



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Special Council Meeting

5 March 2020



NOTICE PAPER
Special Council Meeting
5 March 2020

President and Councillors

I inform you that a Special Council meeting will be held in the Council Chambers, located at 395 Fitzgerald Street, Northam on 5 March 2020 at 5:30pm.

Yours faithfully



Jason Whiteaker
Chief Executive Officer

DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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1. DECLARATION OF OPENING

2. ATTENDANCE

Council:

Shire President
Deputy Shire President
Councillors

C R Antonio
J E G Williams
M I Girak
A J Mencshelyi
D Galloway
C P Della
T M Little
R W Tinetti
M P Ryan
S B Pollard

Staff:

Chief Executive Officer
Executive Manager Engineering Services
Executive Manager Development Services
Executive Manager Community Services
Executive Manager Corporate Services
Executive Assistant – CEO
Payroll Officer

J B Whiteaker
C D Kleynhans
C B Hunt
R Rayson
C Young
A C McCall
J Grant

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF INTERESTS

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Italia Stone Extractive Industry- Lot 93 Spencers Brook Road, Muluckine	12.1	Chadd Hunt	Proximity	One of the proposed transport routes involved Woodley Farm Drive. Owner of property on Woodley Farm Drive.

4. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

5. PUBLIC QUESTION TIME

5.1 PUBLIC QUESTIONS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

7.1 PETITIONS

Nil.

7.2 PRESENTATIONS

Nil.

7.3 DEPUTATIONS

8. APPLICATION FOR LEAVE OF ABSENCE

Nil.

9. CONFIRMATION OF MINUTES

10. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

Nil.

11. REPORTS OF COMMITTEE MEETINGS

Nil.

12. SPECIAL ITEMS

12.1 ITALIA STONE EXTRACTIVE INDUSTRY – LOT 93 SPENCERS BROOK ROAD, MULUCKINE

Address:	Lot 93 Spencers Brook Road, Muluckine
Owner:	Zippo Pty Ltd
Applicant:	Italia Stone Group
File Reference:	A753/P18003
Reporting Officer:	Jacky Jurmann, Manager Planning Services
Responsible Officer:	Chadd Hunt, Executive Manager Development Services
Officer Declaration of Interest:	The EMDS declares a proximity interest – one of the proposed routes discussed in the report involves Woodley Farm Drive. The officer lives on Woodley Farm Drive.
Voting Requirement:	Simple
Press release to be issued:	No

BRIEF

Italia Stone Group are requesting Council to temporarily amend the conditions of their Development Approval (ref: P18003) and Extractive Industry Licence (dated 17/10/2018) relating to transport routes and truck movements per day from the Spencers Brook Quarry. A copy of the request is attached to this Report at Attachment 1.

ATTACHMENTS

- Attachment 1: Italia Stone Group correspondence
- Attachment 2: Development Approval P18003
- Attachment 3: Extractive Industry Licence
- Attachment 4: Approved Transport Route Map
- Attachment 5: Applicant's response to farm route

A. BACKGROUND / DETAILS

Council at its Ordinary Meeting held on 17 October 2018 resolved to grant conditional development approval and issue an extractive industry licence to Italia Stone Group (Minute C.3497) following a reconsideration request from the State Administrative Tribunal.

The development approval was issued on 17 October 2018 and the Extractive Industry Licence was issued on 30 October 2019. (Copies of approvals attached to this Report in Attachments 2 and 3.)

Council Officers approved a Traffic Management Plan (TMP) prepared on behalf of Italia Stone Group in December 2019 for the use of Hunter Road. In the TMP submitted and approved it was indicated that the transport route would be through the adjoining farm and onto Northam-York Road, Muluckine Road and Hunter Road. (Approved Transport Route Map attached at Attachment 4)

It was recently brought to Council's attention that material was being carted from the quarry to Hunter Road, Muluckine by Avon Valley Contractors to fulfil a contract with ARC Infrastructure, which has been occurring since November 2019. The transport route being utilised by AVC was through the Northam Town Centre on Wellington Street.

A complaint was received raising concerns regarding the number of truck movements and impacts of noise and vibrations from quarry trucks using Wellington Street.

Investigations were carried out and it was confirmed that the trucks were carting material from the Spencers Brook quarry to an ARC Infrastructure site on Hunter Road, Muluckine through the Northam townsite, which was contrary to their conditions of approval.

The Applicant was directed by the Shire to cease carting on the unapproved route. An alternative route utilising Spencers Brook York Road – Burges Siding – Northam-York Road was suggested, however the Applicant has advised that this route is financially unviable, and therefore has submitted a request for Council to consider approving a transport route through the Northam townsite using Wellington Street.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Theme Area: Economic Growth

Outcome 1.1: The Shire of Northam is an attractive investment destination for a variety of economic sectors.

B.2 Financial / Resource Implications

Compliance action may result in resourcing and financial implications.

B.3 Legislative Compliance

As outlined in this Report, there are a number of conditions that have not been satisfied and/or are being contravened.

B.4 Policy Implications

Adverse policy implications might arise if the Applicant is permitted to continue operations whilst contravening conditions of approval.

B.5 Stakeholder Engagement / Consultation

The Applicant was advised to consult with residents along the proposed transport route prior to this matter being considered by Council.

