway, Muchea	Concrete Batching Plant	Subject to development approval.

- (c) Modifying the Scheme Maps accordingly to reflect the "General Industry" zone and the Additional Use No. A18 over Lot 22 Great Northern Highway, Muchea as provided for on the attached Scheme Amendment Map.
- (d) Modifying the Scheme Maps Legend to include the "General Industry" zone in the Local Scheme Zones as provided for on the attached Scheme Amendment Map.

Dated this day of 20

CHIEF EXECUTIVE OFFICER

DATE

REPORT ON SCHEME AMENDMENT NO. 66

LOCAL PLANNING SCHEME NO. 6

SHIRE OF CHITTERING

1. INTRODUCTION

1.1 Overview of Proposal

Great Northern Concrete Pty Ltd are the land owners of Lot 22 (No. 3728) Great Northern Highway, Muchea (**subject site**) and are seeking consent of the Shire of Chittering (**the Shire or Council**) for an amendment to Local Planning Scheme No. 6 (**LPS6**). The proposed scheme amendment involves the rezoning of the subject site from "Agricultural Resource" zone to "General Industry" zone, as well as the inclusion of an additional use over the land to facilitate the development of a mobile batching plant on the subject site.

A Location Plan is included at **Figure 1** and a Site Plan is included at **Figure 2**.



Figure 1 – Location Plan

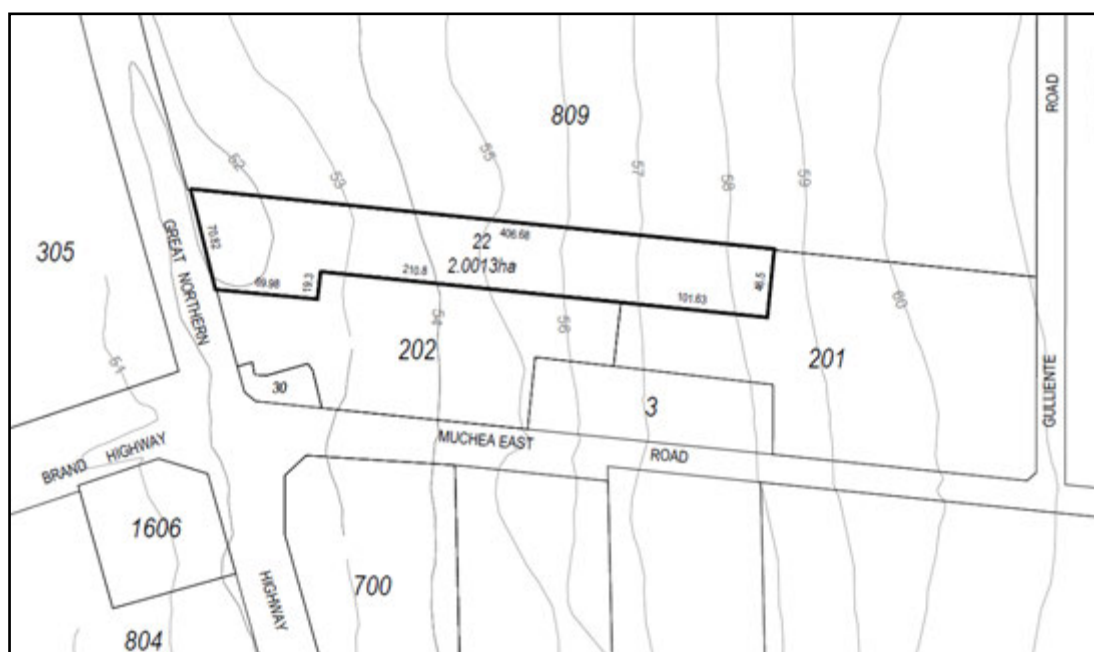


Figure 2 – Site Plan

The proposed amendment seeks to reflect overall intent of the Shire's Muchea Employment Node (**MEN**) by introducing a base "General Industry" zone and additional use (concrete batching plant) that is compatible with the future range of intended uses to be accommodated in the MEN area. **Figure 3** contains an excerpt of Section 6.4 of the MEN Structure Plan (**MENSP**) which outlines the uses anticipated within the MEN area. The inclusion of a concrete batching plant use within the "General Industry" zone is considered to be an appropriate form of land use within the MEN area and will function to service the growth within this precinct into the future .

Table A: Permitted land uses

<ul style="list-style-type: none"> • Industry – general, light, rural and service • Animal establishment • Aquaculture • Builders storage yard • Car park • Caretakers dwelling • Civic use • <u>Community purpose</u> • <u>Exhibition centre</u> • Factory unit building • Farm supply centre • Fuel depot • <u>Garden centre/plant nursery</u> • Landscape supplies • Extractive industry 	<ul style="list-style-type: none"> • Lunch bar • Motor vehicle repair, wrecking, vehicle, boat and caravan – sales • Open air display • <u>Public utility</u> • <u>Roadhouse</u> • Salvage yard • <u>Service station</u> • <u>Shop</u> • <u>Showroom</u> • Storage • Telecommunications infrastructure • Transport depot • <u>Veterinary centre</u> • Warehouse • Recycling centre
--	---

Table B: Discretionary 'A' Land uses

<ul style="list-style-type: none"> • Animal husbandry - intensive • Stock Yards • Industry – Noxious

Table C: Land uses not permitted ('X')

Industry – hazardous, mining and the following noxious industry: <ul style="list-style-type: none"> • Chicken litter fired power plant

Figure 3 – Tables A, B and C of Section 6.4 of the MENSP

1.2 Site Context

The subject site is located within a planned industrial precinct within the Shire of Chittering known as the Muchea Employment Node (**MEN**). The MEN has been identified for the

provision of service-based uses such as transport, livestock, fabrication, warehousing, wholesaling and general commercial use and will provide a concentration of employment opportunities both locally and in surrounding areas. The MEN has a total area of 1,113ha comprising four precincts including Precinct 1 north A, Precinct north B, Precinct 2 south, Precinct 3 west and Precinct 4 east. The subject site is located within Precinct 1 north A.

The MEN is currently serviced by Great Northern Highway which separates Precincts 1 and 2 (east) from Precinct 3 (west). The entire MEN area will ultimately be serviced by the Perth to Darwin Highway which is aligned to the west of the structure plan area.

An excerpt of the MENSP is included at **Figure 4** and identifies the subject site.

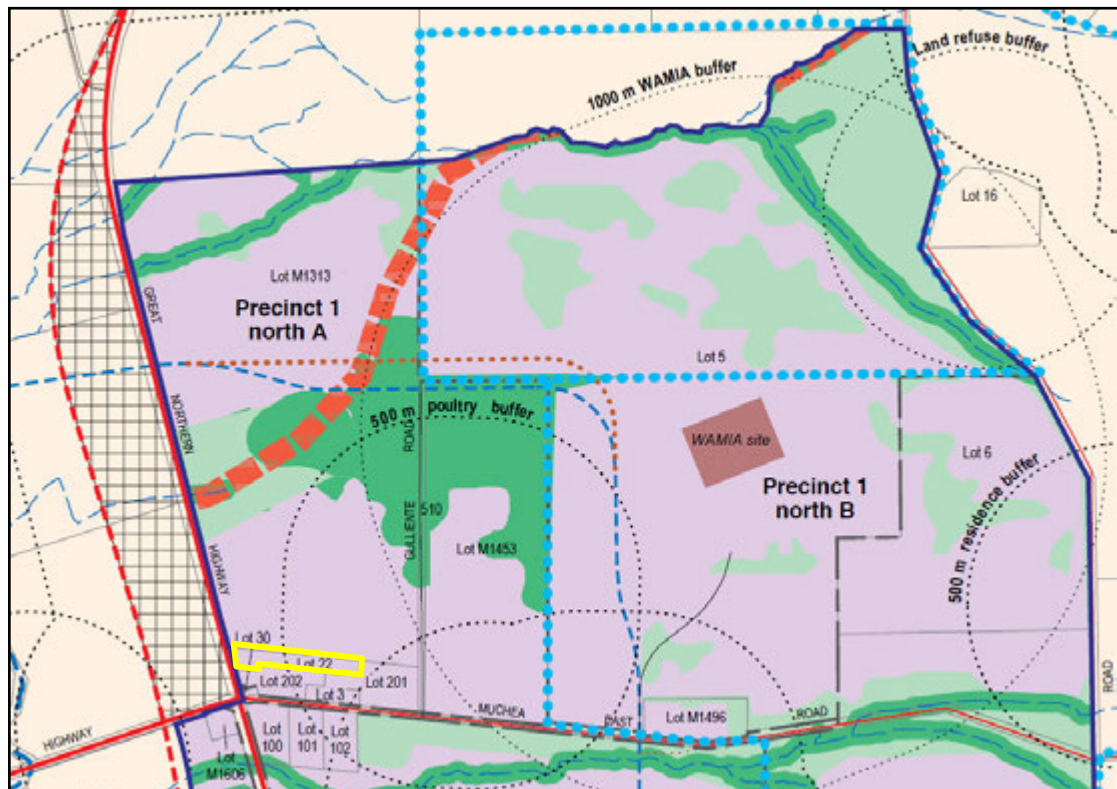


Figure 4 – Excerpt of MENSP Figure 8 (subject site shown in yellow border)

2. BACKGROUND

Amendment No. 60 to LPS6 has recently been gazetted on 3 November 2017. Amendment No. 60 has introduced new provisions into Clause 5.7 (Muchea Employment Node) of LPS6 which:

- clarify planning requirements in the assessment of scheme amendments;
- identify land within the MEN area for which structure planning is required; and
- expand the boundary of the MEN Special Control Area (**SCA**) to reflect the entire MENSP area.

The subject site is located immediately south of Lot 809 Great Northern Highway which, prior to gazettal of Amendment No. 60, was the only site within the MENSF area that was contained within the MEN SCA. Under Amendment No. 60, the subject site and surrounding

are located within the boundary of the new MEN SCA and are therefore now subject to the amended provisions of Clause 5.7 of LPS6.

Consistent with the former provisions of Clause 5.7.2 (Planning Requirements) of LPS6, Amendment No. 60 recognises the "General Industry" zone as one of the potential future zonings anticipated within the MEN SCA area. Amendment No. 60 has also introduced Clause 5.7.2.4 which recognises the subject site (Lot 22) as a lot not requiring structure planning prior to development taking place.

2.1 Modifications

Rezone Subject Site from "Agricultural Resource" to "General Industry"

Based on the background to Amendment No. 60 provided above, this proposed scheme amendment to rezone the subject site from "Agricultural Resource" zone to "General Industry" zone is considered to be reflective of the newly gazetted planning controls for this precinct.

Introducing an Additional Use over the Subject Site for Concrete Batching Plant

A concrete batching plant use as an Additional Use is considered to be an appropriate form of industrial development which will benefit the ongoing development within the MEN.

Modifying Scheme Maps

The modification of the scheme maps is required to reflect the ultimate zoning of the land, including identifying the "General Industry" zone and also the "Additional Use" zone (A18).

The proposed amendment will also require modification to the Scheme Maps Legend to include the "General Industry" zone in the Local Scheme Zones.

A copy of the proposed scheme map amendment is included at **Attachment 1**.

3. DISCUSSION

3.1 Proposed Development to be facilitated by Scheme Amendment

The proposed scheme amendment is being prepared to facilitate the development of a mobile concrete batching plant. The plant will be a significant catalyst contributor to the development of the MEN area and infrastructure works in and around the Muchea and Chittering area. These developments require significant quantities of concrete which, at present, is only supplied by other batching plants to the north of the CBD and located within the north western areas of the PMR, in locations which prevent the timely supply of pre-mixed concrete to service neighbouring industrial, commercial and residential demand.

3.2 Environmental Considerations

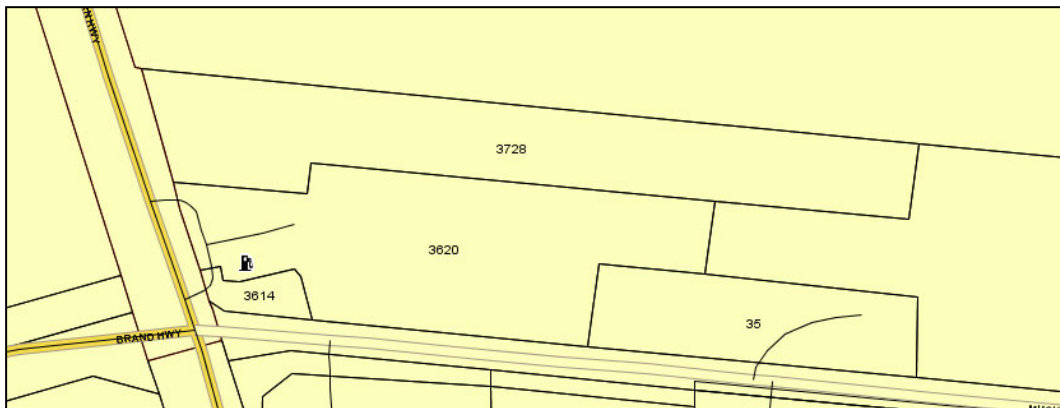
As part of the scheme amendment documentation, the land owner has appointed an environmental consultant to undertake a Level 1 Environmental Assessment in support of the proposal. That assessment is contained at **Attachment 2** of this report and details the relevant environmental considerations for the Scheme Amendment.

In addition, as outlined in Section 8.0 of the draft Development Application report (refer **Attachment 3** of this report), a review of the environmental features has been undertaken. Those are summarised as follows:

Acid Sulfate Soils

Acid sulfate soils (ASS) are naturally occurring soils and sediments containing sulfide minerals, predominantly pyrite (an iron sulfide). In an undisturbed state below the watertable, these soils are benign and not acidic. However, if the soils are drained, excavated or exposed by lowering of the water table, the sulfides will react with oxygen to form sulfuric acid.

The site contains no Acid Sulfate Soils. No ASS investigation will therefore be required. Further, no cut or excavation is required as part of the draft proposal which further mitigates any risk against disturbance.



*Acid Sulfate Soils map demonstrating no presence of ASS.
Source: WA Atlas 2017.*

Topography

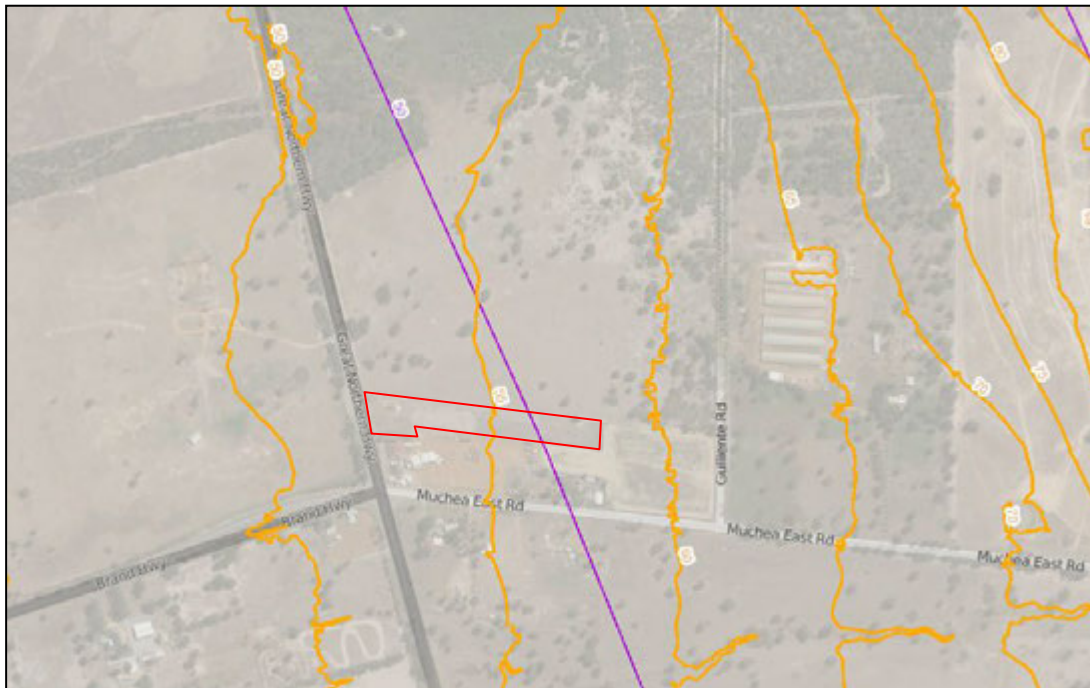
The topography of the land is generally level and provides no difficulties for development. The site falls from 58m AHD in the east to 52m AHD in the west. The development area is generally at a level of 52m AHD across the site. There are no environmental constraints on the site with respect to the topography or surface drainage.



*Topographical Map demonstrating existing site contours.
Source: Water Corporation 2017.*

Groundwater

A review of the available groundwater mapping from the Department of Water Perth Groundwater Map has found that mapped groundwater levels on and around the site are 50m AHD. Compared with the topographical levels across the site falling from 58m AHD in the east to 52m AHD in the west, the mapped groundwater levels are separated from the surface level by approximately 3m at the lowest point. Given that no excavation of the site will be required to facilitate a concrete batching plant, the groundwater separation provides no constraint to future development.



Groundwater levels (blue line) compared with site contours (yellow line).
Source: Perth Groundwater Map 2017.

Site Contamination

The Department of Environment Regulation (DER) Contaminated Sites Register did not identify any recorded contamination at the site.

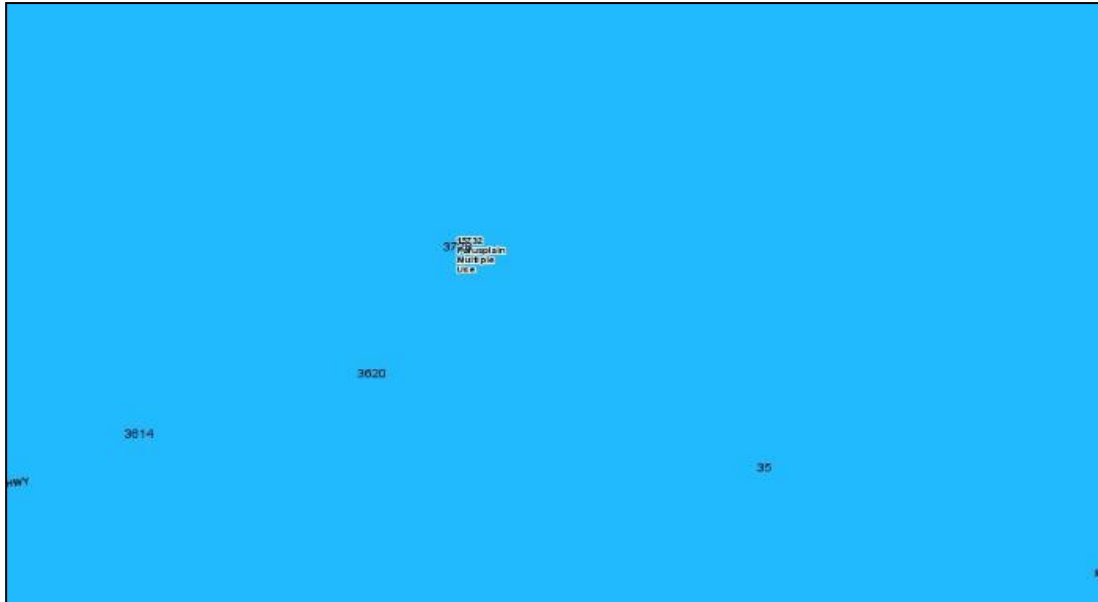
Wetlands and Waterways

A review of the WA Atlas Wetland Management Category Mapping was undertaken which identified the Site within a 'Multiple Use' wetland. Multiple Use wetlands are generally described as 'wetlands with few remaining important attributes and functions', their respective management objectives involving:

Use, development and management should be considered in the context of ecologically sustainable development and best management practice catchment planning through landcare.

The existing wetland classification which exists over the site is not a barrier to its use in the context of the overall environmental management practices adopted.

A stormwater management plan will be developed for the site as part of an Environmental Management Plan (EMP) to ensure that water is captured and retained on-site following a storm event. Where necessary, the water will be treated to ensure that it does not negatively impact the groundwater resource. Operation of the future use under the terms of the EMP will assist to further mitigate against any impacts to groundwater as a result of site operations.



Wetland Management Category Mapping demonstrating presence of 'Multiple Use' wetland on and around the site.

Source: WA Atlas 2017.

Significant Vegetation

The Site contains mostly grass and weeds. There are ten fig trees along the property boundary which are likely to be retained.

Indigenous Heritage

A search was undertaken on the Department of Indigenous Affairs Aboriginal Heritage Enquiry System which returned no results of Registered Aboriginal Sites on or around the Site.

3.3 Access to Services

The site is serviced with reticulated power. The existing shed includes a 5 litre water tank which captures rain water for use.

A bore licence has been purchased by the landowner to supply the site. The bore is yet to be installed and its location is yet to be confirmed, however it is anticipated to be located at the western end of the site adjacent to Great Northern Highway. It is intended that the water sourced from the bore will be pumped to the water storage tanks located south of mobile concrete batching plant.

3.4 Details of Proposed Development

A draft planning report that, once finalised, will be submitted in support of the proposed mobile concrete batching plant has been included as **Attachment 3** of this report. Any

proposal for a concrete batching plant will be required to be submitted to the Shire for approval in accordance with the conditions of proposed Additional Use A18.

The draft planning report provides the detail of the proposal and provides the relevant context of the use within the MEN area. In summary and based on the information and plans contained within the draft Development Application report, the key components of the intended future concrete batching plant include the following:

The function of the proposed facility is to batch concrete and load onto trucks for distribution from the site. Once raw materials are delivered to the plant, the pre-mix loading facilities weigh and batch cement, sand, aggregates and water and load these into the agitator trucks in a controlled sequence for distribution from the site.

The proposed batching plant will comprise the following components:

Aggregate Material Storage Areas

Aggregate materials, including coarse and fine aggregates are delivered to the plant by trucks in B-double configuration or semi trailers trucks and stored in designated storage silos. These delivery vehicles enter the site via one access point on the western boundary. The aggregates are then moved to the conditioning areas (Storage Bins) next to the front end loader. Dust suppression is provided by sprinklers utilising secondary plant water in the stockpile areas and storage bins as well as the operating loader areas.

Front loader trucks load aggregate materials from material storage bins and transfer them to surge hoppers, which discharge the required amounts to be batched.

Cement Silos

Bulk cement is stored onsite in steel silos which are fitted with an independent overfill alarm system. Cement is transferred from storage to batching through sealed steel augers. The dry raw materials are then transferred into the bowl of an agitator truck via an enclosed conveyor belt.

Slump Stand Area

Water is added to the dry raw material mix in agitator trucks within the slump stand area via an overhead pipe. Wheel wash occurs within this sealed area prior to agitator trucks exiting the site.

Water and Waste Management Systems

The Water Management System for the concrete batching plant will include bore water stored in water tanks and associated plumbing equipment erected to provide buffer water storage for operations including batching of concrete, wash-down of plant and trucks and watering of stockpile. These water tanks will be plumbed into a water chiller unit to supply water to the loading bay at a precise temperature.

Waste water from the concrete truck agitator will be handled in an environmentally responsible manner through the construction and use of a wash-out pit and an associated below ground wedge pit. The wash-out pits are built from pre-fabricated concrete panels placed in a rectangle with associated apron slabs. This system confines all concrete waste wash-out from the trucks. This allows for the settlement of solid waste, which is left to dry out. It is then reclaimed and disposed of and/or recycled at an offsite facility.

Grey water generated at the loading bay will collect in the below ground wedge settlement pit and transferred underground to the washout area recycling facility. The washout area will be located next to the slump stand and adjacent to (to the west) the main concrete plant. It will contain a dedicated single-truck mixed use washing bay where trucks will be washed using a high pressure water cleaner as well as a water recycling facility. Any solid waste from the washout recycling facility can be removed by a loader and transferred to the settlement pits. The grey water collected in the washout area recycling facility will be collected in a wedge pit for re-use in washing down trucks.

The loading bay and wash-out pit will be located within a greywater containment perimeter with a concrete floor and a semi-mountable curb profile. Similarly the slump stand, washout area and recycling facility will also be situated within a greywater containment perimeter.

This will completely preclude the drainage of waste materials into the groundwater.

Staff/Amenities Room

The existing shed on site will be converted into a staff amenities room. Toilets will be installed within the shed with an on-site effluent disposal unit to the satisfaction of the Shire of Chittering's specifications.

All administrative paperwork will be undertaken within the Batch Room adjacent to the mobile batching plant.

Internal Vehicle Movements

All vehicles associated with the proposed Plant will enter and exit from the one point in the north-western corner of the site.

Once inside the site, raw material trucks will travel along the northern boundary and deliver materials to the materials bins adjacent to the plant. Any excess materials will be stockpiled in the materials stockpile areas to the east of the bins. Raw material trucks will turn in the paddock to the east of the materials storage area and exit in the same manner.

Cement trucks also travel along the northern boundary past the shed, then move south between the slumping area and the batching plant to the location of the two cement silos. Once the cement is delivered to the cement silos, the cement trucks travel west along the southern side of the slumping area and exit the site through the main gates.

Agitator trucks will travel along the northern boundary to the plant at which point they will reverse into the loading bay to receive the next load of batched concrete. Once loaded, the trucks will move to the slumping area for addition of final slumping water if needed. Agitator trucks then exit through the main gates.

Hardstand, Surface Levels and Fill

The site will be developed with permeable hardstand (road base or similar) which is trafficable for vehicle movements associated with the operation. Sealed areas within the site will be limited to the slumping area and washout recycling facility and the batch plant loading bay. As noted in the discussion of the water and waste management systems above, these sealed areas capture all runoff associated with the washout and batching process and enables the recycling of grey water for reuse within the plant.

Surface levels within the site will be determined based on groundwater level investigations to ensure that the sealed water management systems are positioned above maximum ground water level to prevent access of captured and recycled water from the batching process entering the groundwater. The batching plant area will also be raised above natural ground level to prevent stormwater inundation and promote drainage around the plant.

Further detail relating to staff, hours of operation, car parking, access and traffic management are detail in Section 5.0 of the draft Development Application report at **Attachment 3.**

4. SUMMARY AND CONCLUSIONS

The proposed scheme amendment will introduce a General Industry zoning for the subject site, plus an additional concrete batching plant use over the land. Based on the site context as described above, the amendment reflects a zoning and land use that are considered to be highly appropriate in this location. The location of the subject site is very well positioned with regard to its position within the MEN area and close to the intersection of Great Northern Highway and Brand Highway to benefit from the accessibility offered by the regional road network servicing the site and surrounding areas. The future proposed mobile batching plant will provide an important and significant source of concrete to the development within the MEN area and surrounding Muchea and Chittering localities.

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF CHITTERING****LOCAL PLANNING SCHEME NO. 6****AMENDMENT NO. 66**

The Chittering Shire Council under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

- (a) Rezoning Lot 22 Great Northern Highway, Muchea from "Agricultural Resource" to "General Industry".
- (b) Amending Schedule 3 – Additional Uses of the Shire of Chittering Local Planning Scheme No. 6 as follows:

No.	Description of Land	Additional Use	Conditions
A18	Lot 22 (RN 3728) Great Northern Highway, Muchea	Concrete Batching Plant	Subject to development approval.

- (c) Modifying the Scheme Maps accordingly to reflect the "General Industry" zone and the Additional Use No. A18 over Lot 22 Great Northern Highway, Muchea as provided for on the attached Scheme Amendment Map.
- (d) Modifying the Scheme Maps Legend to include the "General Industry" zone in the Local Scheme Zones as provided for on the attached Scheme Amendment Map.

ADOPTION

Adopted by resolution of the Council of the Shire of Chittering at the Meeting of the Council
held on theday of 20.....

PRESIDENT

DATE

CHIEF EXECUTIVE OFFICER

DATE

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Chittering at the Meeting of the Council held on theday of20 and the Common Seal of the Shire of Chittering was affixed by the authority of the Council in the presence of:

.....
CHIEF EXECUTIVE OFFICER

.....
PRESIDENT

Recommended/Submitted for Final Approval

.....
**DELEGATED UNDER S.16 OF
PLANNING & DEVELOPMENT ACT 2005**

Date

Final Approval Granted

.....
MINISTER FOR PLANNING

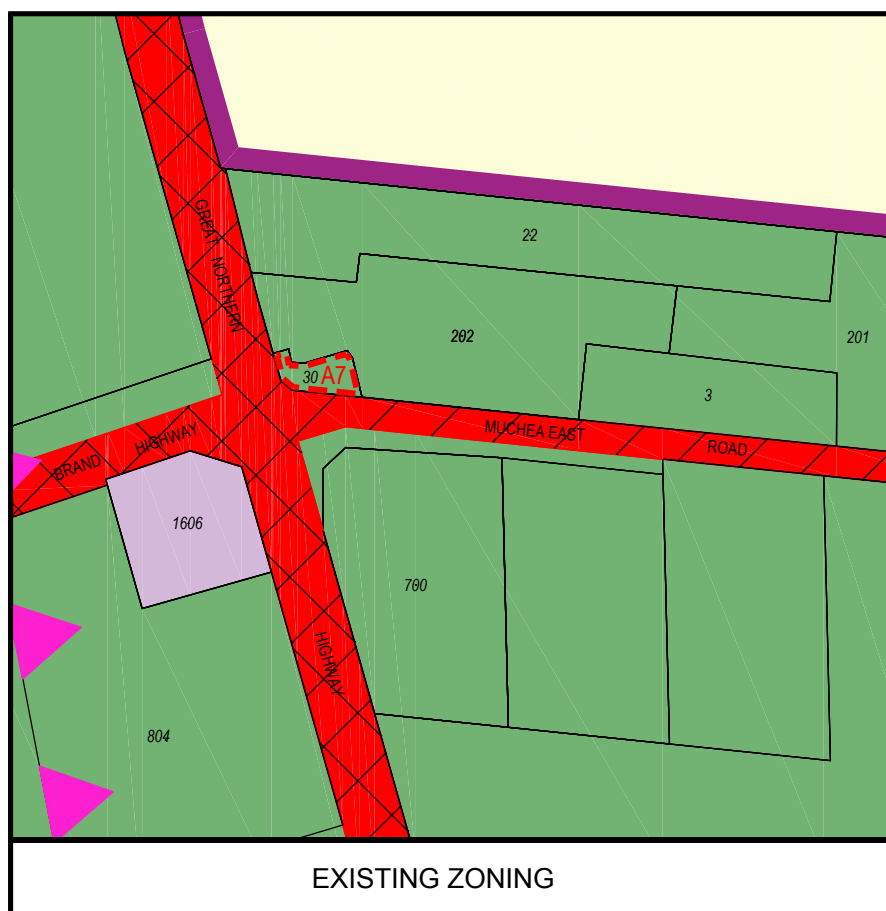
Date

Attachment 1

Proposed Scheme Amendment Map

SHIRE OF CHITTERING TOWN PLANNING SCHEME No. 6

Planning and Development Act 2005







LEGEND



LOCAL SCHEME RESERVES
(see scheme text for additional information)

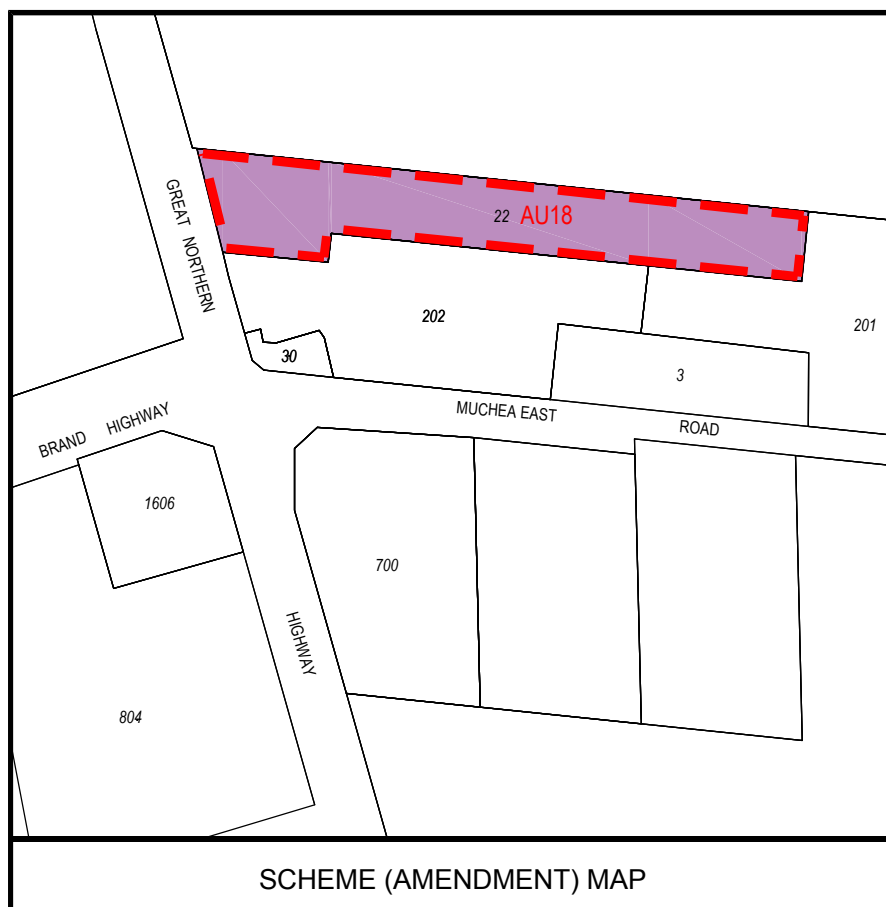
-  HIGHWAY
-  MAJOR ROAD

LOCAL SCHEME ZONES
(see scheme text for additional information)

-  AGRICULTURAL RESOURCE
-  INDUSTRIAL DEVELOPMENT
-  GENERAL INDUSTRY
-  LIGHT INDUSTRY

OTHER CATEGORIES
(see scheme text for additional information)

-  ADDITIONAL USES
-  MUCHEA EMPLOYMENT NODE



SCALE: 1:5000
DATE: 21.11.2017

Amendment No.

Attachment 2

Level 1 Environmental Assessment



GaiaRevolution

**Environmental Assessment of proposed Mobile
Concrete Batching Plant on Lot 22 (No. 3728)
Great Northern Highway , Muchea**

Date : 21st November 2017

Reference : M21112017-003_A



DOCUMENT CONTROL RECORD

Prepared and Authorised By:	Murali Mahendran
Position:	General Manager
Signed:	
Date:	

REVISION STATUS

Revision No.	Description of Revision	Date	Approved
A	Draft Report	14 November 2017	

Recipients are responsible for eliminating all superseded documents in their possession.

Disclaimer

This document is published in accordance with and subject to an agreement between GaiaRevolution and the Great Northern Concrete Pty Ltd (Client). It is confined to the issues that have been raised by the Client in the Client's engagement of GaiaRevolution and is prepared using the standard of skill and due care ordinarily exercised by environmental consultants in preparing such documents.

Any person or organisation that relies on or uses the document for reasons or purposes other than those agreed by GaiaRevolution and the Client without first obtaining the prior written approval of GaiaRevolution does so entirely at their own risk. To the extent permitted by law, GaiaRevolution excludes any liability, including any liability for negligence, for any loss, including indirect or consequential damages arising from or in relation to any reliance on this document for any purpose other than that agreed with the Client.

1 Introduction

1.1 Overview

Great Northern Concrete Pty Ltd (Great Northern Concrete) is seeking to establish a new mobile concrete batching plant (MCBP) at Lot 22 (No. 3728 Great Northern Highway, Muchea (the study area) which will distribute premixed concrete for the construction industry. In order to establish the plant Great Northern Concrete are seeking consent of the Shire of Chittering for an amendment to Local Planning Scheme No. 6. The amendment will involve a change to the zoning of the study area from 'Agriculture Resource' to 'General Industry'.

The study area is located within the Shire of Chittering, north of Perth approximately 70km northeast of the Perth Central Business District (CBD) 50km north of the Midland City Centre and 40 km north of Ellenbrook (Figure 1). The 2.0013ha study area is currently zoned 'Agriculture Resource' under the Local Planning Scheme No. 6.

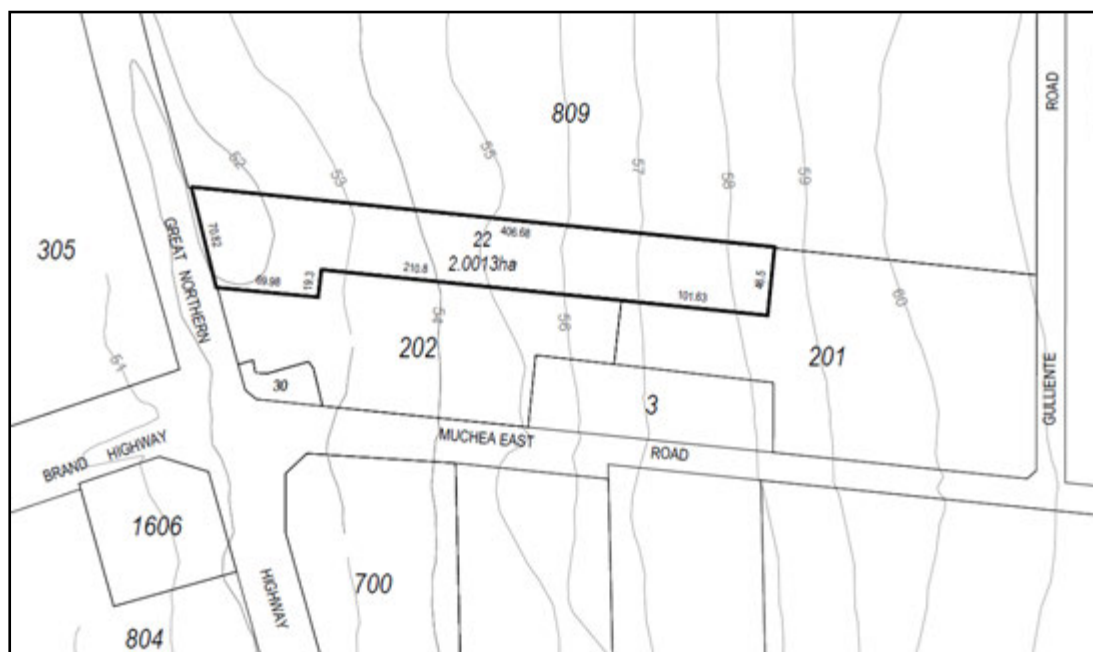


Figure 1 Location of the Proposed Concrete Batching Plant

1.2 Purpose

The purpose of this document is to carry out an environmental assessment of the study area to assess the suitability of the study area to be rezoned from 'Agriculture Resource' to 'General Industry' and the suitability of the development of a mobile batching plant on the study area.

A Part V Environmental Protection Act 1986 Licence will be sort prior to the Construction and Operation of the Mobile Concrete Batching Plant.



2 Background

Great Northern Concrete have twenty five years experience in the concrete industry and currently supply and lay certified pre mixed concrete for commercial and residential use including house slabs, footings, kerbings, shed pads, driveways and paths.

Great Northern Concrete currently supplies the Muchea, Bindoon, Chittering, Bullsbrook, Swan Valley and surrounding areas.

As the Perth Metropolitan Region expands, there is a greater demand for premixed concrete in the outer north eastern sector and surrounding regional areas. Additionally, the adjoining Industrial Development area within the Muchea Employment Node Special Control Area will provide additional demand for pre-mixed concrete, as will the road works associated with North Link and the Perth to Dampier National Highway.

The supply of concrete from batching plants within a reasonable delivery envelope is often critical to the integrity of this specialised construction material. For this reason the new Great Northern Concrete batching plant will be optimally located to supply the local market without loss of quality to this essential raw material.

Great Northern Concrete is committed to develop the study area with practical and efficient operations that respect governmental standards, other neighbouring businesses expectations and the environment.

3 The study area

The study area is located within a planned industrial precinct within the Shire of Chittering known as the Muchea Employment Node (MEN). The MEN has been identified for the provision of service-based uses such as transport, livestock, fabrication, warehousing, wholesaling and general commercial use and will provide a concentration of employment opportunities both locally and in surrounding areas. The MEN has a total area of 1,113ha comprising four precincts including Precinct 1 north A, Precinct north B, Precinct 2 south, Precinct 3 west and Precinct 4 east. The 2.0013ha study area is located within Precinct 1 north A.

The MEN is currently serviced by Great Northern Highway which separates Precincts 1 and 2 (east) from Precinct 3 (west). The entire MEN area will ultimately be serviced by the Perth to Darwin Highway which is aligned to the west of the structure plan area.

An excerpt of the Muchea Employment Node Structure Plan (MENSP) is included at Figure 2 and identifies the study area.

The study area has been a farm pasture paddock previously. The study area has no native vegetation the pasture has been well maintained (figure 3).

