



FILE NO: A177/EX/005
DOC NO: 18/26132
APPLIC NO: P126/18

A Breath of Fresh Air

27 March 2020

B & J CATALANO
SOUTH WESTERN HIGHWAY
BRUNSWICK JUNCTION 6224

[REDACTED]

Dear Sir/Madam,

Proposed Extractive Industry [Ex/005] (Limestone) – Lots 4 and 5 Ludlow Road, Myalup

I refer to your Application for Development Approval dated 10/07/2018 for the proposed Extractive Industry [Ex/005] (Limestone) at the above property address. Please be advised that, at its meeting held on 24th March 2020, Council resolved to approve the proposed Extractive Industry [Ex/005] (Limestone), subject to the attached conditions.

This application has been granted Development Approval only, and where necessary a Building Permit will need to be obtained from Council prior to the commencement of works.

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

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

Should you have any queries or require additional information please do not hesitate to contact

[REDACTED]

[REDACTED]

[REDACTED]

Planning and Development Act 2005

SHIRE OF HARVEY
District Planning Scheme No. 1

Notice of determination on application for development approval

Location: 275 LUDLOW ROAD MYALUP 6220

Lot:	1195	Plan/Diagram:	P015419
Vol. No:	1884	Folio No:	210 & 211
Application date:	03/05/2018	Received on:	10/07/2018

Description of proposed development: EXTRACTIVE INDUSTRY [EX/005] (LIMESTONE)

The application for development approval is:

☒ Approved subject to the following conditions:

- a. Extraction works associated with this Development Approval are not permitted to occur on the property until such time as all conditions as required under this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Shire;

Conditions to be fulfilled prior to the issue of an Extractive Industry Licence

- b. A reinstatement bond of [REDACTED] (12.7ha at [REDACTED] per hectare) is to be provided to the Shire in the form of an irrevocable and unconditional bank guarantee prior to the issue of an Extractive Industry Licence. The Shire:
 - (i) may call on the bank guarantee for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant;
 - (ii) may with one week's written notice to the applicant enter the site for the purpose of carrying out or maintaining the rehabilitation work;
 - (iii) may retain the bank guarantee and/or enter the site in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later); and
 - (iv) must return the bank guarantee (or the balance thereof) to the applicant at the expiration of that period.
- c. The Applicant is to have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire prior to the issue of an Extractive Industry Licence. The pegs are to remain in place for the duration of the operation;
- d. Any subsequent extraction stage shall not begin until rehabilitation of the previous stage has substantially commenced, to the satisfaction of the Shire;

- e. All required stormwater detention ponds, diversion bunds and channels be completed to the satisfaction of the local government, prior to any stage of the extractive industry operations commencing;
- f. The Applicant is required to provide a copy of the endorsed Phytophthora Dieback and Extractive Industries Information Brochure:
 - (i) To each new customer of the extractive industry operation; and
 - (ii) Once to each existing customer of the extractive industry operation as an updated version.

Ongoing Conditions

- g. Following the occurrence of a rainfall event greater than the 10 year/2-hour Average Recurrence Interval, the proponent shall inspect the site and provide a report to the Local Government, including details of impacts and remediation actions, if required;
- h. This approval is valid for a period of five (5) years from the issue of an Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development;
- i. The Approved Development shall, at all times, comply with the approved plans and associated Management Plans submitted on 19 July 2019, by Lundstrom Environmental (19/26274);
- j. All extraction to achieve compliance with:
 - i. The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
 - ii. The Department of Water and Environmental Regulation's "Water Resource Considerations for Extractive Industries 2014".
- k. Stockpiles are to be kept to a maximum height of 5m to avoid visual impact and/or material wind drift;
- l. Operating hours are restricted to 7.00am – 5.00pm, Monday to Friday and 7.00am – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays;
- m. Weed control shall be undertaken in accordance with the approved Weed Management Plan to the satisfaction of the Shire and the Department of Primary Industries and Regional Development;
- n. Any refuelling activities must be undertaken in accordance with the Department of Water and Environmental Regulations' Water Quality Protection Note - Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;
- o. The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance (AAC) of the conditions of Development Approval and Extractive Industry Licence and the Annual Audit of Compliance shall include a progress report on the approved Environmental Improvement Plan including:
 - i. Details of completed, ongoing and future rehabilitation areas;
 - ii. Photos of rehabilitated areas;

- iii. Monitoring and reporting details if available;
- iv. Start and completion dates, and expected start dates if applicable; and
- v. A map depicting the rehabilitation areas and their completion progress.

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

- p. The approved Dust Management Plan (Document No. A000177/EX/005 – MP1) shall be implemented to the satisfaction of the Shire;
- q. The approved Rehabilitation Management and Monitoring Plan (Document No. A000177/EX/005 – MP2) shall be implemented to the satisfaction of the Shire;
- r. The approved Water Management Plan (Document No. A000177/EX/005 – MP3) shall be implemented to the satisfaction of the Shire.
- s. Maintenance and upkeep of Ludlow Road is the sole responsibility of the Extractive Industry Licence holder during the period of the licence(s) to the satisfaction of the Executive Manager of Technical Services.