B.6 Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Compliance action required.	Low (1)	Negotiate with Applicant prior to instigating legal action.
Health & Safety	Applicant doesn't upgrade access.	Low (4)	Commence compliance action.
Reputation	Applicant doesn't comply with conditions.	Low (4)	Commence compliance action.
Service Interruption	N/a	N/a	N/a
Compliance	Access not upgraded. Conditions not complied with.	Moderate (9)	Commence compliance action.
Property	Damage to roads from excess truck movements.	Moderate (9)	Applicant to rectify damage.
Environment	Dust emissions.	Low (2)	Utilise water cart and cover loads.

C. OFFICER'S COMMENT

The development approval (ref: P18003) granted by Council to the Applicant was conditional, including those that were to be satisfied prior to the commencement of the use and those that require ongoing compliance.

Conditions that specifically relate to this request are 6, 7, 12 and 22 (DA P18003), which were imposed to manage/reduce amenity impacts from the traffic and transport aspects of the operations of the quarry, and relate to the request currently under consideration. The following Table is an assessment of the Applicant's compliance with these conditions:

DA Cond. No.	Requirement	Compliance	Comment
6 (EIL 7)	A maximum of 10 outgoing loads (total	Applicant in their correspondence states	The correspondence received does not seek

DA Cond. No.	Requirement	Compliance	Comment
	<p>of 20 vehicle movements) associated with the extractive industry are permitted along Spencers Brook Road per day, for a combined maximum total of 180 days per year. If a variance to this condition is required by the applicant, a written request shall be made and considered for approval by Council.</p>	<p>900 loads over four months have been delivered. If 4 trucks are operating with an average of 1 hour round trip, then they have been exceeding the permitted number of loads by 30 movements per day.</p>	<p>variation of this condition, however it can be implied that the proponent is seeking to vary this condition considering the previous number of truck movements. If the Applicant proposes to maintain the previous campaign truck movements, then the truck movements (i.e. 4 trucks per day with a round trip of 1 hour in a 10 hour day) would equate to approximately 40 outgoing loads (80 movements) per day. If Council were to approve the variation of the transport route, then this condition would also need to be varied.</p>
<p>7 (EIL 8)</p>	<p>Heavy vehicle movements are to be prohibited during school bus operating hours generally between 0700 and 0830 hrs and 1500 and 1630 hrs.</p>	<p>Applicant has indicated during discussions that the trucks have operated during school bus hours.</p>	<p>Applicant has advised in this application that they will comply with this condition.</p>
<p>12 (EIL 14)</p>	<p><u>Prior to the commencement of the use</u> – The Applicant shall upgrade the entry and exit crossover and the section of road at the Quarry/Spencers Brook Road interface to the satisfaction of the Shire of Northam.</p>	<p>Design has been approved by Shire Officers. Works have not been commenced or completed. Applicant has advised works will be carried out in the last week of March and that a Traffic Management</p>	<p>If Council approves the Applicant's request, then an interim traffic management plan should be submitted for approval detailing the measures to be implemented to manage traffic to reduce the risks to an acceptable level until</p>

DA Cond. No.	Requirement	Compliance	Comment
		Plan is being developed for these works.	such time the works are completed to the satisfaction of the Shire.
22 (EIL 24)	The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to the site along the same route.	The (previous and) proposed transport route is for the trucks to leave the site in a easterly direction on Spencers Brook Rd and then along Wellington St to Peel Tce, Northam-York Rd, Muluckine Rd, Hunter St and to site. The trucks then return empty along the same route to the quarry. The trip takes an average of 45 minutes to an hour.	The intent of this condition was for the trucks to continue along Spencers Brook Rd to Clackline and the Great Eastern Hwy as indicated in the approved Transport Route Map submitted with the Traffic Routes Assessment. Copy attached at Appendix 4.

The Applicant's request is to address their short-term needs to meet their current contractual obligations to ARC Infrastructure and requests variation to condition 22 (EIL condition 24).

The Applicant indicates in their application that the proposed route through the Northam townsite is for this contract only, which is envisaged to be completed in approximately three (3) months.

As indicated in the table above, there are other issues that need to also be considered by Council to address the non-compliances with their conditions of approval, including movement numbers. To prevent a recurrence of this situation, the Applicant should be requested to consider their needs longer-term.

The original determination by Council approved a route through the owner's property onto Yilgarn Avenue, however this condition (and route) was reconsidered as part of the SAT appeal. The Applicant has advised that the landowner has been re-approached regarding this route but will not provide his approval, which eliminates this option. Refer to Attachment 5 for the Applicant's response to this option.

Community consultation was conducted as part of the assessment of the original applications, however this consultation was targeted at nearby residents to the quarry. General community consultation was conducted in

the Avon Advocate and Shire website. 33 public submissions were received in response and considered by Council in their original determination of the proposal at the Ordinary Council Meeting held on 20 June 2018 (Minute C.3377).

During discussions with the Applicant, Shire Officers suggested that they conduct consultation with residents along the proposed transport route, in particular Wellington Street. In their submission, they indicate that consultation will be conducted and the results will be presented to Council. (No community consultation has been conducted by Shire Officers in response to this request.)

The Applicant contends that “access could be permitted on the route through town, under “right of way” on a public road”, however acknowledges the Shire’s responsibility to local residents to ensure their safety and to maintain public amenity.

Impact on the amenity is a relevant planning consideration. Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (known as the Deemed Provisions) outline the matters for consideration when determining an application for development approval. Sub-clauses (m) – compatibility; (n) amenity of the locality; (s) adequacy of access; (t) traffic generation and effects; (x) impact on the community; and (y) submissions received; are all relevant matters for consideration when determining this application.