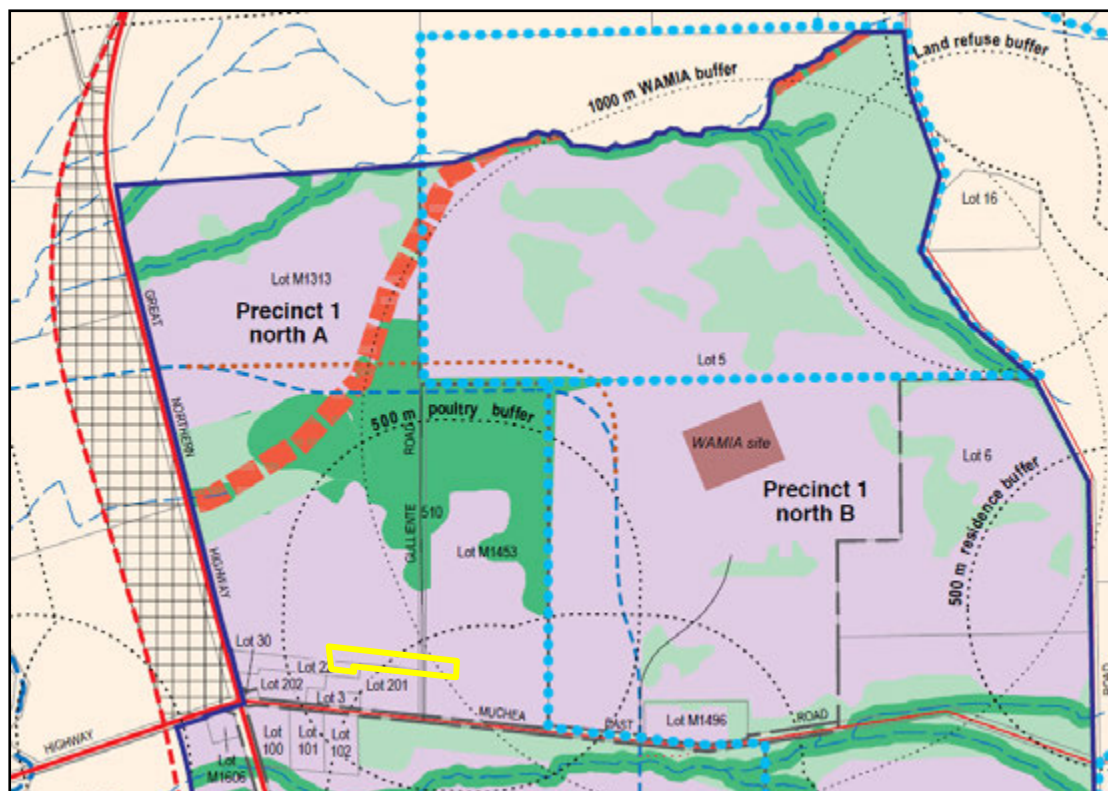


Figure 2 – Excerpt of MENSPP (study area shown in yellow border)



Figure 3 Study Area Condition



4 Proposed Development and Operations

The proposed concrete batching plant comprises a truck wash down area, slump stands and concrete loading facilities, including two horizontally positioned cement silos, a slump stand area, water pits, waste storage, water recycling system, weighing hopper and a transfer conveyor belt.

Specifically, the following is proposed:

- a) Construction of a swale within the site along the road frontage to capture excess stormwater run-off.
- b) The portion of land to be used for concrete batching plant operations (30% of the entire study area) to be hardstand, and the construction of a concrete pad in the slumping stand area and loading bay.
- c) Development and implementation of an Environmental Management Plan (EMP) for the proposed plant operations.

5 Detrimental Environmental Effects of the Proposed Project

5.1 Flora and Vegetation

The study area does not have any native vegetation (figure 3). The proposed project will not result in any clearing of native vegetation.

5.2 Fauna

There is no native vegetation or habitats that can support fauna (figure 3). The proposed project will not result in any impacts to fauna or fauna habitats.

5.3 Surface Water

Surface water will be managed within the study area to insure the water leaving the study area after the proposed development will meet pre-development conditions for both water quality and quantity. A storm water management plan will be developed for the site.

Ellen Brook runs 700m west of the study area. The western side of the study area abuts the Great Northern Highway. There will be a swale constructed between the west of the study area and the Great Northern Highway to promote infiltration, reduce stormwater peak flow rates, and remove sediments.

Storm water will be diverted to the swale. Any water with sediment will be stored, settled, and the water will be released through the swale. Potentially contaminated or contaminated water will be diverted through a concrete lined collection pits which then flow to concrete lined settlement pits where water is reclaimed, stored in storage tanks and reused for operation.

A review of the WA Atlas Wetland Management Category Mapping was undertaken which identified the study site is within a 'Multiple Use' wetland. Multiple Use wetlands are generally described as 'wetlands with few remaining important attributes and functions', their respective management objectives involving:



Use, development and management should be considered in the context of ecologically sustainable development and best management practice catchment planning through landcare.

Management of surface water will also be included in the EMP. The proposed development will not have additional adverse impacts to the existing wetland or Ellen Brook.

5.4 Ground Water and Soil

The potential for localised contamination of soil and groundwater with alkaline cement dust or liquid from the MCBP was assessed.

The potential for localised contamination of soil and groundwater will be managed by hard-standing the site working area including water collection pits with all contaminated stormwater separated and directed to concrete lined collection pits which then flow to settlement pits and reused in the process.

There will be a wash bay for collection of hydrocarbon-contaminated water. This water will be directed to a lined sump with an oil water separator for treatment prior to discharge.

Waste water from the concrete truck agitator are directed through a wash-out pit in an associated below ground wedge pit. The wash-out pits are built from pre-fabricated concrete panels placed in a rectangle with a gate mechanism. Excess water in the trucks will go into the wash out pit, which will subsequently drain into the wedge pit. This water can then be used for washing of the trucks.

Great Northern Concrete will operate under the terms of the EMP which includes wastewater management. This will further minimise impacts to groundwater as a result of site operations.

The proposed operation and construction methodology mentioned above will mitigate any potential localised impacts to groundwater or soil from the proposed development.

5.5 Air Emission

Dust will be generated during the operation of the MCBP. However Great Northern Concrete will manage the operation of the MCBP in a manner that will minimise dust emission from the study area.

Great Northern Concrete has committed to the following air quality management practices:

- Develop and implement a Dust Management Plan for the operation of the mobile concrete batch plant;
- Dust suppression techniques (e.g. water) will be implemented during construction activities;
- Water for dust suppression will be provided from a bore; and
- Vehicle speeds on site shall be reduced where necessary to minimise dust emissions.

Pre-installed reticulated water sprays in the bin structures will minimise dust generated in stockpiling and batching operations. Cement silos and weigh hoppers will be fitted with dust filters. The concrete loading bay will be directed to collection pits. Dust generated at the loading point is suppressed through a preinstalled high pressure water spray bar system that is controlled by the



batching computer. Additional mobile water sprays will provide dust suppression to external stockpiles and yard areas as required. Weekly inspection of filtration systems will be carried out.

Due to the size of the operation, the design and construction of the MCBP, the proposed management control measures the impact of dust generated on the study area should be negligible.

5.6 Noise Emission

Noise emissions will be generated during the construction and operation of the mobile concrete batching plant. Due to the distance to the nearest sensitive receptor (181m) noise emissions are unlikely to impact sensitive receptors.

In addition the following noise management practices will be implemented during construction and operation of the mobile concrete batch plant:

- Compliance with the Environmental Protection (Noise) Regulations 1997 and Australian Standard 2436-1981: Guide to noise control on construction, maintenance and demolition sites and relevant occupational health and safety standards;
- Equipment will be generally operated during daylight hours; and
- Regularly inspect, maintain and replace mobile equipment so that noise levels are minimised during the equipment life.

The noise emission as a result of the operation of the MCBP should be in line with surrounding businesses and operations.

5.7 Separation Distance from Sensitive Receptors

The EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 (Guidance Statement No. 3) provides for separation distances between industry (such as extractive industries) and sensitive land uses, which are listed as follows:

Residential developments, hospitals, motels, hostels, caravan parks, school, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial, institutional and industrial land uses which required high levels of amenity or are sensitive to particular emissions may also be considered 'sensitive land uses'. Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.

Under Appendix 1 of the Guidance Statement No. 3, the recommended separation distance for batching plants to sensitive land uses is 300m to 500m depending on size. The proposed batching plant operations are anticipated to have a lower capacity. This is also reflected within the anticipated vehicle movements outlined under the proposal section below.

The study site is situated within the Muchea Employment Node (MEN) Structure Plan Area. The MEN Structure Plan 2011 is a Western Australian Planning Commission document which identifies the Structure Plan area for future industrial uses and contains a 1000m separation buffer from the town site and a 500 separation buffer from rural residences. The Site is therefore well located within the planned buffer areas for the future industrial area (figure 4).

The following sensitive premises are in the vicinity of the proposed development:

- Poultry farm (J.B. Lane Poultry Pty Ltd) 650 meters from the study area
- Feed lot (Bergalla) 1.5 km North of the study area

- Livestock saleyard or holding pen (Muchea Livestock Centre) 900 meters from the study area
- Residences 332 meters from the study area
- Residence 181 meters from the study area
- Residence 313 meters from the study area

Rural residential properties exist within the recommended separation distances from the proposed batching plant, however all sensitive premises in proximity to the study area and its indicative buffer areas are also located within the MEN Structure Plan Area. These properties are also located within the newly gazetted MEN Special Control Area which now forms part of the Shire of Chittering Local Planning Scheme No. 6. Therefore, the location of the study area, inclusive of the surrounding sensitive land uses, within the planned future MEN industrial area are considered to be well located for industrial use and should be protected from future encroachment by sensitive land uses by the planned buffer areas within the MEN Structure Plan area.

Additionally Guidance Statement No. 3 notes that:

A sound site-specific technical analysis will provide the most appropriate guide to the separation distance that should be maintained between a particular industry and sensitive land uses, or between industrial precincts and sensitive land uses, to avoid or minimise land use conflicts.



Figure 4: (Extract) MEN Structure Plan area

In addition an EMP will be developed that ensures that the plant design and operating procedures will comply with:

- The Environmental Protection Act 1986 – Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.
- Australian Standards for the construction of all structures and components.



This site specific EMP will assurance that any potential impacts from the establishment of the proposed Plant will therefore be minimised. Due to the distance 181 meters from the nearest sensitive receptor and nature of the operation there impact to surrounding sensitive receptors should be minimal.

5.8 Indigenous Heritage

A search was undertaken on the Department of Indigenous Affairs Aboriginal Heritage Enquiry System which returned no results of Registered Aboriginal Sites on or around the subject site.

6 Conclusion

Through the design and construction of the plant and the management control measures proposed, Great Northern Concrete will minimise any environmental impacts which might arise through the operation of the Mobile Concrete Batching Plant. In addition, Great Northern is committed to minimising water and electricity consumption and dust emissions to beyond compliance to regulatory standards.

The proposed development of the Mobile Concrete Batch Plant is unlikely to cause any significant adverse impact on the environment and will be a suitable operation in the planned industrial Muchea Employment Node precinct within the Shire of Chittering.

Attachment 3

Draft Application for Planning Approval



APPLICATION FOR PLANNING APPROVAL

Proposed Concrete Batching Plant

Lot 22 (3728) Great Northern Highway

Muchea

Prepared for: Great Northern Concrete Pty Ltd
Prepared by: Allering and Associates

NOVEMBER 2017

Allering
& Associates

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: alleringassoc.com

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY.....	3
2.0	INTRODUCTION.....	6
2.1	BACKGROUND	6
2.2	LOCATION.....	6
2.3	DESCRIPTION OF LAND.....	7
2.4	SERVICING	7
3.0	CONTEXT & RATIONALE.....	8
3.1	IMPORTANCE OF THE PLANT IN THIS LOCATION	8
3.2	OTHER LOCATIONS WITHIN THE PERTH METROPOLITAN REGION	8
3.3	SURROUNDING LAND USE	8
4.0	OVERVIEW OF PROPOSAL.....	10
4.1	PROPOSED DEVELOPMENT AND OPERATIONS.....	10
5.0	PROPOSAL.....	11
5.1	BUSINESS OPERATIONS.....	11
	FIGURE 5: FLOW DIAGRAM OF WATER THROUGH PRODUCTION PROCESS	13
5.2	STAFF	14
5.3	HOURS OF OPERATION	14
5.4	CAR PARKING	15
5.5	ACCESS AND SECURITY	15
5.6	TRAFFIC MANAGEMENT	15
5.7	SITE MANAGEMENT	16
5.8	LANDSCAPING	16
5.9	ENVIRONMENTAL MANAGEMENT.....	16
6.0	STATE PLANNING FRAMEWORK.....	16
6.1	STATE PLANNING STRATEGY 2050 (2014)	16
6.2	DRAFT WHEATBELT LAND USE PLANNING STRATEGY (2011)	17
6.3	MUCHEA EMPLOYMENT NODE STRUCTURE PLAN (2011).....	17
6.4	STATE PLANNING POLICY NO. 1: STATE PLANNING FRAMEWORK	19
6.5	STATE PLANNING POLICY NO. 2: ENVIRONMENT AND NATURAL RESOURCES POLICY.....	20
6.6	STATE PLANNING POLICY NO. 3: URBAN GROWTH AND SETTLEMENT	21
6.7	STATE PLANNING POLICY 3.7: PLANNING IN BUSHFIRE PRONE AREAS	21
6.8	ECONOMIC AND EMPLOYMENT LANDS STRATEGY: NON-HEAVY INDUSTRIAL (2011)	24
6.9	ENVIRONMENTAL PROTECTION AUTHORITY – GUIDANCE STATEMENT NO. 3	24
7.0	LOCAL PLANNING FRAMEWORK	26
7.1	PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015	26

7.2	SHIRE OF CHITTERING TOWN PLANNING SCHEME NO. 6 (TPS2)	28
7.3	LOCAL PLANNING POLICY NO. 13 – CAR PARKING REQUIREMENTS.....	29
7.4	LOCAL PLANNING POLICY NO. 18 – SETBACKS.....	29
7.5	AMENDMENT 60 TO LPS6.....	30
7.6	PROPOSED AMENDMENT TO THE SHIRE OF CHITTERING'S LPS6	31
7.7	SPECIAL CONTROL AREA – WATER PRONE AREA (ELLEN BROOK PALUSPLAIN).....	32
8.0	ENVIRONMENT	33
8.1	ACID SULFATE SOILS.....	33
8.2	TOPOGRAPHY	34
8.3	GROUNDWATER.....	35
8.4	SITE CONTAMINATION	35
8.5	WETLANDS AND WATERWAYS	35
8.6	SIGNIFICANT VEGETATION	36
8.7	INDIGENOUS HERITAGE.....	36
9.0	CONCLUSION.....	36

Annexure 1 - Environmental Management Plan (to be provided as part of final version)

Annexure 2 – Certificate of Title

Annexure 3 – Development Plans

Annexure 4 – Traffic Assessment (to be provided as part of final version)

Annexure 5 – Bushfire Management Plan

©2017 Allerding & Associates All Rights Reserved. Copyright in the whole and every part of this document belongs to Allerding & Associates and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form or in or on any media to any person without the prior written consent of Allerding & Associates.

1.0 EXECUTIVE SUMMARY

Great Northern Concrete Pty Ltd (Great Northern Concrete) is seeking to establish a new mobile concrete batching plant (**the Plant**) at Lot 22 (No. 3728) Great Northern Highway, Muchea (**the Site**) which will distribute premixed concrete for the construction industry.

The Site is located within the Shire of Chittering, north of Perth; approximately 70km northeast of the Perth Central Business District (**CBD**) 50km north of the Midland City Centre and 40 km north of Ellenbrook (refer **Figure 1** containing a Location Plan and **Figure 2** showing an aerial photograph of the Site). This application seeks approval for:

- A portable batch plant containing a horizontal cement storage silo, aggregate weigh hopper, batch hopper, cement weigh hopper and water tank mounted on a purpose built chassis;
- Two portable horizontal cement silos mounted on a purpose built chassis;
- A transportable auxiliary weigh hopper and conveyor;
- Chiller and water management system including production dust management;
- Washout and waste concrete pits adjacent to main concrete batching plant;
- Slumping area and water catchment pit; and
- Conversion of existing shed into staff and amenities building.

An Environmental Management Plan (**EMP**) that encompasses responsible personnel and cooperative risk management principles has been established for the control of general operational and traffic movements in and around the Site. A copy of the EMP is included at **Annexure 1**. The proposed mobile batching plant will also be subject to a Works Approval and Licence under Part 5 of the *Environmental Protection Act 1986*. The proposed Plant has considered sensitive neighbouring land uses and is designed to meet the standards of the *Concrete Batching and Cement Product Manufacturing Regulations 1998* and the *Environmental Protection (Noise) Regulations 1997*.

The importance of the proposed Plant in this location can be seen in the context of the North east corridor extension strategy, the Muchea Employment Node (**MEN**) Structure Plan (2011) and the existence of Industrial Development zoned land immediately adjacent to the Site. Additionally, the WAPC's *'Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon'* (**Directions 2031**) planning strategy and the more recently released *'Draft Perth and Peel @3.5 Million'* have outlined population growth and consequent housing demand projections. The role of the concrete batching plant in supplying the neighbouring outer metropolitan and regional areas and associated infrastructure projects has become significantly more important.

The batching plant will be an important supplier of concrete for projects with particular emphasis on new development within the Muchea Employment Node, the North East corridor and the Northlink WA project. The importance of access to well-located concrete supplies has become increasingly important given the demand for concrete in these areas.

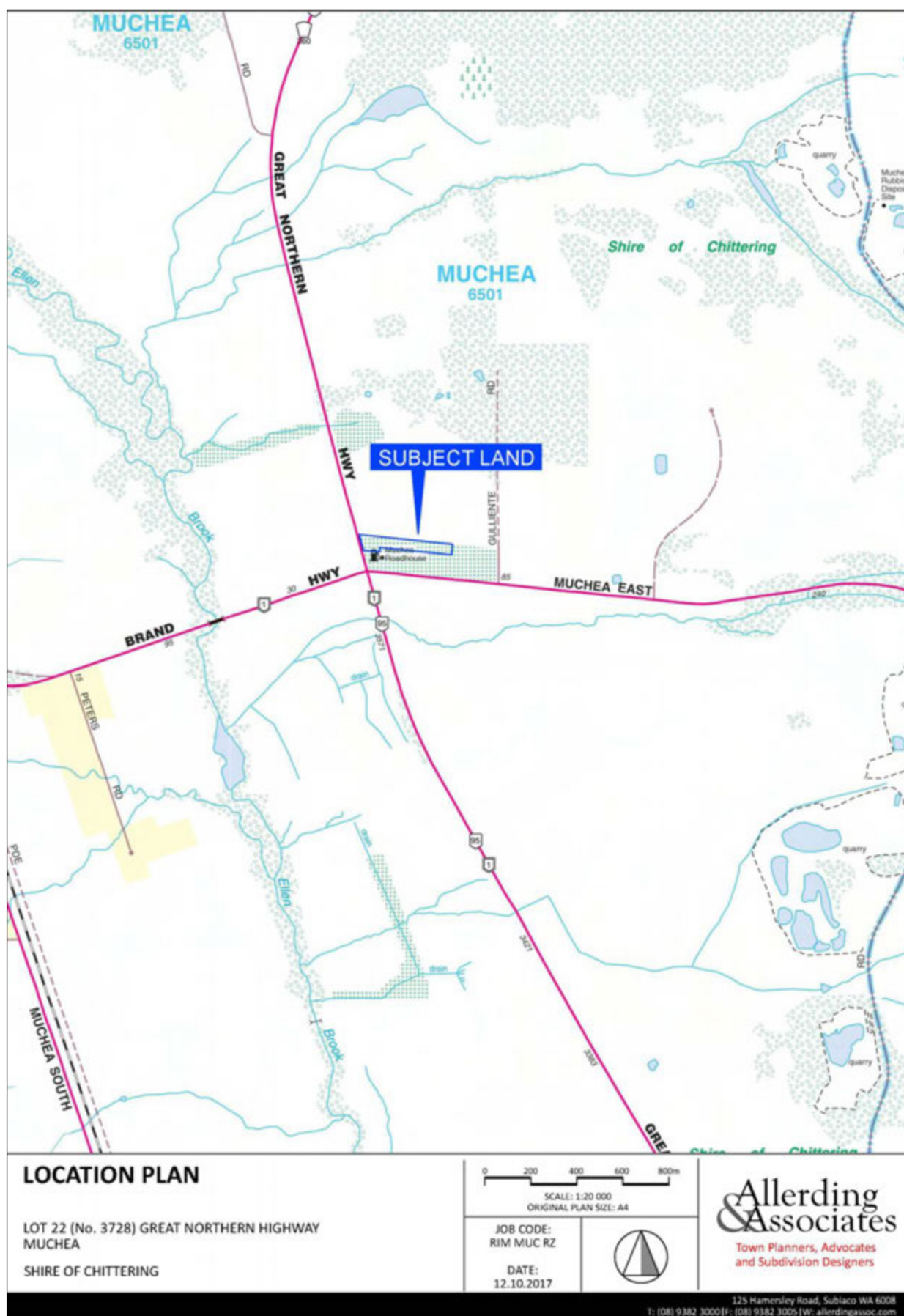


Figure 1: Location Plan



Figure 2: Aerial Photograph

2.0 INTRODUCTION

Planning consent is sought for the Great Northern Concrete mobile batching plant at Lot 22 Great Northern Highway, Muchea.

This report provides the supporting documentation for the application to establish and operate the Plant in this location. The Plant is intended to operate as a supplier of premixed concrete to the surrounding outer metropolitan and regional areas.

The Plant will operate in accordance with an endorsed EMP which will form part of the approved documentation.

2.1 Background

Great Northern Concrete have twenty five years experience in the concrete industry and currently supply and lay certified pre mixed concrete for commercial and residential use including house slabs, footings, kerbings, shed pads, driveways and paths.

Great Northern Concrete currently supplies the Muchea, Bindoon, Chittering, Bullsbrook, Swan Valley and surrounding areas.

As the Perth Metropolitan Region (**PMR**) expands, there is a greater demand for premixed concrete in the outer north eastern sector and surrounding regional areas. Additionally, the adjoining Industrial Development area within the Muchea Employment Node Special Control Area will provide additional demand for pre-mixed concrete, as will the roadworks associated with North Link and the Perth to Dampier National Highway.

The supply of concrete from batching plants within a reasonable delivery envelope is often critical to the integrity of this specialised construction material. For this reason the new Great Northern Concrete batching plant will be optimally located to supply the local market without loss of quality to this essential raw material.

Great Northern Concrete is committed to develop the sites with practical and efficient operations that respect governmental standards, other neighbouring businesses expectations and the environment.

2.2 Location

The Site is situated approximately 70km north of the Perth CBD on Great Northern Highway and is 40km distant from Ellenbrook to its south. The Site is located within the Muchea Employment Node Special Control Area. Refer to the Location Plan and Aerial Photo included in **Figure 1** and **Figure 2**.

Further afield to the south on Great Northern Highway, is the Midland City Centre while the City of Wanneroo is located 50 km to the west.

Access to the Site is gained via Great Northern Highway to the west. The land immediately surrounding Lot 22 includes;

1. Lot 202 to the south which accommodates a service station;
2. Lot 201 to the east which is currently cleared and vacant;

3. Lot 809 to the north comprising predominantly grazing land;

2.3 Description of Land

The Site is described as Lot 22 on Diagram 58206, Volume 1725, and Folio 907. A copy of the Certificate of Title is included in **Annexure 2**.

The Site is narrow and mostly rectangular in shape and has a total area of 2.013 ha, with varying widths and a total depth of 406.88m. At present, the Site is vacant, with empty Colorbond steel shed on a concrete slab and adjacent connected water tank. Existing vegetation comprises mostly grass and weeds with ten fig trees along the property boundary which are likely to be retained as part of the landscaping on site. A Site Plan is included as **Figure 3**.

2.4 Servicing

The Site is serviced with reticulated power. The existing shed includes a 5 litre water tank which captures rain water for use.

A bore licence has been purchased by the landowner to supply the Site. The bore is yet to be installed and its location is yet to be confirmed, however it is anticipated to be located at the western end of the Site adjacent to Great Northern Highway. It is intended that the water sourced from the bore will be pumped to the water storage tanks located south of mobile concrete batching plant.

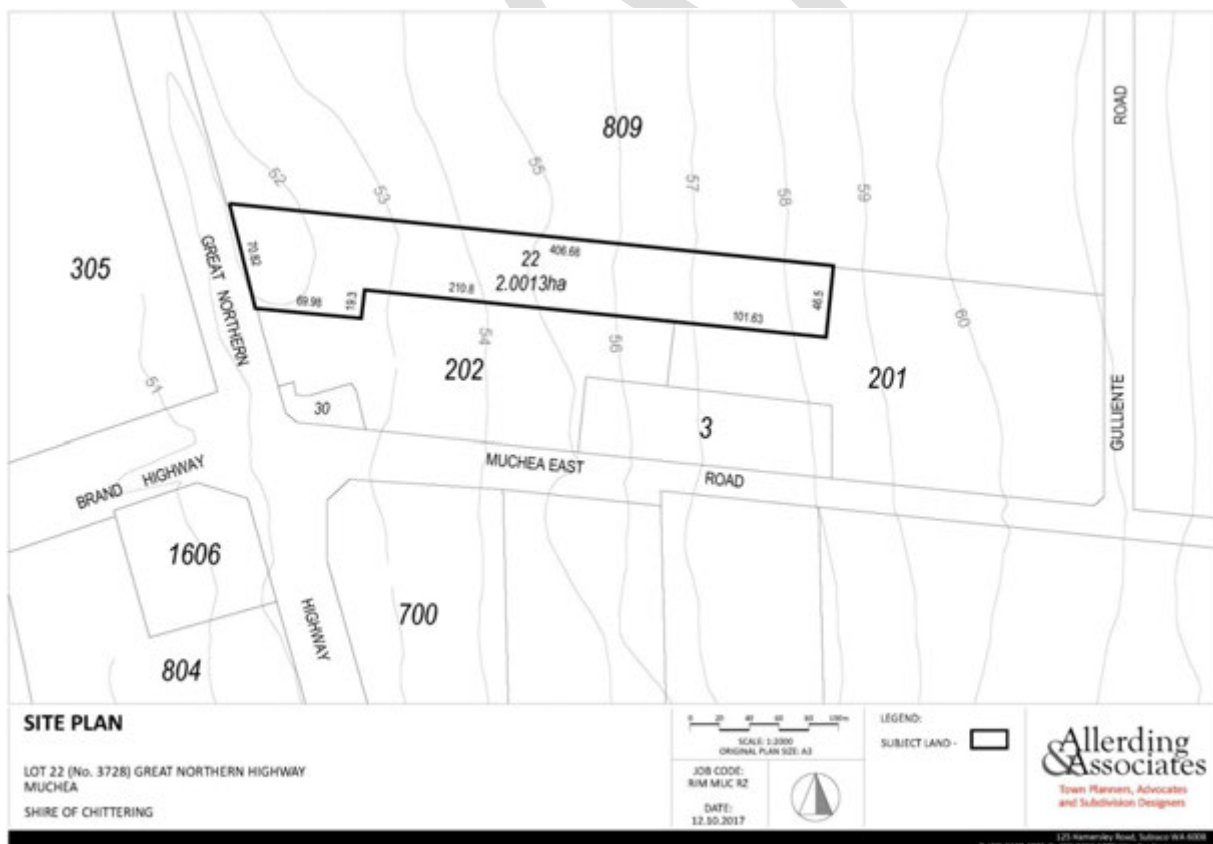


Figure 3: Site Plan

3.0 CONTEXT & RATIONALE

The following section addresses the planning context of the Site and the proposal including a rationale for this application.

3.1 Importance of the Plant in this Location

The proposed concrete batching plant will enable Great Northern Concrete to respond to increases in the demand for concrete resulting from the development of the Muchea Employment Node, population growth in the Perth Metropolitan Region and the establishment and rationalisation of the proposed construction of the Perth to Dampier National Highway and associated infrastructure.

The Great Northern Concrete mobile batching plant will provide an important local supply of good quality, fresh concrete for industrial, commercial and residential uses, thus enabling the growth of employment within the Muchea Employment Node and surrounding areas.

The proposal will provide flow on economic benefits for the wider community and facilitate future development within the region.

3.2 Other locations within the Perth Metropolitan Region

As highlighted in **Figure 4** there are a number of other localities within the north east corridor in which batching plants are located including Bayswater, Hazelmere and Midland. However the majority of the batching plants to the north of the CBD are located within the north western areas of the PMR, in locations which prevent the timely supply of pre mixed concrete to service neighbouring industrial, commercial and residential demand.

The proposed batching plant will contribute to the continued supply of concrete to these areas whilst also reducing vehicle fuel consumption and carbon emissions.

3.3 Surrounding Land Use

The land immediately surrounding Lot 22 includes;

- Lot 202 to the south which accommodates a service station;
- Lot 201 to the east which is currently cleared and vacant;
- Lot 809 to the north comprising predominantly grazing land but which has now been rezoned as "Industrial Development" as a result of Scheme Amendment No. 52 to the Shire of Chittering. Great Northern Concrete will provide an important source of concrete as a raw material for construction which will be beneficial to the future development of this Lot.

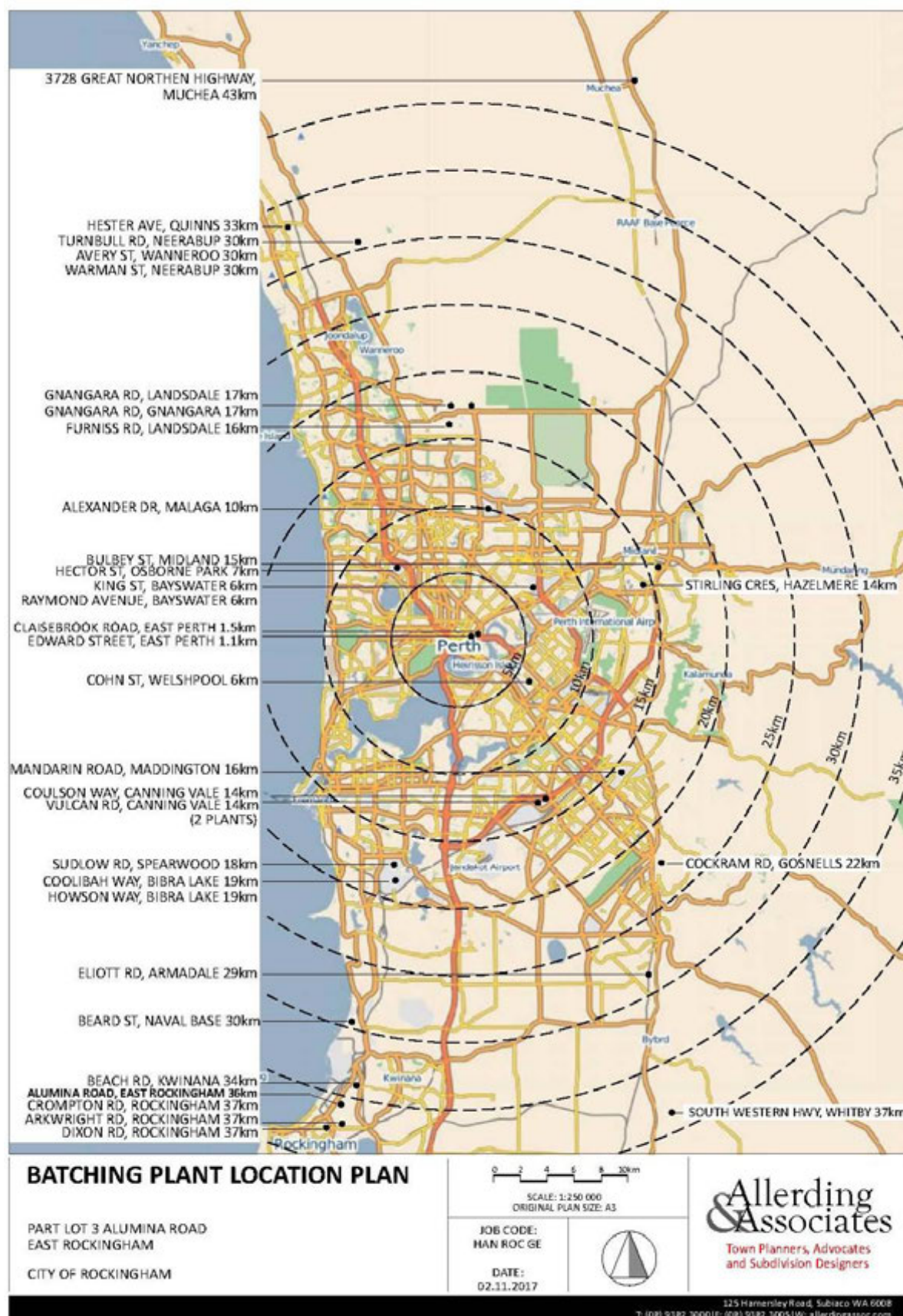


Figure 4 – Other Plant Localities

4.0 OVERVIEW OF PROPOSAL

There is a growing demand for efficient and accessible concrete supplies for a range of government funded and private sector construction works for commercial and residential uses, such as road works and new industrial projects within the locality. This proposal therefore seeks to facilitate the establishment of a new Great Northern Concrete mobile batching plant, located strategically to supply the MEN and commercial and residential development in the outer north eastern suburbs of the PMR.

Although other concrete batching plants operate within the northern suburbs of the PMR, their capacity to supply concrete to the MEN industrial area and northern sections of the proposed Perth to Darwin National Highway is limited and/or less desirable for various reasons including:

- Extending transport times (whether by distance or traffic delays) for concrete greatly increases the risk of spoilage. This is because concrete has an effective “incubation” time of 1 hour, after which the risk of spoilage is significant.
- The supply of concrete from other industrial sites further south of the Site increases truck traffic on the road between the batching plants and the location of the job, with implications for safety and traffic congestion.
- Increased truck traffic on road between the batching plant and the location of the job, with implications for increased total vehicle fuel consumption and CO₂ emissions (and associated costs to clients and end users) and increased carbon footprint.

4.1 Proposed Development and Operations

The proposed concrete batching plant comprises a truck wash down area, aggregate materials storage areas, concrete loading facilities, including two horizontally positioned cement silos, a slump stand area, water pits, waste storage, water recycling system, weighing hopper and a transfer conveyor belt.

Specifically, the following is proposed:

- a) Preliminary clearing and the construction of a swale within the site along the road frontage to capture excess stormwater run-off.
- b) The portion of land to be used for concrete batching plant operations (30% of the entire Site) to be covered with road base to provide for a trafficable surface for vehicle movements, and the construction of a concrete pad in the slumping stand area.
- c) Construction of the facilities associated with the concrete batching plant as described within this development application report and as shown on the development plans provided at **Annexure 3**.
- d) Implementation of an Environmental Management Plan for the proposed plant operations. Copy provided at **Annexure 1**.

Details of the development are outlined below.

5.0 PROPOSAL

The proposal seeks to establish a new concrete batching plant operation at Lot 22 Great Northern Highway, Muchea. The key elements of the proposed development are detailed below.

5.1 Business Operations

The function of the facility is to batch concrete and load onto trucks for distribution from the Site. Once raw materials are delivered to the plant, the pre-mix loading facilities weigh and batch cement, sand, aggregates and water and load these into the agitator trucks in a controlled sequence for distribution from the Site.

The proposed batching plant will comprise the following components (refer to development plans in **Annexure 3**):

Aggregate Material Storage Areas

Aggregate materials, including coarse and fine aggregates are delivered to the plant by trucks in B-double configuration or semi trailers trucks and stored in designated storage silos. These delivery vehicles enter the site via one access point on the western boundary. The aggregates are then moved to the conditioning areas (Storage Bins) next to the front end loader. Dust suppression is provided by sprinklers utilising secondary plant water in the stockpile areas and storage bins as well as the operating loader areas.

Front loader trucks load aggregate materials from material storage bins and transfer them to surge hoppers, which discharge the required amounts to be batched.

Cement Silos

Bulk cement is stored onsite in steel silos which are fitted with an independent overfill alarm system. Cement is transferred from storage to batching through sealed steel augers. The dry raw materials are then transferred into the bowl of an agitator truck via an enclosed conveyor belt.

Slump Stand Area

Water is added to the dry raw material mix in agitator trucks within the slump stand area via an overhead pipe. Wheel wash occurs within this sealed area prior to agitator trucks exiting the site.

Water and Waste Management systems

The Water Management System for the concrete batching plant will include bore water stored in water tanks and associated plumbing equipment erected to provide buffer water storage for operations including batching of concrete, wash-down of plant and trucks and watering of stockpile. These water tanks will be plumbed into a water chiller unit to supply water to the loading bay at a precise temperature.

Waste water from the concrete truck agitator will be handled in an environmentally responsible manner through the construction and use of a wash-out pit and an associated below ground wedge pit. The wash-out pits are built from pre-fabricated concrete panels placed in a rectangle with associated apron slabs. This system confines all concrete waste wash-out from the trucks. This allows for the settlement of solid waste, which is left to dry out. It is then reclaimed and disposed of and/or recycled at an offsite facility.

Grey water generated at the loading bay will collect in the below ground wedge settlement pit and transferred underground to the washout area recycling facility. The washout area will be located next to the slump stand and adjacent to (to the west) the main concrete plant (refer to Site Layout Plan in **Annexure 3**). It will contain a dedicated single-truck mixed use washing bay where trucks will be washed using a high pressure water cleaner as well as a water recycling facility. Any solid waste from the washout recycling facility can be removed by a loader and transferred to the settlement pits. The grey water collected in the washout area recycling facility will be collected in a wedge pit for re-use in washing down trucks.

The loading bay and wash-out pit will be located within a greywater containment perimeter with a concrete floor and a semi-mountable curb profile. Similarly the slump stand, washout area and recycling facility will also be situated within a greywater containment perimeter (refer to Site Layout Plan in **Annexure 3**). This will completely preclude the drainage of waste materials into the groundwater.

Refer to **Figure 5** for a diagram depicting the flow of water through the production process.

Staff/Amenities Room

The existing shed on site will be converted into a staff amenities room. Toilets will be installed within the shed with an on-site effluent disposal unit to the satisfaction of the Shire of Chittering's specifications.

All administrative paperwork will be undertaken within the Batch Room adjacent to the mobile batching plant.

Water movement through concrete batching and delivery process in Mobile Batch Plants

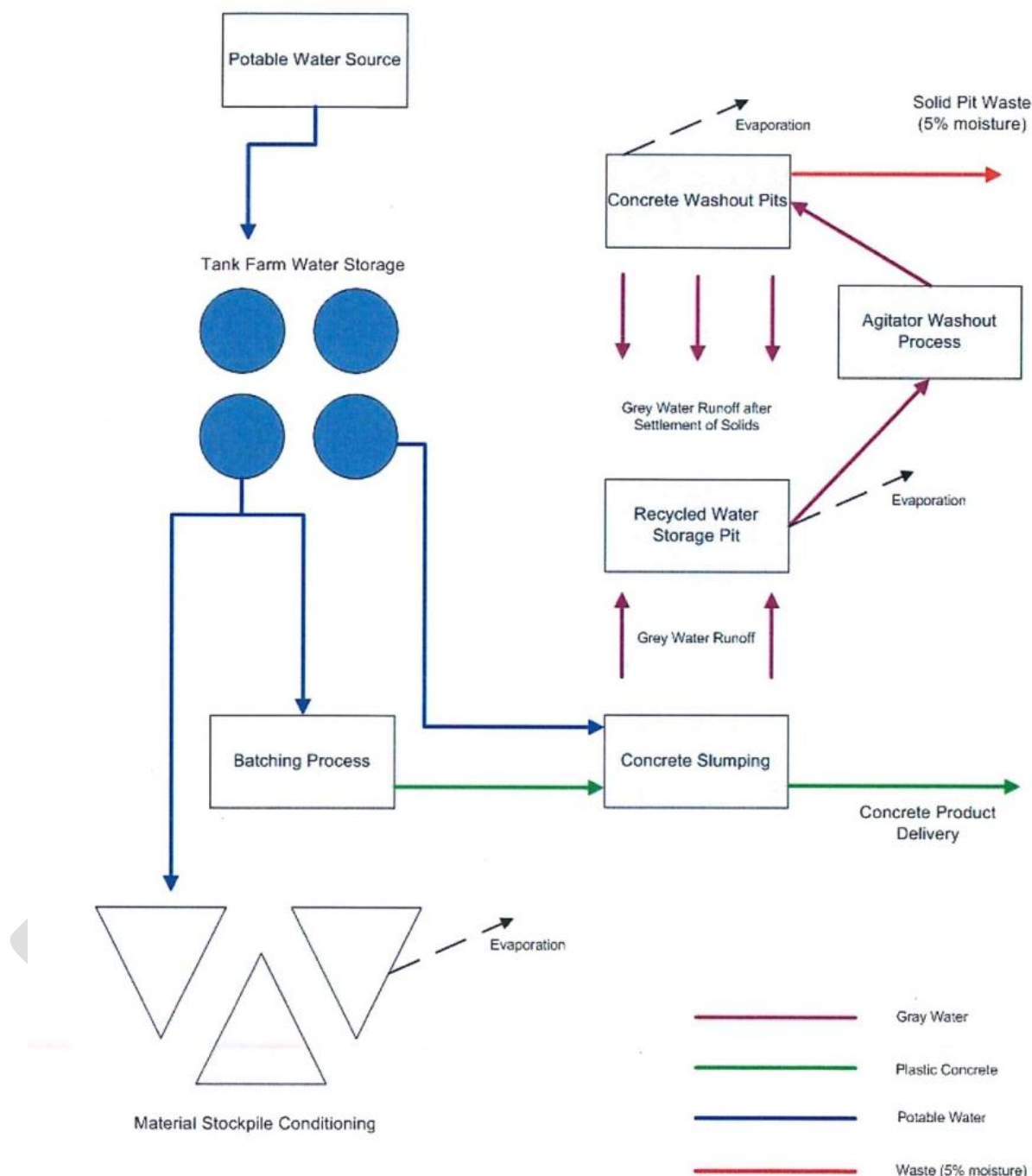


Figure 5: Flow Diagram of Water through Production Process

Internal Vehicle Movements

All vehicles associated with the proposed Plant will enter and exit from the one point in the north-western corner of the site (refer to the Site Layout Plan in **Annexure 3**).

Once inside the site, raw material trucks will travel along the northern boundary and deliver materials to the materials bins adjacent to the plant. Any excess materials will be stockpiled in the materials stockpile areas to the east of the bins. Raw

material trucks will turn in the paddock to the east of the materials storage area and exit in the same manner.

Cement trucks also travel along the northern boundary past the shed, then move south between the slumping area and the batching plant to the location of the two cement silos. Once the cement is delivered to the cement silos, the cement trucks travel west along the southern side of the slumping area and exit the site through the main gates.

Agitator trucks will travel along the northern boundary to the plant at which point they will reverse into the loading bay to receive the next load of batched concrete. Once loaded, the trucks will move to the slumping area for addition of final slumping water if needed. Agitator trucks then exit through the main gates.

Hardstand, Surface Levels and Fill

The site will be developed with permeable hardstand (road base or similar) which is trafficable for vehicle movements associated with the operation. Sealed areas within the site will be limited to the slumping area and washout recycling facility and the batch plant loading bay. As noted in the discussion of the water and waste management systems above, these sealed areas capture all runoff associated with the washout and batching process and enables the recycling of grey water for reuse within the plant.