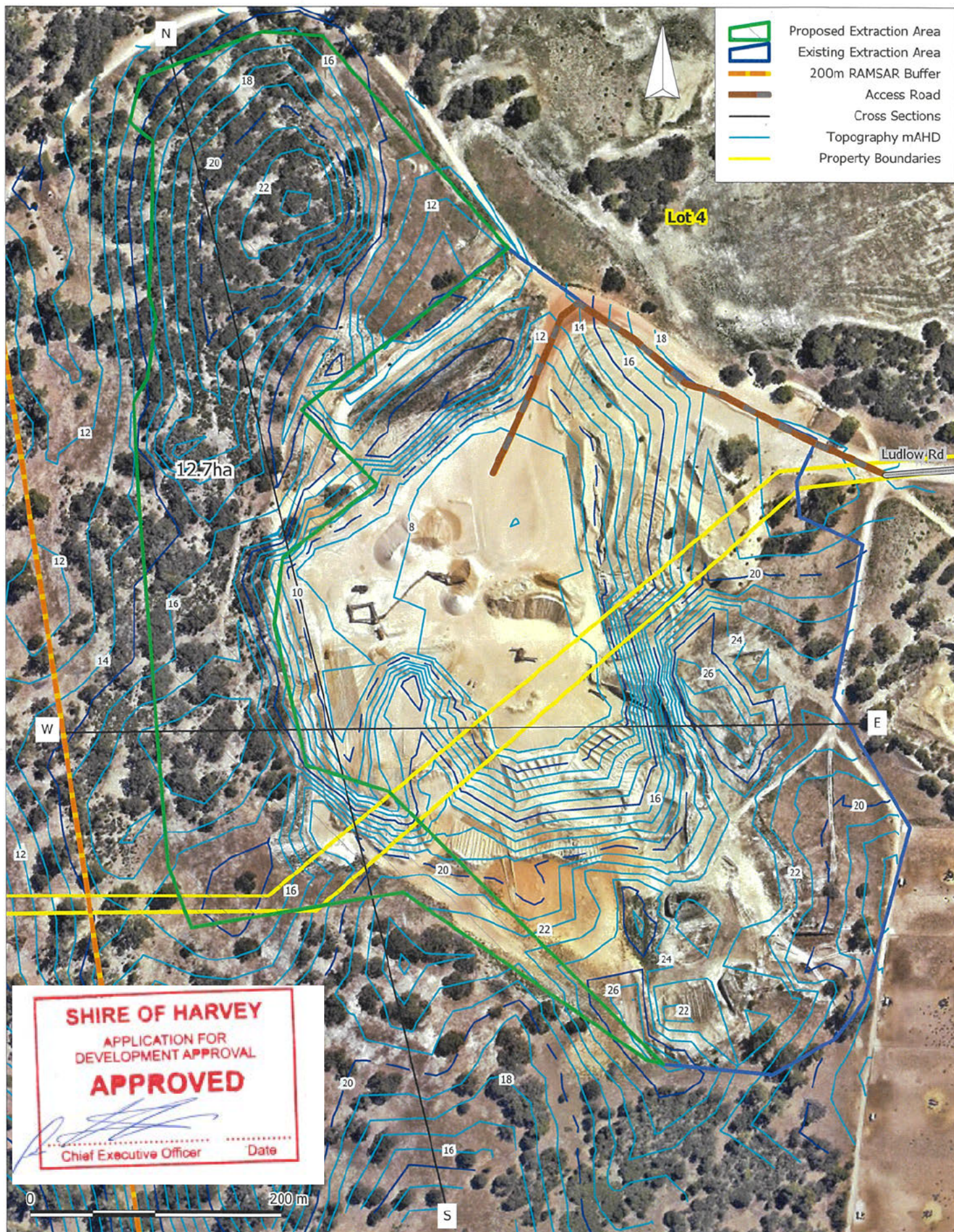
1. Advice Notes

- i. The Applicant is advised of their obligations under the Environment Protection and Biodiversity Conservation Act 1999;
- ii. The Department of Aboriginal Affairs recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guidelines; and
- iii. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, License or Registration under Part V of the Environmental Protection Act 1986 (EP Act).

Date of determination: 27 March 2020

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Dated:
27 March 2020



**Lundstrom Environmental
Consultants Pty Ltd**

21 Sellen Court, Leeming WA 6149
mikelund1@bigpond.com
0417934863

Scale: 1:3800
Original Size: A4
Air Photo Date: Nearmap Jan 2018
Datum: Australian Geocentric 1994 (GDA94)

**B&J Catalano Pty Ltd
Lots 4 & 5 Ludlow Rd
Limestone Extraction**

Proposed Extraction Area

**Figure 3
Rev 3 March 2020**