In addition, the Shire’s Extractive Industries Local Amendment Law 2018 addresses transport of materials as follows:

- (1) The local government may, from time to time, prescribe by giving written notice to the licensee-
 - (a) that if the proposed routes are not suitable for the proposed haulage, the local government may determine alternative routes to be taken by the licensee for the transport of materials from the site through the roads in the district;
 - (b) the tonnage limits to be transported along a particular route; and
 - (c) the times during which materials from the site may be transported through the roads in the district.
- (2) The licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport of the materials from the site.
- (3) If a road on a route prescribed under the subclause (1) is inadequate for the transport of materials from the site, the local government may require the licensee to pay all or part of the costs or estimated costs, as determined by the local government, of upgrading the road to the standard required by the local government for these purposes.

- (4) Each licence is to be taken to be subject to a condition requiring the licensee to comply with this clause.

In recent decision of the State Administrative Tribunal, Urban Resources Pty Ltd and City of Swan [2016] WASAT 81, an application for review was dismissed following the SAT's reaffirmation that the proposed extraction and transportation of 500,000 tonnes per annum of sand from the subject site would have significant adverse impact on the amenity of the locality.

It is difficult to assess potential impacts on the amenity of the locality as a result of the approval of the proposed route for the following reasons:

1. The Applicant hasn't submitted any supporting information, such as a revised Traffic Impact Assessment, to demonstrate to Council that the temporary approval of the alternative transport route through the Northam townsite will not result in adverse impacts on the amenity of the locality.
2. No community consultation has been conducted. Although there have been concerns raised in the complaints received regarding amenity impacts, such as noise, traffic, safety and vibration.

Although Officers empathise with the Applicant's situation, the traffic route and conditions were the subject of a SAT mediation where the Applicant agreed to the conditions of Council's reconsideration.

In considering the Applicant's request, the following options are presented to Council:

1. Amending condition 22 to read "The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to the site along the same route, unless otherwise approved by Council." Amending this condition then gives Council the ability to approve an alternate route.
2. Adopt option 1 and temporarily approve the route proposed by the Applicant for a period of 3 months and require implementation of interim traffic management measures at the intersection of the site and Spencers Brook Road. In addition Council would need to temporarily approve the number of outgoing truck movements (up to 40 with a total number of 80 truck movements).
3. Adopt option 2 and require the Applicant to conduct community consultation prior to recommencing carting.
4. Adopt option 3 and require the submission of an amended Traffic Impact Assessment for approval prior to recommencing carting.
5. Adopt option 1 and approved the alternative route using Spencers Brook Road, Spencers Brook-York Road, Burges Siding Road, Northam-York Road, Muluckine Road and Hunter Road and require implementation of interim traffic management measures at the intersection of the site and Spencers Brook Road.

6. Require the Applicant to again further consider establishing an access route through the rear of their property as per Council's original approval.
7. Require the Applicant to submit a formal application to amend condition 22 (and condition 24 of the EIL) by submitting a revised Traffic Impact Statement, which includes an assessment of transport routes that includes all possible delivery site scenarios. This application would be advertised in accordance with the Shire policy.

As indicated previously staff recommended that the alternate route proposed in point 5 above be approved. This route is considered to be the option with the least impact on existing residents, residential and commercial areas. Whilst staff are appreciative of the commercial issues surrounding this proposed route, staff do not recommend approving the Applicant's proposed route through the Northam townsite without formal community consultation and consideration of the amenity impacts on the adjoining properties.

However, if Council were of the mind to approve the Applicant's request for a temporary transport route through the Northam townsite, then the following conditions are recommended:

1. Modify Condition 22 of the development approval issued on 17th October 2018 (and condition 14 of the Extractive Industry Licence issued on 30 October 2019) to read:
"The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to the site along the same route, unless otherwise approved by the local government."
2. Approve an alternate transport for a period up to 3 months utilising Spencers Brook Road, Wellington Street, Peel Terrace, Northam-York Road, Muluckine Road, Hunter Road to site, subject to implementation of approved traffic management measures at the intersection of the quarry and Spencers Brook Road until the intersection has been upgraded to the satisfaction of the Shire. **OR**
Approve an alternate transport for a period up to 3 months utilising: TO ARC SITE – Spencers Brook Road, Wellington Street, Peel Terrace, Northam-York Road, Muluckine Road, Hunter Road; and FROM ARC SITE – Spencers Brook Road, Burn Street, Throssell Street, Woodley Farm Drive, Northam-York Road, Muluckine Road, Hunter Road, subject to implementation of approved traffic management measures at the intersection of the quarry and Spencers Brook Road until the intersection has been upgraded to the satisfaction of the Shire.
3. Approve, in accordance with condition 6 of the development approval issued on the 17th October 2018 (and the extractive industry licence issued 30 October 2019), a temporary increase in outgoing truck movements to a maximum of 20 per day for a period of 3 months utilising the approved transport route herein approved. **OR**

Approve, in accordance with condition 6 of the development approval issued on the 17th October 2018 (and the extractive industry licence issued 30 October 2019), a temporary increase in outgoing truck movements to a maximum of 40 per day for a period of 3 months utilising the approved transport route herein approved.

4. Compliance with all other conditions of approval, including hours of operation and school bus hours.
5. Implementation of the Applicant's recommended safety and amenity measures:
 - a. Trucks will only use the route through town between 7am and 5pm.
 - b. Driver behaviour will be monitored via GPS tracking.
 - c. Movements will be limited to outside school bus hours.
 - d. Our trucks will be clearly marked to distinguish them from other industries.
 - e. The use of engine brakes will be discouraged.
 - f. ISG will do a door to door consultation with the residents along the access route and discuss:
 - i. Truck movements
 - ii. Resident concerns and solutions or mitigation
 - iii. Direct contact details to report driver behaviour
6. Implementation of a complaints management procedure, including reporting all complaints and responses to the Shire on a regular basis.