Surface levels within the site will be determined based on groundwater level investigations to ensure that the sealed water management systems are positioned above maximum ground water level to prevent access of captured and recycled water from the batching process entering the groundwater. The batching plant area will also be raised above natural ground level to prevent stormwater inundation and promote drainage around the plant.

5.2 Staff

The facility will employ up to 7 staff:

- One to two employees operating the batching plant process; and
- Four to five truck drivers.

5.3 Hours of Operation

The facility will generally operate from 5am to 6pm Monday to Saturday, however due to the broad range of uses for batched concrete, there may be instances when operation outside of these hours is required. A noise complaint process will be implemented in the event that operations are required outside of these hours.

5.4 Car Parking

The Shire of Chittering's Local Planning Policy No. 13 Car Parking Requirements (LPP13) specifies the car parking requirements for a General Industry use as:

Industry - General: 1 bay per employee plus two visitor bays

In compliance with LPP13, nine parking bays in total are provided as part of the proposed development including 7 staff bays and 2 visitor bays. In addition, 1 disabled bay and 1 motorcycle bay are provided. All parking bays are provided on the western end of the site.

5.5 Access and Security

The Site will be secured with 2.4 metre high cyclone fencing around the perimeter.

The Site is accessed from one single entry point via Great Northern Highway, part of the regional road system connecting to the broader regional road network.

Controlled access via a lockable entry gate at the Great Northern Highway frontage will provide for additional security during and outside of operating hours. In the event that gates are locked when aggregate or cement trucks arrive to deliver materials to the Site, the entry gate has been set back from Great Northern Highway to allow space for larger articulated vehicles to pull off the carriageway and wait to gain access into the Site.

5.6 Traffic Management

The proposed batching plant will receive raw materials from external manufacturing and quarrying sources and will load these products on to purpose built mixing trucks for delivery to the construction and civil industries.

These incoming and outgoing deliveries are expected to occur in semi trailers or trucks in B-double configurations.

Market demand will determine the actual vehicular movements from the Site and may vary depending on construction industry activity. However, the maximum estimated traffic movements (in and out) have been provided as follows:

Vehicle Type	Movements / Day	Movements / Month	Movement / Year
Concrete	17	400	4,800
Cement	0.5	12	144
Raw Material (Aggregates / Sand)	2.5	60	720

Total	20	472	5,664
--------------	-----------	------------	--------------

The impact of the proposal on adjoining properties as a result of added traffic movements is also considered to be negligible given that travel is generally confined to the regional road network.

A Traffic Assessment has been prepared in support of the proposal and is contained in **Annexure 4**.

5.7 Site Management

The proposed plant will operate under a range of management controls both through physical infrastructure and procedures to ensure compliance with the relevant regulations.

An Environmental Management Plan (**EMP**) has been prepared which documents the management initiatives that will be used to minimise the impacts of its day to day activities on the community and the environment, including the management of dust, noise and traffic movements in relation to operating procedures, ongoing monitoring and incident reporting procedures. A copy of the EMP prepared by Great Northern Concrete is included in **Annexure 1**.

5.8 Landscaping

Landscaping of the channel drain along the front (west) boundary to improve site drainage is proposed. Such landscaping will be confined to the narrow drain adjacent to the boundary. Landscaping area to the east of the subject site will consist of remnant fig trees.

The landscaping is outlined on the site plan included within the set of development plans at **Annexure 3**.

5.9 Environmental Management

Dust and other environmental considerations are regulated under the *Environmental Protection (Concrete Batching and Cement Production Manufacturing) Regulations 1988 (the Regulations)* adopted under the *Environmental Protection Act 1986*. The Regulations address issues pertaining to dust and noise, such as minimisation of dust, control of dust from trafficable areas, and storage. Great Northern Concrete has management systems in place to address these matters which are outlined in the EMP included at **Annexure 1** of this report.

6.0 STATE PLANNING FRAMEWORK

6.1 State Planning Strategy 2050 (2014)

The State Planning Strategy 2050 is the highest order planning instrument in the Western Australian planning system. The Strategy is a guide through which public

authorities and local governments can express or frame their legislative mandates and/or influence in land use planning, land development and related matters.

The State Planning Strategy 2050 identifies that the South West sector, inclusive of the Wheatbelt area, will continue to be the population centre of the State. This means that a high level and range of employment opportunities will continue to be available in the South West.

The State Planning Strategy 2050 also identifies the Wheatbelt Land Use Planning Strategy as a strategic document to outline land use planning priorities and directives for the region.

6.2 Draft Wheatbelt Land Use Planning Strategy (2011)

The Wheatbelt Land Use Planning Strategy is a guidance document for the Wheatbelt region that aims to guide land use planning decision-making. The strategy is part of the State Planning Framework and will identify key economic, social and environmental drivers and their likely implications. As a key element to the progression of economic and regional development, the WAPC will seek to finalise a structure plan for the proposed Muchea Employment Node, which will establish a site for strategic industry, linked to consolidated and improved transport routes. The proposed concrete batching plant will aid the viability of the node and will likely provide a valuable raw material for the future development of the locality.

6.3 Muchea Employment Node Structure Plan (2011)

The Muchea employment node (the employment node) is located at the intersection of the Brand Highway and Great Northern Highway, and is an area set aside for service-based uses such as transport, livestock, fabrication, and warehousing, wholesaling and general commercial use. The employment node was originally identified as a future industrial area in the North-East Corridor Extension Strategy (2003). The node was recognised as having potential as an industrial area that could take advantage of long-term transport opportunities offered by the proposed Perth-Darwin National Highway (refer **Figure 6**).

The Site is included within Precinct 1A of the Muchea Employment Node, and is immediately adjacent to the Muchea Employment Node Special Control Area which was rezoned "Industrial Development" in July 2015.

Great Northern Concrete will provide an important source of concrete as a raw material for construction which will be beneficial to the future development of this node. Refer to **Figure 6** for the location of the Site within the Muchea Employment Node Structure Plan area.

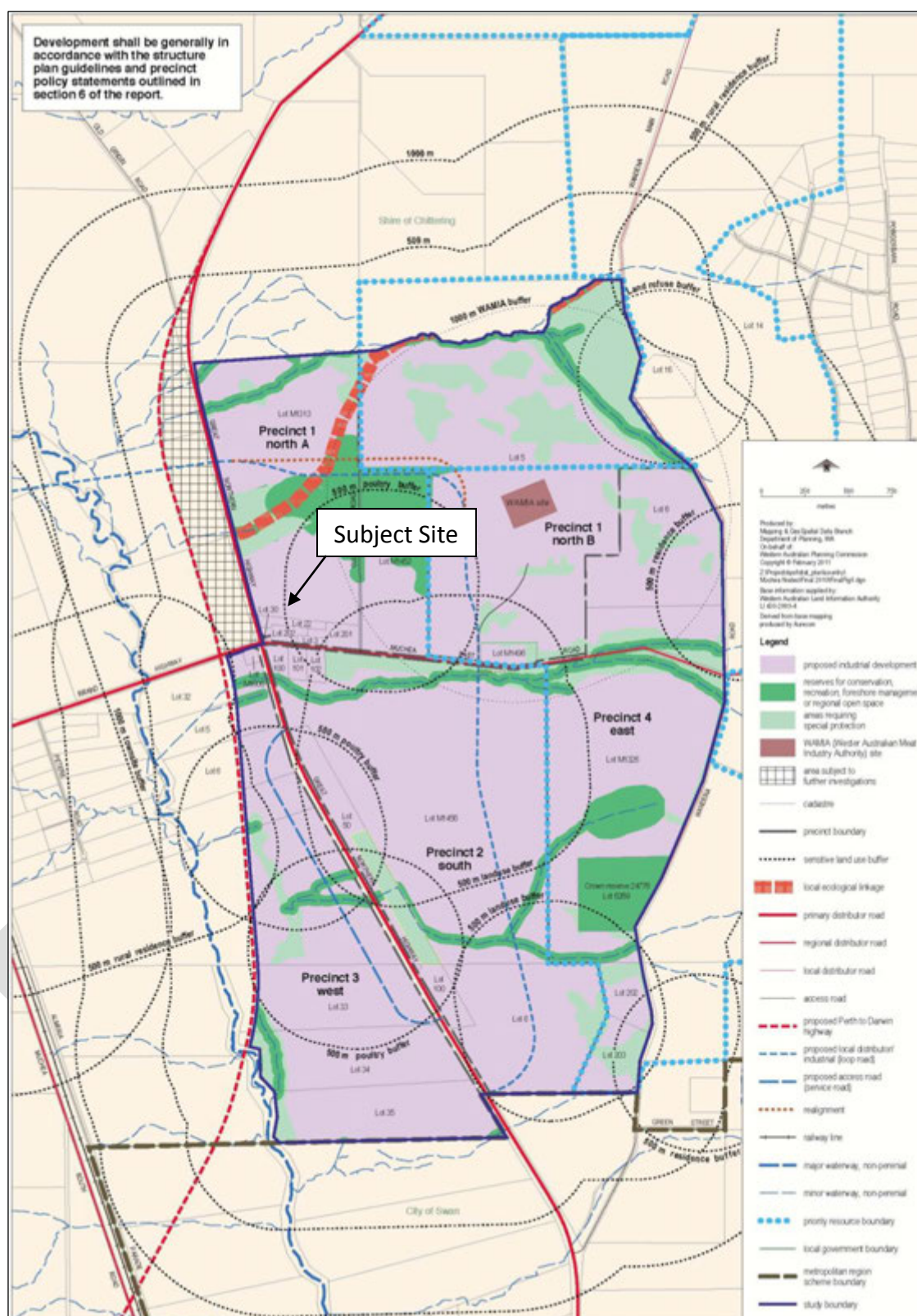


Figure 6: MEN Structure Plan Area

6.4 State Planning Policy No. 1: State Planning Framework

The State Government's broad planning framework, State Planning Policy No. 1 (SPP1) is in part a consequence of the State Planning Strategy (WAPC 2014) in bringing together in a statutory planning framework, existing State and regional policies and articulating general principles for land use planning and development. It sets the key principles relating to the environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made having regard to each of those five elements. Under Part A (General Principles for Land Use Planning and Development) of that Policy, it states:

The primary aim of planning is to provide for the sustainable use and development of land.

The State Planning Strategy identifies the principles which further define this primary aim and describe the considerations which influence good decision-making in land use planning and development. Planning should take account of, and give effect to, these principles and related policies to ensure integrated decision making throughout government. These elements include the following:

A1 Environment

The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development.

The Great Northern Concrete plant is proposed to operate under an Environmental Management Plan which has been prepared to address dust and noise emissions, as well as to establish water management and traffic management processes. The Plant's location, adjacent to the Muchea Employment Node, provides significant reductions to travel time with consequential reductions in carbon emissions, material wear and tear and reduced product wastage which would otherwise arise if it was necessary to travel from more remote plants a.

A3 Economy

Planning should contribute to the economic wellbeing of the State through the provision of land, facilitating decisions and resolving land use conflicts. Planning should provide for economic development by:

- Providing land for industry.
- Promoting local employment opportunities.
- Avoiding land use conflicts.

The proposed Great Northern Concrete mobile batching plant is strategically located in close proximity to future residential and industrial development and will play an important role in major infrastructure and urban development projects in the north-east corridor of the PMR.

The plant will provide a source of employment for the area and in particular will contribute to an appropriate land use mix that will enhance the vitality and diversity of land uses in the surrounding area.

A4 Infrastructure

Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated in a way that is efficient, equitable, accessible and timely. This means:

- Planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure.
- Protecting key infrastructure, including ports, airports, roads, railways and service corridors from inappropriate land use and development.

The proposed Great Northern Concrete mobile plant has direct access to Great Northern Highway, a major road which is essential for the distribution of concrete from the plant and for the supply of raw materials.

Further, the Plant will be connected to the Perth Metropolitan Region via the Perth Darwin National Highway (PDNH), 37km link between the intersection of the Reid and Tonkin Highways and the Great Northern Highway and Brand Highway.

As well as accessing the PDNH for a more efficient network for the distribution of concrete to the outer PMR, the Plant will be able to provide concrete as a raw material for the construction of this new link.

Based on the above, it is considered the proposal and associated flow on effects contribute to a more sustainable future and is therefore consistent with the sustainable development principles contained in SPP1.

6.5 State Planning Policy No. 2: Environment and Natural Resources Policy

The overarching objective of State Planning Policy No. 2 (**SPP2**) is to promote and assist in the wise and sustainable use and management of natural resources.

The policy is divided into a series of general and specific policy measures. One of those measures is the consideration of greenhouse gas emissions and energy efficiency.

The general measures under that policy are to actively seek opportunities for improved environmental outcomes including support for development which provides for environmental restoration and enhancement; and to take into account the potential for economic, environmental and social (including cultural) effects on natural resources.

More specifically, the policy recognises the need to make the reduction of greenhouse gas emissions a primary objective by increasing energy efficiency.

In terms of implementing the policy, section 6 notes that:

"...the purpose of this policy is to inform local governments and the Town Planning Appeals Tribunal of those aspects of State level planning policy concerning the environment and natural resources which should be taken into account in planning decision making while recognising the inherent difficulties of balancing conflicting needs."

A key consideration to this matter is the need to ensure that key infrastructure assets such as concrete batching plants are located in close proximity to their product delivery points, which will assist in meeting the objectives outlined in this planning policy.

6.6 State Planning Policy No. 3: Urban Growth and Settlement

The policy sets out the principles and considerations which apply to planning for urban growth and settlement in Western Australia.

The introduction to the policy recognises that the spread of urban development intensifies pressures on valuable land and water resources, and imposes costs on the provision of infrastructure and services.

The policy recognises a desirable objective being sustainable and liveable neighbourhoods that coordinate new development with the efficient economic and timely provision of infrastructure and services.

Part of the policy measures, outlined in Sections 5.4 and 5.5, are to plan cost effective and resource efficient development to promote affordable housing. It also recognises that appropriate coordination of services and infrastructure is required for new growth and settlements.

Whilst this applies to conventional urban services such as water and sewerage, it also applies to infrastructure provision including the construction materials and associated infrastructure necessary to enable cost effective and affordable housing and development.

The provision of affordable development in the locality is related to the proximity of supplies of material such as concrete provided by the proposed batching plant. The location of the proposed batching plant proximate to construction sites for future industrial, commercial and residential development is therefore also linked to the provision of affordable housing in the PMR.

6.7 State Planning Policy 3.7: Planning in Bushfire Prone Areas

A package of reforms was introduced in 2015 to help protect lives and property against the threat of bushfires throughout Western Australia. State Planning Policy 3.7: Planning for Bushfire Prone Areas (**SPP 3.7**) and the Guidelines for Planning in Bushfire Prone Areas (the Guidelines) were released and took effect on 7 December 2015.

SPP 3.7 provides the foundation for land use planning decisions in designated bushfire prone areas. Areas within Western Australia have been designated as bushfire prone by the FES Commissioner, and the Map of Bushfire Prone Areas which identifies the parts of the State that are designated as bushfire prone came into effect on 8 December 2015. An extract of this Map depicting the Site is included as **Figure 7**.

SPP 3.7, the Guidelines and the Map of Bushfire Prone Areas are to be read in conjunction with the Planning and Development (Local Planning Scheme) Regulations 2015 (**Regulations**). Within the Regulations Schedule 2 comprises deemed provisions for Local Planning Schemes which are automatically incorporated in all planning schemes (Deemed Provisions). Specifically, Part 10A of the Deemed Provisions comprises provisions to be incorporated into all local Planning Schemes in relation to bushfire risk management. Part 10A became operational on 8 April 2016.

Clause 6.2(a) of SPP 3.7 provides as follows:

a) Strategic planning proposals, subdivision and development applications within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with these policy measures.

Further, Clause 6.5 specifies that:

Any development application to which policy measure 6.2 applies is to be accompanied by the following information in accordance with the Guidelines: (i) a BAL assessment. BAL assessments should be prepared by an accredited Level 1 BAL Assessor or a Bushfire Planning Practitioner unless otherwise exempted in the Guidelines; or

(ii) a BAL Contour Map that has been prepared for an approved subdivision clearly showing the indicative acceptable BAL rating across the subject site, in accordance with the Guidelines. BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner

a) the identification of any bushfire hazard issues arising from the BAL Contour Map or the BAL assessment; and

b) an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.

This information can be provided in the form of a Bushfire Management Plan or an amended Bushfire Management Plan where one has been previously endorsed.

A BAL assessment and a Bushfire Management Plan have been undertaken as part of this report and are included as **Annexure 5**.

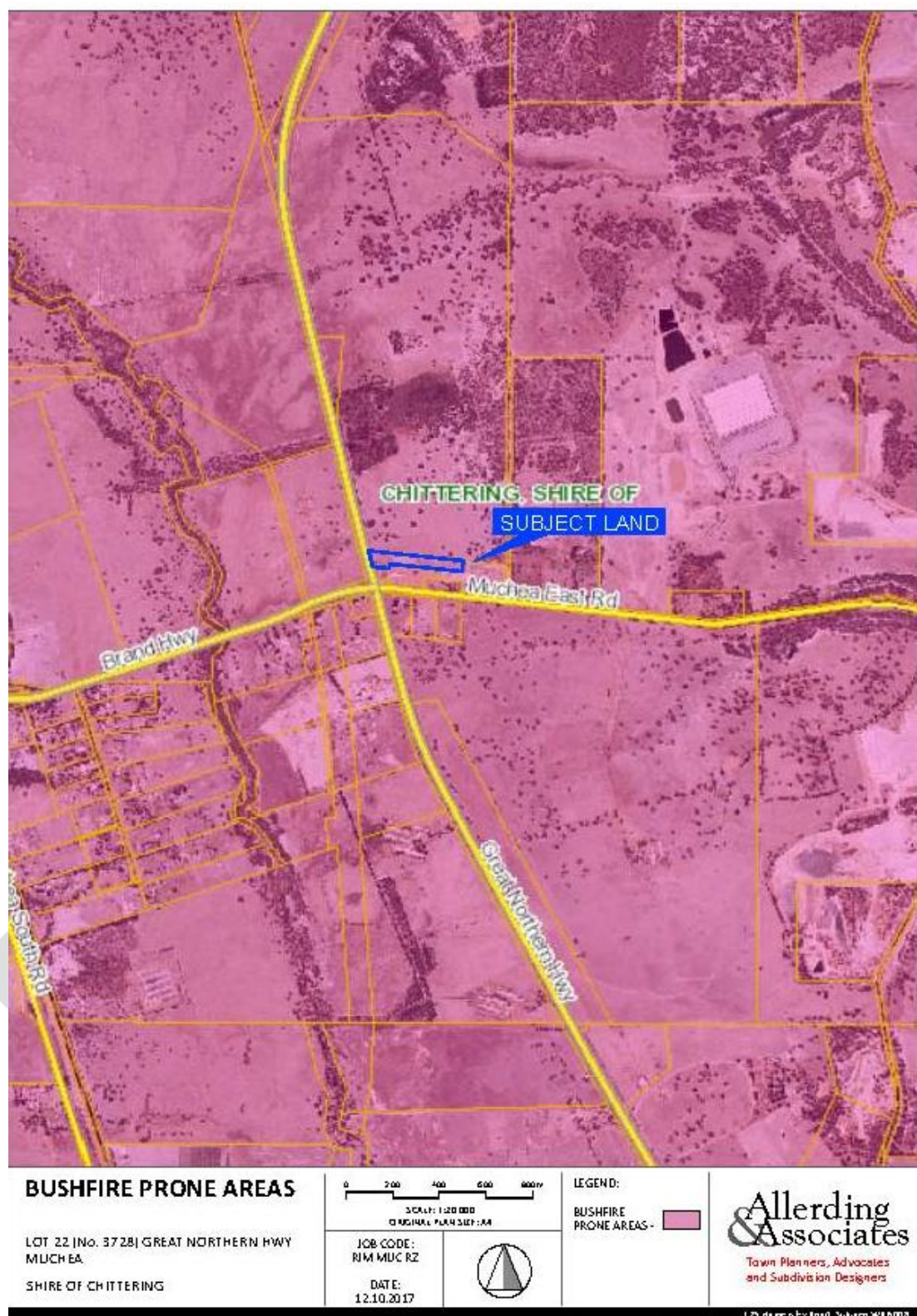


Figure 7: Extract from Map of Bushfire Prone Areas

6.8 Economic and Employment Lands Strategy: non-heavy industrial (2011)

The Economic and Employment Lands Strategy (**EELS**) has been prepared by the State Government in response to a recognised shortfall in industrial land supply. Its aim is to ensure that adequate forward planning is undertaken to provide land that can generate employment generating activities, including land zoned for industrial and commercial purposes.

Although the site lies just outside the area of study (which is the Perth Metropolitan and Peel Regions) the MEN area is identified within the EELS as a "planned industrial land release" area. Land identified for industrial land release has been earmarked to meet future demand for industrial land and promote the opportunities of employment creation in the locality.

The proposed batching plant will, therefore support the creation of additional jobs in this location and will operate to service local demand via the existing and future freight network.

6.9 Environmental Protection Authority – Guidance Statement No. 3

The EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 (**Guidance Statement No. 3**) provides for separation distances between industry (such as extractive industries) and sensitive land uses, which are listed as follows:

Residential developments, hospitals, motels, hostels, caravan parks, school, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial, institutional and industrial land uses which required high levels of amenity or are sensitive to particular emissions may also be considered 'sensitive land uses'. Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.

Under Appendix 1 of the Guidance Statement No. 3, the recommended separation distance for batching plants to sensitive land uses is 300m to 500m depending on size.

The Site is situated within the Muchea Employment Node (MEN) Structure Plan Area. The MEN Structure Plan 2011 (see Section 6.3 above) is a WAPC document which identifies the Structure Plan area for future industrial uses and contains a 1000m separation buffer from the town site and a 500 separation buffer from rural residences (refer to **Figure 8**).

Rural residential properties exist within the recommended separation distances from the proposed batching plant, however all sensitive premises in proximity to the Site and its indicative buffer areas are also located within the MEN Structure Plan Area. These properties are also located within the newly gazetted MEN Special Control Area which now forms part of the Shire of Chittering Local Planning Scheme No. 6 (refer Section 7.5 of this report). Therefore, the location of the Site, inclusive of the surrounding sensitive land uses, within the planned future MEN industrial area are considered to be well located for industrial use and should be protected from future encroachment by sensitive land uses by the planned buffer areas within the MEN Structure Plan area.

Additionally Guidance Statement No. 3 notes that:

A sound site-specific technical analysis will provide the most appropriate guide to the separation distance that should be maintained between a particular industry and sensitive land uses, or between industrial precincts and sensitive land uses, to avoid or minimise land use conflicts.

Notably, the proposal includes an Environmental Management Plan (EMP) that ensures that the plant design and operating procedures will comply with:

- the Environmental Protection Act 1986 – Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.
- Australian Standards for the construction of all structures and components.

This site specific document provides assurance that any land conflicts arising from the establishment of the proposed Plant will therefore be minimised.

Importantly, through the design of the plant and the management control measures adopted, Great Northern aims to minimise any environmental impacts which might arise through the operation of the plant. In addition, Great Northern Concrete is committed to minimising water and electricity consumption and dust emissions to a level well beyond mere compliance to regulatory standards.



Figure 8: (Extract) MEN Structure Plan area

7.0 LOCAL PLANNING FRAMEWORK

7.1 Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (**the Planning and Development Regulations**) have introduced a set of deemed provisions that now form part of TPS6. In particular, Clause 67 deals with matters to be considered by local government and include the following key provisions relevant to this application:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

-
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
 - (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
 - (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
 - (w) *the history of the site where the development is to be located;*
 - (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
 - (y) *any submissions received on the application;*
 - (za) *the comments or submissions received from any authority consulted under clause 66;*
 - (zb) *any other planning consideration the local government considers appropriate.*

Having regard to the key matters to be considered by local government, the application for planning approval together with the Request for a Scheme Amendment is consistent with the intent of the applicable planning framework and will support the growth of Muchea and its nearby employment node by providing services necessary for construction and infrastructure upgrades in the area. The Great Northern operations will also continue to provide for employment opportunities for the local community.

The proposed operations are considered to be entirely compatible within its setting being located on a major transport route and being separated from dwellings to ensure that any visual and noise impacts associated with the operations are limited. In this regard, amenity impacts are addressed and environmental impacts can be adequately managed through the suite of environmental management plans implemented, inclusive of stormwater management and traffic management. Any impacts on groundwater as a result of the continued operations are therefore considered to be negligible.

The Great Northern proposes landscaping (including the retention of existing fig trees) along its western boundary resulting in visual screening from Great Northern Highway to the west. The proposal involves the construction of a limited number of unobtrusive structures which will enjoy significant setbacks (in excess of 50m) from Great Northern Highway and will be in keeping in appearance with the adjacent service station to the south, and the proposed landscaping will help mitigate against the visual impact of the proposed structures on site.

Access to the site and traffic generation as outlined in the Traffic Management Plan are considered acceptable having regard to the capacity of Great Northern Highway and the existing driveway and access throughout the site.

The Shire's approval of this application for planning approval will result in an overall community benefit through the establishment of a local supplier of an important but perishable raw material in Muchea, which will positively contribute to the growth and development of the Muchea community, including the viability of the Muchea Employment Node.

In considering any submissions by neighbouring landowners or authorities consulted as part of the planning application process, it is expected that the Shire will provide an opportunity to review and respond to any comments following the consultation period and prior to the Shire's final determination of the matter.

7.2 Shire of Chittering Town Planning Scheme No. 6 (TPS2)

The Site is situated in the 'Agricultural Resource Zone' under the Shire of Chittering Local Planning Scheme No. 6 (LPS6). A LPS6 Plan is provided at **Figure 9**

A concrete batching plant is currently not listed as a use within LPS6. To enable the use within the Site, a Scheme Amendment proposal is being submitted to the Shire of Chittering concurrently with this application (refer to Section 7.6 below).



Figure 9: Zoning Plan

7.3 Local Planning Policy No. 13 – Car Parking Requirements

In accordance with the requirements set out in Clause 5 of Local Planning Policy No. 13 – Car Parking Requirements (**LPP13**), car parking bays are to be provided as follows:

5.1 Provision of car parking bays

- a) *A person shall not develop or use land or erect, use or adapt any buildings for any purpose unless car parking bays of the number specified in Table 1 are constructed and maintained in accordance with the provisions of the Scheme;*
- b) *Where an application is made for planning consent and the purpose for which the land or building is to be used is not specified in Table 1, the Local Government shall determine the number of car parking bays to be provided, based on the number of employees and likely visitors to the site.*

5.2 Standards

- a) *Subject to requirements of the Building Code of Australia for disabled access, the dimensions of each space shall not be less than 2.75 metres wide and 7.5 metres long.*

The Local Government may vary the dimensions specified:

- i) *by up to 10% where obstructions, site dimensions or topography result in the loss of one car parking space in any run or group of car parking spaces;*
 - ii) *where the provision of car parking space dimensions are enlarged to accommodate larger vehicle. In such cases, the area set aside shall be not less than if the standards specified were applied.*
- b) *Cars (and if relevant trucks and buses) are to enter and exit each site in the forward direction;*

A 'Concrete Batching Plant' land use is not included in Table 1 of LPP13 but the car parking requirements for a General Industry use is specified as follows:

Industry - General: 1 bay per employee plus two visitor bays.

As outlined in Part 5 of this report, the staff and labour personnel on site would generally be up to seven per day. In compliance with LPP13, nine parking bays in total are provided as part of the proposed development including 7 staff bays and 2 visitor bays. In addition, 1 disabled bay and 1 motorcycle bay are provided.

7.4 Local Planning Policy No. 18 – Setbacks

The objectives of the Shire's Local Planning Policy No. 18 – Setbacks (**LPP18**) are listed as follows:

To maintain the rural character of the Shire;

To allow maximum flexibility for building while maintaining rural character, ensuring light, safety and visual privacy, preserving natural vegetation, protecting water courses and wetlands from encroachment and keeping firebreaks clear.

The key policy provisions under Clause 5 of LPP18 relevant to this planning application are outlined below:

5.4 *In the special control area that is Water Prone and areas liable to flooding the minimum building setback is 30m from an existing water body or highest known flood level, as decided by Council.*

5.7 *Otherwise, the following minimum setbacks generally apply to buildings (including retaining walls), dams and water tanks:*

(a) Agricultural Resource Zone

Highway – 100m

Major Road – 50m

Other Road – 30m

Rear – 30m

Side – 30m

5.11 *Council may permit variations to the minimum setbacks specified in 5.5 and 5.7 above, as permitted by TPS No. 6, in the following circumstances:*

(c) commercial or industrial use

(f) other cases where it is reasonable to do so, as determined by Council.

Having regard to Clause 5.4, the development site is separated from the creek line to the north by around 500m. To the east, the development area is separated from Ellen Brook by approximately 670m.

LLP18 does not provide minimum setback distances for the General Industry zone as requested in the accompanying Scheme Amendment Request and approval of the proposed setbacks will therefore be up to Council's discretion.

The proposed structures that form part of this development are set back in excess of 50m from Great Northern Highway. Given the unobtrusive nature of the proposed structures, it is considered that the boundary setbacks are acceptable and capable of approval by Council.

7.5 Amendment 60 to LPS6

Additionally, the Site is included within the MEN Structure Plan area. Amendment No. 60 to LPS6 was gazetted on 3 November 2017 and now forms part of LPS6. Amendment No. 60 introduced new provisions into Clause 5.7 (Mucchea Employment Node) of LPS6 which:

- clarify planning requirements in the assessment of scheme amendments;
- identify land within the MEN area for which structure planning is required; and
- expand the boundary of the MEN Special Control Area (**SCA**) to reflect the entire MENSF area.

Under Amendment No. 60, the Site and surrounding land has been included within the boundary of the new MEN SCA and is therefore subject to the amended provisions of Clause 5.7 of LPS6.

Consistent with the former provisions of Clause 5.7.2 (Planning Requirements) of LPS6, Amendment No. 60 recognises the "General Industry" zone as one of the potential future zonings anticipated within the MEN SCA area. Amendment No. 60 has also introduced Clause 5.7.2.4 which recognises the Site (Lot 22) as a lot not requiring structure planning prior to development taking place.

7.6 Proposed Amendment to the Shire of Chittering's LPS6

The Site is subject to a proposed Scheme Amendment which will be submitted to the Shire of Chittering concurrently with this application for development approval.

The proposed amendment seeks to reflect the overall intent of the Shire's MEN by introducing a base "General Industry" zone and additional use (concrete batching plant) that is compatible with the future range of intended uses to be accommodated in the MEN area. **Figure 10** contains an excerpt of Section 6.4 of the MEN Structure Plan (**MENSF**) which outlines the uses anticipated within the MEN area. The inclusion of a concrete batching plant use within the "General Industry" zone is considered to be an appropriate form of land use within the MEN area and will function to service the growth of this precinct into the future.

Table A: Permitted land uses

<ul style="list-style-type: none"> • Industry – general, light, rural and service • Animal establishment • Aquaculture • Builders storage yard • Car park • Caretakers dwelling • Civic use • Community purpose • Exhibition centre • Factory unit building • Farm supply centre • Fuel depot • Garden centre/plant nursery • Landscape supplies • Extractive industry 	<ul style="list-style-type: none"> • Lunch bar • Motor vehicle repair, wrecking, vehicle, boat and caravan – sales • Open air display • <u>Public utility</u> • <u>Roadhouse</u> • Salvage yard • <u>Service station</u> • <u>Shop</u> • <u>Showroom</u> • Storage • Telecommunications infrastructure • Transport depot • <u>Veterinary centre</u> • Warehouse • Recycling centre
---	---

Table B: Discretionary 'A' Land uses

- Animal husbandry - intensive
- Stock Yards
- Industry – Noxious

Table C: Land uses not permitted ('X')

- Industry – hazardous, mining and the following noxious industry:
- Chicken litter fired power plant

Figure 10 – Tables A, B and C of Section 6.4 of the MENSF

7.7 Special Control Area – Water Prone Area (Ellen Brook Palusplain)

Pursuant to Part 6 – Special Control Areas of TPS6, the Site is located within a Water Prone Area associated with the Ellen Brook Palusplain as it is mapped as being subject to inundation or flooding. Clause 6.1 of TPS6 states that:

In respect of a Special Control Area shown on a Scheme Map, the provisions applying to the Special Control area apply in addition to the provisions of the underlying zone or reserve and any general provisions of the Scheme.

The purpose of the Water Prone Area – Ellen Brook Palusplain is described in Clause 6.3.2 as follows:

- a. *To manage development in areas where there is high risk of inundation so as to protect people and property from undue damage and where there is a potential risk to human health.*
- b. *To preclude development and the use of land which may increase the amount of nutrients from entering the surface and/or sub-surface water systems.*
- c. *To ensure that wetland environmental values and ecological integrity are preserved and mentioned.*

The Planning Requirements are listed at Clause 6.3.3 as follows:

The Local Government will impose conditions on any Planning Approval relating to-

- (a) *the construction and occupation of any dwelling or outbuilding;*
- (b) *the type of effluent disposal system used in this area shall be high performance with bacterial and nutrient stripping capabilities to the specifications of Council and the Health Department and shall be located in a position determined by Council.;*
- (c) *minimum floor levels for any building above the highest known water levels;*
- (d) *any land use that may contribute to the degradation of the surface or sub-surface water quality.*
- (e) *no development other than for conservation purposes will be permitted within 30 metres of any natural water body;*
- (f) *damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan.*

In considering applications for Planning Approval, the Local Government shall have regard to those matters listed in Clause 6.3.4 of TPS6:

- (a) *the likely impact on the health and welfare of future occupants;*
- (b) *the proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes;*
- (c) *any provision or recommendation from any Catchment Management Plan.*
- (d) *the likely impact on any wetland;*
- (e) *buffer distances from any wetland.*

Clause 6.3.5 of TPS6 also notes that the Local Government may refer any Application for Planning Approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation. The Site is located approximately 670m from Ellen Brook to the west and approximately 500m from the creek line to the north. No environmentally sensitive wetlands have been identified on or surrounding the subject land.

The adopted environmental management principles will ensure that there is no risk to the groundwater or environmental qualities of the locality as a result of the operations.

8.0 ENVIRONMENT

8.1 Acid Sulfate Soils

Acid sulfate soils (ASS) are naturally occurring soils and sediments containing sulfide minerals, predominantly pyrite (an iron sulfide). In an undisturbed state below the watertable, these soils are benign and not acidic. However, if the soils are drained, excavated or exposed by lowering of the water table, the sulfides will react with oxygen to form sulfuric acid.

As can be seen in **Figure 11**, the Site contains no Acid Sulfate Soils. No ASS investigation will therefore be required.

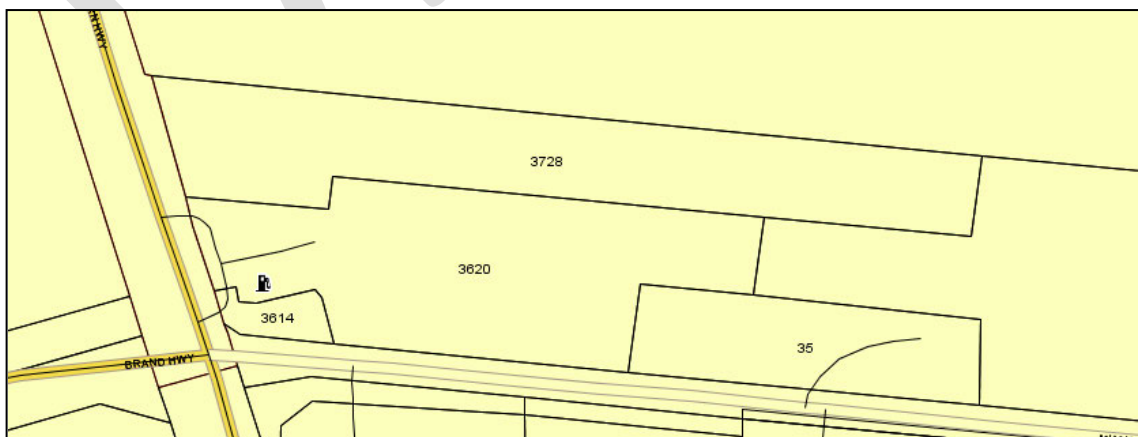


Figure 11: Acid Sulphate Soils

8.2 Topography

As seen in the Site Plan at **Figure 12**, the topography of the land is generally level and provides no difficulties for development. The Site falls from 58m AHD in the east to 52m AHD in the west. The development area is generally at a level of 52m AHD across the site. There are no environmental constraints on the Site with respect to the topography or surface drainage.



Figure 12–Topography

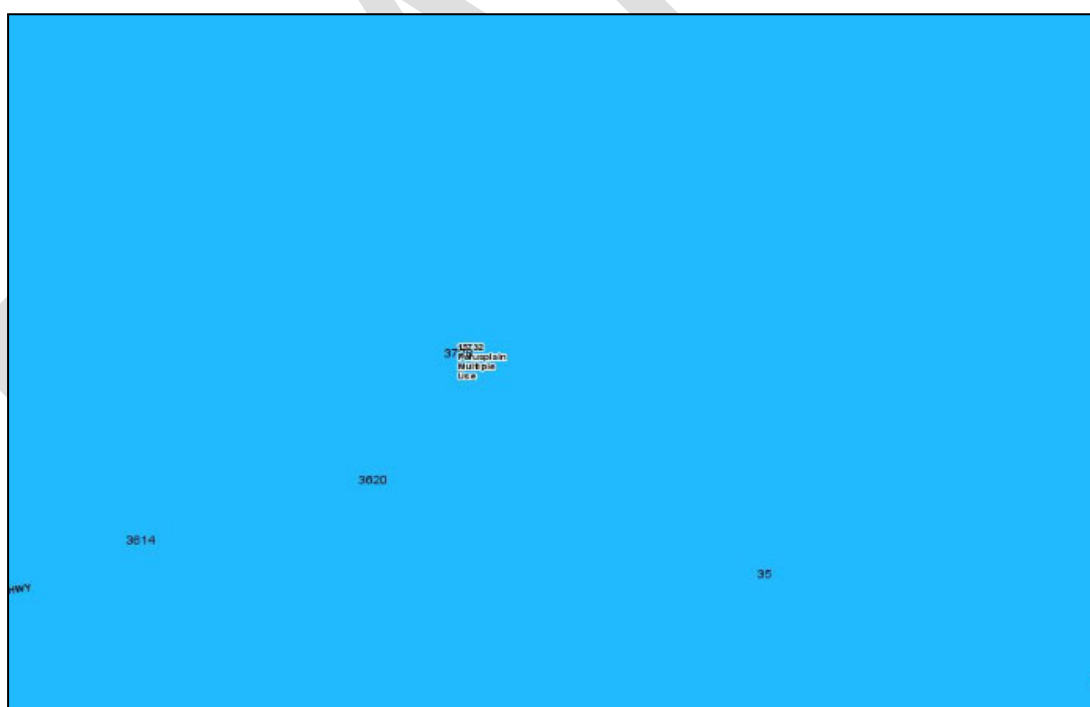


Figure 13 – Geomorphic Wetlands

8.3 Groundwater

A review of the available groundwater mapping from the Department of Water Perth Groundwater Map (refer **Figure 14**) has found that mapped groundwater levels on and around the site are 50m AHD. Compared with the topographical levels across the site falling from 58m AHD in the east to 52m AHD in the west, the mapped groundwater levels are separated from the surface level by approximately 3m at the lowest point.

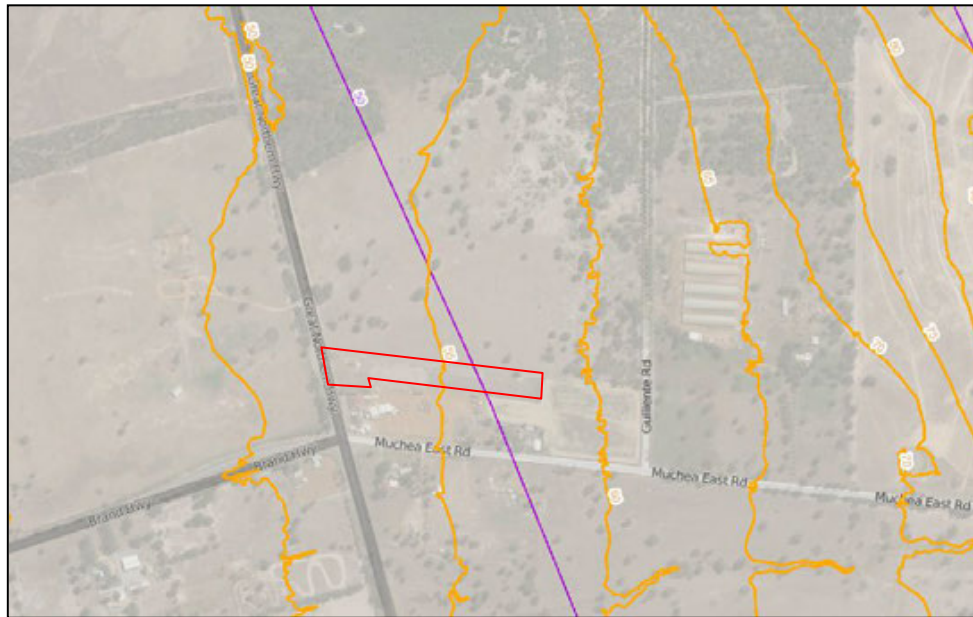


Figure 14 – Groundwater levels (blue line) compared with site contours (yellow line).

8.4 Site Contamination

The Department of Environment Regulation (DER) Contaminated Sites Register did not identify any recorded contamination at the Site.

8.5 Wetlands and Waterways

A review of the WA Atlas Wetland Management Category Mapping was undertaken which identified the Site within a 'Multiple Use' wetland (refer **Figure 13**). Multiple Use wetlands are generally described as 'wetlands with few remaining important attributes and functions', their respective management objectives involving:

Use, development and management should be considered in the context of ecologically sustainable development and best management practice catchment planning through landcare.

The existing wetland classification which exists over the Site is not a barrier to its use in the context of the overall environmental management practices adopted.