RECOMMENDATION

THAT Council resolve to:

- 1. Modify Condition 22 of the development approval issued on 17th October 2018 (and condition 14 of the Extractive Industry Licence issued on 30 October 2019) to read:
*“The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to the site along the same route, unless otherwise approved by the local government.”***
- 2. Approve an alternate transport route for a period of up to 3 months utilising the Spencers Brook Road, Spencers Brook-York Road, Burges Siding Road, Northam-York Road, Muluckine Road and Hunter Road, subject to the implementation of approved traffic management measures at the intersection of the quarry and Spencers Brook Road until the intersection has been upgraded to the satisfaction of the Shire.**
- 3. Approve, in accordance with condition 6 of the development approval issued on the 17th October 2018 (and the extractive industry licence issued 30 October 2019), a temporary increase in outgoing truck movements to a maximum of 40 per day for a period of 3 months utilising the approved transport route herein approved.**
- 4. Advise the Applicant of their responsibility to comply with the conditions of development approval (ref: P18003 dated 17/10/2018) and extractive industry licence (dated 30 October 2019).**

Attachment 1



Italia Limestone
(Retaining Walls & Marine Civil Construction)
Roadstone Quarries
Donnybrook Stone Company

Italia Stone Group Pty Ltd
55 Miguel Road,
Bibra Lake, Western Australia, 6163
Telephone: (08) 9418 1437
Email: info@italiastonegroup.com.au

Our Ref: 20200228NQ-BE11
28 February 2020

Mr. J B Whiteaker
Chief Executive Officer
Shire of Northam
PO Box 613
NORTHAM WA 6401

Via email: ceo@northam.wa.gov.au

Dear Jason,

PROJECT MATERIAL SUPPLY – SPENCER'S BROOK QUARRY

Italia Stone Group (ISG) thank you for meeting today to clarify the DA conditions related to routes for non-permitted loads from the quarry.

We are currently supplying material to a project in Hunter Road, Muluckine. This work has been ongoing since late November 2019, where up to four local contractor trucks are utilised to transport material from the quarry via Wellington Street to the Hunter Road site.

We understand that although access could be permitted on the route through town, under "right of way" on a public road, Northam Shire also has a responsibility to local residents to ensure their safety and to maintain public amenity. Therefore, officers requested that alternative routes be investigated and used.

The safest and shortest alternative route south via Spencer's Brook Road, Spencer's Brook -York Road, Burges Siding Road and Northam -York Road is three times the distance of the route through town. Apart from safety concerns, from the local contractor using this route, neither the local contractor nor Italia Stone Group could afford to use this route due to the additional cost this will add to the supply of the product. Supplying the product via this route will cause it to be too expensive and our customer will then import the material with road trains from another source. It would be worth to highlight that this import from another supplier would also be through town and could very well be partly on this specific route.

Although ISG currently employ only five local residents in various roles at the Hunter Road site, we are in the process to onboard another three locals over the following four-month period. In addition to prepaid levies paid to council, maintenance bonds, the local transport company employing four truck drivers, ISG also employ two local residents at the quarry and the upcoming quarry access road works will employ at least another four locals. Currently two of the local residents employed are being trained as plant operator and leading hand respectively.

To date ISG have spent in excess of \$50,000 at Muresk Institute for staff accommodation and our staff support the local businesses for their day-to-day needs. We also support local businesses (traffic management, mechanics, electricians, borehole/pump contractors and hardware's etc.) to





provide various services to our operations. This is only possible due to the current project work and ISG will not be able to maintain current staffing levels if we cannot meet our contractual obligations.

We are committed to perform the quarry exit road upgrade works in late March to further minimise risk to other road users. A traffic management plan for these works is in the process of being finalised and asphalt has been tentatively booked for the last week in March. These works will be performed in collaboration with the current contract obligations.

For the current project we have to date received only two complaints after approximately 900 loads have been delivered:

1. Direct complaint from a resident, which later confirmed that some trucks were actually from other industries.
2. Indirect complaint that came through Shire Officers, which instigated this meeting.

These complaints have been documented as per our ISO accredited processes and Shire Officers are welcome to peruse these complaint details.

To enable us to perform and maintain our contractual obligations to our customer and our sub-contractors, we obviously require to make use of Shire resources and infrastructure.

We therefore respectfully request that Council will consider the utilisation of the access route through town to deliver this current contract only and we request that you put this request to council at a special council meeting at your earliest convenience.

The following measures for our transport will be implemented to ensure safe passage and minimal impact on the amenity:

- Trucks will only use the route through town between 7am and 5pm.
- Driver behaviour will be monitored via GPS tracking.
- Movements will be limited to outside school bus hours.
- Our trucks will be clearly marked to distinguish them from other industries.
- The use of engine brakes will be discouraged.
- ISG will do a door to door consultation with the residents along the access route and discuss:
 - Truck movements
 - Resident concerns and solutions or mitigation
 - Direct contact details to report driver behaviour

These discussions will be documented and presented to Council.

Please contact me directly should you wish to discuss this in further detail.

Yours Sincerely,
ITALIA STONE GROUP



Tinus Nagel
General Manager

Copy: darren.west.mp@mp.wa.gov.au

Attachment 2



Italia Stone Group Pty Ltd
55 Miguel Road
BIBRA LAKE WA 6163

Our Ref : A753/P18003/OPA6457
Enquiries : Ben Robins

Dear Tinus Nagel

**RE: REQUEST FOR RECONSIDERATION - DEVELOPMENT APPLICATION FOR
EXTRACTIVE INDUSTRY - LOT 93 SPENCERS BROOK ROAD, MULUCKINE**

Thank you for your application lodged on behalf of the landowner, Zippo Pty Ltd, regarding the above proposal.

I wish to advise that Council at its Ordinary Meeting held on Wednesday 17th October 2018 resolved to reconsider your development application and approved your application for the amendment of planning conditions at the above property as follows:

"That pursuant to the Orders made by the State Administrative Tribunal in accordance with Section 31 of the State Administrative Tribunal Act 2004 (WA) the application for the proposed 'Industry-Extractive' land use and extractive industry licence at Lot 93 Spencers Brook Road, Muluckine (Lot 93 on Plan 23146) be approved subject to the following conditions:

1. This development approval is valid for 10 years from the date of approval and will expire on 20th June 2028.
2. The development hereby permitted must substantially commence within two years from the date of this determination notice.
3. The development hereby permitted taking place in accordance with the approved plans dated 21st June 2018 in addition to any documentation endorsed with an 'Approved' stamp by the Shire of Northam.
4. Hours of operation on the site shall be limited to between 0700 to 1700 hours, Monday to Friday, excluding public holidays.
5. The new excavation area (blasting) is to be limited to the outlined area as per the approved plans (Blast Site Plan & Benching Plan)
6. A maximum of 10 outgoing loads (total of 20 vehicle movements) associated with the extractive industry are permitted along Spencers Brook Road per day, for a combined maximum total of 180 days per year. If a variance to this condition is required by the applicant, a written request shall be made and considered for approval by Council.
7. Heavy vehicle movements are to be prohibited during school bus operating hours generally between 0700 and 0830hrs and 1500 and 1630hrs.

CONDITIONS TO BE MET PRIOR TO THE COMMENCEMENT OF THE WORKS/USE

8. The applicant shall establish an initial road maintenance contribution of \$42,857.15. The contribution is to be utilised to maintain the road condition and will be conducted in compliance with Condition 14.
9. The applicant to provide a rehabilitation amount for \$75,000 (seventy five thousand dollars) and such bond, security or bank guarantee to be unconditional (no expiry date).

ABN 42-826 617 380
395 Fitzgerald Street - PO Box 613, Northam WA 6401
T (08) 9622 6100 F (08) 9622 1910
E records@northam.wa.gov.au W www.northam.wa.gov.au

10. An environmental management plan is to be prepared and provided to the satisfaction of the local government, and endorsed by the landowner, under the Shire's Extractive Industries Local Law 2008. The Environmental Management Plan shall detail:
 - a. Dust Mitigation
 - i. Equipment Source Management
 - ii. Internal Access Road Management
 - iii. Blasting Management
 - b. Drainage
 - i. Denote the physical characteristics of any current on-site drainage for reinstatement
 - ii. Management of drainage (works, surface flow – roads/access points)
 - c. Rehabilitation
 - i. Drainage Management & Reinstatement
 - ii. Bund Removal
 - iii. Access Road/Hardstand removal.
 - iv. Vegetation Planting (Species & Vegetation Stand Locations) – Future Use Separation Grazing/Non-Grazing Areas
 - v. Maintenance Plan – Reinstatement procedure upon completion of extractive industry program, or staged reinstatement program details.
 - d. Other
 - i. Denote the physical characteristics of vegetation complexes on-site where activities are proposed to be undertaken, or where they are to be affected by activities to be undertaken (dust/works).
11. Prior to the extractive industry license being issued, a detailed technical plan, prepared by a suitably qualified civil engineer, showing exact road widths, direction of entry and exit, angles of entry and exit, any turning circles and any other relevant information of the proposed intersection of the entry and exit points Spencers Brook Road shall be submitted to the Shire of Northam for approval.
12. The applicant shall upgrade the entry and exit crossover points and the section of road at the Quarry/Spencers Brook Road interface to the satisfaction of the Shire of Northam.
13. Prior to commencement of the use, the applicant shall install and maintain approved road signs along the transport route in consultation with the local government, warning other road users of trucks entering and using the public road system.

CONDITIONS REQUIRING ONGOING COMPLIANCE

14. The applicant shall pay a road maintenance contribution of 50 cents per tonne, to be utilised for the purpose of maintaining the road condition of Spencers Brook Road. (See Advice Note 16).
15. The intersection/entry and exit points into the extraction area is to be maintained to Council's specification during extractive operations.
16. The internal road infrastructure is to be maintained (smooth operating surfaces to reduce noise impact) and appropriately managed (dust suppression) to the satisfaction of the Shire during extractive operations on an ongoing basis.
17. Broadband reverse alarms are to be utilised for on-site equipment and transport vehicles of the applicant and/or their subcontractors as per the applicant's proposal (See Advice Note 17).
18. Should complaints about vibrations generated by the crusher be received, the applicant is to employ suitably qualified personnel to determine mitigation strategies which shall be submitted to the local government for approval prior to implementation.

19. Stock proof fencing is to be maintained along the perimeter of the extractive industry area the site shall be maintained to restrict grazing animals from accessing and damaging the site while the rehabilitation takes place.
20. The site is to be rehabilitated using local endemic species to the satisfaction of the Shire of Northam.
21. The facility is to operate in accordance with the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997. Should noise complaints be received it shall be the licensee's responsibility to employ a suitably qualified acoustic engineer to determine ascendants and remedies. Where the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997 cannot be satisfied, the licensee shall seek approval for the operation, in accordance with Regulation 17, of the same.
22. The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to site along the same route.