A stormwater management plan has also been developed for the Site as part of the EMP (refer **Annexure 1**) to ensure that water is captured and retained on-site following a storm event. Where necessary, the water will be treated to ensure that it does not negatively impact the groundwater resource. Operation under the terms of the EMP will assist to further mitigate against any impacts to groundwater as a result of site operations.

8.6 Significant Vegetation

The Site contains mostly grass and weeds. There are ten fig trees along the property boundary which are likely to be retained.

8.7 Indigenous Heritage

A search was undertaken on the Department of Indigenous Affairs Aboriginal Heritage Enquiry System which returned no results of Registered Aboriginal Sites on or around the Site.

9.0 CONCLUSION

On behalf of Great Northern Concrete we seek Council's support for the proposed mobile concrete batching plant at Lot 22 Great Northern Highway, Muchea.

In conclusion it can be seen that:

- The proposal follows the intent of the State and local planning framework and is designed to operate in accordance with State environmental legislation;
- The proposal ensures the establishment of a batching plant operation which supports the development of the north-east corridor and the Shire of Chittering in particular;
- The Site is well suited to supplying premixed concrete to the outer PMR and surrounding regional areas given its proximity to an established and proposed transport network;
- The management, efficiency and operations of the proposed plant represent the latest practices in sustainability and environmental management;
- Any off-site impacts to sensitive land uses arising from the establishment of the proposed batching plant are considered acceptable given the buffer distances maintained between these land uses and the management plans to be employed;
- Great Northern Concrete is an established concrete supplier with 25 years experience in providing concrete for commercial and residential uses. The proposed batching plant will facilitate long term employment opportunities in the local area and be of significant benefit to the construction industry.

We therefore seek Council's favourable consideration and support of this proposal to enable approval for the operation of the Great Northern Concrete mobile batching plant.

DRAFT

Annexure 1

Environmental Management Plan

(to be provided as part of final version)

DRAFT

Annexure 2

Certificate of Title

WESTERN



AUSTRALIA

RECORD OF CERTIFICATE OF TITLE **UNDER THE TRANSFER OF LAND ACT 1893**

REGISTER NUMBER 22/D58206	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 27/6/2017

VOLUME
1725FOLIO
907

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 22 ON DIAGRAM 58206

REGISTERED PROPRIETOR: **(FIRST SCHEDULE)**

BRENT EDWARD RIMMER
 MICHELLE ROBIN RIMMER

(T N656970) REGISTERED 26/6/2017

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: **(SECOND SCHEDULE)**

- EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 2255/1926.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
 * Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
 Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

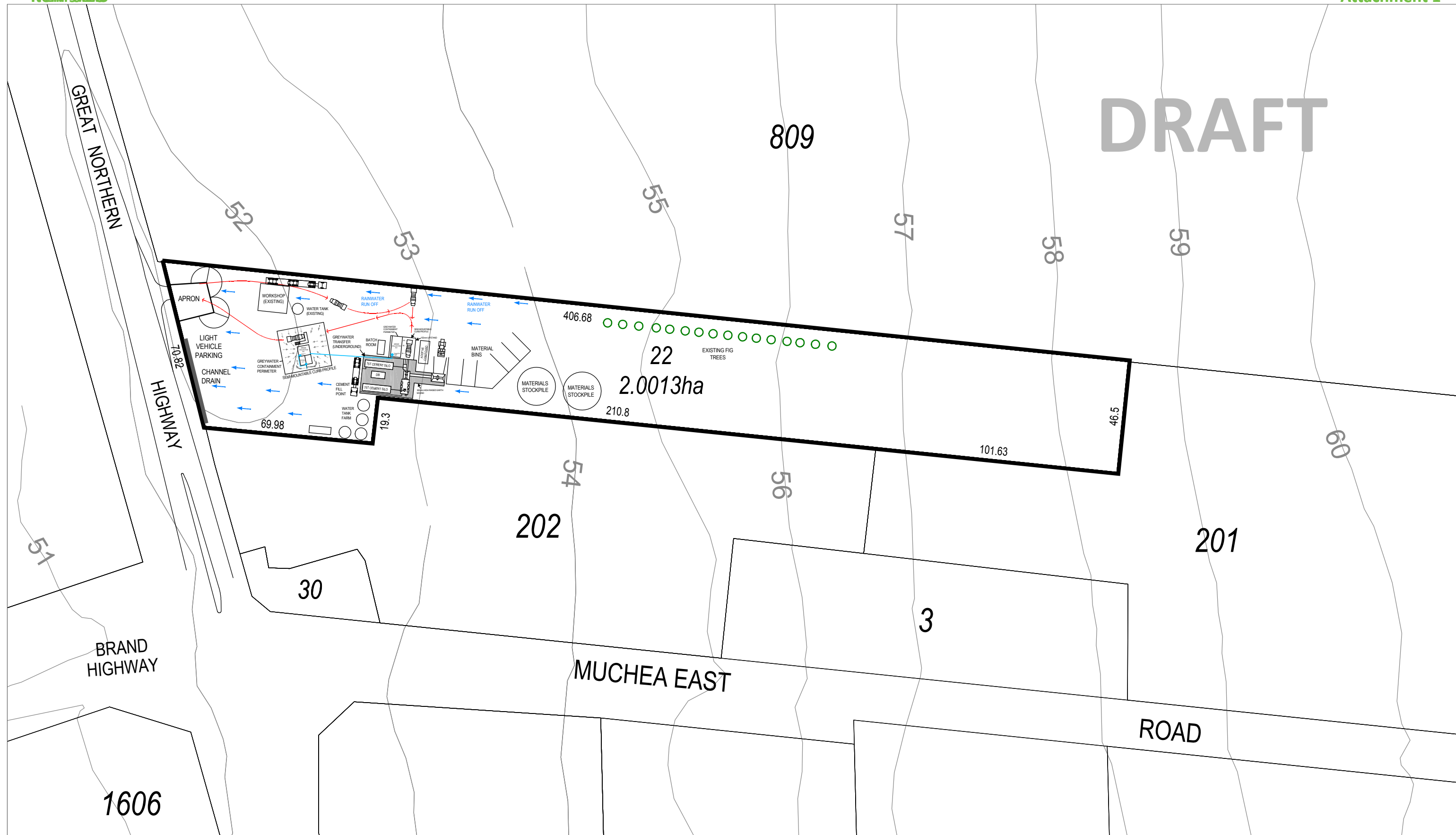
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1725-907 (22/D58206)
 PREVIOUS TITLE: 1539-333
 PROPERTY STREET ADDRESS: 3728 GREAT NORTHERN HWY, MUCHEA.
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF CHITTERING

DRAFT

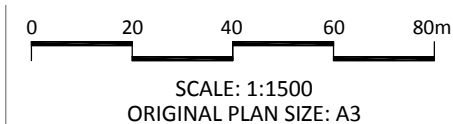
Annexure 3

Development Plans



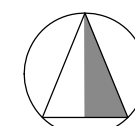
PROPOSED LAYOUT

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA
SHIRE OF CHITTERING



JOB CODE:
RIM MUC RZ

DATE:
21.11.2017



LEGEND:

SUBJECT LAND -



**Allerding
& Associates**
Town Planners, Advocates
and Subdivision Designers



DRAFT

Annexure 4

Traffic Assessment

(to be provided as part of final version)

DRAFT

Annexure 5

Bushfire Management Plan

Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Site address: 3728 Great Northern Highway, Muchea

Site visit: Yes ☒ No ☐

Date of site visit (if applicable): Day 16 Month November Year 2017

Report author or reviewer: Roger Banks

WA BPAD accreditation level (please circle):

Not accredited ☐ Level 1 BAL assessor ☐ Level 2 practitioner ☒ Level 3 practitioner ☐

If accredited please provide the following.

BPAD accreditation number: 36857 Accreditation expiry: Month SEPTEMBER Year 2018

Bushfire management plan version number: 2

Bushfire management plan date: Day 30 Month November Year 2017

Client/business name: Great Northern Concrete Pty Ltd

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
Is the proposal any of the following (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>

None of the above ☐

Note: Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

Why has it been given one of the above listed classifications (E.g. Considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

Proposed Amendment to a Local Planning Scheme.

The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Signature of report author
or reviewer



Date 1/12/17

BUSHFIRE MANAGEMENT PLAN

Proposed Concrete Batching Plant

Lot 22 (3728) Great Northern Highway

Muchea

Prepared for: Great Northern Concrete Pty Ltd
Prepared by: Allering and Associates

NOVEMBER 2017

Allering
& Associates

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: alleringassoc.com

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	3
2.0	INTRODUCTION	4
2.1	PURPOSE OF THE BMP.....	4
2.2	OVERVIEW OF PROPOSAL.....	5
3.0	LOCATIONAL AND ENVIRONMENTAL CONSIDERATIONS	7
3.1	LOCATION.....	7
3.2	ZONING AND LAND USE.....	7
3.3	EXISTING IMPROVEMENTS.....	7
3.4	EXISTING VEGETATION AND ENVIRONMENTAL FEATURES	7
3.5	LANDSCAPING.....	7
3.6	ACCESS	7
3.7	WATER AND POWER SUPPLY	7
4.0	BUSHFIRE ASSESSMENT RESULTS	9
4.1	ASSESSMENT INPUTS.....	9
4.1.1	<i>Vegetation Classification</i>	<i>9</i>
4.1.2	<i>Site Topography and Slope.....</i>	<i>9</i>
4.2	ASSESSMENT OUTPUTS	10
4.2.1	<i>BAL Assessment</i>	<i>10</i>
4.2.2	<i>BHL Assessment</i>	<i>11</i>
5.0	IDENTIFICATION OF BUSHFIRE HAZARD ISSUES.....	13
6.0	PROPOSAL COMPLIANCE AND JUSTIFICATION	14
6.1	SPP.3.7 OBJECTIVES	14
6.2	SPP3.7 POLICY MEASURES.....	14
6.2.1	<i>Relevant provisions</i>	<i>14</i>
7.0	ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA	15
7.1	COMPLIANCE ASSESSMENT.....	16
7.2	ADDITIONAL MANAGEMENT STRATEGIES	24
7.2.1	<i>Compliance with Shire of Chittering Firebreak Notice 2017-2018</i>	<i>24</i>
7.2.2	<i>Notification(s) on Title.....</i>	<i>24</i>
7.2.3	<i>Building Construction Standards.....</i>	<i>24</i>
8.0	RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT	26
9.0	REFERENCES.....	27

FIGURE 1 – LOCATION PLAN
 FIGURE 2 – MAP OF BUSHFIRE PRONE AREAS
 FIGURE 3 – SITE PLAN OF PROPOSAL (CADASTRAL)
 FIGURE 4 – SITE PLAN OF PROPOSAL (AERIAL)
 FIGURE 5 – AERIAL PHOTO
 FIGURE 6 – PHOTO OF EXISTING SHED
 FIGURE 7 – VEGETATION CLASSIFICATION AND PLOTS
 FIGURE 8 – BAL CONTOUR MAP
 FIGURE 9 – BUSHFIRE HAZARD LEVEL MAP
 FIGURE 10 – BUSHFIRE MANAGEMENT STRATEGIES MAP

TABLE 1 – BUSHFIRE ATTACK LEVEL TABLE
 TABLE 2 – BUSHFIRE HAZARD LEVEL TABLE
 TABLE 3 – ASSESSMENT AGAINST THE
 BUSHFIRE PROTECTION CRITERIA

APPENDIX 1 – DEVELOPMENT PLANS
 APPENDIX 2 – VEGETATION CLASSIFICATION
 APPENDIX 3 – BMP MAPPING
 APPENDIX 4 – SIHRE OF CHITTERING
 FIREBREAK NOTICE 2017-2018

Document ID: RIM MUC BF/1711						
Issue	Date	Status	Prepared by		Approved by	
			Name	Initials	Name	Initials
1	28.11.17	Draft	Tom Hockley BPAD39692 Level 1	TH		
2	30.11.17	Final	Tom Hockley BPAD39692 Level 1	TH	Roger Banks BPAD36857 Level 2	RB
3						
<p>This report has been prepared for the exclusive use of the Client, in accordance with the agreement between the Client and Allerding & Associates ('Agreement').</p> <p>Copyright and any other Intellectual Property arising from the report and the provision of the services in accordance with the Agreement belongs exclusively to Allerding & Associates unless otherwise agreed and may not be reproduced or disclosed to any person other than the Client without the express written authority of Allerding & Associates.</p>						
<p><i>Disclaimer:</i></p> <p><i>This document has been prepared for the exclusive use of the Client, in accordance with the Agreement. The information used in the preparation of this document was, to the best of our knowledge, believed to be reliable and accurate at the time of publication. Notwithstanding, no representation or warranty is given as to the completeness, accuracy or relevance of any information contained within this document. Findings or recommendations contained within this document are based on circumstances and facts as they existed at the time the work was undertaken. Any changes in the circumstances and facts upon which this document is based may, adversely or otherwise, affect any findings or recommendations contained in this document.</i></p>						

©2017 Allerding & Associates All Rights Reserved. Copyright in the whole and every part of this document belongs to Allerding & Associates and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form or in or on any media to any person without the prior written consent of Allerding & Associates.

1.0 EXECUTIVE SUMMARY

This Bushfire Management Plan (BMP) has been prepared to accompany a Scheme Amendment request by Allerding & Associates on behalf of the landowner and an associated draft Development Application for a mobile concrete batching plant at Lot 22 (#3728) Great Northern Highway, Muchea (subject site). The Scheme Amendment request and associated draft Development Application has been prepared for submission to the Shire of Chittering (the Shire).

The subject site is located within an area designated as bushfire prone due to the nature of vegetation within 100m of the site. *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP3.7) requires that planning proposals on land designated as bushfire prone must be accompanied by an assessment (in the form of a BMP) under the provisions of Clause 6.3 (for scheme amendments) and Clause 6.5 (for development applications) where a Bushfire Hazard Level (BHL) exceeds low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply. In this instance, due to the presence of classified vegetation surrounding the subject site, a BHL greater than low and a BAL rating above BAL-LOW will apply. As the BAL ratings exceed BAL-LOW an assessment against the provisions of SPP3.7 and the *Guidelines for Planning in Bushfire Prone Areas version 1.2* (the Guidelines) has been undertaken.

This BMP demonstrates that the proposal can fully comply with the acceptable solutions of the Guidelines, subject to the provision of a dedicated static water supply for fire fighting purposes and the maintenance to the remainder of the subject site (outside of the development envelope) in accordance with the Shire of Chittering Firebreak Notice.

A BAL Contour Map has been prepared to determine the level of construction required for buildings within 100m of classified vegetation pursuant to Australian Standard AS3959-2009 *Construction of buildings in bushfire-prone areas* (AS3959). Whilst this proposal does not include buildings requiring construction under the specific bushfire requirements of the Building Code of Australia, the developer has the discretion to utilise any or all of the elements of AS 3959 in the construction of the building that they deem appropriate. The applicable BAL ratings for each proposed building are therefore set out as part of this BMP as a guideline for future construction standards.

This BMP sets out the immediate and longer term management strategies for bushfire hazards within and surrounding the subject site and provides a basis for an ongoing commitment by the landowner to undertake bushfire risk management measures for the life of the development. When implemented, the management measures contained within this BMP will assist in the preservation of life and the reduction in the impacts of bushfire on property and infrastructure.

2.0 INTRODUCTION

This BMP has been prepared to accompany a Scheme Amendment Request and associated draft Development Application for a mobile concrete batching plant at Lot 22 (#3728) Great Northern Highway, Muchea (subject site). A location plan is included at **Figure 1**.

As outlined on the Department of Fire and Emergency Services (DFES) Western Australian Map of Bush Fire Prone Areas, the subject site is designated as bush fire prone (refer **Figure 2**).

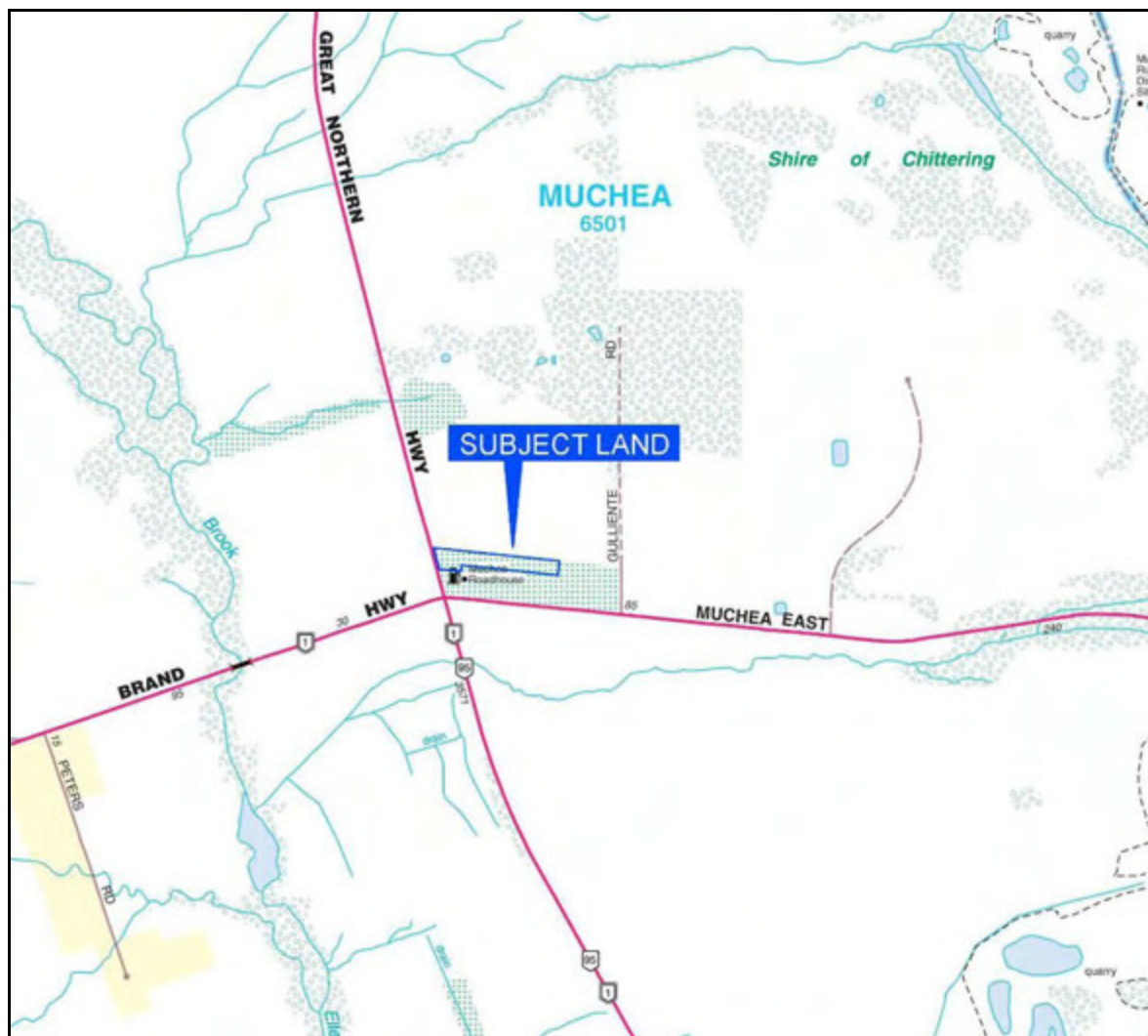


Figure 1 – Location Plan

2.1 Purpose of the BMP

The purpose of the BMP is to assess whether a proposed Scheme Amendment and draft Development Application for a proposed mobile concrete batching plant complies or can be made compliant with the relevant planning controls based on the assessed bushfire risk.

As the ultimate form of development is known, a BAL Contour Map has been prepared to demonstrate the indicative BAL rating across the subject site, in addition to the Bushfire Hazard Level assessment pursuant to Clause 6.3 of SPP3.7.

In addition, this BMP contains an identification of any bushfire hazard issues arising from the BAL Contour Map, as well as an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.



Figure 2 – Map of Bushfire Prone Areas (Source: DFES 2017)

2.2 Overview of Proposal

The proposed Scheme Amendment involves the rezoning of the subject site from "Agricultural Resource" zone to "General Industry" zone, as well as the inclusion of an additional use of the land to facilitate the development of a mobile concrete batching plant on the subject site. The Scheme Amendment, once finalised, will enable the progression of a Development Application (DA) for a mobile concrete batching plant at the subject site involving:

- A portable batch plant containing a horizontal cement storage silo, aggregate weigh hopper, batch hopper, cement weigh hopper and water tank mounted on a purpose built chassis;
- Two portable horizontal cement silos mounted on a purpose built chassis;
- A transportable auxiliary weigh hopper and conveyor;
- Chiller and water management system including production dust management;
- Washout and waste concrete pits adjacent to main concrete batching plant;
- Slumping area and water catchment pit; and
- Conversion of existing shed/workshop into staff and amenities building.

A site plan of the proposed concrete batching plant is included at **Figure 3** and a copy of the plans are included at **Appendix 1**. A site plan overlayed on an aerial base is included at **Figure 4**.

This BMP has been prepared to accompany the Scheme Amendment report, draft DA report and a Level 1 Environmental Assessment. Those documents have been considered in the preparation of this BMP. In addition, there are no known bushfire assessments that have been undertaken previously for the subject site.



Figure 3 – Site Plan



Figure 4 – Site Plan on Aerial Base

3.0 LOCATIONAL AND ENVIRONMENTAL CONSIDERATIONS

3.1 Location

The Site is situated approximately 70km north of the Perth CBD on Great Northern Highway and is 40km distant from Ellenbrook to its south. It is immediately adjacent to the Muchea Employment Node (MEN) Special Control Area (SCA) which is zoned "Industrial Development".

3.2 Zoning and Land Use

The subject site is currently zoned "Agricultural Resource" under the Shire of Chittering Local Planning Scheme No. 6 (LPS6).

The subject site has a narrow, mostly rectangular shape, with an east to west orientation. The subject site has a total area of 2.013ha with a frontage of approximately 72m and a depth of approximately 407m.

3.3 Existing Improvements

The subject site contains an existing Class 10a building (shed) and water tank at the western end of the property. An Aerial Photo is included at **Figure 5** and a photo of the existing shed is included at **Figure 6**.

3.4 Existing Vegetation and Environmental Features

The subject site is predominantly cleared with mostly grass and weeds. There are ten fig trees along the northern property boundary which are likely to be retained. The subject site contains no native vegetation that will require clearing as part of the proposed development.

3.5 Landscaping

Landscaping of the channel drain along the front (west) boundary to improve site drainage is proposed. Such landscaping will be confined to the narrow drain adjacent to the boundary. The location of the drain is shown on the Site Plan in **Figure 3**. Landscaping to the east of the subject site will consist of remnant fig trees. The remainder of the site is proposed to be managed to a low fuel load.

3.6 Access

Vehicular access to the subject site is via the existing crossover from Great Northern Highway to the west.

3.7 Water and Power Supply

The subject site is serviced with reticulated power but not with reticulated mains water supply. The existing Class 10a building includes a 5,000 litre water tank for domestic use.

A bore licence has been purchased by the landowner to supply the subject site, however the bore is yet to be installed and its location is unknown. Preliminary advice is that the bore will be located at the western end of the site adjacent to Great Northern Highway.

It is intended that water sourced from the bore will be pumped to the water storage tanks located south of mobile concrete batching plant. The water storage tanks will supply the plant and will comprise four 23,000 litre tanks (92,000 litre total capacity). At maximum operating capacity, the water storage will reduce to approximately 50% capacity (46,000 litres) which will then be replaced with bore water at the end of the operating day.



Figure 5 – Aerial Photo



Figure 6 – Photo of Existing Shed

4.0 BUSHFIRE ASSESSMENT RESULTS

A Method 1 procedure in accordance with AS3959 has been undertaken to inform this bushfire assessment.

4.1 Assessment Inputs

4.1.1 Vegetation Classification

The vegetation classification has been determined within and surrounding the subject site in accordance with Clause 2.2.3 of AS3959. Each distinguishable vegetation plot with the potential to determine the BAL is identified in **Appendix 2** with the plots mapped in **Figure 7**. This information has been used to develop the BAL Contour Map at **Figure 8** and Bushfire Hazard Level Map at **Figure 9**.

4.1.2 Site Topography and Slope

Based on site observations and available topographical mapping for the broader locality beyond 100m from the edge of the subject site, it has been verified that the subject site and surrounding land falls from east to west with an average slope of 0.85°. Land beyond the western boundary of the subject site continues to fall at a similar slope.

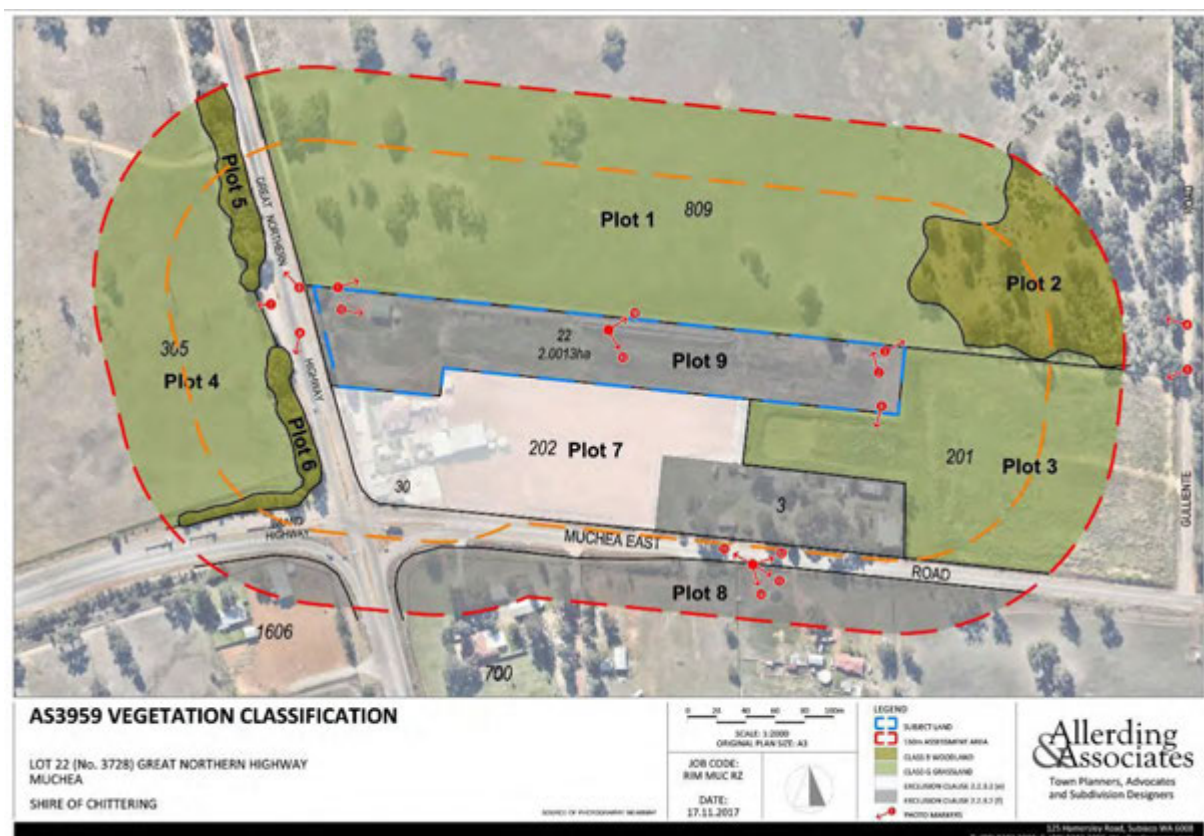


Figure 7 – Vegetation Plots

4.2 Assessment Outputs

4.2.1 BAL Assessment

The BAL Assessment was undertaken in accordance with AS3959 Methodology 1 to determine the potential worst case scenario radiant heat impact on the proposed development. **Table 1** below outlines the worst case BAL for each of the vegetation plots based on separation distance to the closest proposed building.

Table 2.1 of AS3959 identifies a Fire Danger Index (FDI) of 80 for Western Australia. Therefore, Table 2.4.3 of AS3959 has been used to develop the BAL Contour Map (refer **Figure 8**) to calculate the BAL for the proposed buildings and inform the standard of building construction required for those buildings to withstand such impacts.

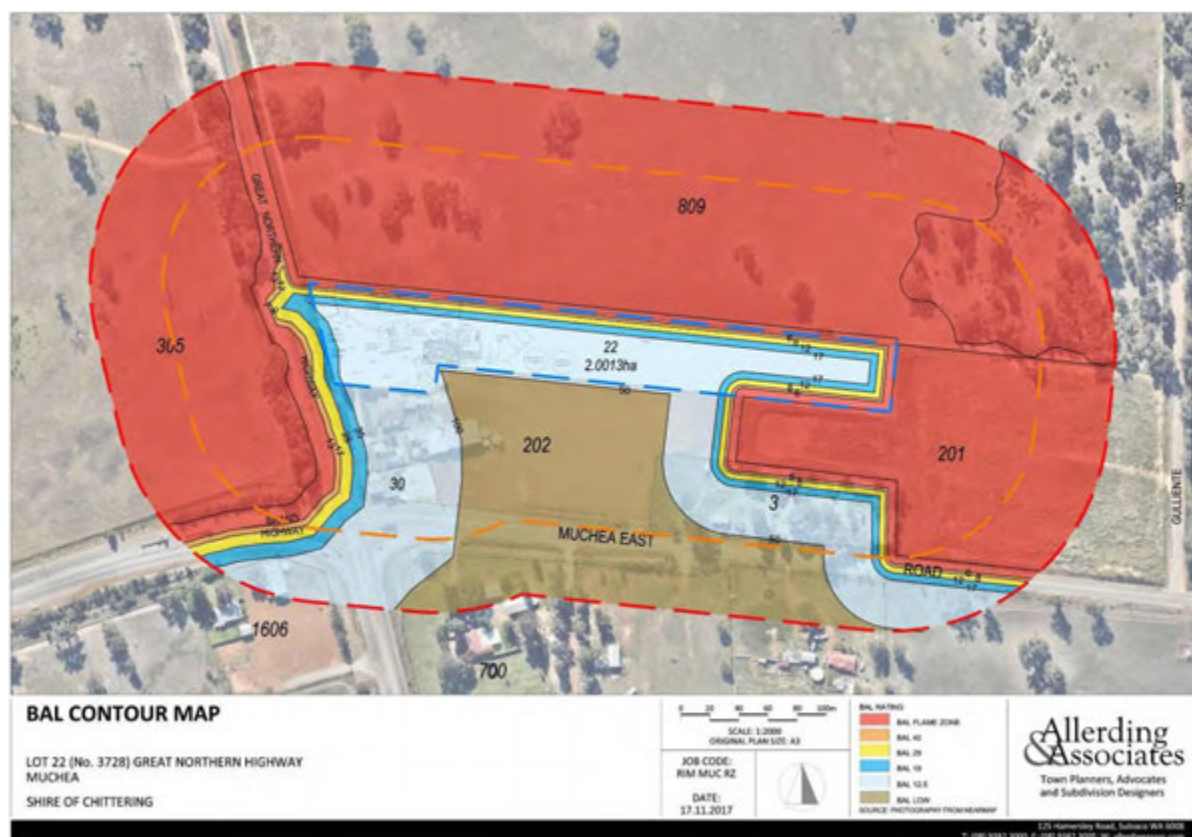


Figure 8 – BAL Contour Map

Table 1: BAL Table

Vegetation Plot	Applied Vegetation Classification	Effective Slope Under Classified Vegetation (degrees)	Separation Distance to Classified Vegetation (m)	Bushfire Attack Level
Plot 1	Class G Grassland	Flat	12m [#]	29
Plot 2	Class B Woodland	Flat/Upslope	310m	Low
Plot 3	Class G Grassland	Flat/Upslope	193m	Low
Plot 4	Class G Grassland	Downslope 1°	77m	Low
Plot 5	Class B Woodland	Downslope 1°	78m	12.5
Plot 6	Class B Woodland	Downslope 1°	62m	12.5
Worst case BAL				12.5
Notes: [#] The BAL ratings for Plot 1 has been assessed to include a 3m wide perimeter firebreak within the lot boundaries of those adjacent lots (as enforced by the Shire of Chittering).				

4.2.2 BHL Assessment

The BHL Assessment was undertaken using the vegetation classification information contained within **Appendix 2** of this BMP. The BHL assessment methodology was applied based on Appendix 2 of the Guidelines and has considered the classified vegetation and slope within 150m of the subject site.

The results of the BHL assessment are contained within **Table 2** and mapped in **Figure 9**.

Table 2: BHL Table

Vegetation Plot	Vegetation Classification	Effective Slope (degrees)	Hazard Level
Plot 1	Class G Grassland	Flat	Moderate
Plot 2	Class B Woodland	Flat/Upslope	Extreme
Plot 3	Class G Grassland	Flat/Upslope	Moderate
Plot 4	Class G Grassland	Downslope 1°	Moderate
Plot 5	Class B Woodland	Downslope 1°	Extreme
Plot 6	Class B Woodland	Downslope 1°	Extreme

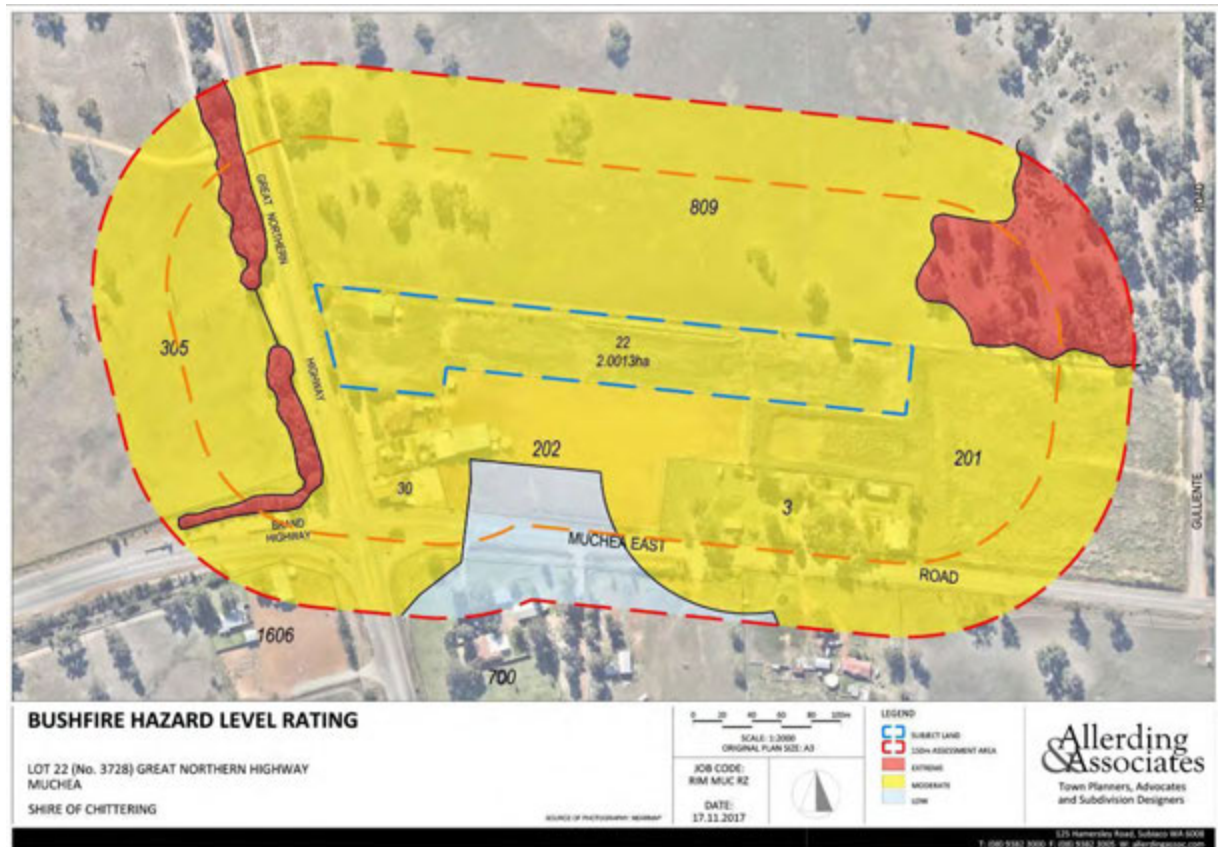


Figure 9 – BHL Map

5.0 IDENTIFICATION OF BUSHFIRE HAZARD ISSUES

Based on the BAL assessment undertaken as part of this BMP, the bushfire hazard issue identified for the subject site is that the one of the buildings associated with the proposed concrete batching plant is subject to BAL29 with the other proposed buildings subject to BAL12.5.

Given the nature of the land surrounding the subject site being predominantly cleared pasture, there is limited opportunity for landscape scale or long fire runs in close proximity to the site. Additionally, all extreme hazard level vegetation within 150m from the boundaries of the subject site is separated by either non-vegetated areas (Great Northern Highway) or moderate hazard level vegetation (Class G Grassland).

Post development, the subject site will be occupied by the proposed concrete batching plant which will reduce bushfire risk as a result of the maintenance of the site as an Asset Protection Zone and in accordance with the requirements of the Shire of Chittering Firebreak Notice 2017-2018. The eastern portion of the site proposed to be managed in minimal fuel condition by the operator.

Pursuant to Clause 6.5 of SPP3.7, the proposal has been assessed against the bushfire protection criteria requirements contained within the Guidelines. Sections 6.0 and 7.0 of this report demonstrates that the proposal complies with the the bushfire protection criteria of the Guidelines and it is therefore considered that the bushfire hazard issues can be effectively mitigated.

6.0 PROPOSAL COMPLIANCE AND JUSTIFICATION

Strategic planning proposals (including Scheme Amendments) and development applications in bushfire prone areas are required to comply with SPP3.7 and the Guidelines, as required under the following policy measures.

6.1 SPP3.7 Objectives

The policy objections under Part 5 of SPP3.7 are addressed as follows:

Objective 1

Objective 1 is met through compliance with:

- The policy provisions of SPP3.7 referred to in Section 6.2 below; and,
- The Performance Principles of the Guidelines as outlined in Section 7.0 below.

Objective 2

Objective 2 is met through the identification and assessment of bushfire hazards relevant to the proposal as detailed in Section 5.0 of this report.

Objective 3

Objective 3 is met through compliance with:

- The policy provisions of SPP3.7 referred to in Section 6.2 below; and,
- The Performance Principles of the Guidelines as outlined in Section 7.0 below.

Objective 4

Objective 4 is met through the appropriate consideration of all surrounding environmental features as detailed in Section 3.0 of this report and in the achievement of bushfire management measures detailed in Section 7.0 of this report. Land identified surrounding the subject site with high environmental values will not be impacted by this development.

6.2 SPP3.7 Policy Measures

6.2.1 Relevant provisions

Clause 6.3 of SPP3.7 outlines the information to accompany strategic planning proposals, including Scheme Amendments. This proposal involves both a Scheme Amendment and Development Application and as such the ultimate development form is known. Therefore, in addition to the provision of a BHL Map as required by Clause 6.3, the development has been assessed against the policy measures of Clause 6.5 for information to accompany development applications:

Policy Measure:	Response:
<p>a) <i>(i) a BAL assessment. BAL assessments should be prepared by an accredited Level 1 BAL Assessor or a Bushfire Planning Practitioner unless otherwise exempted in the Guidelines; or</i></p> <p><i>(ii) a BAL Contour Map that has been prepared for an approved subdivision clearly showing the indicative acceptable BAL rating across the subject site, in accordance with the Guidelines. BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner.</i></p>	<p>A BAL Contour Map has been prepared as part of this BMP as provided in Figure 8.</p>
<p>b) <i>the identification of any bushfire hazard issues arising from the BAL Contour Map or the BAL assessment; and</i></p>	<p>The identification and assessment of bushfire hazards relevant to the proposal are contained in Section 5.0 of this report.</p>
<p>c) <i>an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.</i></p>	<p>An assessment of the proposed development against the bushfire protection criteria of the Guidelines is provided in Section 7.0 of this report.</p>

7.0 ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA

An assessment of the proposal against the bushfire protection criteria of the Guidelines is contained in **Table 3** which demonstrates that the development meets all acceptable solutions.

7.1 Compliance Assessment

Table 3: Assessment Against the Bushfire Protection Criteria

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
Element 1: Location	To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.	<p>A1.1 Development location</p> <p>The strategic planning proposal, subdivision and development application is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below.</p>	The proposed buildings within the subject site have been assessed with a BAL-29 or lower and moderate bushfire hazard level. The development is therefore appropriately located.	The proposal meets the intent of Element 1 and achieves acceptable solution A1.1.
Element 2: Siting and Design of Development	To ensure that the siting and design of development minimises the level of bushfire impact.	<p>A2.1 Asset Protection Zone (APZ)</p> <p>Every habitable building is surrounded by, and every proposed lot can achieve, an APZ depicted on submitted plans, which meets the following requirements:</p> <ul style="list-style-type: none"> Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire 	The proposed buildings within the subject site have been assessed with a BAL-29 or lower and will achieve a radiant heat impact not exceeding 29kW/m ² in a bushfire event within the boundaries of the site. The land surrounding subject site to the west and south contains roads, maintained gardens and	The proposal meets the intent of Element 2 and achieves acceptable solution A2.1.