CONDITIONS INCLUDED WITHIN THE TRAFFIC ROUTES ASSESSMENT

23. The applicant is to undertake the commitments provided within the Transport Routes Assessment with particular reference to
 - (i) The Spencers Brook Road intersection, entry and exit points to the extraction area is to be maintained by Italia Stone to the Shire's specification during extractive operations;
 - (ii) Italia Stone will install and maintain approved road signs along the transport route in consultation with the local government (including at the intersection of Spencers Brook Road/Trimmer Road), warning other road users of trucks entering and using the public road system;
 - (iii) Heavy vehicles will drive at a reduced speed limit of 80km/h on Spencers Brook Road in general, a reduced speed of 60km/h through the Spencers Brook townsite and an estimated maximum speed of 50 km/h near the intersection of Trimmer Road/Spencers Brook Road;
 - (iv) It will formulate, implement and review a Drivers' Code of Conduct (the principles are set in Attachment 14);
 - (v) Undertake the noise mitigation commitments in section 6.2;
 - (vi) Establish and maintain a monitoring program (see section 6.4);
 - (vii) Trucks will be equipped with GPS tracking which can monitor in real time;
 - (viii) Review and work with the Shire and community to minimise risks regarding operations during certain times of the year (e.g. harvest).

ADVICE NOTES

- NOTE 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- NOTE 2: Shire Officer's will undertake a routine annual inspection of the site at the time the extractive industry licence renewal is applied for.
- NOTE 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- NOTE 4: If an applicant is aggrieved by this determination there is a right of appeal under the Planning and Development Act 2005. An appeal must be lodged with the State Administrative Tribunal within 28 days of the determination.
- NOTE 5: With respect to Condition 10 and 20, upon completion of the site rehabilitation, the applicant is to notify the local government in writing. At this time, local government Officers will conduct a

- site visit to ensure that the site has been rehabilitated to the satisfaction of the local government.
- NOTE 6: The maximum permitted size for heavy vehicles using the approved route (Condition 25) are not to exceed Main Roads WA RAV 3 requirements.
- NOTE 7: The extractive industry is to be carried out in accordance with the Shire's Extractive Industries Local Law 2008 at all times.
- NOTE 8: The extractive industry is to operate in accordance with the requirements of the Environmental (Noise) Protection Regulations 1997.
- NOTE 9: Approval for an Extractive Industry Licence is not transferable unless written approval is granted by the Shire of Northam, and provided all conditions of the existing approval are met.
- NOTE 10: Site operation to comply with the Mines Safety and Inspection Act 1994 at all times.
- NOTE 11: When the extractive industry ceases the local government may review the condition of Spencers Brook Road and, if necessary, draw on the bond/bank guarantee to pay for any work required to return the road to its present standard. Any balance of the bond/bank guarantee which thereafter remains will to be refunded to the applicant. The local government may require the applicant to enter into a legal agreement, prepared by the local government's solicitors at the applicant's cost, in order to deal with any additional matter of detail concerning the requirements of this approval.
- NOTE 12: The proposed extractive industry is located adjacent to the Avon River. As such, the DWER recommends that stormwater management be in accordance with the Stormwater Management Manual of Western Australia (DWER, 2004-2007) and relevant Water Quality Protection Notes (WQPN) and guidelines including;
- WQPN 10: Contaminant spills – emergency response
 - WQPN 56: Tanks for elevated chemical storage
 - WQPN 58: Tanks for temporary elevated chemical storage WQPN 65: Toxic and hazardous substances
 - WQPN 52: Stormwater management at industrial sites
- NOTE 13: The fee payable under Condition 9 is calculated on the fee made payable by the prior applicant plus CPI inflation and rounding modelled to 2017/2018.
- NOTE 14: Approval from the Department of Water and Environmental Regulation for the crushing activities to be undertaken on the site as a 'prescribed premise' from the Department of Environment and Regulation under Part V of the Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1).
- NOTE 15: With respect to Condition 14, the amount payable per financial year is to be based on estimated tonnage of material transported from the site and made in advance prior to the commencement of operations and thereafter on an annual basis. A report detailing all activities and tonnages of material transported to and from the site is to be submitted to the shire of Northam for the financial year ending 30th and is to be submitted by 31st July each year (in accordance with Local Planning Policy 21). Where a shortfall in funding has occurred against the actual volumes transported from site, the applicant will provide additional funding to rectify the shortfall.
- NOTE 16: With respect to Condition 17, reversing alarms on vehicles and equipment must be managed on site to ensure they do not interfere with the amenity of nearby residential properties while complying with the Occupational Safety & Health Regulations 1996 and the Environmental Protection (Noise) Regulations 1997.
- NOTE 17: Blasting must be carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Safety and Inspection Act 1994, the Mines Safety and Inspection Regulations 1995; the Environmental Protection Act 1986, and all relevant local laws of the local government."

This approval is subject to the conditions contained on the attached Notice of Determination and approved plans (attached).

Pursuant to Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an affected person (the applicant or the owner of the land) may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with the *Planning and Development Act 2005* Part 14.

You are also reminded that **this approval does not constitute a Building Permit**. In order to begin construction and on-site works, you are required to lodge and have issued a Building Permit, addressing any conditions of this Development Approval relevant to the permit.

Should you have any further queries regarding this matter please contact Ben Robins on (08) 9622 6133 or via email planning@northam.wa.gov.au.

Yours sincerely



CHADD HUNT
EXECUTIVE MANAGER OF DEVELOPMENT SERVICES

17/10/2018

Encl: *Notice of Determination*
Approved Plans

Shire of Northam Local Planning Scheme No.6 <i>Cl. 86(4) of the deemed provisions for local planning schemes</i>	Office Use Only File No.: A753 Application No.: P18003
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Planning and Development Act 2005 (as amended)

SHIRE OF NORTHAM

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Address: Lot 93 Spencers Brook Road, Muluckine	
Lot/Loc. 93	Plan/Diagram: P23146
Vol. No.: 2159	Folio No.: 986
Application date: 15/01/2018	Received on: 15/01/2018

Description of proposed development:

Extractive Industry

The application for development approval is **APPROVED** subject to the following conditions:

1. This development approval is valid for 10 years from the date of approval and will expire on 20th June 2028.
2. The development hereby permitted must substantially commence within two years from the date of this determination notice.
3. The development hereby permitted taking place in accordance with the approved plans dated 21st June 2018 in addition to any documentation endorsed with an 'Approved' stamp by the Shire of Northam.
4. Hours of operation on the site shall be limited to between 0700 to 1700 hours, Monday to Friday, excluding public holidays.
5. The new excavation area (blasting) is to be limited to the outlined area as per the approved plans (Blast Site Plan & Benching Plan)
6. A maximum of 10 outgoing loads (total of 20 vehicle movements) associated with the extractive industry are permitted along Spencers Brook Road per day, for a combined maximum total of 180 days per year. If a variance to this condition is required by the applicant, a written request shall be made and considered for approval by Council.
7. Heavy vehicle movements are to be prohibited during school bus operating hours generally between 0700 and 0830hrs and 1500 and 1630hrs.

CONDITIONS TO BE MET PRIOR TO THE COMMENCEMENT OF THE WORKS/USE

8. The applicant shall establish an initial road maintenance contribution of \$42,857.15. The contribution is to be utilised to maintain the road condition and will be conducted in compliance with Condition 14.
9. The applicant to provide a rehabilitation amount for \$75,000 (seventy five thousand dollars) and such bond, security or bank guarantee to be unconditional (no expiry date).
10. An environmental management plan is to be prepared and provided to the satisfaction of the local government, and endorsed by the landowner, under the Shire's Extractive Industries Local Law 2008. The Environmental Management Plan shall detail:
 - a. Dust Mitigation
 - i. Equipment Source Management
 - ii. Internal Access Road Management
 - iii. Blasting Management
 - b. Drainage
 - i. Denote the physical characteristics of any current on-site drainage for reinstatement
 - ii. Management of drainage (works, surface flow – roads/access points)
 - c. Rehabilitation
 - i. Drainage Management & Reinstatement
 - ii. Bund Removal

Shire of Northam Local Planning Scheme No.6 <i>Cl. 86(4) of the deemed provisions for local planning schemes</i>	Office Use Only File No.: A753 Application No.: P18003
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- iii. Access Road/Hardstand removal.
- iv. Vegetation Planting (Species & Vegetation Stand Locations) – Future Use Separation Grazing/Non-Grazing Areas
- v. Maintenance Plan – Reinstatement procedure upon completion of extractive industry program, or staged reinstatement program details.
- d. Other
 - i. Denote the physical characteristics of vegetation complexes on-site where activities are proposed to be undertaken, or where they are to be affected by activities to be undertaken (dust/works).
- 11. Prior to the extractive industry license being issued, a detailed technical plan, prepared by a suitably qualified civil engineer, showing exact road widths, direction of entry and exit, angles of entry and exit, any turning circles and any other relevant information of the proposed intersection of the entry and exit points Spencers Brook Road shall be submitted to the Shire of Northam for approval.
- 12. The applicant shall upgrade the entry and exit crossover points and the section of road at the Quarry/Spencers Brook Road interface to the satisfaction of the Shire of Northam.
- 13. Prior to commencement of the use, the applicant shall install and maintain approved road signs along the transport route in consultation with the local government, warning other road users of trucks entering and using the public road system.

CONDITIONS REQUIRING ONGOING COMPLIANCE

- 14. The applicant shall pay a road maintenance contribution of 50 cents per tonne, to be utilised for the purpose of maintaining the road condition of Spencers Brook Road. (See Advice Note 16).
- 15. The intersection/entry and exit points into the extraction area is to be maintained to Council's specification during extractive operations.
- 16. The internal road infrastructure is to be maintained (smooth operating surfaces to reduce noise impact) and appropriately managed (dust suppression) to the satisfaction of the Shire during extractive operations on an ongoing basis.
- 17. Broadband reverse alarms are to be utilised for on-site equipment and transport vehicles of the applicant and/or their subcontractors as per the applicant's proposal (See Advice Note 17).
- 18. Should complaints about vibrations generated by the crusher be received, the applicant is to employ suitably qualified personnel to determine mitigation strategies which shall be submitted to the local government for approval prior to implementation.
- 19. Stock proof fencing is to be maintained along the perimeter of the extractive industry area the site shall be maintained to restrict grazing animals from accessing and damaging the site while the rehabilitation takes place.
- 20. The site is to be rehabilitated using local endemic species to the satisfaction of the Shire of Northam.
- 21. The facility is to operate in accordance with the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997. Should noise complaints be received it shall be the licensee's responsibility to employ a suitably qualified acoustic engineer to determine ascendances and remedies. Where the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997 cannot be satisfied, the licensee shall seek approval for the operation, in accordance with Regulation 17, of the same.
- 22. The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to site along the same route.