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<p>does not exceed 29kW/m² (BAL-29) in all circumstances.</p> <ul style="list-style-type: none"> Location: the APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity (see explanatory notes). Management: the APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones'. (see Schedule 1). 	cleared hardstand areas in a low fuel state. Land to the north and east contains predominantly pasture and an APZ can therefore successfully be established within the boundaries of the subject site surrounding proposed buildings.	
Element 3: Vehicular Access	To ensure that the vehicular access serving a subdivision / development is available and safe during a bushfire event.	<p>A3.1 Two access routes Two different vehicular access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions.</p>	The subject site has direct access to Great Northern Highway to the west which provides access in two directions (north and south) from the subject site. The proposed development is located to the western end of the subject site allowing for immediate access to Great Northern Highway in the event of a bushfire.	The proposal is considered to meet the intent of Element 3 and achieves acceptable solution A3.1.
		<p>A3.2 Public road A public road is to meet the requirements in Table 4, Column 1.</p>	Great Northern Highway, being a Primary Distributor Road, has a trafficable surface and horizontal clearance in excess of the minimum requirements of Table 4,	The proposal meets the intent of Element 3 and achieves acceptable solution A3.2 though compliance

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
			Column 1 of the Guidelines.	with the vehicular access technical requirements of Table 4, Column 1.
		<p>A3.3 Cul-de-sac (including a dead-end road) A cul-de-sac and/or a dead end road should be avoided in bushfire prone areas. Where no alternative exists (i.e. the lot layout already exists and/or will need to be demonstrated by the proponent), the following requirements are to be achieved:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 2; • Maximum length: 200 metres (if public emergency access is provided between cul-de-sac heads maximum length can be increased to 600 metres provided no more than eight lots are serviced and the emergency access way is no more than 600 metres); and • Turn-around area requirements, including a minimum 17.5 metre diameter head. A 	No cul-de-sacs or dead end roads exist in proximity of the subject site.	NA
		<p>A3.4 Battle-axe Battle-axe access leg should be avoided in bushfire prone areas. Where no alternative exists, (this will need to be demonstrated by the proponent) all of the following requirements are to be achieved:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 3; • Maximum length: 600 metres; and 	The subject site is not connected to the road network by a battle-axe leg.	NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<ul style="list-style-type: none"> Minimum width: six metres. 		
		<p>A3.5 Private driveway longer than 50 metres</p> <ul style="list-style-type: none"> A private driveway is to meet all of the following requirements: Requirements in Table 4, Column 3; Required where a house site is more than 50 metres from a public road; Passing bays: every 200 metres with a minimum length of 20 metres and a minimum width of two metres (i.e. the combined width of the passing bay and constructed private driveway to be a minimum six metres); Turn-around areas designed to accommodate type 3.4 fire appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres) and within 50 metres of a house; and Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes. All-weather surface (i.e. compacted gravel, limestone or sealed). A3.6 	The subject site is not connected to the road network by a private driveway longer than 50m.	NA
		<p>A3.6 Emergency access way</p> <p>An access way that does not provide through access to a public road is to be avoided in bushfire prone areas. Where no alternative exists (this will need to be demonstrated by the proponent), an emergency access way is to be provided as an alternative link to a public road during</p>	The subject site is not connected to a public road by an emergency access way.	NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<p>emergencies. An emergency access way is to meet all of the following requirements:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 4; • No further than 600 metres from a public road; • Provided as right of way or public access easement in gross to ensure accessibility to the public and fire services during an emergency; and • Must be signposted. 		
		<p>A3.7 Fire service access routes (perimeter roads) Fire service access routes are to be established to provide access within and around the edge of the subdivision and related development to provide direct access to bushfire prone areas for fire fighters and link between public road networks for firefighting purposes. Fire service access routes are to meet the following requirements:</p> <ul style="list-style-type: none"> • Requirements Table 4, Column 5; • Provided as right of ways or public access easements in gross to ensure accessibility to the public and fire services during an emergency; • Surface: all-weather (i.e. compacted gravel, limestone or sealed); • Dead end roads are not permitted; • Turn-around areas designed to accommodate type 3.4 appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres); 		NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<ul style="list-style-type: none"> No further than 600 metres from a public road; Allow for two-way traffic and; Must be signposted. 		
		<p>A3.8 Firebreak width</p> <p>Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum width of three metres or to the level as prescribed in the local firebreak notice issued by the local government.</p>	<p>The Shire of Chittering Firebreak Notice 2017-2018 (included at Appendix 4) requires that lots equal to or greater than 5,000m² must clear a firebreak of 3m wide with a 4m vertical clearance along the inside property boundary. The subject site will contain trafficable surfaces within the front (western) portion of the lot which will be clear of flammable materials. To the east of the development footprint, firebreaks will be required around the internal perimeter of the subject site along the northern, eastern and southern boundaries.</p>	<p>The proposal meets the intent of Element 3 and achieves acceptable solution A3.8 though compliance with the Shire of Chittering Firebreak Notice 2017-2018.</p>
Element 4: Water	To ensure that water is available to the subdivision, development or land use to	<p>A4.1 Reticulated areas</p> <p>The subdivision, development or land use is provided with a reticulated water supply in accordance with the specifications of the relevant water supply authority and Department of Fire and Emergency Services.</p>	The subject site is not serviced by a reticulated water supply.	NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
	enable people, property and infrastructure to be defended from bushfire.	<p>A4.2 Non-reticulated areas Water tanks for fire fighting purposes with a hydrant or standpipe are provided and meet the following requirements:</p> <ul style="list-style-type: none"> • Volume: minimum 50,000 litres per tank; • Ratio of tanks to lots: minimum one tank per 25 lots (or part thereof); • Tank location: no more than two kilometres to the further most house site within the residential development to allow a 2.4 fire appliance to achieve a 20 minute turnaround time at legal road speeds; • Hardstand and turn-around areas suitable for a type 3.4 fire appliance (i.e. kerb to kerb 17.5 metres) are provided within three metres of each water tank; and • Water tanks and associated facilities are vested in the relevant local government. 	The proposal involves development on a single lot and A4.2 is therefore not applicable.	NA
		<p>A4.3 Individual lots within non-reticulated areas (Only for use if creating 1 additional lot and cannot be applied cumulatively)</p> <ul style="list-style-type: none"> • Single lots above 500 square metres need a dedicated static water supply on the lot that has the effective capacity of 10,000 litres. 	<p>The subject site will contain a dedicated static water supply of 10,000 litres that is supplied by an on-site bore and is constructed to the relevant DFES standards, including:</p> <ul style="list-style-type: none"> • Dedicated for fire fighting (not a shared supply); • Non-combustible construction (concrete or metal); 	The proposal meets the intent of Element 4 and achieves acceptable solution A4.3.

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
			<ul style="list-style-type: none"> • 50mm camlock coupling with full flow valve; • Externally visible heat resistant float gauge; and • Hardstand and turn-around areas suitable for a type 3.4 fire appliance (i.e. kerb to kerb 17.5 metres) provided within 3m of tank. 	

7.2 Additional Management Strategies

The following additional bushfire management strategies have been recommended for guiding future planning and development stages associated with the proposal. These strategies are based on best practice in bushfire protection and reflect the guidance provided by SPP3.7 and the Guidelines.

7.2.1 Compliance with Shire of Chittering Firebreak Notice 2017-2018

The Shire of Chittering Firebreak Notice 2017-2018 (included at **Appendix 4**) requires the following land management practices on lots equal to or greater than 5,000m²:

- Must clear a firebreak of all flammable materials 3 metres wide, with a 4 metre vertical clearance (trafficable) along the inside of the boundary to the property.
- Maintain a Asset Protection Zone around habitable buildings (i.e. an area reduced of flammable materials).
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter.

In addition, maintenance of grassed areas is enforceable under the Shire of Chittering Firebreak Notice which requires that grass is to be maintained to a height of not more than 50mm by slashing or the application of stock. Section 6 of the Firebreak Notice also requires that where a bushfire management plan has been approved for a site, the site is to be maintained in accordance with the bushfire management plan in its entirety.

The bushfire risk management measures to be implemented and maintained on the subject site, including the relevant bushfire protection criteria and the Firebreak Notice requirements, are spatially demonstrated in **Figure 10**.

7.2.2 Notification(s) on Title

Pursuant to SPP3.7, in instances where land is assessed with a BAL rating above BAL-LOW, it is recommended that notifications be placed on title to advise on bushfire risk management implementation measures, including:

- To advise that the site is located in a bushfire prone area; and
- To advise that the site is subject to a Bushfire Management Plan.

7.2.3 Building Construction Standards

The Building Code of Australia contains bushfire construction requirements that are applied to residential classes of development, being Class 1, 2, 3 buildings in designated bushfire prone areas, or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in designated bushfire prone areas. The Building Code of Australia references AS3959 as a deemed to satisfy solution that provides one way of demonstrating compliance with the bushfire performance requirements of the Building Code.

The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances the applicant has the discretion to utilise any or all of the elements of AS 3959 in the construction of the building that they deem appropriate.

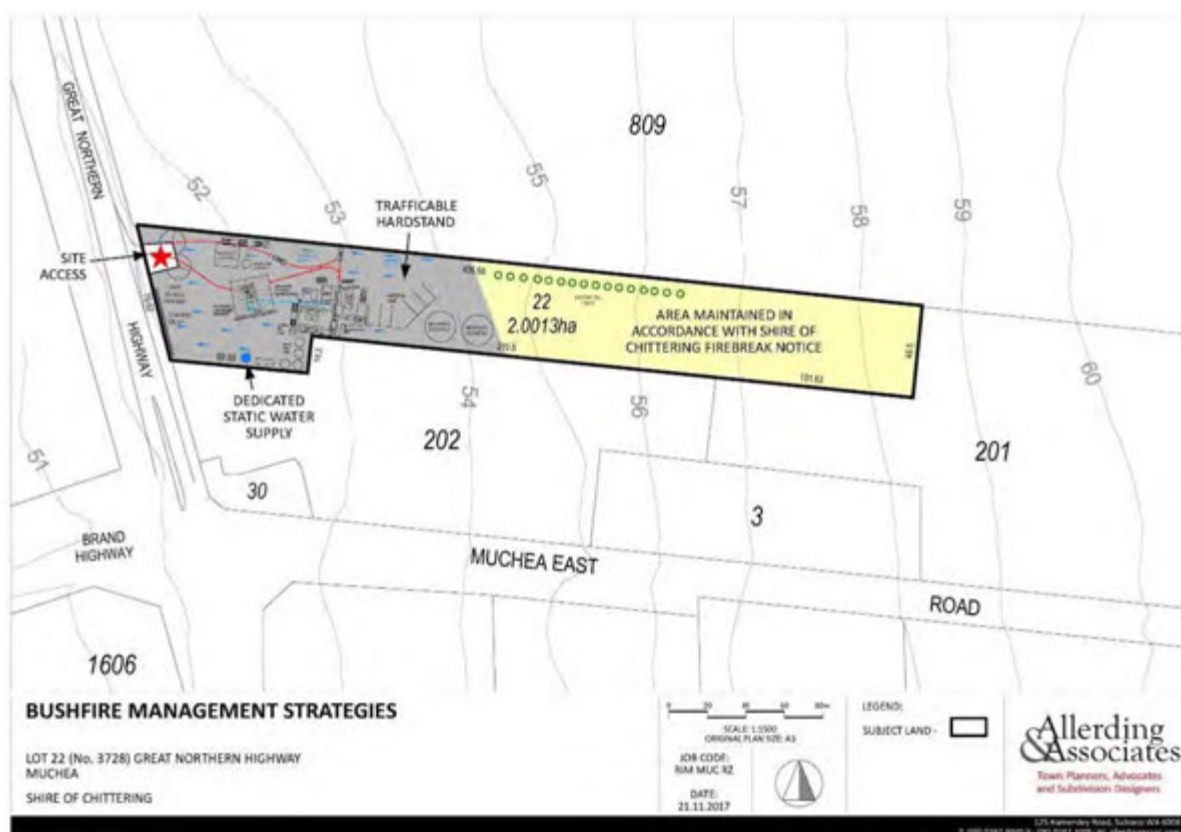


Figure 10 – Bushfire Management Strategies

8.0 RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT

The following tables set out the responsibilities of the developer, landowner, and local government with regard to the initial implementation and ongoing maintenance of the required actions as contained within this BMP.

No.	Action	Implementation		Management	
		Responsible	Timing	Responsible	Timing
1	Construction of buildings to AS3959.	NA	NA	NA	NA
2	Establish and maintain the Asset Protection Zone (APZ) to the dimensions and standard stated in the BMP.	Developer	Prior to commencement of operations	Landowner / Operator	Ongoing
3	Install and maintain vehicular access routes within the lot to the required surface condition and clearances as stated in the BMP.	NA	NA	Landowner / Operator	Ongoing
4	Install and maintain the emergency water supply tank and its associated fittings and vehicular access in good working condition.	Developer	Prior to commencement of operations	Landowner / Operator	Ongoing
5	Comply with the relevant local government annual firebreak notice issued under s33 of the Bush Fires Act 1954.	NA	NA	Landowner / Operator	Ongoing
6	Future revisions / amendments to BMP.	NA	NA	Landowner / Operator	Prior to any future development outside the scope of this BMP.
7	Inspection and compliance action.	NA	NA	Local Government	Ongoing

9.0 REFERENCES

Department of Fire and Emergency Services 2017, *Mapping standard for bush fire prone areas*, Government of Western Australia,
<<https://www.dfes.wa.gov.au/waemergencyandriskmanagement/obrm/Documents/OBRM-Mapping-Standard-for-Bush-Fire-Prone-Areas.pdf>>.

Shire of Chittering 2017, *Firebreak Notice 2017-2018*,
<http://www.chittering.wa.gov.au/theme/chitteringwagovau/assets/public/File/Fire%20Services/Firebreak_Notice_2017-2018.pdf>.

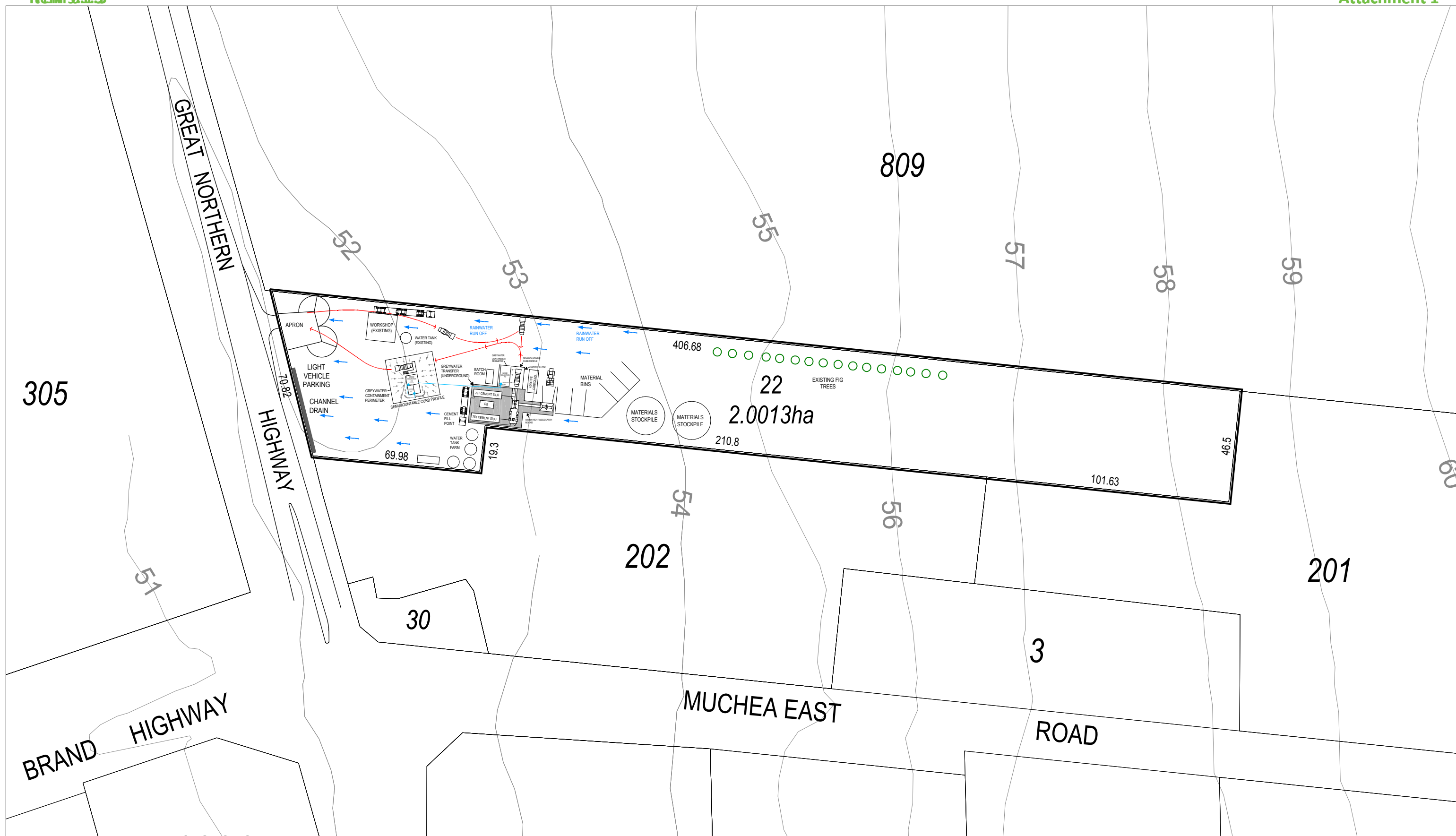
Standards Australia Online 2009, *Construction of buildings in bushfire-prone areas*, AS 3959:2009, amended November 2011.

Western Australian Planning Commission 2017a, *Guidelines for planning in bushfire prone areas version 1.2 – Appendices*,
<https://www.planning.wa.gov.au/dop_pub_pdf/Bushfire_Guidelines_Version_1.2_Aug2017-Appendices.pdf>.

Western Australian Planning Commission 2017b, *Guidelines for planning in bushfire prone areas version 1.2*,
<https://www.planning.wa.gov.au/dop_pub_pdf/Bushfire_Guidelines_Version_1.2_Aug2017.pdf>.

Western Australian Planning Commission 2015, *State planning policy 3.7 planning in bushfire prone areas*,
<https://www.planning.wa.gov.au/dop_pub_pdf/SPP_3.7_Planning_in_Bushfire_Prone_Areas.pdf>.

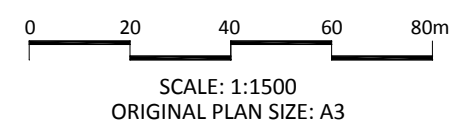
APPENDIX 1 – DEVELOPMENT PLANS



PROPOSED LAYOUT

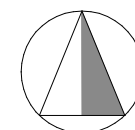
LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING



JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



LEGEND:

SUBJECT LAND -



**Allerding
& Associates**

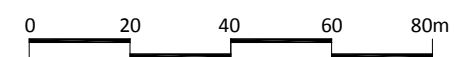
Town Planners, Advocates
and Subdivision Designers



PROPOSED LAYOUT

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

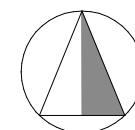
SHIRE OF CHITTERING



SCALE: 1:1500
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



LEGEND:

SUBJECT LAND -



**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

APPENDIX 2 – VEGETATION CLASSIFICATION

Vegetation Classification




Photo ID	1	Plot	1	<div>DIRECTION 72 deg(T)</div> <div>31.57534°S 115.99596°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 1</div> <div>16/11/17, 9:43:52 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 1 to the north of the subject site contains pasture with isolated stands of trees with foliage cover of less than 10%.				
Photo ID	2	Plot	1	<div>DIRECTION 343 deg(T)</div> <div>31.57577°S 115.99970°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 1</div> <div>16/11/17, 9:50:07 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 1 to the north of the subject site contains pasture with isolated stands of trees with foliage cover of less than 10%.				
Photo ID	3	Plot	2	<div>DIRECTION 63 deg(T)</div> <div>31.57566°S 115.99984°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 2</div> <div>16/11/17, 9:52:03 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 2 located to the north-east of the subject site contains mature vegetation of up to 13m in height with canopy cover of around 30%. Understory contains grasses and low shrubs in an unmanaged state.				


Photo ID	4	Plot	2	<div><div>DIRECTION 286 deg(T)</div><div>31.57568°S 116.00197°E</div><div>ACCURACY 5 m DATUM WGS84</div></div> 
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 2 located to the north-east of the subject site contains mature vegetation of up to 13m in height with canopy cover of around 30%. Understory contains grasses and low shrubs in an unmanaged state.				


Photo ID	5	Plot	3	<div><div>DIRECTION 247 deg(T)</div><div>31.57595°S 116.00198°E</div><div>ACCURACY 5 m DATUM WGS84</div></div> 
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 3 comprises cleared paddock with long grasses in an unmanaged state.				


Photo ID	6	Plot	3	<div><div>DIRECTION 195 deg(T)</div><div>31.57603°S 115.99966°E</div><div>ACCURACY 5 m DATUM WGS84</div></div> 
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 3 comprises cleared paddock with long grasses in an unmanaged state.				




Photo ID	7	Plot	4	<div><div>DIRECTION 265 deg(T)</div><div>31.57537°S 115.99536°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 416/11/17, 9:41:36 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 4 comprises cleared paddock with long grasses in an unmanaged state. Isolated stands of trees exist with foliage cover of less than 10%.				
Photo ID	8	Plot	5	<div><div>DIRECTION 317 deg(T)</div><div>31.57527°S 115.99558°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 516/11/17, 9:41:05 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 5 located to the western side of Great Northern Highway within the road reserve and contains mature vegetation of up to 9m in height with canopy cover of around 30%. Understory contains long grasses in an unmanaged state.				
Photo ID	9	Plot	6	<div><div>DIRECTION 191 deg(T)</div><div>31.57566°S 115.99554°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 616/11/17, 9:42:25 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 6 located to the western side of Great Northern Highway within the road reserve and contains mature vegetation of up to 9m in height with canopy cover of around 30%. Understory contains long grasses in an unmanaged state.				


Photo ID	10	Plot	7	<div>DIRECTION 151 deg(T)</div> <div>31.57561°S 115.99776°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 7</div> <div>16/11/17, 9:46:04 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(e) Non-vegetated areas and Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Cleared hardstand and maintained gardens.				


Photo ID	11	Plot	7	<div>DIRECTION 299 deg(T)</div> <div>31.57698°S 115.99884°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 7</div> <div>16/11/17, 10:41:25 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(e) Non-vegetated areas and Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Cleared hardstand and maintained gardens.				



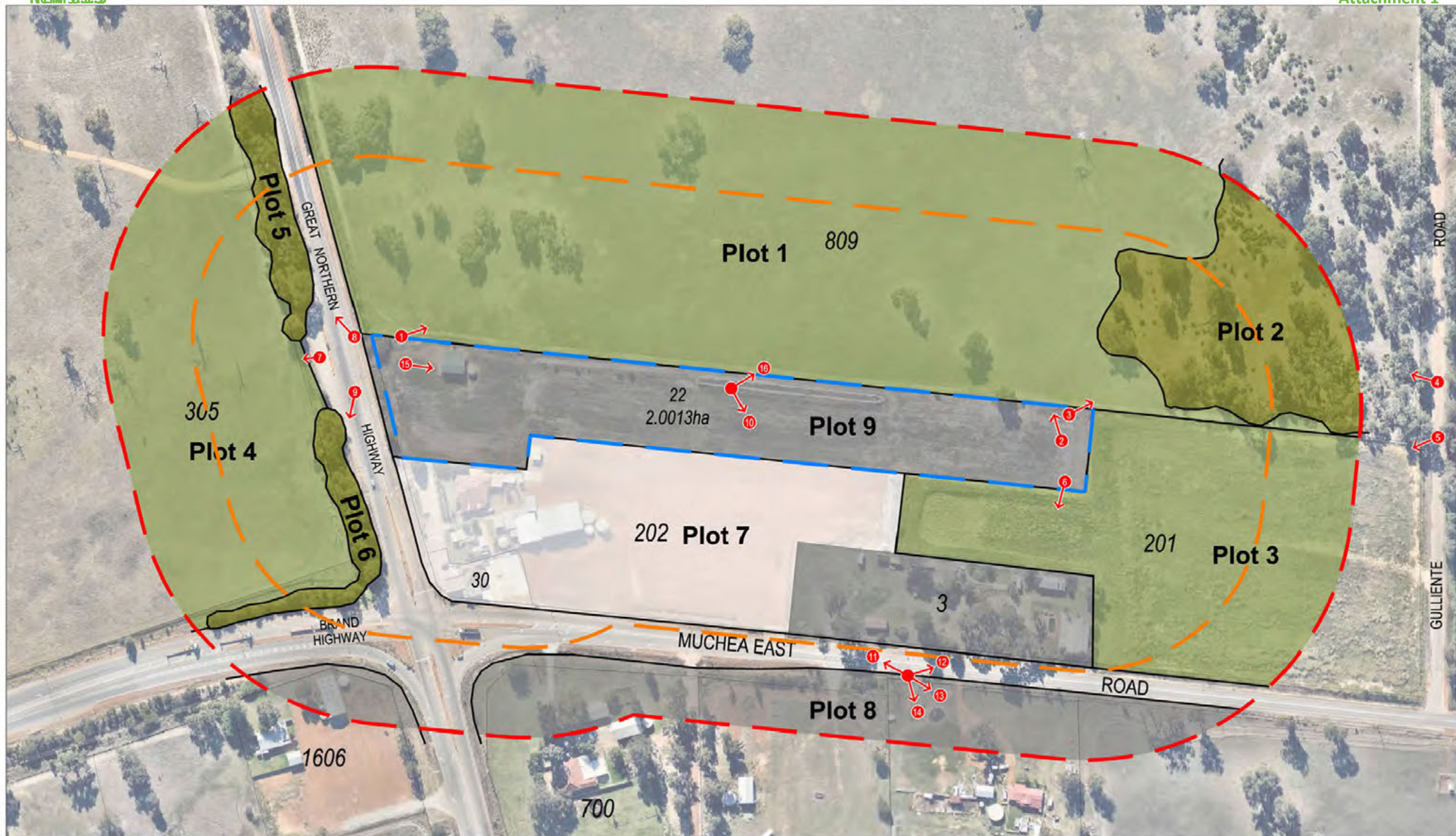
Photo ID	12	Plot	7	<div>DIRECTION 73 deg(T)</div> <div>31.57701°S 115.99883°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 7</div> <div>16/11/17, 10:41:30 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Maintained garden managed in a minimal fuel condition.				

Photo ID	13	Plot	8	<div>DIRECTION 121 deg(T)</div> <div>31.57781°S 115.99884°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 8</div> <div>16/11/17, 10:41:32 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Grassland maintained in a minimal fuel condition.				
Photo ID	14	Plot	8	<div>DIRECTION 165 deg(T)</div> <div>31.57782°S 115.99885°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 8</div> <div>16/11/17, 10:41:33 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Grassland maintained in a minimal fuel condition.				
Photo ID	15	Plot	9	<div>DIRECTION 98 deg(T)</div> <div>31.57543°S 115.99575°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Subject Site</div> <div>16/11/17, 9:55:13 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Hardstand area and grassland within the subject site maintained in a minimal fuel condition.				

Photo ID	16	Plot	9
Vegetation Classification or Exclusion Clause			
Clause 2.2.3.2(f) Low threat vegetation			
Description / Justification for Classification			
Orchard within the subject site maintained in a minimal fuel condition.			

DIRECTION 57 deg(T)		31.57556°S 115.99771°E	ACCURACY 5 m DATUM WGS84
			
Subject Site		16/11/17, 9:46:35 am	

APPENDIX 3 – BMP MAPPING



AS3959 VEGETATION CLASSIFICATION

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING

SOURCE OF PHOTOGRAPHY: NEARMAP

0 20 40 60 80 100m

SCALE: 1:2000
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



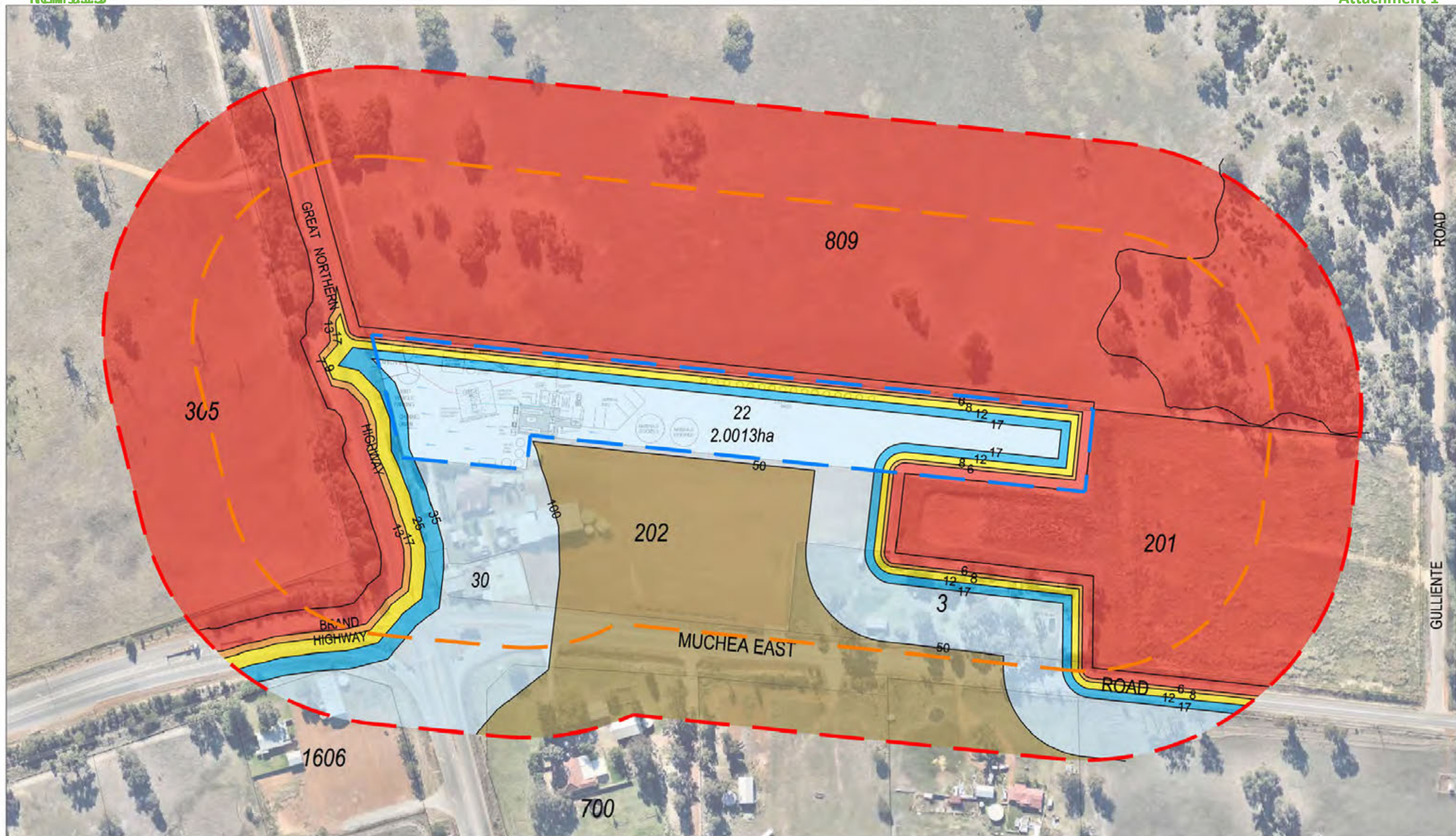
LEGEND

- SUBJECT LAND
- 150m ASSESSMENT AREA
- CLASS B WOODLAND
- CLASS G GRASSLAND
- EXCLUSION CLAUSE 2.2.3.2 (e)
- EXCLUSION CLAUSE 2.2.3.2 (f)
- ➔ PHOTO MARKERS

**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: allerdingassoc.com



BAL CONTOUR MAP

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING

0 20 40 60 80 100m

SCALE: 1:2000
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



BAL RATING

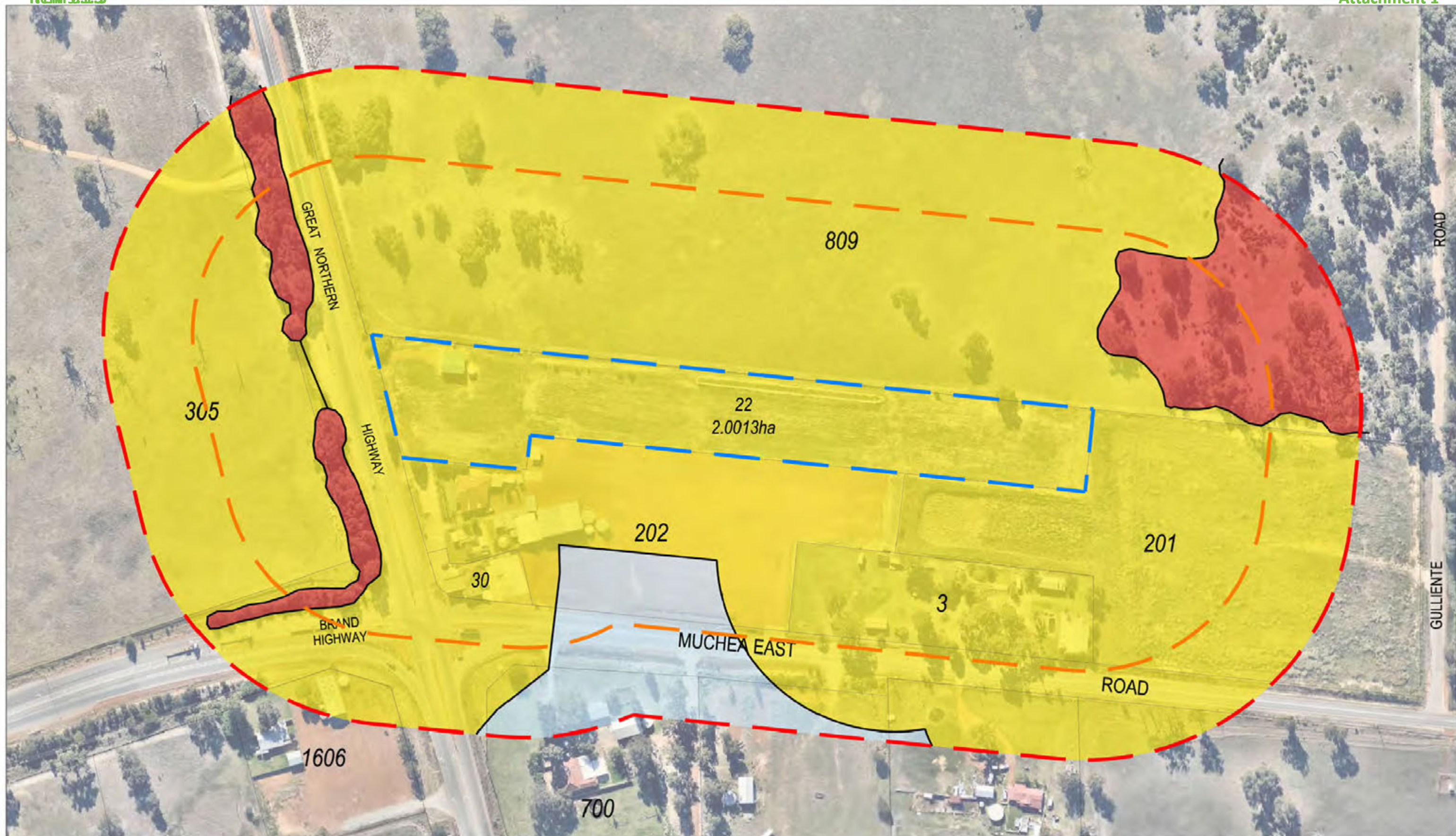
- BAL FLAME ZONE
- BAL 40
- BAL 29
- BAL 19
- BAL 12.5
- BAL LOW

SOURCE: PHOTOGRAPHY FROM NEARMAP

**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: allerdingassoc.com



BUSHFIRE HAZARD LEVEL RATING

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING

SOURCE OF PHOTOGRAPHY: NEARMAP

0 20 40 60 80 100m

SCALE: 1:2000
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



LEGEND

- SUBJECT LAND
- 150m ASSESSMENT AREA
- EXTREME
- MODERATE
- LOW

**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: allerdingassoc.com



APPENDIX 4 – SHIRE OF CHITTERING FIREBREAK NOTICE 2017-2018



FIREBREAK NOTICE

2017 - 2018
Shire of Chittering

FOR ALL FIRES CALL **000**

THIS FIREBREAK NOTICE CONTAINS IMPORTANT INFORMATION, PLEASE READ IT CAREFULLY AND STORE IN A SAFE PLACE FOR FUTURE REFERENCE.

FOR FURTHER INFORMATION ON THIS NOTICE
CONTACT THE SHIRE OF CHITTERING

Phone: 9576 4600

Email: chatter@chittering.wa.gov.au

Website: www.chittering.wa.gov.au

ITEM 5.1.3 FIREBREAK NOTICE

BUSH FIRES ACT 1954
Shire of Chittering



Notice to all owners and/or occupiers of land situated in the Shire of Chittering.

To assist in the control of bush fires, and/or prevent the spread, or extension of a bush fire which may occur, all owners and occupiers of land within the shire's district are required before the 16th day of October in each year, or within 14 days of becoming the owner or occupier of land if after that date, to clear firebreaks, and/or take measures in accordance with this notice to maintain those firebreaks and measures in accordance with this notice up to, and including, the 31st day of May in the following year.

Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954, all owners and occupiers are hereby required to clear all flammable material from fire breaks, not less than 3 metres in width and 4 metres in height, immediately inside all external boundaries of any lot owned or occupied by you, and situated within the Shire of Chittering. Such firebreaks may be constructed by one or more of the following methods:

PLOUGHING, CULTIVATING, SCARIFYING, RAKING, BURNING, CHEMICAL SPRAYING OR OTHER APPROVED METHOD.

LAND CATEGORIES:

The following land categories are to be cleared and maintained to the satisfaction of an Authorised Officer of the Shire:

1. All properties, including Rural Residential and Shire Town sites with land equal to or greater than 5,000 m² (land greater than ½ hectare):

- Must clear a firebreak of all flammable materials 3 metres wide, with a 4 metre vertical clearance (trafficable) along the inside of the boundary to the property.
- Maintain a Asset Protection Zone around habitable buildings (i.e. an area reduced of flammable materials).
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter.

2. Rural Residential and Shire Town sites with land with less than 5,000 m² (land under ½ hectare):

- Do not require firebreaks but are required to follow General Fire Hazard Reduction (section 7 of this notice).
- Maintain a Asset Protection Zone around habitable buildings (an area reduced of flammable materials).
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter.

Attachment 1

3. Land greater than 120 hectares:

Land with an area of 120 hectares or more must have a firebreak in such a position which divides the land into areas not exceeding 120 hectares.

4. Plantations:

- a. Install and maintain external perimeter and internal firebreaks that form compartments (cells), firebreaks and hazard reduction measures that protect neighbouring communities and essential infrastructure in accordance with the requirements of a Fire Management Plan approved in writing by the Shire and meeting the requirements and specifications detailed within the DFES Guidelines for Plantation Fire Protection, 2011 publication.
- b. If, for any reason, it is considered impractical to carry out the plantation requirements outlined above, plantation owners and managers may apply in writing to the Shire to implement an alternative plan, or measures in accordance with section 4 of the DFES Guidelines for Plantation Fire Protection, 2011 publication. A Fire Management Plan may be required to be developed and submitted as part of the application.

5. Haystacks and Fuel Storage

Clear a firebreak, not less than 5 metres wide with a 4 meter vertical clearance completely surrounding haystacks and fuel storage areas within the property.

6. Bushfire or Emergency Management Plans (compliance is required throughout the year, each and every year)

All properties with a bushfire management, emergency management plan, or an approved Bushfire Attack Level (BAL) assessment, approved as part of a Town Planning Scheme, subdivision approval, development approval or a building permit for an individual, or group of properties, shall comply with the plan in its entirety.

All bushfire management plans requirements are in addition to the requirements of this notice.

7. General Fire Hazard Reduction

All property owners are required to reduce fire hazards on their property prior to the summer season by maintaining grassed areas as far as reasonably practicable, to a height of no more than 50mm over the entire area, by slashing, or the application of stock. It is recommended that property owners program their hazard reduction in conjunction with the clearing and maintenance of firebreaks. Hazard Reduction Orders will be issued where landowners have failed to reduce fire hazards.

8. Installation of Asset Protection Zone

- Asset Protection Zones (also known as Building Protection Zones) for habitable buildings must extend 20 metres out from any external walls of the building, attached structures, or adjacent structures that are within 6 metres of the habitable building.
- On sloping ground the Asset Protection Zone distance shall increase at least 1 metre for every degree in slope on the sides of the habitable building that are exposed to down slope natural vegetation.
- Asset Protection Zones predominantly consist of managed vegetation, reticulated lawns and gardens and other non-flammable features.
- All grass is maintained at or below 50mm in height.
- Fuel loads must be maintained at 2 tonnes per hectare or lower (almost no leaf litter).
- Clear separation distance between adjoining or nearby tree crowns, or a small group of trees within close proximity to one another may be treated as one crown provided the combined crowns do not exceed the area of a large or mature crown size for that species.
- Trees are to have any growth 'low pruned' (or under pruned) to a height of at least 2 metres from the ground.
- No trees, or shrubs, over 2 metres high are to be within 2 metres of a habitable building.
- Tall shrubs over 2 metres high are not to be planted in groups close to a habitable building(s) and there must be a gap of at least three times the height (at maturity) of the shrub away from a habitable building.
- There are no tree crowns or branches over-hanging habitable buildings.
- Paths and non-flammable features should be installed immediately adjacent to a habitable building.
- Wood piles and flammable materials should be stored a safe distance from habitable buildings.

9. Alternative Firebreaks

If it is impractical for you to clear a firebreak along your boundary, you can request permission from the Shire to install a firebreak in an alternative location, or of a different nature. All requests must be in writing to the Shire and received by **1 October**.

10. Harvesting Operations (including stubble processing)

The Shire will permit harvesting operations, including stubble processing, during the Restricted and Prohibited period on the following conditions:

- That a fully operational firefighting unit (inclusive of associated pump, hose system and a minimum of 600 litres of water is present) at all times.
- Harvesting operations, and stubble processing, are not permitted when the Shire has declared a Harvest and Vehicle Movement Ban, including Hot Works Activities.

11. Harvesting operations (including stubble processing) on Sunday and Public holidays, except Christmas Day, Boxing Day and New Year's Day, will be permitted on the following conditions, in addition to the conditions above:

- The Local Fire Control Officer (FCO) is notified.
- Two able-bodied adult persons are present during the harvesting operations, only one of whom may be harvesting.

12. Restricted and Prohibited Burning Periods

Burning is prohibited from 1st December To 31st March. Permits are required from 1st October to 30th November, and 1st April to 31st May.

13. Control of operations likely to cause a fire

Property owners should take care to prevent bush fires. The operation of welding equipment and angle grinders are activities likely to create a fire danger when used in the open air.

A person shall provide at least one fire extinguisher at the place where welding or cutting operations are carried out and surround this place with a firebreak which is at least 5 metres wide.

For updates on Hot Works, Harvest and Movement of Machinery Bans please ring the information line on: 9576 0219 (recorded message) or register with the SMS warning system with the Shire to receive a text when a ban is implemented.

"HOT WORKS, HARVEST AND MOVEMENT OF MACHINERY BAN WILL BE IN PLACE ON CHRISTMAS DAY, BOXING DAY AND NEWS YEARS DAY"

14. Fire Danger Rating

No fire of any kind may be lit on a day when the forecast Fire Danger rating for the District is Very High or above.

The fire danger rating is supplied daily by the Bureau of Meteorology. This information is also available from Telstra Weather service on Ph:

Hazard on one side

APZ



Hazard on three sides

APZ



1196, the Bureau of Meteorology website (www.bom.gov.au) and is displayed on the information boards located: (1) Great Northern Highway, Muchea; (2) John Glenn Park, Muchea; (3) Muchea East Road, Lower Chittering; (4) Great Northern Highway, Bindoon; (5) corner Crest Hill and Mooliabeenee Roads, Bindoon. The Chittering fire weather district is the Lower West Inland.

15. Burning of garden refuse

Garden refuse must not be burnt at any time during the prohibited burning period, or at any time if a Total Fire Ban or a harvest and vehicle movement ban has been declared, or at any time if the Fire Danger rating is Very High or above.

A permit is required to burn garden refuse before 6pm during the RESTRICTED Burning Periods, and is subject to the conditions as set out on the permit. Garden refuse may be burnt without a permit after 6pm during the RESTRICTED burning periods, subject to the following conditions of the Bush Fires Act 1954 and the Health Miscellaneous Provisions Act 1911:

- You must notify your neighbours and local fire control officer of your intention to burn.
- The pile of refuse being burnt does not exceed 1 cubic metre.
- A 5 metre wide area clear of flammable material surrounds the pile (lawn, paths, driveways, etc. may be considered as cleared area).
- The fire is only lit between 6pm and 11pm.
- Only 1 pile is to be alight at one time.
- The fire is completely extinguished by midnight.
- At least 1 adult person is in attendance at all times.
- There is a means of extinguishing the fire available at all times (e.g. garden hose, knapsack spray or fire unit).
- The smoke from your fire does not create a traffic hazard.
- Do not burn household or commercial waste or any noxious materials.
- Do not burn damp, wet or green material at any time as this will cause excessive smoke.
- Other than during the RESTRICTED or PROHIBITED periods, garden refuse may be burnt at any time, but care must be exercised.
- Smoke from the burning of garden rubbish can cause nuisance and annoyance to other residents. Please consider this and plan to minimise smoke.

16. The following restrictions apply throughout restricted and prohibited periods

- No burning on Sundays and Public Holidays
- No burning of garden refuse without a permit
- No lighting of camp fires, solid fuel BBQs, and wood fired pizza

ovens or any uncontrolled flame in the open air in the Shire of Chittering ("Open Air" means any open place, yard, field or construction area which is not Enclosed by a building or structure)

- Burning of road side verges is prohibited without written approval from the Shire of Chittering or other authorities.

FIREBREAKS MUST BE CLEARED BY 16 OCTOBER AND REMAIN CLEARED UNTIL 31 MAY

BURNING IS STRICTLY PROHIBITED BETWEEN 1 DECEMBER TO 31 MARCH

BURNING PERMITS ARE REQUIRED BETWEEN 1 OCTOBER TO 30 NOVEMBER, AND 1 APRIL TO 31 MAY

PENALTIES

Failure to comply with this Firebreak Notice can result in fines ranging from \$250 to \$250,000 or imprisonment.

A.J. SHERIDAN, Chief Executive Officer



PREPARE YOUR HOME AND PROPERTY CHECKLIST

Here’s a checklist of things to do.Details about most of them are given elsewhere in this book.

LONG-TERM PRECAUTIONS

- Prepare firebreaks. ☐
- Make the house safe—fit wire screens and shutters and fill gaps. ☐
- Develop and maintain a minimum 20-metre building protection zone. ☐
- Develop and maintain a suitable hazard separation zone. ☐
- Provide an emergency water supply. ☐
- Discuss fire prevention with your neighbours—is your locality safe? ☐
- Discuss your preparedness with your neighbours. ☐

AUTUMN AND WINTER (MAY–AUGUST)

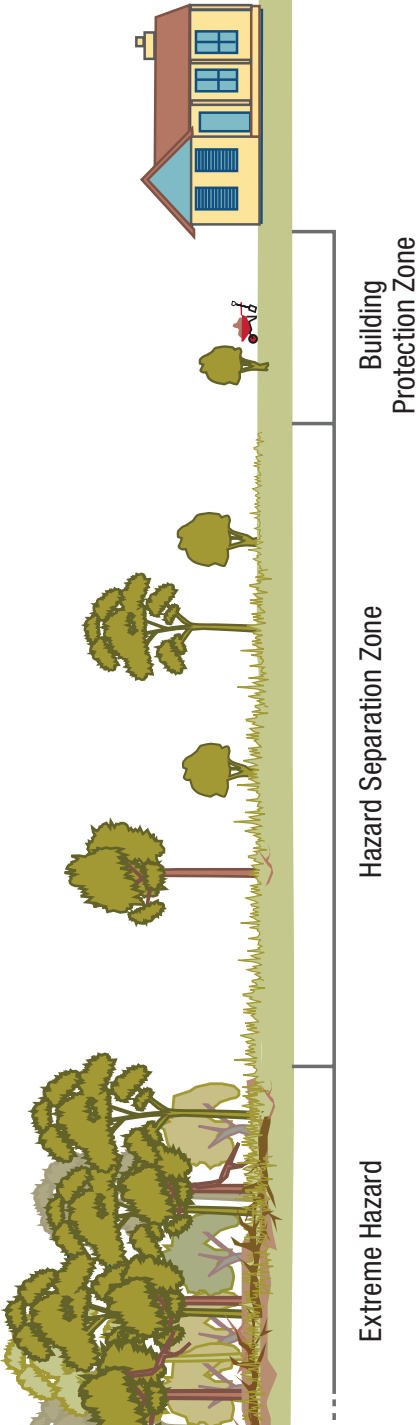
- Tree pruning—remove lower branches, check that powerlines are clear. ☐
- Reduce fuel levels around the house—clear long grass, leaves, twigs and flammable shrubs. ☐
- Petrol and other fuels—store in a suitable shed away from the home. ☐
- Make sure your personal and home protection equipment is in good order. ☐
- Overhaul the emergency water pump. ☐
- Make sure everyone in the family knows what to do in a fire. ☐

SPRING (SEPTEMBER–NOVEMBER)

- Move woodpile and stacked timber away from the house. ☐
- Keep the grass short—on farms, keep grazing pressure high on areas near the house. ☐
- Prune the dead material from the shrubs in the building protection zone. ☐
- Clean out gutters, remove debris from roof. ☐
- Create firebreaks. ☐
- Prepare an emergency kit, including a plan. ☐
- Decide whether to stay and actively defend your property in the event of a fire or leave for a safer place. ☐

EARLY SUMMER (DECEMBER ONWARDS)

- Water lawns, trees and shrubs near the house to keep them green. ☐
- Re-check personal and home protection gear, screens, water supplies and gutters. ☐





Local Bush Fire Control Officers

LOWER CHITTERING

Jeff Reeves	0476 279 233
Max Brown	0427 089 677

MUCHEA

Arthur Blewitt	0481 395 570
Peter Hall	0437 908 079

UPPER CHITTERING

Gordon Carter	9576 0902	0429 784 831
David Wilson		0412 716 577

BINDOON

Mathew Whelan		0428 506 688
Dennis Badcock	9576 1536	0428 947 853

WANNAMAL

Kim Haeusler	9655 9043	0428 559 043
Greg Cocking		
DCBFCO (North)	9655 7015	0408 900 462

COMMUNITY EMERGENCY SERVICES MANAGER CHIEF BUSH FIRE CONTROL OFFICER

David Carroll	9576 4600	0409 529 138
---------------	-----------	--------------

DEPUTY CHIEF (SOUTH)

Dave Wilson		0412 716 577
-------------	--	--------------

DEPUTY CHIEF (CENTRAL)

Phil Humphry	9576 1050	0427 761 050
--------------	-----------	--------------

DEPUTY CHIEF (NORTH)

Greg Cocking	9655 7015	0408 900 462
--------------	-----------	--------------

SHIRE FIRE CONTROL OFFICERS

Rangers	9576 4600
---------	-----------

HOT WORKS, HARVEST AND MOVEMENT OF MACHINERY BANS INFORMATION LINE 9576 0219

**www.facebook.com/chittering.shire
www.chittering.wa.gov.au**

NOTE:

Fire Control Officers are not obliged to issue permits and they may advise on alternatives to burning. Please remember Fire Control Officers are Volunteers and their availability to issue permits may vary, assist them by planning in advance. Permits cannot be issued over the phone and should a Fire Control Officer refuse to issue a permit, it is a breach of the Act to request a permit from another Fire Control Officer.

**FIREBREAKS MUST BE CLEARED BY
16 OCTOBER AND REMAIN CLEARED UNTIL 31 MAY**

**BURNING IS PROHIBITED BETWEEN
1 DECEMBER TO 31 MARCH**

**BURNING PERMITS ARE REQUIRED BETWEEN
1 OCTOBER TO 30 NOVEMBER AND 1 APRIL TO 31 MAY**

PENALTIES

Failure to comply with this Firebreak Notice can result in fines ranging from \$250 to \$250,000 or imprisonment.

**FOR FURTHER INFORMATION ON THIS NOTICE
CONTACT THE SHIRE OF CHITTERING**

Phone: 9576 4600

Email: chatter@chittering.wa.gov.au

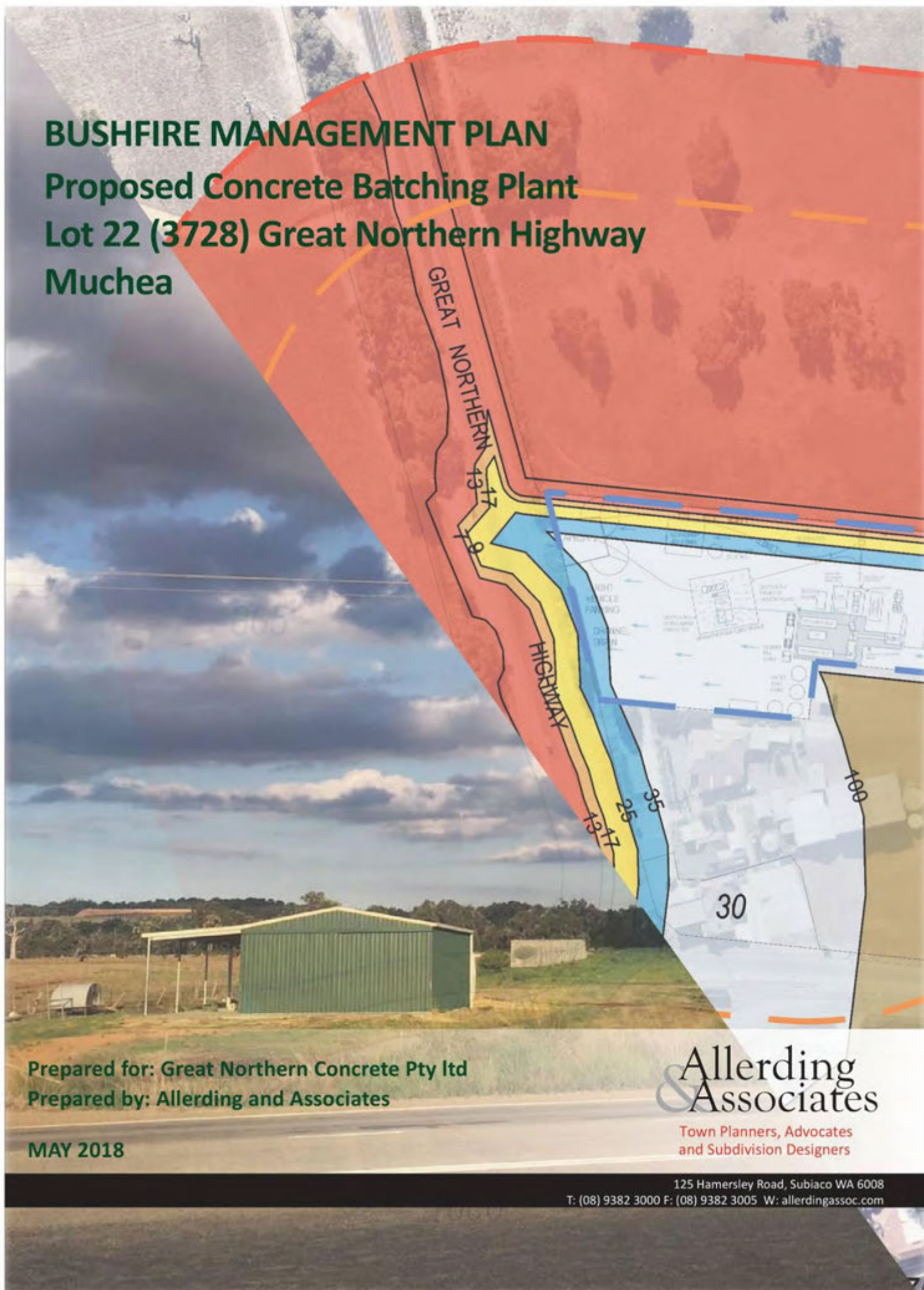
Website: www.chittering.wa.gov.au

BUSHFIRE MANAGEMENT PLAN

Proposed Concrete Batching Plant

Lot 22 (3728) Great Northern Highway

Muchea



Prepared for: Great Northern Concrete Pty Ltd
Prepared by: Allering and Associates

MAY 2018

**Allering
& Associates**

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: alleringassoc.com

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	3
2.0	INTRODUCTION	4
2.1	PURPOSE OF THE BMP.....	4
2.2	OVERVIEW OF PROPOSAL.....	5
3.0	LOCATIONAL AND ENVIRONMENTAL CONSIDERATIONS	7
3.1	LOCATION.....	7
3.2	ZONING AND LAND USE.....	7
3.3	EXISTING IMPROVEMENTS.....	7
3.4	EXISTING VEGETATION AND ENVIRONMENTAL FEATURES	7
3.5	LANDSCAPING.....	7
3.6	ACCESS	7
3.7	WATER AND POWER SUPPLY	7
4.0	BUSHFIRE ASSESSMENT RESULTS	9
4.1	ASSESSMENT INPUTS.....	9
4.1.1	<i>Vegetation Classification</i>	<i>9</i>
4.1.2	<i>Site Topography and Slope.....</i>	<i>9</i>
4.2	ASSESSMENT OUTPUTS	10
4.2.1	<i>BAL Assessment</i>	<i>10</i>
4.2.2	<i>BHL Assessment</i>	<i>12</i>
5.0	IDENTIFICATION OF BUSHFIRE HAZARD ISSUES.....	13
6.0	PROPOSAL COMPLIANCE AND JUSTIFICATION	14
6.1	SPP.3.7 OBJECTIVES	14
6.2	SPP3.7 POLICY MEASURES.....	14
6.2.1	<i>Relevant provisions</i>	<i>14</i>
7.0	ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA	15
7.1	COMPLIANCE ASSESSMENT.....	16
7.2	ADDITIONAL MANAGEMENT STRATEGIES	24
7.2.1	<i>Compliance with Shire of Chittering Firebreak Notice 2017-2018</i>	<i>24</i>
7.2.2	<i>Notification(s) on Title.....</i>	<i>24</i>
7.2.3	<i>Building Construction Standards.....</i>	<i>24</i>
8.0	RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT	26
9.0	REFERENCES.....	27

FIGURE 1 – LOCATION PLAN

FIGURE 2 –MAP OF BUSHFIRE PRONE AREAS

FIGURE 3 – SITE PLAN OF PROPOSAL (CADASTRAL)

FIGURE 4 – SITE PLAN OF PROPOSAL (AERIAL)

FIGURE 5 – AERIAL PHOTO

FIGURE 6 – PHOTO OF EXISTING SHED

FIGURE 7 – VEGETATION CLASSIFICATION AND PLOTS

FIGURE 8 – BAL CONTOUR MAP

FIGURE 9 – BUSHFIRE HAZARD LEVEL MAP

FIGURE 10 – BUSHFIRE MANAGEMENT STRATEGIES MAP

TABLE 1 – BUSHFIRE ATTACK LEVEL TABLE

TABLE 2 – BUSHFIRE HAZARD LEVEL TABLE

TABLE 3 – ASSESSMENT AGAINST THE
BUSHFIRE PROTECTION CRITERIA

APPENDIX 1 –DEVELOPMENT PLANS

APPENDIX 2 – VEGETATION CLASSIFICATION

APPENDIX 3 – BMP MAPPING

APPENDIX 4 – SIHRE OF CHITTERING

FIREBREAK NOTICE 2017-2018

Document ID: RIM MUC BF/1711						
Issue	Date	Status	Prepared by		Approved by	
			Name	Initials	Name	Initials
1	28.11.17	Draft	Tom Hockley BPAD39692 Level 1	TH		
2	30.11.17	Final	Tom Hockley BPAD39692 Level 1	TH	Roger Banks BPAD36857 Level 2	RB
3	01.05.18	Revised	Tom Hockley BPAD39692 Level 1	TH		
Site Inspection:		Undertaken on 16 November 2017 by Tom Hockley				
<p>This report has been prepared for the exclusive use of the Client, in accordance with the agreement between the Client and Allerding & Associates ('Agreement').</p> <p>Copyright and any other Intellectual Property arising from the report and the provision of the services in accordance with the Agreement belongs exclusively to Allerding & Associates unless otherwise agreed and may not be reproduced or disclosed to any person other than the Client without the express written authority of Allerding & Associates.</p>						
<p><i>Disclaimer:</i></p> <p><i>This document has been prepared for the exclusive use of the Client, in accordance with the Agreement. The information used in the preparation of this document was, to the best of our knowledge, believed to be reliable and accurate at the time of publication. Notwithstanding, no representation or warranty is given as to the completeness, accuracy or relevance of any information contained within this document. Findings or recommendations contained within this document are based on circumstances and facts as they existed at the time the work was undertaken. Any changes in the circumstances and facts upon which this document is based may, adversely or otherwise, affect any findings or recommendations contained in this document.</i></p>						

©2017 Allerding & Associates All Rights Reserved. Copyright in the whole and every part of this document belongs to Allerding & Associates and may not be used, sold, transferred, copied or reproduced in whole or in part in any manner or form or in or on any media to any person without the prior written consent of Allerding & Associates.

1.0 EXECUTIVE SUMMARY

This Bushfire Management Plan (BMP) has been prepared to accompany a Scheme Amendment request by Allerding & Associates on behalf of the landowner and an associated draft Development Application for a mobile concrete batching plant at Lot 22 (#3728) Great Northern Highway, Muchea (subject site). The Scheme Amendment request and associated draft Development Application has been prepared for submission to the Shire of Chittering (the Shire).

The subject site is located within an area designated as bushfire prone due to the nature of vegetation within 100m of the site. *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP3.7) requires that planning proposals on land designated as bushfire prone must be accompanied by an assessment (in the form of a BMP) under the provisions of Clause 6.3 (for scheme amendments) and Clause 6.5 (for development applications) where a Bushfire Hazard Level (BHL) exceeds low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply. In this instance, due to the presence of classified vegetation surrounding the subject site, a BHL greater than low and a BAL rating above BAL-LOW will apply. As the BAL ratings exceed BAL-LOW an assessment against the provisions of SPP3.7 and the *Guidelines for Planning in Bushfire Prone Areas version 1.2* (the Guidelines) has been undertaken.

This BMP demonstrates that the proposal can fully comply with the acceptable solutions of the Guidelines, subject to the provision of a dedicated static water supply for fire fighting purposes and the maintenance to the remainder of the subject site (outside of the development envelope) in accordance with the Shire of Chittering Firebreak Notice.

A BAL Contour Map has been prepared to determine the level of construction required for buildings within 100m of classified vegetation pursuant to Australian Standard AS3959-2009 *Construction of buildings in bushfire-prone areas* (AS3959). Whilst this proposal does not include buildings requiring construction under the specific bushfire requirements of the Building Code of Australia, the developer has the discretion to utilise any or all of the elements of AS 3959 in the construction of the building that they deem appropriate. The applicable BAL ratings for each proposed building are therefore set out as part of this BMP as a guideline for future construction standards.

This BMP sets out the immediate and longer term management strategies for bushfire hazards within and surrounding the subject site and provides a basis for an ongoing commitment by the landowner to undertake bushfire risk management measures for the life of the development. When implemented, the management measures contained within this BMP will assist in the preservation of life and the reduction in the impacts of bushfire on property and infrastructure.

2.0 INTRODUCTION

This BMP has been prepared to accompany a Scheme Amendment Request and associated draft Development Application for a mobile concrete batching plant at Lot 22 (#3728) Great Northern Highway, Muchea (subject site). A location plan is included at **Figure 1**.

As outlined on the Department of Fire and Emergency Services (DFES) Western Australian Map of Bush Fire Prone Areas, the subject site is designated as bush fire prone (refer **Figure 2**).

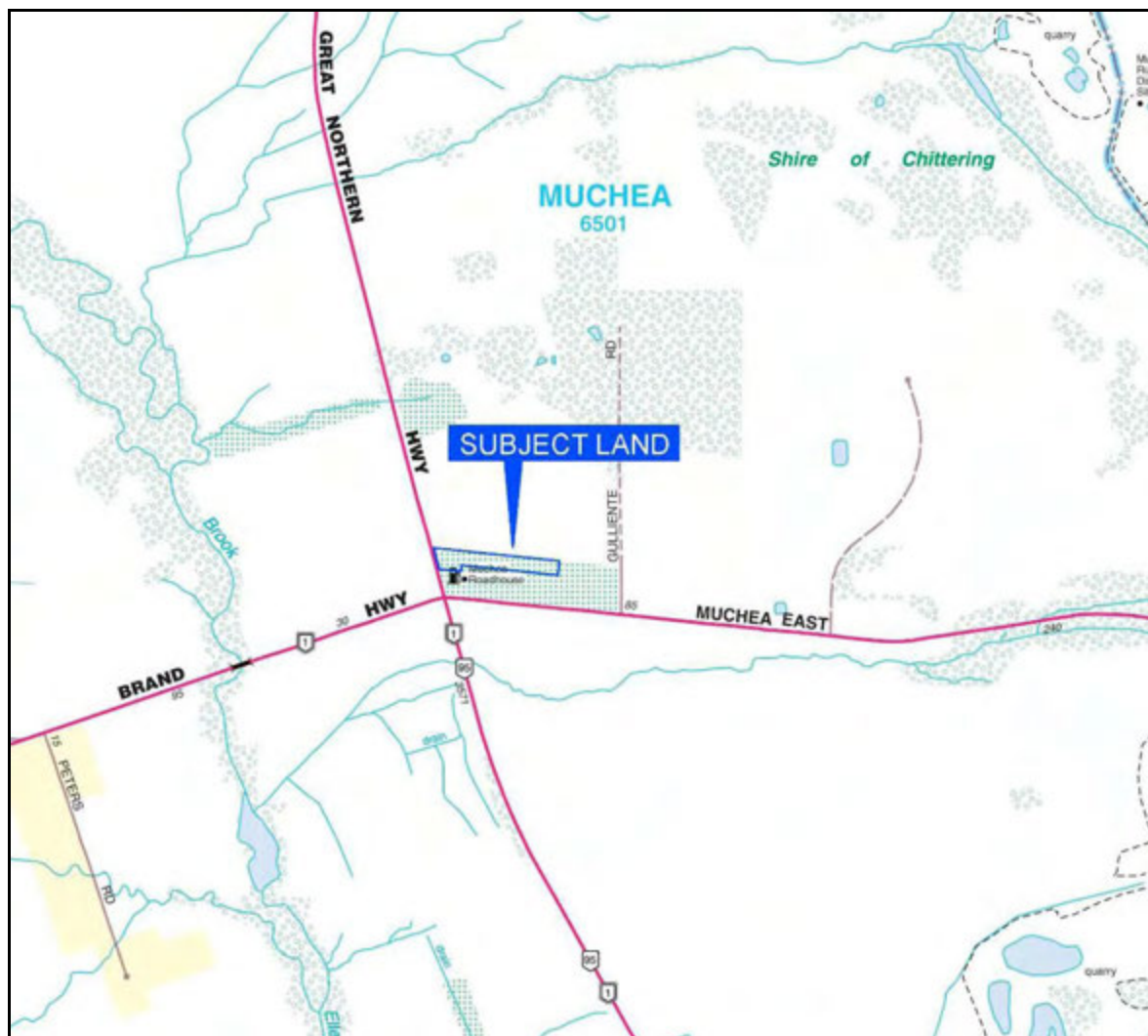


Figure 1 – Location Plan

2.1 Purpose of the BMP

The purpose of the BMP is to assess whether a proposed Scheme Amendment and draft Development Application for a proposed mobile concrete batching plant complies or can be made compliant with the relevant planning controls based on the assessed bushfire risk.

As the ultimate form of development is known, a BAL Contour Map has been prepared to demonstrate the indicative BAL rating across the subject site, in addition to the Bushfire Hazard Level assessment pursuant to Clause 6.3 of SPP3.7.

In addition, this BMP contains an identification of any bushfire hazard issues arising from the BAL Contour Map, as well as an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.



Figure 2 – Map of Bushfire Prone Areas (Source: DFES 2017)

2.2 Overview of Proposal

The proposed Scheme Amendment involves the rezoning of the subject site from "Agricultural Resource" zone to "General Industry" zone, as well as the inclusion of an additional use of the land to facilitate the development of a mobile concrete batching plant on the subject site. The Scheme Amendment, once finalised, will enable the progression of a Development Application (DA) for a mobile concrete batching plant at the subject site involving:

- A portable batch plant containing a horizontal cement storage silo, aggregate weigh hopper, batch hopper, cement weigh hopper and water tank mounted on a purpose built chassis;
- Two portable horizontal cement silos mounted on a purpose built chassis;
- A transportable auxiliary weigh hopper and conveyor;
- Chiller and water management system including production dust management;
- Washout and waste concrete pits adjacent to main concrete batching plant;
- Slumping area and water catchment pit; and
- Conversion of existing shed/workshop into staff and amenities building.

A site plan of the proposed concrete batching plant is included at **Figure 3** and a copy of the plans are included at **Appendix 1**. A site plan overlayed on an aerial base is included at **Figure 4**.

This BMP has been prepared to accompany the Scheme Amendment report, draft DA report and a Level 1 Environmental Assessment. Those documents have been considered in the preparation of this BMP. In addition, there are no known bushfire assessments that have been undertaken previously for the subject site.



Figure 3 – Site Plan



Figure 4 – Site Plan on Aerial Base

3.0 LOCATIONAL AND ENVIRONMENTAL CONSIDERATIONS

3.1 Location

The Site is situated approximately 70km north of the Perth CBD on Great Northern Highway and is 40km distant from Ellenbrook to its south. It is immediately adjacent to the Muchea Employment Node (MEN) Special Control Area (SCA) which is zoned "Industrial Development".

3.2 Zoning and Land Use

The subject site is currently zoned "Agricultural Resource" under the Shire of Chittering Local Planning Scheme No. 6 (LPS6).

The subject site has a narrow, mostly rectangular shape, with an east to west orientation. The subject site has a total area of 2.013ha with a frontage of approximately 72m and a depth of approximately 407m.

3.3 Existing Improvements

The subject site contains an existing Class 10a building (shed) and water tank at the western end of the property. An Aerial Photo is included at **Figure 5** and a photo of the existing shed is included at **Figure 6**.

3.4 Existing Vegetation and Environmental Features

The subject site is predominantly cleared with mostly grass and weeds. There are ten fig trees along the northern property boundary which are likely to be retained. The subject site contains no native vegetation that will require clearing as part of the proposed development.

3.5 Landscaping

Landscaping of the channel drain along the front (west) boundary to improve site drainage is proposed. Such landscaping will be confined to the narrow drain adjacent to the boundary. The location of the drain is shown on the Site Plan in **Figure 3**. Landscaping to the east of the subject site will consist of remnant fig trees. The remainder of the site is proposed to be managed to a low fuel load.

3.6 Access

Vehicular access to the subject site is via the existing crossover from Great Northern Highway to the west.

3.7 Water and Power Supply

The subject site is serviced with reticulated power but not with reticulated mains water supply. The existing Class 10a building includes a 5,000 litre water tank for domestic use.

A bore licence has been purchased by the landowner to supply the subject site, however the bore is yet to be installed and its location is unknown. Preliminary advice is that the bore will be located at the western end of the site adjacent to Great Northern Highway.

It is intended that water sourced from the bore will be pumped to the water storage tanks located south of mobile concrete batching plant. The water storage tanks will supply the plant and will comprise four 23,000 litre tanks (92,000 litre total capacity). At maximum operating capacity, the water storage will reduce to approximately 50% capacity (46,000 litres) which will then be replaced with bore water at the end of the operating day.



Figure 5 – Aerial Photo



Figure 6 – Photo of Existing Shed

4.0 BUSHFIRE ASSESSMENT RESULTS

A Method 1 procedure in accordance with AS3959 has been undertaken to inform this bushfire assessment.

4.1 Assessment Inputs

4.1.1 Vegetation Classification

The vegetation classification has been determined within and surrounding the subject site in accordance with Clause 2.2.3 of AS3959. Each distinguishable vegetation plot with the potential to determine the BAL is identified in **Appendix 2** with the plots mapped in **Figure 7**. This information has been used to develop the BAL Contour Map at **Figure 8** and Bushfire Hazard Level Map at **Figure 9**.

4.1.2 Site Topography and Slope

Based on site observations and available topographical mapping for the broader locality beyond 100m from the edge of the subject site, it has been verified that the subject site and surrounding land falls from east to west with an average slope of 0.85° . Land beyond the western boundary of the subject site continues to fall at a similar slope.

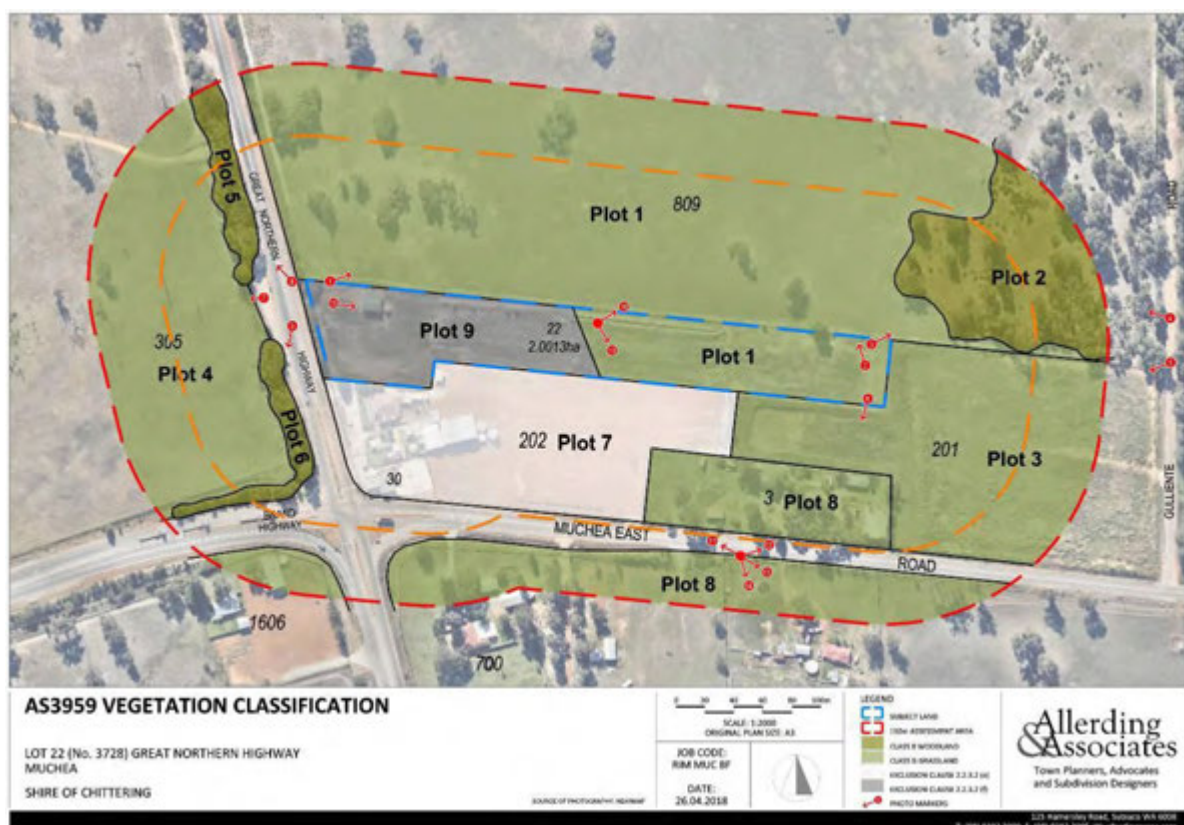


Figure 7 – Vegetation Plots

4.2 Assessment Outputs

4.2.1 BAL Assessment

The BAL Assessment was undertaken in accordance with AS3959 Methodology 1 to determine the potential worst case scenario radiant heat impact on the proposed development. **Table 1** below outlines the worst case BAL for each of the vegetation plots based on separation distance to the closest proposed building **within the subject site**.

Table 2.1 of AS3959 identifies a Fire Danger Index (FDI) of 80 for Western Australia. Therefore, Table 2.4.3 of AS3959 has been used to develop the BAL Contour Map (refer **Figure 8**) to calculate the BAL for the proposed buildings and inform the standard of building construction required for those buildings to withstand such impacts.



Figure 8 – BAL Contour Map

Table 1: BAL Table for Proposed Buildings

Vegetation Plot	Applied Vegetation Classification	Effective Slope Under Classified Vegetation (degrees)	Separation Distance to Classified Vegetation (m)	Bushfire Attack Level
Plot 1	Class G Grassland	Flat	12m [#]	29
Plot 2	Class B Woodland	Flat/Upslope	310m	Low
Plot 3	Class G Grassland	Flat/Upslope	193m	Low
Plot 4	Class G Grassland	Downslope 1°	77m	Low
Plot 5	Class B Woodland	Downslope 1°	78m	12.5
Plot 6	Class B Woodland	Downslope 1°	62m	12.5
Plot 8	Class G Grassland	Flat/Upslope	120m	Low
Worst case BAL				29
Notes: [#] The BAL ratings for Plot 1 has been assessed to include a 3m wide perimeter firebreak within the lot boundaries of those adjacent lots (as enforced by the Shire of Chittering).				

Table 2: BHL Table

Vegetation Plot	Vegetation Classification	Effective Slope (degrees)	Hazard Level
Plot 1	Class G Grassland	Flat	Moderate
Plot 2	Class B Woodland	Flat/Upslope	Extreme
Plot 3	Class G Grassland	Flat/Upslope	Moderate
Plot 4	Class G Grassland	Downslope 1°	Moderate
Plot 5	Class B Woodland	Downslope 1°	Extreme
Plot 6	Class B Woodland	Downslope 1°	Extreme
Plot 8	Class G Grassland	Flat/Upslope	Moderate

4.2.2 BHL Assessment

The BHL Assessment was undertaken using the vegetation classification information contained within **Appendix 2** of this BMP. The BHL assessment methodology was applied based on Appendix 2 of the Guidelines and has considered the classified vegetation and slope within 150m of the subject site.

The results of the BHL assessment are contained within **Table 2** and mapped in **Figure 9**.

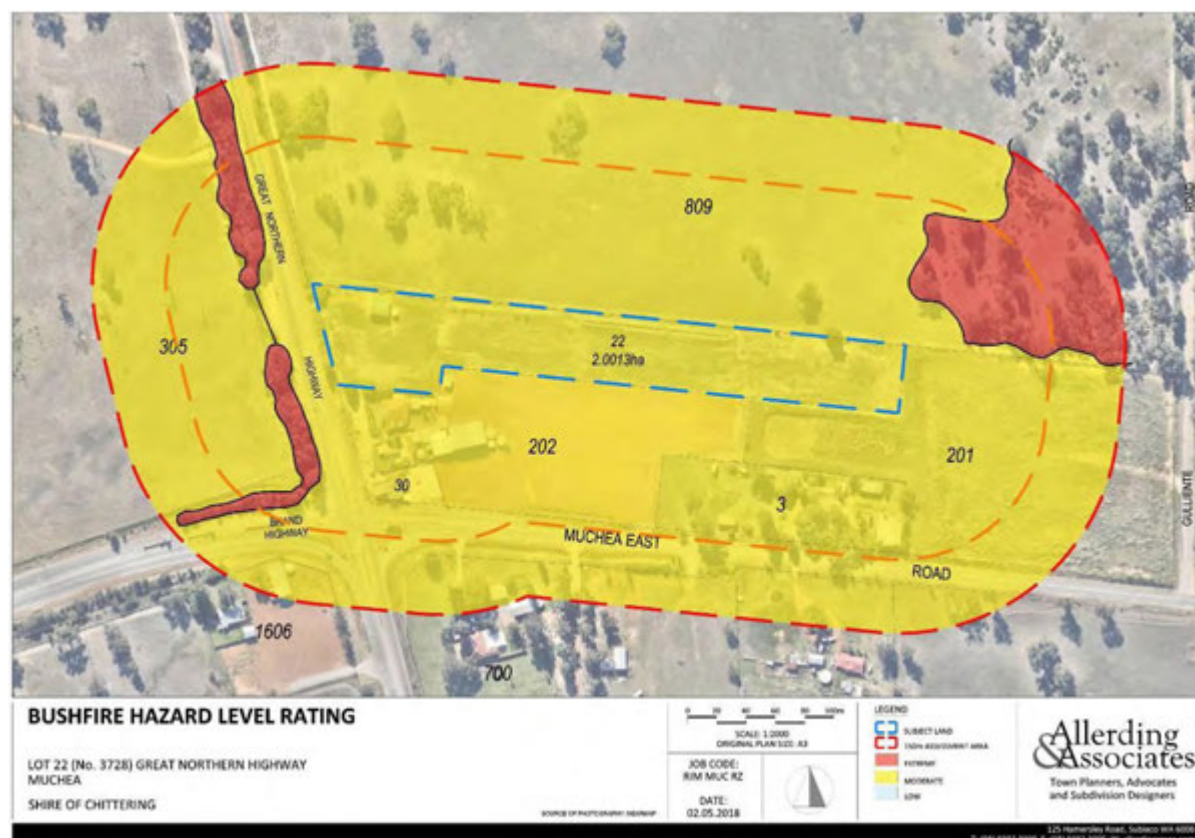


Figure 9 – BHL Map

5.0 IDENTIFICATION OF BUSHFIRE HAZARD ISSUES

Based on the BAL assessment undertaken as part of this BMP, the bushfire hazard issue identified for the subject site is that the one of the buildings associated with the proposed concrete batching plant is subject to BAL29 with the other proposed buildings subject to BAL12.5. It is noted that areas within the subject site to the east of the concrete batching plant are subject to BAL40 and BALFZ due to the presence of classified Grassland vegetation within the site and on neighbouring lots. However, given that the operator will be required to adhere to the requirements of the Shire of Chittering Firebreak Notice 2017-2018, including maintaining grass to a height of not more than 50mm by slashing or the application of stock, the hazards associated with these higher BALs are not considered prohibitive to development. Any future development within the eastern portion of the subject site will be subject to separate planning approvals and further assessment to determine the applicable BAL ratings based on the layout and form of development proposed.

Further, given the nature of the land surrounding the subject site being predominantly cleared pasture, there is limited opportunity for landscape scale or long fire runs in close proximity to the site. Additionally, all extreme hazard level vegetation within 150m from the boundaries of the subject site is separated by either non-vegetated areas (Great Northern Highway) or moderate hazard level vegetation (Class G Grassland).

Post development, the subject site will be occupied by the proposed concrete batching plant which will reduce bushfire risk as a result of the maintenance of the site as an Asset Protection Zone and in accordance with the requirements of the Shire of Chittering Firebreak Notice 2017-2018. As noted above, the eastern portion of the site will be required to be managed in minimal fuel condition by the operator.

Pursuant to Clause 6.5 of SPP3.7, the proposal has been assessed against the bushfire protection criteria requirements contained within the Guidelines. Sections 6.0 and 7.0 of this report demonstrates that the proposal complies with the the bushfire protection criteria of the Guidelines and it is therefore considered that the bushfire hazard issues can be effectively mitigated.

6.0 PROPOSAL COMPLIANCE AND JUSTIFICATION

Strategic planning proposals (including Scheme Amendments) and development applications in bushfire prone areas are required to comply with SPP3.7 and the Guidelines, as required under the following policy measures.

6.1 SPP3.7 Objectives

The policy objections under Part 5 of SPP3.7 are addressed as follows:

Objective 1

Objective 1 is met through compliance with:

- The policy provisions of SPP3.7 referred to in Section 6.2 below; and,
- The Performance Principles of the Guidelines as outlined in Section 7.0 below.

Objective 2

Objective 2 is met through the identification and assessment of bushfire hazards relevant to the proposal as detailed in Section 5.0 of this report.

Objective 3

Objective 3 is met through compliance with:

- The policy provisions of SPP3.7 referred to in Section 6.2 below; and,
- The Performance Principles of the Guidelines as outlined in Section 7.0 below.

Objective 4

Objective 4 is met through the appropriate consideration of all surrounding environmental features as detailed in Section 3.0 of this report and in the achievement of bushfire management measures detailed in Section 7.0 of this report. Land identified surrounding the subject site with high environmental values will not be impacted by this development.

6.2 SPP3.7 Policy Measures

6.2.1 Relevant provisions

Clause 6.3 of SPP3.7 outlines the information to accompany strategic planning proposals, including Scheme Amendments. This proposal involves both a Scheme Amendment and Development Application and as such the ultimate development form is known. Therefore, in addition to the provision of a BHL Map as required by Clause 6.3, the development has been assessed against the policy measures of Clause 6.5 for information to accompany development applications:

Policy Measure:	Response:
<p>a) <i>(i) a BAL assessment. BAL assessments should be prepared by an accredited Level 1 BAL Assessor or a Bushfire Planning Practitioner unless otherwise exempted in the Guidelines; or</i></p> <p><i>(ii) a BAL Contour Map that has been prepared for an approved subdivision clearly showing the indicative acceptable BAL rating across the subject site, in accordance with the Guidelines. BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner.</i></p>	A BAL Contour Map has been prepared as part of this BMP as provided in Figure 8 .
b) <i>the identification of any bushfire hazard issues arising from the BAL Contour Map or the BAL assessment; and</i>	The identification and assessment of bushfire hazards relevant to the proposal are contained in Section 5.0 of this report.
c) <i>an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.</i>	An assessment of the proposed development against the bushfire protection criteria of the Guidelines is provided in Section 7.0 of this report.

7.0 ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA

An assessment of the proposal against the bushfire protection criteria of the Guidelines is contained in **Table 3** which demonstrates that the development meets all acceptable solutions.

7.1 Compliance Assessment

Table 3: Assessment Against the Bushfire Protection Criteria

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
Element 1: Location	To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.	<p>A1.1 Development location</p> <p>The strategic planning proposal, subdivision and development application is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below.</p>	The proposed buildings within the subject site have been assessed with a BAL-29 or lower and moderate bushfire hazard level. The development is therefore appropriately located.	The proposal meets the intent of Element 1 and achieves acceptable solution A1.1.
Element 2: Siting and Design of Development	To ensure that the siting and design of development minimises the level of bushfire impact.	<p>A2.1 Asset Protection Zone (APZ)</p> <p>Every habitable building is surrounded by, and every proposed lot can achieve, an APZ depicted on submitted plans, which meets the following requirements:</p> <ul style="list-style-type: none"> Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire 	The proposed buildings within the subject site have been assessed with a BAL-29 or lower and will achieve a radiant heat impact not exceeding 29kW/m ² in a bushfire event within the boundaries of the site. The land surrounding subject site to the west and south contains roads, maintained gardens and	The proposal meets the intent of Element 2 and achieves acceptable solution A2.1.

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<p>does not exceed 29kW/m² (BAL-29) in all circumstances.</p> <ul style="list-style-type: none"> Location: the APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity (see explanatory notes). Management: the APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones'. (see Schedule 1). 	cleared hardstand areas in a low fuel state. Land to the north and east contains predominantly pasture and an APZ can therefore successfully be established within the boundaries of the subject site surrounding proposed buildings.	
Element 3: Vehicular Access	To ensure that the vehicular access serving a subdivision / development is available and safe during a bushfire event.	A3.1 Two access routes Two different vehicular access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions.	The subject site has direct access to Great Northern Highway to the west which provides access in two directions (north and south) from the subject site. The proposed development is located to the western end of the subject site allowing for immediate access to Great Northern Highway in the event of a bushfire.	The proposal is considered to meet the intent of Element 3 and achieves acceptable solution A3.1.
		A3.2 Public road A public road is to meet the requirements in Table 6, Column 1.	Great Northern Highway, being a Primary Distributor Road, has a trafficable surface and horizontal clearance in excess of the minimum requirements of Table 6,	The proposal meets the intent of Element 3 and achieves acceptable solution A3.2 though compliance

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
			Column 1 of the Guidelines.	with the vehicular access technical requirements of Table 6, Column 1.
		<p>A3.3 Cul-de-sac (including a dead-end road) A cul-de-sac and/or a dead end road should be avoided in bushfire prone areas. Where no alternative exists (i.e. the lot layout already exists and/or will need to be demonstrated by the proponent), the following requirements are to be achieved:</p> <ul style="list-style-type: none"> • Requirements in Table 6, Column 2; • Maximum length: 200 metres (if public emergency access is provided between cul-de-sac heads maximum length can be increased to 600 metres provided no more than eight lots are serviced and the emergency access way is no more than 600 metres); and • Turn-around area requirements, including a minimum 17.5 metre diameter head. A 	No cul-de-sacs or dead end roads exist in proximity of the subject site.	NA
		<p>A3.4 Battle-axe Battle-axe access leg should be avoided in bushfire prone areas. Where no alternative exists, (this will need to be demonstrated by the proponent) all of the following requirements are to be achieved:</p> <ul style="list-style-type: none"> • Requirements in Table 6, Column 3; • Maximum length: 600 metres; and 	The subject site is not connected to the road network by a battle-axe leg.	NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<ul style="list-style-type: none"> Minimum width: six metres. 		
		<p>A3.5 Private driveway longer than 50 metres</p> <ul style="list-style-type: none"> A private driveway is to meet all of the following requirements: Requirements in Table 6, Column 3; Required where a house site is more than 50 metres from a public road; Passing bays: every 200 metres with a minimum length of 20 metres and a minimum width of two metres (i.e. the combined width of the passing bay and constructed private driveway to be a minimum six metres); Turn-around areas designed to accommodate type 3.4 fire appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres) and within 50 metres of a house; and Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes. All-weather surface (i.e. compacted gravel, limestone or sealed). A3.6 	The subject site is not connected to the road network by a private driveway longer than 50m.	NA
		<p>A3.6 Emergency access way</p> <p>An access way that does not provide through access to a public road is to be avoided in bushfire prone areas. Where no alternative exists (this will need to be demonstrated by the proponent), an emergency access way is to be provided as an alternative link to a public road during</p>	The subject site is not connected to a public road by an emergency access way.	NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<p>emergencies. An emergency access way is to meet all of the following requirements:</p> <ul style="list-style-type: none"> • Requirements in Table 6, Column 4; • No further than 600 metres from a public road; • Provided as right of way or public access easement in gross to ensure accessibility to the public and fire services during an emergency; and • Must be signposted. 		
		<p>A3.7 Fire service access routes (perimeter roads) Fire service access routes are to be established to provide access within and around the edge of the subdivision and related development to provide direct access to bushfire prone areas for fire fighters and link between public road networks for firefighting purposes. Fire service access routes are to meet the following requirements:</p> <ul style="list-style-type: none"> • Requirements Table 6, Column 5; • Provided as right of ways or public access easements in gross to ensure accessibility to the public and fire services during an emergency; • Surface: all-weather (i.e. compacted gravel, limestone or sealed); • Dead end roads are not permitted; • Turn-around areas designed to accommodate type 3.4 appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres); 		NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
		<ul style="list-style-type: none"> No further than 600 metres from a public road; Allow for two-way traffic and; Must be signposted. 		
		<p>A3.8 Firebreak width</p> <p>Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum width of three metres or to the level as prescribed in the local firebreak notice issued by the local government.</p>	<p>The Shire of Chittering Firebreak Notice 2017-2018 (included at Appendix 4) requires that lots equal to or greater than 5,000m² must clear a firebreak of 3m wide with a 4m vertical clearance along the inside property boundary. The subject site will contain trafficable surfaces within the front (western) portion of the lot which will be clear of flammable materials. To the east of the development footprint, firebreaks will be required around the internal perimeter of the subject site along the northern, eastern and southern boundaries.</p>	<p>The proposal meets the intent of Element 3 and achieves acceptable solution A3.8 though compliance with the Shire of Chittering Firebreak Notice 2017-2018.</p>
Element 4: Water	To ensure that water is available to the subdivision, development or land use to	<p>A4.1 Reticulated areas</p> <p>The subdivision, development or land use is provided with a reticulated water supply in accordance with the specifications of the relevant water supply authority and Department of Fire and Emergency Services.</p>	The subject site is not serviced by a reticulated water supply.	NA

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
	enable people, property and infrastructure to be defended from bushfire.	<p>A4.2 Non-reticulated areas Water tanks for fire fighting purposes with a hydrant or standpipe are provided and meet the following requirements:</p> <ul style="list-style-type: none"> • Volume: minimum 50,000 litres per tank; • Ratio of tanks to lots: minimum one tank per 25 lots (or part thereof); • Tank location: no more than two kilometres to the further most house site within the residential development to allow a 2.4 fire appliance to achieve a 20 minute turnaround time at legal road speeds; • Hardstand and turn-around areas suitable for a type 3.4 fire appliance (i.e. kerb to kerb 17.5 metres) are provided within three metres of each water tank; and • Water tanks and associated facilities are vested in the relevant local government. 	The proposal involves development on a single lot and A4.2 is therefore not applicable.	NA
		<p>A4.3 Individual lots within non-reticulated areas (Only for use if creating 1 additional lot and cannot be applied cumulatively)</p> <ul style="list-style-type: none"> • Single lots above 500 square metres need a dedicated static water supply on the lot that has the effective capacity of 10,000 litres. 	<p>The subject site will contain a dedicated static water supply of 10,000 litres that is supplied by an on-site bore and is constructed to the relevant DFES standards, including:</p> <ul style="list-style-type: none"> • Dedicated for fire fighting (not a shared supply); • Non-combustible construction (concrete or metal); 	The proposal meets the intent of Element 4 and achieves acceptable solution A4.3.

Bushfire Protection Criteria	Intent	Method of Compliance	Proposed Bushfire Management Strategies	Response
		Acceptable Solutions		
			<ul style="list-style-type: none"> • 50mm camlock coupling with full flow valve; • Externally visible heat resistant float gauge; and • Hardstand and turn-around areas suitable for a type 3.4 fire appliance (i.e. kerb to kerb 17.5 metres) provided within 3m of tank. <p>Additionally, water from an on-site bore will be pumped to the water storage tanks located south of mobile concrete batching plant. The water storage tanks will supply the plant and will comprise four 23,000 litre tanks (92,000 litre total capacity). At maximum operating capacity, the water storage will reduce to approximately 50% capacity (46,000 litres) which will then be replaced with bore water at the end of the operating day. These tanks will be fitted with pumps for use as a secondary fire fighting water supply as a contingency measure.</p>	

7.2 Additional Management Strategies

The following additional bushfire management strategies have been recommended for guiding future planning and development stages associated with the proposal. These strategies are based on best practice in bushfire protection and reflect the guidance provided by SPP3.7 and the Guidelines.

7.2.1 Compliance with Shire of Chittering Firebreak Notice 2017-2018

The Shire of Chittering Firebreak Notice 2017-2018 (included at **Appendix 4**) requires the following land management practices on lots equal to or greater than 5,000m²:

- Must clear a firebreak of all flammable materials 3 metres wide, with a 4 metre vertical clearance (trafficable) along the inside of the boundary to the property.
- Maintain a Asset Protection Zone around habitable buildings (i.e. an area reduced of flammable materials).
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter.

In addition, maintenance of grassed areas is enforceable under the Shire of Chittering Firebreak Notice which requires that grass is to be maintained to a height of not more than 50mm by slashing or the application of stock. Section 6 of the Firebreak Notice also requires that where a bushfire management plan has been approved for a site, the site is to be maintained in accordance with the bushfire management plan in its entirety.

The bushfire risk management measures to be implemented and maintained on the subject site, including the relevant bushfire protection criteria and the Firebreak Notice requirements, are spatially demonstrated in **Figure 10**.

7.2.2 Notification(s) on Title

Pursuant to SPP3.7, in instances where land is assessed with a BAL rating above BAL-LOW, it is recommended that notifications be placed on title to advise on bushfire risk management implementation measures, including:

- To advise that the site is located in a bushfire prone area; and
- To advise that the site is subject to a Bushfire Management Plan.

7.2.3 Building Construction Standards

The Building Code of Australia contains bushfire construction requirements that are applied to residential classes of development, being Class 1, 2, 3 buildings in designated bushfire prone areas, or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in designated bushfire prone areas. The Building Code of Australia references AS3959 as a deemed to satisfy solution that provides one way of demonstrating compliance with the bushfire performance requirements of the Building Code.

The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances the applicant has the discretion to utilise any or all of the elements of AS 3959 in the construction of the building that they deem appropriate.

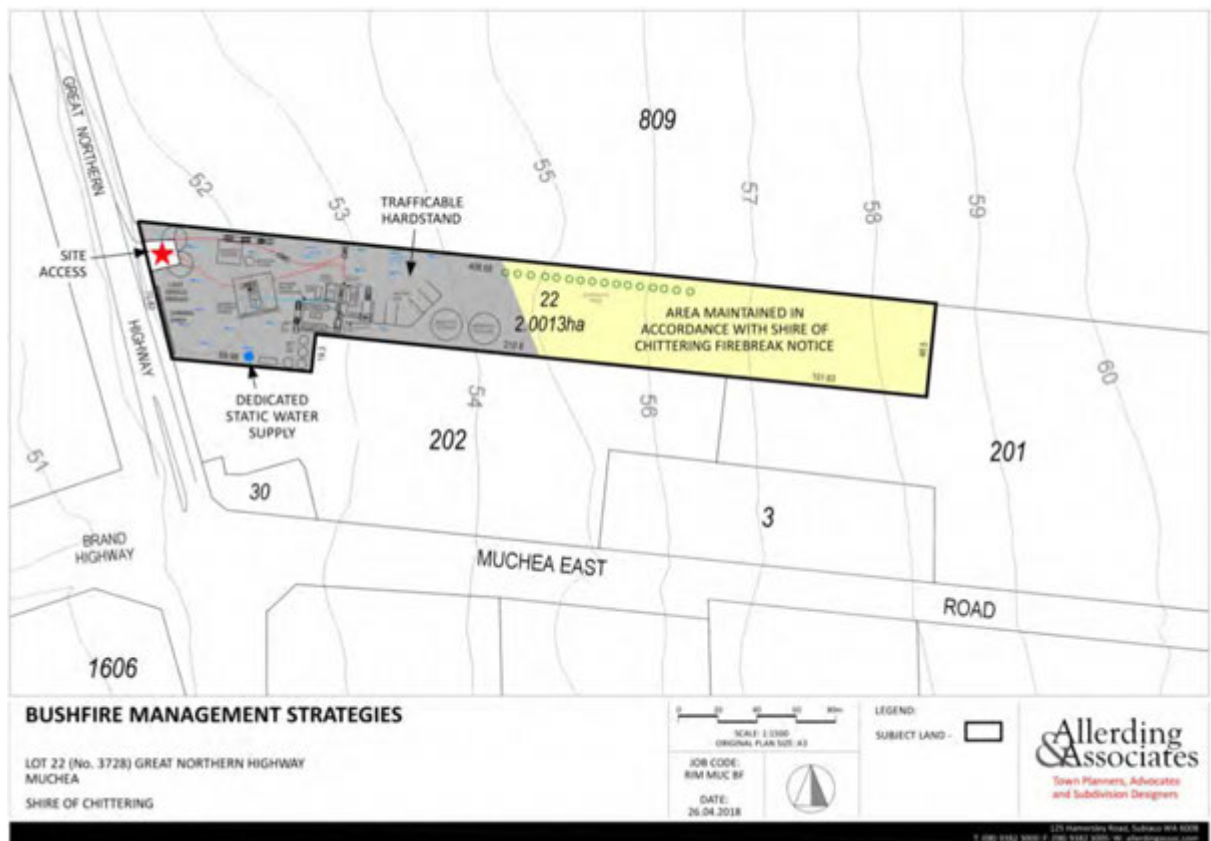


Figure 10 – Bushfire Management Strategies

8.0 RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT

The following tables set out the responsibilities of the developer, landowner, and local government with regard to the initial implementation and ongoing maintenance of the required actions as contained within this BMP.

No.	Action	Implementation		Management	
		Responsible	Timing	Responsible	Timing
1	Construction of buildings to AS3959.	NA	NA	NA	NA
2	Establish and maintain the Asset Protection Zone (APZ) to the dimensions and standard stated in the BMP.	Developer	Prior to commencement of operations	Landowner / Operator	Ongoing
3	Install and maintain vehicular access routes within the lot to the required surface condition and clearances as stated in the BMP.	NA	NA	Landowner / Operator	Ongoing
4	Install and maintain the emergency water supply tank and its associated fittings and vehicular access in good working condition.	Developer	Prior to commencement of operations	Landowner / Operator	Ongoing
5	Comply with the relevant local government annual firebreak notice issued under s33 of the Bush Fires Act 1954.	NA	NA	Landowner / Operator	Ongoing
6	Future revisions / amendments to BMP.	NA	NA	Landowner / Operator	Prior to any future development outside the scope of this BMP.
7	Inspection and compliance action.	NA	NA	Local Government	Ongoing

9.0 REFERENCES

Department of Fire and Emergency Services 2017, *Mapping standard for bush fire prone areas*, Government of Western Australia,
<<https://www.dfes.wa.gov.au/waemergencyandriskmanagement/obrm/Documents/OBRM-Mapping-Standard-for-Bush-Fire-Prone-Areas.pdf>>.

Shire of Chittering 2017, *Firebreak Notice 2017-2018*,
<http://www.chittering.wa.gov.au/theme/chitteringwagovau/assets/public/File/Fire%20Services/Firebreak_Notice_2017-2018.pdf>.

Standards Australia Online 2009, *Construction of buildings in bushfire-prone areas*, AS 3959:2009, amended November 2011.

Western Australian Planning Commission 2017a, *Guidelines for planning in bushfire prone areas version 1.2 – Appendices*,
<https://www.planning.wa.gov.au/dop_pub_pdf/Bushfire_Guidelines_Version_1.2_Aug2017-Appendices.pdf>.

Western Australian Planning Commission 2017b, *Guidelines for planning in bushfire prone areas version 1.2*,
<https://www.planning.wa.gov.au/dop_pub_pdf/Bushfire_Guidelines_Version_1.2_Aug2017.pdf>.

Western Australian Planning Commission 2015, *State planning policy 3.7 planning in bushfire prone areas*,
<https://www.planning.wa.gov.au/dop_pub_pdf/SPP_3.7_Planning_in_Bushfire_Prone_Areas.pdf>.

APPENDIX 1 – DEVELOPMENT PLANS



PROPOSED LAYOUT

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA
SHIRE OF CHITTERING

020406080m

SCALE: 1:1500
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017

LEGEND:

SUBJECT LAND -

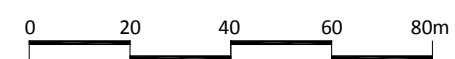
Town Planners, Advocates
and Subdivision Designers



PROPOSED LAYOUT

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

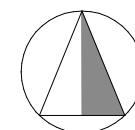
SHIRE OF CHITTERING



SCALE: 1:1500
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



LEGEND:

SUBJECT LAND -



**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

APPENDIX 2 – VEGETATION CLASSIFICATION

Vegetation Classification




Photo ID	1	Plot	1	<div>DIRECTION 72 deg(T)</div> <div>31.57534°S 115.99596°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 116/11/17, 9:43:52 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 1 to the north of the subject site contains pasture with isolated stands of trees with foliage cover of less than 10%.				
Photo ID	2	Plot	1	<div>DIRECTION 343 deg(T)</div> <div>31.57577°S 115.99970°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 116/11/17, 9:50:07 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 1 to the north of the subject site contains pasture with isolated stands of trees with foliage cover of less than 10%.				
Photo ID	3	Plot	2	<div>DIRECTION 63 deg(T)</div> <div>31.57566°S 115.99984°E</div> <div>ACCURACY 5 m DATUM WGS84</div>  <div>Plot 216/11/17, 9:52:03 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 2 located to the north-east of the subject site contains mature vegetation of up to 13m in height with canopy cover of around 30%. Understory contains grasses and low shrubs in an unmanaged state.				




Photo ID	4	Plot	2	<div><div>DIRECTION 286 deg(T)</div><div>31.57568°S 116.00197°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 216/11/17, 10:38:01 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 2 located to the north-east of the subject site contains mature vegetation of up to 13m in height with canopy cover of around 30%. Understory contains grasses and low shrubs in an unmanaged state.				
Photo ID	5	Plot	3	<div><div>DIRECTION 247 deg(T)</div><div>31.57595°S 116.00198°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 316/11/17, 10:38:21 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 3 comprises cleared paddock with long grasses in an unmanaged state.				
Photo ID	6	Plot	3	<div><div>DIRECTION 195 deg(T)</div><div>31.57603°S 115.99966°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 316/11/17, 9:49:18 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 3 comprises cleared paddock with long grasses in an unmanaged state.				




Photo ID	7	Plot	4	<div><div>DIRECTION 265 deg(T)</div><div>31.57537°S 115.99536°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 416/11/17, 9:41:36 am</div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 4 comprises cleared paddock with long grasses in an unmanaged state. Isolated stands of trees exist with foliage cover of less than 10%.				
Photo ID	8	Plot	5	<div><div>DIRECTION 317 deg(T)</div><div>31.57527°S 115.99558°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 516/11/17, 9:41:05 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 5 located to the western side of Great Northern Highway within the road reserve and contains mature vegetation of up to 9m in height with canopy cover of around 30%. Understory contains long grasses in an unmanaged state.				
Photo ID	9	Plot	6	<div><div>DIRECTION 191 deg(T)</div><div>31.57566°S 115.99554°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Plot 616/11/17, 9:42:25 am</div>
Vegetation Classification or Exclusion Clause				
Class B Woodland				
Description / Justification for Classification				
Plot 6 located to the western side of Great Northern Highway within the road reserve and contains mature vegetation of up to 9m in height with canopy cover of around 30%. Understory contains long grasses in an unmanaged state.				




Photo ID	10	Plot	1	<div><div>DIRECTION 151 deg(T)</div><div>31.57561°S 115.99776°E</div><div>ACCURACY 5 m DATUM WGS84</div><div>Plot 7</div><div>16/11/17, 9:46:04 am</div></div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 1 in the foreground of Photo 10 contained grassland in a minimal fuel condition at time of assessment. As it cannot be ascertained whether the grassland will be maintained in a minimal fuel condition in perpetuity, the vegetation has been classified for the purposes of this assessment.				
Photo ID	10	Plot	7	<div><div>DIRECTION 151 deg(T)</div><div>31.57561°S 115.99776°E</div><div>ACCURACY 5 m DATUM WGS84</div><div>Plot 7</div><div>16/11/17, 9:46:04 am</div></div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(e) Non-vegetated areas				
Description / Justification for Classification				
Plot 7 in the background of Photo 10 contains cleared hardstand.				
Photo ID	11	Plot	7	<div><div>DIRECTION 299 deg(T)</div><div>31.57698°S 115.99884°E</div><div>ACCURACY 5 m DATUM WGS84</div><div>Plot 7</div><div>16/11/17, 10:41:25 am</div></div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(e) Non-vegetated areas.				
Description / Justification for Classification				
Plot 7 to the south of the site contains cleared hardstand.				




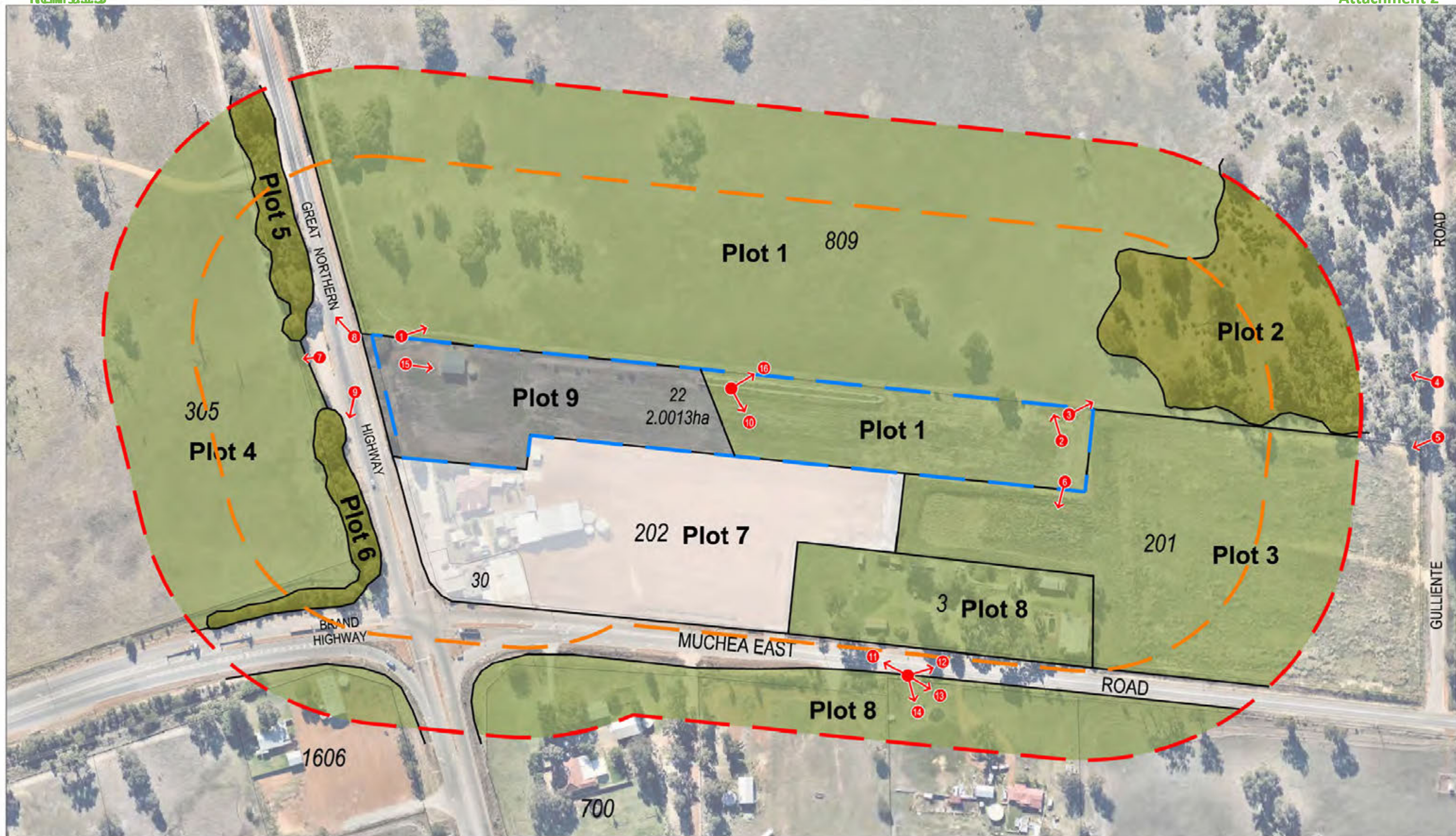
Photo ID	12	Plot	8	<div><div>DIRECTION 73 deg(T)</div><div>31.57701°S 115.99883°E</div><div>ACCURACY 5 m DATUM WGS84</div><div>Plot 7</div><div>16/11/17, 10:41:30 am</div></div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
At the time of assessment, Plot 8 contained maintained garden managed in a minimal fuel condition. As it cannot be ascertained whether the vegetation within this property will be maintained in a minimal fuel condition in perpetuity, the vegetation has been classified as Grassland for the purposes of this assessment given that the site contains grass with a overstorey foliage cover of less than 10%.				
Photo ID	13	Plot	8	<div><div>DIRECTION 121 deg(T)</div><div>31.57701°S 115.99884°E</div><div>ACCURACY 5 m DATUM WGS84</div><div>Plot 8</div><div>16/11/17, 10:41:32 am</div></div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 8 to the south of Muchea East Road comprises cleared paddock with grasses in an unmanaged state.				
Photo ID	14	Plot	8	<div><div>DIRECTION 165 deg(T)</div><div>31.57702°S 115.99885°E</div><div>ACCURACY 5 m DATUM WGS84</div><div>Plot 8</div><div>16/11/17, 10:41:33 am</div></div>
Vegetation Classification or Exclusion Clause				
Class G Grassland				
Description / Justification for Classification				
Plot 8 to the south of Muchea East Road comprises cleared paddock with grasses in an unmanaged state.				

Photo ID	15	Plot	9	<div><div>DIRECTION 98 deg(T)</div><div>31.57543°S 115.99575°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Subject Site16/11/17, 9:55:13 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Hardstand area and grassland within the subject site maintained in a minimal fuel condition.				

Photo ID	16	Plot	9	<div><div>DIRECTION 57 deg(T)</div><div>31.57556°S 115.99771°E</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div>Subject Site16/11/17, 9:46:35 am</div>
Vegetation Classification or Exclusion Clause				
Clause 2.2.3.2(f) Low threat vegetation				
Description / Justification for Classification				
Orchard within the subject site maintained in a minimal fuel condition.				

APPENDIX 3 – BMP MAPPING



AS3959 VEGETATION CLASSIFICATION

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING

SOURCE OF PHOTOGRAPHY: NEARMAP

0 20 40 60 80 100m

SCALE: 1:2000
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC BF

DATE:
26.04.2018



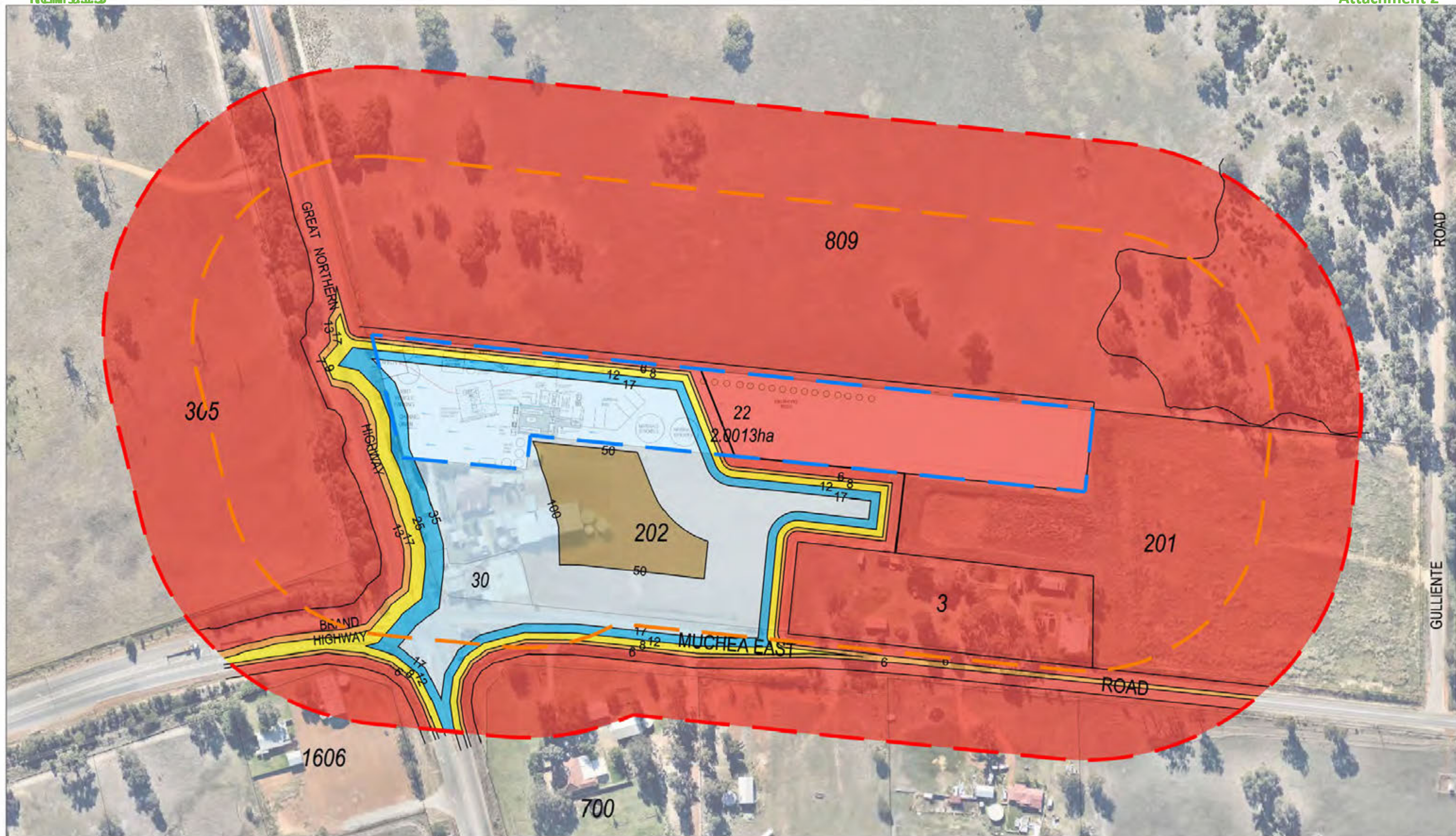
LEGEND

- SUBJECT LAND
- 150m ASSESSMENT AREA
- CLASS B WOODLAND
- CLASS G GRASSLAND
- EXCLUSION CLAUSE 2.2.3.2 (e)
- EXCLUSION CLAUSE 2.2.3.2 (f)
- ➔ PHOTO MARKERS

**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: allerdingassoc.com



BAL CONTOUR MAP

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING

0 20 40 60 80 100m

SCALE: 1:2000
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
17.11.2017



BAL RATING

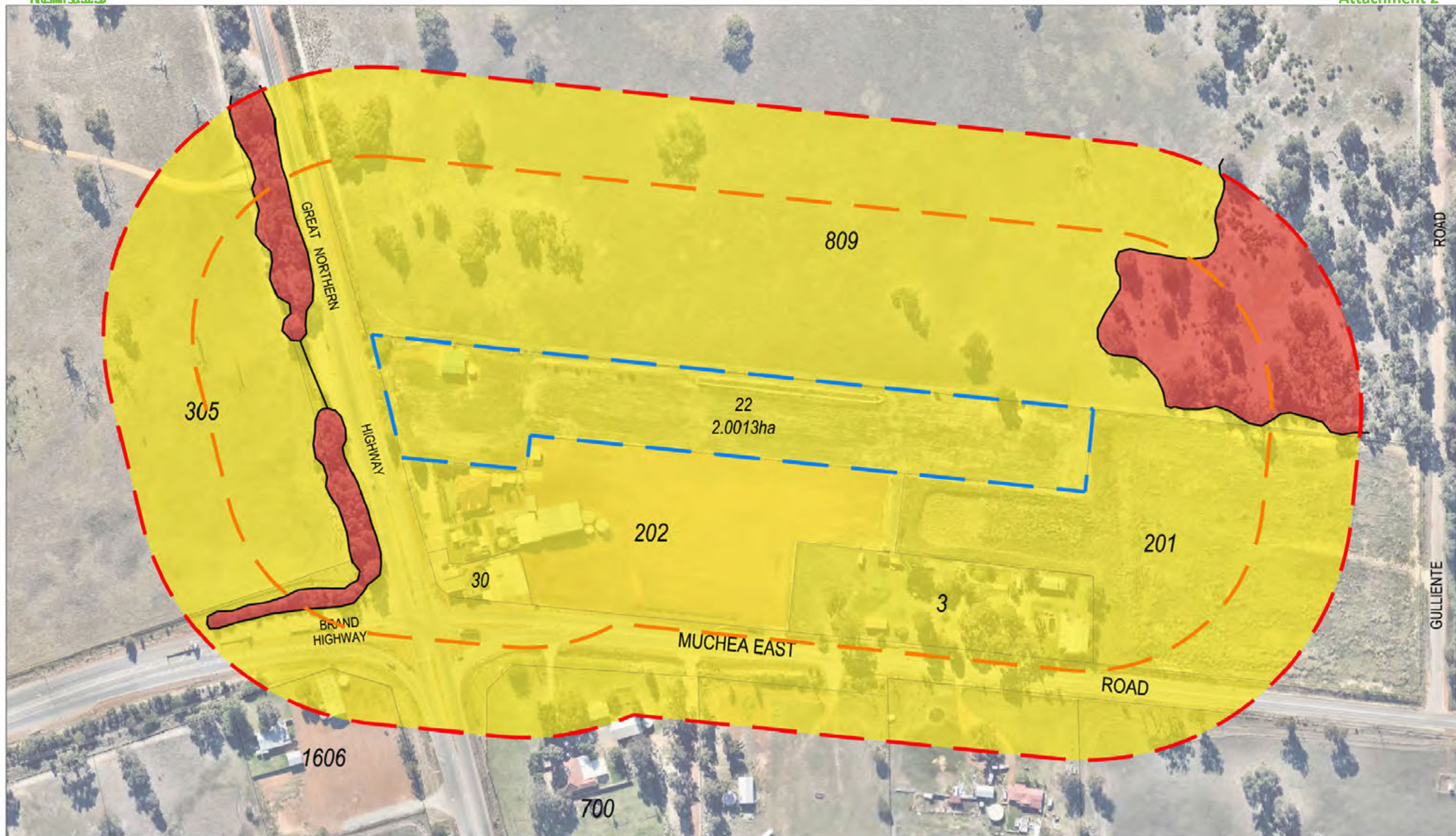
- BAL FLAME ZONE
- BAL 40
- BAL 29
- BAL 19
- BAL 12.5
- BAL LOW

SOURCE: PHOTOGRAPHY FROM NEARMAP

**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T: (08) 9382 3000 F: (08) 9382 3005 W: allerdingassoc.com



BUSHFIRE HAZARD LEVEL RATING

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA

SHIRE OF CHITTERING

SOURCE OF PHOTOGRAPHY: NEARMAP

0 20 40 60 80 100m

SCALE: 1:2000
ORIGINAL PLAN SIZE: A3

JOB CODE:
RIM MUC RZ

DATE:
02.05.2018

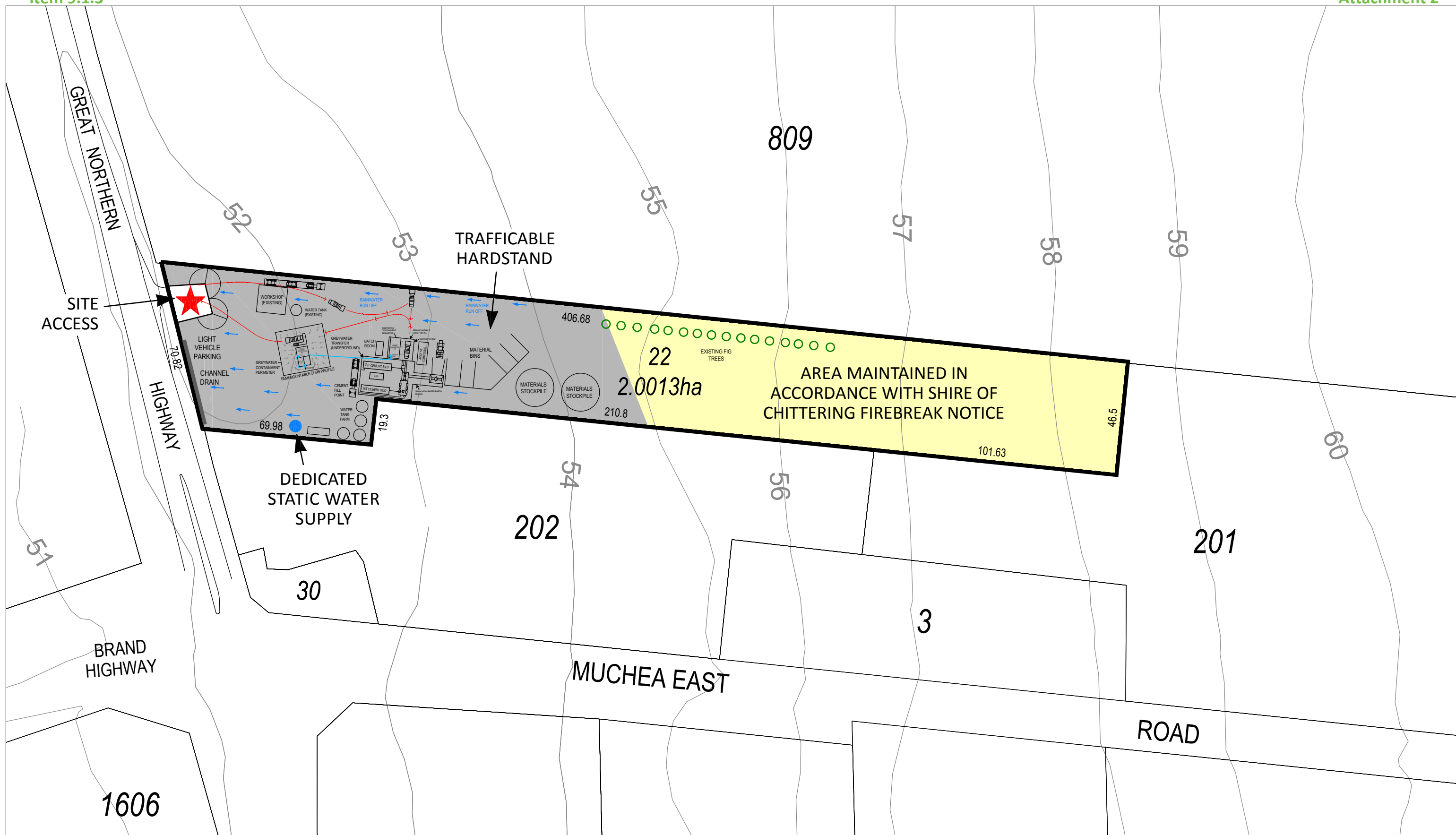


LEGEND

- SUBJECT LAND
- 150m ASSESSMENT AREA
- EXTREME
- MODERATE
- LOW

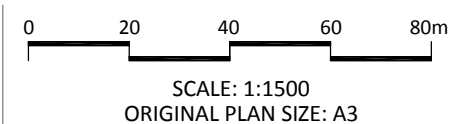
**Allerding
& Associates**

Town Planners, Advocates
and Subdivision Designers



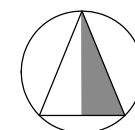
BUSHFIRE MANAGEMENT STRATEGIES

LOT 22 (No. 3728) GREAT NORTHERN HIGHWAY
MUCHEA
SHIRE OF CHITTERING



JOB CODE:
RIM MUC BF

DATE:
26.04.2018



LEGEND:

SUBJECT LAND -



Allerding & Associates
Town Planners, Advocates
and Subdivision Designers

APPENDIX 4 – SHIRE OF CHITTERING FIREBREAK NOTICE 2017-2018



FIREBREAK NOTICE

2017 - 2018
Shire of Chittering

FOR ALL FIRES CALL **000**

THIS FIREBREAK NOTICE CONTAINS IMPORTANT INFORMATION, PLEASE READ IT CAREFULLY AND STORE IN A SAFE PLACE FOR FUTURE REFERENCE.

FOR FURTHER INFORMATION ON THIS NOTICE
CONTACT THE SHIRE OF CHITTERING

Phone: 9576 4600

Email: chatter@chittering.wa.gov.au

Website: www.chittering.wa.gov.au

Item 9.1.3 FIREBREAK NOTICE

BUSH FIRES ACT 1954
Shire of Chittering



Notice to all owners and/or occupiers of land situated in the Shire of Chittering.

To assist in the control of bush fires, and/or prevent the spread, or extension of a bush fire which may occur, all owners and occupiers of land within the shire's district are required before the 16th day of October in each year, or within 14 days of becoming the owner or occupier of land if after that date, to clear firebreaks, and/or take measures in accordance with this notice to maintain those firebreaks and measures in accordance with this notice up to, and including, the 31st day of May in the following year.

Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954, all owners and occupiers are hereby required to clear all flammable material from fire breaks, not less than 3 metres in width and 4 metres in height, immediately inside all external boundaries of any lot owned or occupied by you, and situated within the Shire of Chittering. Such firebreaks may be constructed by one or more of the following methods:

PLOUGHING, CULTIVATING, SCARIFYING, RAKING, BURNING, CHEMICAL SPRAYING OR OTHER APPROVED METHOD.

LAND CATEGORIES:

The following land categories are to be cleared and maintained to the satisfaction of an Authorised Officer of the Shire:

1. All properties, including Rural Residential and Shire Town sites with land equal to or greater than 5,000 m² (land greater than ½ hectare):

- Must clear a firebreak of all flammable materials 3 metres wide, with a 4 metre vertical clearance (trafficable) along the inside of the boundary to the property.
- Maintain a Asset Protection Zone around habitable buildings (i.e. an area reduced of flammable materials).
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter.

2. Rural Residential and Shire Town sites with land with less than 5,000 m² (land under ½ hectare):

- Do not require firebreaks but are required to follow General Fire Hazard Reduction (section 7 of this notice).
- Maintain a Asset Protection Zone around habitable buildings (an area reduced of flammable materials).
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter.

Attachment 2

3. Land greater than 120 hectares:

Land with an area of 120 hectares or more must have a firebreak in such a position which divides the land into areas not exceeding 120 hectares.

4. Plantations:

- a. Install and maintain external perimeter and internal firebreaks that form compartments (cells), firebreaks and hazard reduction measures that protect neighbouring communities and essential infrastructure in accordance with the requirements of a Fire Management Plan approved in writing by the Shire and meeting the requirements and specifications detailed within the DFES Guidelines for Plantation Fire Protection, 2011 publication.
- b. If, for any reason, it is considered impractical to carry out the plantation requirements outlined above, plantation owners and managers may apply in writing to the Shire to implement an alternative plan, or measures in accordance with section 4 of the DFES Guidelines for Plantation Fire Protection, 2011 publication. A Fire Management Plan may be required to be developed and submitted as part of the application.

5. Haystacks and Fuel Storage

Clear a firebreak, not less than 5 metres wide with a 4 meter vertical clearance completely surrounding haystacks and fuel storage areas within the property.

6. Bushfire or Emergency Management Plans (compliance is required throughout the year, each and every year)

All properties with a bushfire management, emergency management plan, or an approved Bushfire Attack Level (BAL) assessment, approved as part of a Town Planning Scheme, subdivision approval, development approval or a building permit for an individual, or group of properties, shall comply with the plan in its entirety.

All bushfire management plans requirements are in addition to the requirements of this notice.

7. General Fire Hazard Reduction

All property owners are required to reduce fire hazards on their property prior to the summer season by maintaining grassed areas as far as reasonably practicable, to a height of no more than 50mm over the entire area, by slashing, or the application of stock. It is recommended that property owners program their hazard reduction in conjunction with the clearing and maintenance of firebreaks. Hazard Reduction Orders will be issued where landowners have failed to reduce fire hazards.

8. Installation of Asset Protection Zone

- Asset Protection Zones (also known as Building Protection Zones) for habitable buildings must extend 20 metres out from any external walls of the building, attached structures, or adjacent structures that are within 6 metres of the habitable building.
- On sloping ground the Asset Protection Zone distance shall increase at least 1 metre for every degree in slope on the sides of the habitable building that are exposed to down slope natural vegetation.
- Asset Protection Zones predominantly consist of managed vegetation, reticulated lawns and gardens and other non-flammable features.
- All grass is maintained at or below 50mm in height.
- Fuel loads must be maintained at 2 tonnes per hectare or lower (almost no leaf litter).
- Clear separation distance between adjoining or nearby tree crowns, or a small group of trees within close proximity to one another may be treated as one crown provided the combined crowns do not exceed the area of a large or mature crown size for that species.
- Trees are to have any growth 'low pruned' (or under pruned) to a height of at least 2 metres from the ground.
- No trees, or shrubs, over 2 metres high are to be within 2 metres of a habitable building.
- Tall shrubs over 2 metres high are not to be planted in groups close to a habitable building(s) and there must be a gap of at least three times the height (at maturity) of the shrub away from a habitable building.
- There are no tree crowns or branches over-hanging habitable buildings.
- Paths and non-flammable features should be installed immediately adjacent to a habitable building.
- Wood piles and flammable materials should be stored a safe distance from habitable buildings.

Hazard on one side
APZ



Hazard on three sides
APZ



9. Alternative Firebreaks

If it is impractical for you to clear a firebreak along your boundary, you can request permission from the Shire to install a firebreak in an alternative location, or of a different nature. All requests must be in writing to the Shire and received by **1 October**.

10. Harvesting Operations (including stubble processing)

The Shire will permit harvesting operations, including stubble processing, during the Restricted and Prohibited period on the following conditions:

- That a fully operational firefighting unit (inclusive of associated pump, hose system and a minimum of 600 litres of water is present) at all times.
- Harvesting operations, and stubble processing, are not permitted when the Shire has declared a Harvest and Vehicle Movement Ban, including Hot Works Activities.

11. Harvesting operations (including stubble processing) on Sunday and Public holidays, except Christmas Day, Boxing Day and New Year's Day, will be permitted on the following conditions, in addition to the conditions above:

- The Local Fire Control Officer (FCO) is notified.
- Two able-bodied adult persons are present during the harvesting operations, only one of whom may be harvesting.

12. Restricted and Prohibited Burning Periods

Burning is prohibited from 1st December To 31st March. Permits are required from 1st October to 30th November, and 1st April to 31st May.

13. Control of operations likely to cause a fire

Property owners should take care to prevent bush fires. The operation of welding equipment and angle grinders are activities likely to create a fire danger when used in the open air.

A person shall provide at least one fire extinguisher at the place where welding or cutting operations are carried out and surround this place with a firebreak which is at least 5 metres wide.

For updates on Hot Works, Harvest and Movement of Machinery Bans please ring the information line on: 9576 0219 (recorded message) or register with the SMS warning system with the Shire to receive a text when a ban is implemented.

"HOT WORKS, HARVEST AND MOVEMENT OF MACHINERY BAN WILL BE IN PLACE ON CHRISTMAS DAY, BOXING DAY AND NEWS YEARS DAY"

14. Fire Danger Rating

No fire of any kind may be lit on a day when the forecast Fire Danger rating for the District is Very High or above.

The fire danger rating is supplied daily by the Bureau of Meteorology. This information is also available from Telstra Weather service on Ph:

Item 9.1.3

1196, the Bureau of Meteorology website (www.bom.gov.au) and is displayed on the information boards located: (1) Great Northern Highway, Muchea; (2) John Glenn Park, Muchea; (3) Muchea East Road, Lower Chittering; (4) Great Northern Highway, Bindoon; (5) corner Crest Hill and Mooliabeenee Roads, Bindoon. The Chittering fire weather district is the Lower West Inland.

15. Burning of garden refuse

Garden refuse must not be burnt at any time during the prohibited burning period, or at any time if a Total Fire Ban or a harvest and vehicle movement ban has been declared, or at any time if the Fire Danger rating is Very High or above.

A permit is required to burn garden refuse before 6pm during the RESTRICTED Burning Periods, and is subject to the conditions as set out on the permit. Garden refuse may be burnt without a permit after 6pm during the RESTRICTED burning periods, subject to the following conditions of the Bush Fires Act 1954 and the Health Miscellaneous Provisions Act 1911:

- You must notify your neighbours and local fire control officer of your intention to burn.
- The pile of refuse being burnt does not exceed 1 cubic metre.
- A 5 metre wide area clear of flammable material surrounds the pile (lawn, paths, driveways, etc. may be considered as cleared area).
- The fire is only lit between 6pm and 11pm.
- Only 1 pile is to be alight at one time.
- The fire is completely extinguished by midnight.
- At least 1 adult person is in attendance at all times.
- There is a means of extinguishing the fire available at all times (e.g. garden hose, knapsack spray or fire unit).
- The smoke from your fire does not create a traffic hazard.
- Do not burn household or commercial waste or any noxious materials.
- Do not burn damp, wet or green material at any time as this will cause excessive smoke.
- Other than during the RESTRICTED or PROHIBITED periods, garden refuse may be burnt at any time, but care must be exercised.
- Smoke from the burning of garden rubbish can cause nuisance and annoyance to other residents. Please consider this and plan to minimise smoke.

16. The following restrictions apply throughout restricted and prohibited periods

- No burning on Sundays and Public Holidays
- No burning of garden refuse without a permit
- No lighting of camp fires, solid fuel BBQs, and wood fired pizza

Attachment 2

ovens or any uncontrolled flame in the open air in the Shire of Chittering ("Open Air" means any open place, yard, field or construction area which is not Enclosed by a building or structure)

- Burning of road side verges is prohibited without written approval from the Shire of Chittering or other authorities.

FIREBREAKS MUST BE CLEARED BY 16 OCTOBER AND REMAIN CLEARED UNTIL 31 MAY

BURNING IS STRICTLY PROHIBITED BETWEEN 1 DECEMBER TO 31 MARCH

BURNING PERMITS ARE REQUIRED BETWEEN 1 OCTOBER TO 30 NOVEMBER, AND 1 APRIL TO 31 MAY

PENALTIES

Failure to comply with this Firebreak Notice can result in fines ranging from \$250 to \$250,000 or imprisonment.

A.J. SHERIDAN, Chief Executive Officer



PREPARE YOUR HOME AND PROPERTY CHECKLIST

Here’s a checklist of things to do.Details about most of them are given elsewhere in this book.

LONG-TERM PRECAUTIONS

- Prepare firebreaks. ☐
- Make the house safe—fit wire screens and shutters and fill gaps. ☐
- Develop and maintain a minimum 20-metre building protection zone. ☐
- Develop and maintain a suitable hazard separation zone. ☐
- Provide an emergency water supply. ☐
- Discuss fire prevention with your neighbours—is your locality safe? ☐
- Discuss your preparedness with your neighbours. ☐

AUTUMN AND WINTER (MAY–AUGUST)

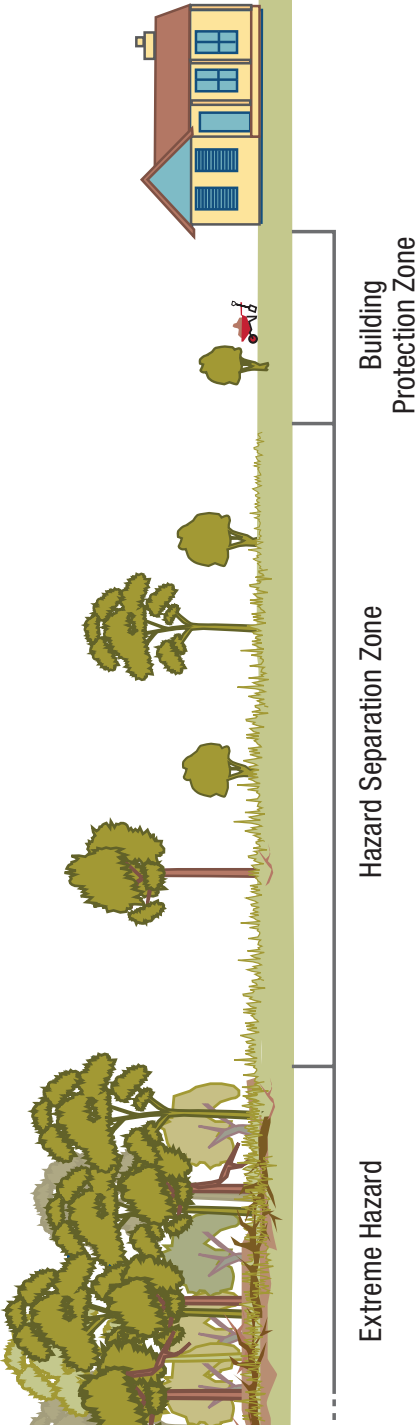
- Tree pruning—remove lower branches, check that powerlines are clear. ☐
- Reduce fuel levels around the house—clear long grass, leaves, twigs and flammable shrubs. ☐
- Petrol and other fuels—store in a suitable shed away from the home. ☐
- Make sure your personal and home protection equipment is in good order. ☐
- Overhaul the emergency water pump. ☐
- Make sure everyone in the family knows what to do in a fire. ☐

SPRING (SEPTEMBER–NOVEMBER)

- Move woodpile and stacked timber away from the house. ☐
- Keep the grass short—on farms, keep grazing pressure high on areas near the house. ☐
- Prune the dead material from the shrubs in the building protection zone. ☐
- Clean out gutters, remove debris from roof. ☐
- Create firebreaks. ☐
- Prepare an emergency kit, including a plan. ☐
- Decide whether to stay and actively defend your property in the event of a fire or leave for a safer place. ☐

EARLY SUMMER (DECEMBER ONWARDS)

- Water lawns, trees and shrubs near the house to keep them green. ☐
- Re-check personal and home protection gear, screens, water supplies and gutters. ☐





Local Bush Fire Control Officers

LOWER CHITTERING

Jeff Reeves	0476 279 233
Max Brown	0427 089 677

MUCHEA

Arthur Blewitt	0481 395 570
Peter Hall	0437 908 079

UPPER CHITTERING

Gordon Carter	9576 0902	0429 784 831
David Wilson		0412 716 577

BINDOON

Mathew Whelan		0428 506 688
Dennis Badcock	9576 1536	0428 947 853

WANNAMAL

Kim Haeusler	9655 9043	0428 559 043
Greg Cocking		
DCBFCO (North)	9655 7015	0408 900 462

COMMUNITY EMERGENCY SERVICES MANAGER CHIEF BUSH FIRE CONTROL OFFICER

David Carroll	9576 4600	0409 529 138
---------------	-----------	--------------

DEPUTY CHIEF (SOUTH)

Dave Wilson		0412 716 577
-------------	--	--------------

DEPUTY CHIEF (CENTRAL)

Phil Humphry	9576 1050	0427 761 050
--------------	-----------	--------------

DEPUTY CHIEF (NORTH)

Greg Cocking	9655 7015	0408 900 462
--------------	-----------	--------------

SHIRE FIRE CONTROL OFFICERS

Rangers	9576 4600
---------	-----------

HOT WORKS, HARVEST AND MOVEMENT OF MACHINERY BANS INFORMATION LINE 9576 0219

**www.facebook.com/chittering.shire
www.chittering.wa.gov.au**

NOTE:

Fire Control Officers are not obliged to issue permits and they may advise on alternatives to burning. Please remember Fire Control Officers are Volunteers and their availability to issue permits may vary, assist them by planning in advance. Permits cannot be issued over the phone and should a Fire Control Officer refuse to issue a permit, it is a breach of the Act to request a permit from another Fire Control Officer.

**FIREBREAKS MUST BE CLEARED BY
16 OCTOBER AND REMAIN CLEARED UNTIL 31 MAY**

**BURNING IS PROHIBITED BETWEEN
1 DECEMBER TO 31 MARCH**

**BURNING PERMITS ARE REQUIRED BETWEEN
1 OCTOBER TO 30 NOVEMBER AND 1 APRIL TO 31 MAY**

PENALTIES

Failure to comply with this Firebreak Notice can result in fines ranging from \$250 to \$250,000 or imprisonment.

**FOR FURTHER INFORMATION ON THIS NOTICE
CONTACT THE SHIRE OF CHITTERING**

Phone: 9576 4600

Email: chatter@chittering.wa.gov.au

Website: www.chittering.wa.gov.au

AGENCY SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
MRWA	<p>With respect to your letter of 21 February 2018 with attachments, Main Roads WA (MRWA) has examined the proposed development and provides the following comment.</p> <p>MRWA received a query regarding MRWA requirements for access for a proposed concrete operation on this Lot in April 2017. At the time the applicant advised that the vehicle movements would be 4-5 a day and only “as of right” vehicles. With this information MRWA responded that MRWA has no objection to use the existing access from Great Northern Highway for the development.</p> <p>In the documentation attached to the proposal the proposed number of vehicle movements has increased and the type of vehicles has changes to include B-double configurations, which are Restricted Access Vehicles (RAV). RAV vehicles require a higher standard of access to accommodate the turning swept paths. The existing access may need upgrading for these vehicles.</p> <p>Therefore MRWA has no objections to the proposed development subject to the following condition.</p> <p>Satisfactory arrangements being made with Main Roads WA for the provision of an access to service Lot 22.</p>	<p>Section 5.5 of the Draft Application for Planning Approval report included at Attachment 3 of the Scheme Amendment report explains how the entry gate into the site has been set back from Great Northern Highway to allow space for larger articulated vehicles to pull off the carriageway and wait to gain access into the site. The existing crossover to the site is of a width suitable to provide access for two vehicles moving in opposite directions into and out of the site. This arrangement is demonstrated diagrammatically in the draft Development Plans included at Annexure 3 of the Draft Application for Planning Approval report. The proposed controlled access via a double lockable entry gate at the Great Northern Highway frontage will provide for additional security during and outside of operating hours.</p> <p>Further, it is noted that the estimated traffic movements contained within Section 5.6 of the Draft Application for Planning Approval report are based on the estimated movements at maximum capacity. It is also noted that a finalised Application for Planning Approval report will be submitted to the Shire with a supporting Traffic Assessment which will review the access arrangements to and from the site within the existing road network. It would therefore be premature for the Shire to accept such a condition in the absence of a detailed traffic assessment provided by the Applicant at the planning application stage. Therefore, whilst the comments from Main Roads WA are acknowledged, this is a matter which will require further consideration at the planning application stage following review of the assessment undertaken by the Applicant's appointed traffic consultants.</p>	
Department of Primary Industries and Regional Development	<p>As the area is included within the Muchea Employment Node (MEN) Structure Plan and is identified as a future industrial area, DPIRD has no objections to the rezoning.</p> <p>DPIRD expects that the proponent will adhere to the Environmental Management guidelines as per Attachment 2 (Level 1 Environmental Assessment) to minimise impacts on neighbouring agricultural land uses to prevent potential land use conflicts.</p>	Noted.	
The Department of Mines, Industry Regulation and Safety	<p>The Department of Mines, Industry Regulation and Safety has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comment.</p> <p>This proposal is underlain by an exploration area for titanium-zircon mineralization and there is a pending exploration tenement covering this area. The tenement applicant has concerns that this proposal could sterilize a portion of its exploration area. However, due to the large area zoned for industrial development immediately north of the proposal area and the comparatively small size of this proposal, we believe the impact will be minimal. Therefore, in this instance, we have no objection to this proposal.</p>	Noted.	
Department of Health	The DOH has no objection to the development application provided:	Noted.	

	<p>Separate approval is required for any on-site waste water treatment process with such proposals being in accordance with DOH publications which may be referenced and downloaded from: http://ww2.health.wa.gov.au/Articles/N_R/Recycled-water http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines</p> <p>The operation of the development is in accordance with approved management plans. A register of complains and subsequent actions to address those complaints should be maintained by the operator.</p> <p>The ongoing operation of this development is to be in accordance with the Office of the Environmental Protection Authority Guidance Statement No. 3 '<i>Separation Distances between Industrial and Sensitive Land Uses 2005</i>'.</p>		
Department of Water and Environmental Regulation	<p>Please note that the advice in this correspondence relates only to Part V of the Environmental Protection Act 1986 (EP Act).</p> <p>Under Schedule 1 Part 2 of the Environmental Protection Regulations 1987 (EP Regulations), concrete batching plants are described as Category 77 – Concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises with a production or design capacity of 100 tonnes or more per year.</p> <p>The Environmental Protection Act 1986 requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless registration (for operation) is held for the premises. The purposes of a works approval is to allow DWER to assess the environmental acceptability of emissions and discharges of a proposal against standards and policies. Works approvals also contain conditions to ensure the premises can operate in an environmentally acceptable manner and that the works themselves do not cause unacceptable environmental impacts.</p> <p>Subsequent to a works approval, occupiers of category 77 concrete batching plants can apply for registration for operation. Note that conditions are not attached to registrations granted under regulation 5B of the EP Regulations. With regard to ongoing management of operations, concrete batching is subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998. It is an offence to operate in contravention of the regulations.</p> <p>DWER has no objection to the rezoning of the location to General Industry. However while the supporting documentation discusses separation distances from sensitive receptors, the potential for impacts of a concrete batching plant on existing residences within 500m has not been specifically addressed.</p> <p>In assessing any works approval application received, DWER will consider potential impacts from emissions and discharges on sensitive receptors, including these residences. DWER may apply further regulatory controls</p>	<p>Noted. The operator is aware of the requirement to obtain a works approval and license under Part V of the <i>Environmental Protection Act 1986</i> prior to the construction of the proposed concrete batching plant. It is understood that works approvals can be progressed concurrently and independently to an application for planning approval with the Shire and should not function as a prerequisite for planning approval or vice versa.</p> <p>This matter has been specifically addressed in Section 6.9 of the Draft Application for Planning Approval report included at Attachment 3 of the Scheme Amendment report. The matter has also been specifically addressed in Section 5.7 of the Environmental Assessment included at Attachment 2 of the Scheme Amendment report.</p> <p>Notwithstanding, since the preparation of the Scheme Amendment Report, our client, Great Northern Concrete has now commissioned the</p>	

	<p>accordingly or in instances where the assessment indicates an unacceptable risk of environmental or public health impact from emissions and discharges, may refuse the application.</p>	<p>following site-specific studies by independent expert consultants in response to the DWER submission which have been attached to this schedule. They are provisional advice that is intended to form part of the future development application to be lodged with the Shire. They include:</p> <ul style="list-style-type: none">• An Environmental Noise Impact Assessment by WSP;• An Environmental Management Plan by GaiaRevolution; and• A Dust Management Plan by GaiaRevolution. <p>What the studies demonstrate is that dust and noise impacts arising from the operation of the mobile concrete batching plant will be adequately alleviated through the incorporation of specific management and mitigation measures which our client is happy to adopt and that will form part of a development application. The provision of this information should provide an assurance that the proposed additional use is capable for inclusion. Most importantly, the use is subject to a development application approval from the Council. Therefore the council has sufficient safeguards under the terms of the proposed amendment, in the same way as if another form of industry was applied for under the land. However, the retention of the Additional Use provision will provide reasonable certainty as to the use classification to be applied to the proposed land use when an application for development approval is submitted to the Shire.</p>				
<p>Department of Fire and Emergency Services</p>	<p>I refer to your letter dated 21 February 2018 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Allerding and Associates dated 30 November 2017, for the above local planning scheme amendment. DFES provide the following comments with regard to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines).</p> <p>Assessment 1. Policy Measure 6.3 a) (ii) BAL Contour Map</p> <table><tr><td>Issue Vegetation Classification</td><td>Assessment Plot 7, Plot 8 and Plot 9 – not demonstrated It is unclear what lawful mechanism exists to ‘manage’ the grassland areas in perpetuity to achieve a ‘low’ hazard level. Provide technical evidence and verification to qualify the vegetation management can be achieved and under what legislative instrument it is enforceable in perpetuity. An enforceable mechanism is required to</td><td>Action Clarification/Modification required. Revise the vegetation classification to apply the worst-case scenario as per AS 3959.</td></tr></table>	Issue Vegetation Classification	Assessment Plot 7, Plot 8 and Plot 9 – not demonstrated It is unclear what lawful mechanism exists to ‘manage’ the grassland areas in perpetuity to achieve a ‘low’ hazard level. Provide technical evidence and verification to qualify the vegetation management can be achieved and under what legislative instrument it is enforceable in perpetuity. An enforceable mechanism is required to	Action Clarification/Modification required. Revise the vegetation classification to apply the worst-case scenario as per AS 3959.	<p>Refer updated BMP with revised Plots 7, 8 and 9.</p>	
Issue Vegetation Classification	Assessment Plot 7, Plot 8 and Plot 9 – not demonstrated It is unclear what lawful mechanism exists to ‘manage’ the grassland areas in perpetuity to achieve a ‘low’ hazard level. Provide technical evidence and verification to qualify the vegetation management can be achieved and under what legislative instrument it is enforceable in perpetuity. An enforceable mechanism is required to	Action Clarification/Modification required. Revise the vegetation classification to apply the worst-case scenario as per AS 3959.				

	<p>provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable.</p>								
	<table><tr><td>BAL Contour Map</td><td>BAL ratings - not demonstrated The BAL Contour Map includes areas of Lot 22 subject to BAL-40 and BAL-FZ; however Table 1 does not reflect this. The BAL rating of a lot is defined by the highest BAL rating applied through the BAL contouring. Table 1 should identify the higher rating of the subject lot to ensure this is brought to the attention of the proponent/landowner and the decision maker.</td><td>Modification required. Amend Table 1 of the BMP to reflect the methodology contained within the Guidelines at Appendix 3 and the BAL Contour map.</td></tr></table>	BAL Contour Map	BAL ratings - not demonstrated The BAL Contour Map includes areas of Lot 22 subject to BAL-40 and BAL-FZ; however Table 1 does not reflect this. The BAL rating of a lot is defined by the highest BAL rating applied through the BAL contouring. Table 1 should identify the higher rating of the subject lot to ensure this is brought to the attention of the proponent/landowner and the decision maker.	Modification required. Amend Table 1 of the BMP to reflect the methodology contained within the Guidelines at Appendix 3 and the BAL Contour map.	<p>It is not relevant to update Table 1 as this relates to BAL ratings of proposed buildings. The proposed development does not involve subdivision. However, Part 5.0 (Bushfire Hazard Issues) of the updated BMP now includes reference of the BAL40 and BALFZ and the requirement for any future development within the eastern portion of the site to be assessed against the applicable BAL.</p>				
BAL Contour Map	BAL ratings - not demonstrated The BAL Contour Map includes areas of Lot 22 subject to BAL-40 and BAL-FZ; however Table 1 does not reflect this. The BAL rating of a lot is defined by the highest BAL rating applied through the BAL contouring. Table 1 should identify the higher rating of the subject lot to ensure this is brought to the attention of the proponent/landowner and the decision maker.	Modification required. Amend Table 1 of the BMP to reflect the methodology contained within the Guidelines at Appendix 3 and the BAL Contour map.							
	<p>2. Policy Measure 6.3 c) Non-compliance with the Bushfire Protection Criteria</p> <table><tr><td>Issue Location</td><td>Assessment A1.1 – not demonstrated The proposed BAL ratings cannot be validated as the inputs require clarification/modification as per the above table.</td><td>Action Modification required.</td></tr><tr><td>Water</td><td>A4.3 Not demonstrated The BMP proposes a dedicated static water supply with an effective capacity of 10,000 litres, consistent with the Guidelines, which is appropriate for a residential building. Consideration should be given to the proposed use of the land and the intended built structures when ensuring compliances at subsequent planning stages (Development Application).</td><td>Modification/clarification required at subsequent planning stages.</td></tr></table>	Issue Location	Assessment A1.1 – not demonstrated The proposed BAL ratings cannot be validated as the inputs require clarification/modification as per the above table.	Action Modification required.	Water	A4.3 Not demonstrated The BMP proposes a dedicated static water supply with an effective capacity of 10,000 litres, consistent with the Guidelines, which is appropriate for a residential building. Consideration should be given to the proposed use of the land and the intended built structures when ensuring compliances at subsequent planning stages (Development Application).	Modification/clarification required at subsequent planning stages.	<p>BAL ratings now validated per abovementioned revisions. No changes to the assessed BALs for the proposed buildings have arisen as a result of the revised vegetation plots.</p> <p>Noted. A4.3 updated to include bore as a contingency measure.</p>	
Issue Location	Assessment A1.1 – not demonstrated The proposed BAL ratings cannot be validated as the inputs require clarification/modification as per the above table.	Action Modification required.							
Water	A4.3 Not demonstrated The BMP proposes a dedicated static water supply with an effective capacity of 10,000 litres, consistent with the Guidelines, which is appropriate for a residential building. Consideration should be given to the proposed use of the land and the intended built structures when ensuring compliances at subsequent planning stages (Development Application).	Modification/clarification required at subsequent planning stages.							
	<p>DFES has assessed the BMP and identified a number of issues that need to be addressed prior to providing support for the proposal (refer to the tables above).</p>								

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
SUPPORT 1	I support the proposed rezoning of Lot 22 Great Northern Highway to allow the concrete batching plant to be established. I believe the local area will benefit from development such as this.	Noted.	

*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

SHIRE OF CHITTERING

WASTE LOCAL LAW 2018

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007**LOCAL GOVERNMENT ACT 1995****WASTE LOCAL LAW 2018****CONTENTS****PART 1 – PRELIMINARY**

- 1.1 Short title
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Meaning of terms used in this local law
- 1.6 Local public notice of determinations
- 1.7 Rates, fees and charges
- 1.8 Power to provide waste services

PART 2 – LOCAL GOVERNMENT WASTE

- 2.1 Supply of receptacles
- 2.2 Deposit of waste in receptacles
- 2.3 General waste receptacles
- 2.4 Recycling waste receptacles
- 2.5 Organic waste receptacles
- 2.6 Direction to place or remove a receptacle
- 2.7 Duties of owner or occupier
- 2.8 Exemption
- 2.9 Damaging or removing receptacles
- 2.10 Verge collections

PART 3 – GENERAL DUTIES

- 3.1 Duties of an owner or occupier
- 3.2 Removal of waste from premises
- 3.3 Receptacles and containers for public use

PART 4 – OPERATION OF WASTE FACILITIES

- 4.1 Operation of this Part
- 4.2 Hours of operation
- 4.3 Signs and directions
- 4.4 Fees and charges
- 4.5 Depositing waste
- 4.6 Prohibited activities

PART 5 – ENFORCEMENT

- 5.1 Objection and appeal rights
- 5.2 Offences and general penalty
- 5.3 Other costs and expenses
- 5.4 Prescribed offences
- 5.5 Form of notices

SCHEDULE 1 – Meaning of ‘Non-Collectable Waste’

SCHEDULE 2 – Prescribed Offences

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

Shire of Chittering

WASTE LOCAL LAW 2018

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Chittering resolved on 15 February 2017 to make the following local law.

PART 1 – PRELIMINARY

1.1 Short title

This is the *Shire of Chittering Waste Local Law 2018*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals Part 4 Division 2 of the *Shire of Chittering Health Local Laws 1998*, as published in the *Government Gazette* on 29 June 1998.

1.5 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the *LG Act* to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

commercial purpose means an activity conducted for the purpose of generating income or making a profit from the re-sale of waste materials;

costs of the local government include administrative costs;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means the Shire of Chittering;

local government waste has the same meaning as in the *WARR Act*;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the *LG Act*;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

Schedule means a schedule appended to this local law;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

waste has the same meaning as in the *WARR Act*;

waste facility means a waste facility, as defined in the *WARR Act*, that is operated by the local government; and

waste service has the same meaning as in the *WARR Act*.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the *LG Act*, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under clause (a);
- (d) after the period referred to in clause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the *LG Act*; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the *WARR Act* and sections 6.16 and 6.17 of the *LG Act*.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the *WARR Act*.

PART 2 – LOCAL GOVERNMENT WASTE**2.1 Supply of receptacles**

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) The owner of premises to which subclause (1) applies must—
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
 - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle is—
 - (i) within 1 metre of the carriageway;
 - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with a sufficient number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8 (4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10 (2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3 – GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,
a receptacle provided for the use of the general public in a public place.

PART 4 – OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
 - (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
 - (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person must not deposit waste at a waste facility other than—
 - (a) at a location determined by a sign and in accordance with the sign; and
 - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.

- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

PART 5 – ENFORCEMENT

5.1 Objection and appeal rights

Division 1 of Part 9 of the *LG Act* applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2); and
- (g) an approval under clause 3.3.

5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the *LG Act*.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *LG Act* is that of Form 1 in Schedule 1 of the *LG Regulations*.

- (2) The form of the infringement notice given under section 9.16 of the *LG Act* is that of Form 2 in Schedule 1 of the *LG Regulations*.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the *LG Act* is that of Form 3 in Schedule 1 of the *LG Regulations*.

SCHEDULE 1 – Meaning of ‘Non-Collectable Waste’

[clause 1.5]

non-collectable waste means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) ‘controlled waste’ for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

SCHEDULE 2 – Prescribed Offences

[clause 5.4]

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay fee or charge	\$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$350

Item No.	Clause No.	Description	Modified Penalty
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to provide a sufficient number of receptacles	\$250
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
16	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
17	2.9(b)	Removing a receptacle from premises	\$400
18	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
19	2.10(2)	Removing waste for commercial purposes	\$350
20	2.10(3)	Disassembling or tampering with waste deposited for collection	\$250
21	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
22	3.1(b)	Failing to keep a receptacle in good condition and repair	\$250
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
24	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	3.3(a)	Depositing household, commercial or other waste from any premises on or into a receptacle provided for the use of the general public in a public place	\$250

Dated:

Cr Gordon Houston
Shire President

Consented to:

Page 377

Department of Water and Environmental Regulation
Dated this of 2018

From: Steven Elliott
To: [Chatter](#)
Subject: I1895124 - Department of Local Government - Comments on proposed waste local law
Date: Thursday, 26 April 2018 2:17:37 PM

Dear Mr Sheridan

This email is in response to your letter dated 8 March 2018 addressed to the Minister for Local Government regarding the Shire's proposed local law.

The Department's comments are noted below. Please contact me if you have any queries regarding the comments.

Shire of Chittering Waste Local Law 2018

1. Written Approval

The Department is aware that this local law is being made under the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) as well as the *Local Government Act 1995*. The Shire should ensure that a copy of the proposed local law has been provided to the Minister for Environment, if this has not already occurred.

Under section 61 of the WARR Act, the Shire must also gain the consent of the CEO of the Department of Water and Environmental Regulation before making a local law under the WARR Act.

The Shire should ensure that the CEO of DWER consents to the final draft of the local law before it is submitted to Council.

2. Clause 1.5 – Meaning of terms used in this local law.

It is suggested that the Shire inserts a definitions "***right-of-way***" as it is used throughout the local law.

It is suggested that the Shire review the definition of "***collectable waste receptacle***;" as it does not appear to be used anywhere else in the local law. The Shire should determine whether the definition is necessary or alternatively, whether the term is currently missing from clauses where it should be present.

3. Clause 2.7(a) and (b) – "reasonable periods"

Clauses 2.7(a) and (b) requires an owner or occupier to, except for a reasonable period before or after collection, keep each receptacle in a storage area and in a certain way.

It is suggested that the phrase "reasonable period" be defined in further detail, as it could be subject to a number of interpretations ranging from "as soon as possible" to "within a few days".

4. Clause 2.9 – Damaging or removing receptacles

Subclause 2.9(a) provides that a person must not "interfere" with a receptacle. It is suggested that this term be defined so that it doesn't extend to a homeowner who uses the receptacle in accordance with the local law.

5. Schedule 1 and Schedule 2

It is suggested that the heading of the Schedules be followed by a bracketed reference to the relevant clause in the local law, for example:

Schedule 2 – Prescribed Offences

[Clause 5.3]

6. Schedule 1 – Meaning of ‘non-collectable waste’

Paragraph (l) in Schedule 1 provides that the Shire can “determine” other waste as “non-collectable waste”.

It is suggested that the Shire review paragraph (l) and consider whether the preceding paragraphs already provide enough restrictions to suit the Shire’s requirements.

Similarly, the Shire may also wish to review the definition of “recycling waste” under clause 1.5.

7. Number of receptacles – sufficient vs adequate

The Department notes that the local law refers to the provision of both “sufficient” and “adequate” numbers of receptacles (see clauses 2.7(2)(c) and 3.1(a)). It is suggested that one term be used consistently. Alternatively, if the terms are intended to mean different things, this should be clarified to avoid confusion.

8. Minor Edits

The following minor edits are suggested:

- **Clause 1.5:** replace “**Collection**” with “**collection**”.
- **Clause 2.8(4)(b):** Replace “clause 2.8” with “paragraph (a)”.
- **Clause 2.10(4):** Replace “Clause 2.10” with “Subclause (2)”. Under the current wording, subclause (4) issues an exemption to itself, thereby causing a legislative paradox.
- **Schedule 2:**
 - After the title, replace “[clause 5.3]” with “[clause 5.4]”.
 - **Item 1:** replace “2.1.2(a)” with “2.1(2)(a)”.
 - **Item 2:** replace “2.1.2(b)” with “2.1(2)(b)”.
 - **Item 6:** replace “2.2(2)” with “2.3(2)”.
 - **Item 33:** replace “4.5(1)(a) and (b)” with “4.4(1)”.
 - **Item 34:** replace “4.4(1)” with “4.5(1)”.

The Shire should check all references and cross references, particularly if any changes are made as a result of the Department’s comments.

Minister’s Directions – pursuant to s 3.12(7) of the *Local Government Act 1995*

Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office

GPO Box A11
PERTH WA 6837
Email: delleg@parliament.wa.gov.au
Tel: 9222 7404
Fax: 9222 7805

A copy of the Minister's Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government and Communities website at www.dlgc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.

Kind regards,

Steven Elliott

Senior Legislation Officer – Local Government
Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844
Telephone [+61 8 6552 1642](tel:+61865521642)
Email steven.elliott@dlgsc.wa.gov.au
Web www.dlgsc.wa.gov.au



Government of Western Australia
Department of Water and Environmental Regulation

E-MAILED
11/5/2018

FILE COPY

SCANNED

Your ref: 01893448.19/04/1
Our ref: CEO470/18
Enquiries: Leanne Reid
Phone: 6364 7028
Email: leanne.reid@dwer.wa.gov.au

Mr Alan Sheridan
Chief Executive Officer
Shire of Chittering
Via email: chatter@chittering.wa.gov.au

Dear Mr Sheridan

SHIRE OF CHITTERING PROPOSED WASTE LOCAL LAW 2018

I refer to your letter dated 8 March 2018 to the Minister for Environment, Hon Stephen Dawson MLC, regarding the Shire of Chittering proposed Waste Local Law 2018.

I have reviewed the waste local law in relation to my role in providing consent. The proposed waste local law is generally consistent with the Western Australian Local Government Association template waste local law, to which the Joint Standing Committee on Delegated Legislation provided its general approval.

There are some issues with the waste local law that would have to be resolved before I could consider my consent.

Clause 1.6 Local public notice of determination

- Clause 1.6 (c) and (d) have been modified so that the term 'clause' has been replaced by the term 'paragraph'. Prior to becoming enacted, the provisions of legislation are referred to as 'clauses'. The term 'paragraph' should be replaced with the term 'clause'.

Clause 2.7 Duties of owner or occupier

- Subclause 2.7(b)(ii) contains a typographical error - the word 'placed' should be included at the start of the sentence.
- Subclause 2.7(b)(iii) has been amended to include the sentence 'or in such other position as is approved in writing by the local government or an authorised person'. The intention in the template local law is that items (i), (ii) and (iii) can be amended subject to the authorisation of the appropriate person. The Shire's proposed local law implies that only item (iii) is subject to change by authorisation of the appropriate person. It is recommended that this sentence be amended to reflect the intention of the template waste local law.

Clause 2.8 Exemption

- Subclause 2.8(4)(b) references clause 2.8. This reference is incorrect and should read 2.8(4)(a).

Clause 2.10 Verge collections

- Subclause 2.10(4) references clause 2.10. This reference is incorrect and should read clause 2.10(2).

Clause 5.1 Objection and appeal rights

- Clause 2.9 provides that a person cannot interfere, damage or destroy a receptacle unless permitted by an authorised person or local government. This section should be included in the objection and appeal rights.
- Subclause 5.1(f) references clause 3.3(3). This clause does not exist and should be amended to read clause 3.3.
- Therefore it is recommended that clause 5.1. be amended to read:
Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel-
 - a) An approval under clause 2.7(b);*
 - b) An exemption under clause 2.8(2);*
 - c) An approval under clause 2.9(b);*
 - d) An approval under clause 2.10(1);*
 - e) An authorisation under clause 3.2(1)(c);*
 - f) An approval under clause 3.2(2); and*
 - g) An approval under clause 3.3.*

Schedule 2 Prescribed Offences

- Item 6 should be amended to reference clause 2.3(2) and (3);
- Item 33 should be amended to reference clause 4.4(1);
- Item 34 should be amended to reference clause 4.5(1); and
- Items 35, 36, 38 and 39 should be amended as follows:

Item No	Clause No	Description	Modified penalty
35	4.6(1)(a)	Removing waste without authority in a waste facility	\$250
36	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500
38	4.6(1)(d)	Removing or interfering with any flora in a waste facility	\$300
39	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	\$300

I have been advised that these issues have been discussed with Mr Glenn Sargeson, Principal Environmental Health Officer.

The Department of Water and Environmental Regulation is not able to provide legal advice to the Shire regarding the validity of the local law.

Once the amendments to the local law have been made, please forward two copies of the final draft for consideration of my consent. Please note that I am required to provide my consent before the Council of the Shire of Chittering resolves and publishes the Waste Local Law in the *Government Gazette*.

Yours sincerely



Mike Rowe
DIRECTOR GENERAL

10 May 2018

Council

SHIRE OF CHITTERING
RECEIVED

DONT

27 APR 2018

Officer...

File...

Ref...

Sign

PEHO

CONTRACTS

for 191841
11815182

Recycling UNDER NO
Circumstances Due
to the uncertainty
of the Industry.

P.S. ratepayers didn't
want your recycling
collection in the first
place.
! DIDN'T LISTEN DID YOU.

WASTE
of TIME LAW.