CONDITIONS INCLUDED WITHIN THE TRAFFIC ROUTES ASSESSMENT

- 23. The applicant is to undertake the commitments provided within the Transport Routes Assessment with particular reference to:
 - (i) The Spencers Brook Road intersection, entry and exit points to the extraction area is to be maintained by Italia Stone to the Shire's specification during extractive operations;
 - (ii) Italia Stone will install and maintain approved road signs along the transport route in consultation with the local government (including at the intersection of Spencers Brook

Shire of Northam Local Planning Scheme No.6 <i>Cl. 86(4) of the deemed provisions for local planning schemes</i>	Office Use Only
	File No.: A753
	Application No.: P18003

- Road/Trimmer Road), warning other road users of trucks entering and using the public road system;
- (iii) Heavy vehicles will drive at a reduced speed limit of 80km/h on Spencers Brook Road in general, a reduced speed of 60km/h through the Spencers Brook townsite and an estimated maximum speed of 50 km/h near the intersection of Trimmer Road/Spencers Brook Road;
 - (iv) It will formulate, implement and review a Drivers' Code of Conduct (the principles are set in Attachment 14);
 - (v) Undertake the noise mitigation commitments in section 6.2;
 - (vi) Establish and maintain a monitoring program (see section 6.4);
 - (vii) Trucks will be equipped with GPS tracking which can monitor in real time;
 - (viii) Review and work with the Shire and community to minimise risks regarding operations during certain times of the year (e.g. harvest).

ADVICE NOTES

- NOTE 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- NOTE 2: Shire Officer's will undertake a routine annual inspection of the site at the time the extractive industry licence renewal is applied for.
- NOTE 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- NOTE 4: If an applicant is aggrieved by this determination there is a right of appeal under the Planning and Development Act 2005. An appeal must be lodged with the State Administrative Tribunal within 28 days of the determination.
- NOTE 5: With respect to Condition 10 and 20, upon completion of the site rehabilitation, the applicant is to notify the local government in writing. At this time, local government Officers will conduct a site visit to ensure that the site has been rehabilitated to the satisfaction of the local government.
- NOTE 6: The maximum permitted size for heavy vehicles using the approved route (Condition 25) are not to exceed Main Roads WA RAV 3 requirements.
- NOTE 7: The extractive industry is to be carried out in accordance with the Shire's Extractive Industries Local Law 2008 at all times.
- NOTE 8: The extractive industry is to operate in accordance with the requirements of the Environmental (Noise) Protection Regulations 1997.
- NOTE 9: Approval for an Extractive Industry Licence is not transferable unless written approval is granted by the Shire of Northam, and provided all conditions of the existing approval are met.
- NOTE 10: Site operation to comply with the Mines Safety and Inspection Act 1994 at all times.
- NOTE 11: When the extractive industry ceases the local government may review the condition of Spencers Brook Road and, if necessary, draw on the bond/bank guarantee to pay for any work required to return the road to its present standard. Any balance of the bond/bank guarantee which thereafter remains will to be refunded to the applicant. The local government may require the applicant to enter into a legal agreement, prepared by the local government's solicitors at the applicant's cost, in order to deal with any additional matter of detail concerning the requirements of this approval.
- NOTE 12: The proposed extractive industry is located adjacent to the Avon River. As such, the DWER recommends that stormwater management be in accordance with the Stormwater Management Manual of Western Australia (DWER, 2004-2007) and relevant Water Quality Protection Notes (WQPN) and guidelines including;
- WQPN 10: Contaminant spills – emergency response
 - WQPN 56: Tanks for elevated chemical storage
 - WQPN 58: Tanks for temporary elevated chemical storage
 - WQPN 65: Toxic and hazardous substances

Shire of Northam Local Planning Scheme No.6 <i>Cl. 86(4) of the deemed provisions for local planning schemes</i>	Office Use Only File No.: A753 Application No.: P18003
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	<ul style="list-style-type: none">• WQPN 52: Stormwater management at industrial sites
NOTE 13:	The fee payable under Condition 9 is calculated on the fee made payable by the prior applicant plus CPI inflation and rounding modelled to 2017/2018.
NOTE 14:	Approval from the Department of Water and Environmental Regulation for the crushing activities to be undertaken on the site as a 'prescribed premise' from the Department of Environment and Regulation under Part V of the Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1).
NOTE 15:	With respect to Condition 14, the amount payable per financial year is to be based on estimated tonnage of material transported from the site and made in advance prior to the commencement of operations and thereafter on an annual basis. A report detailing all activities and tonnages of material transported to and from the site is to be submitted to the shire of Northam for the financial year ending 30th and is to be submitted by 31st July each year (in accordance with Local Planning Policy 21). Where a shortfall in funding has occurred against the actual volumes transported from site, the applicant will provide additional funding to rectify the shortfall.
NOTE 16:	With respect to Condition 17, reversing alarms on vehicles and equipment must be managed on site to ensure they do not interfere with the amenity of nearby residential properties while complying with the Occupational Safety & Health Regulations 1996 and the Environmental Protection (Noise) Regulations 1997.
NOTE 17:	Blasting must be carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Safety and Inspection Act 1994, the Mines Safety and Inspection Regulations 1995; the Environmental Protection Act 1986, and all relevant local laws of the local government.

Date: 17/10/2018

Signed 
For and on behalf of the Shire of Northam

PLANT AREAS



1 - Crushing/ Screening

2 - Loading of trucks

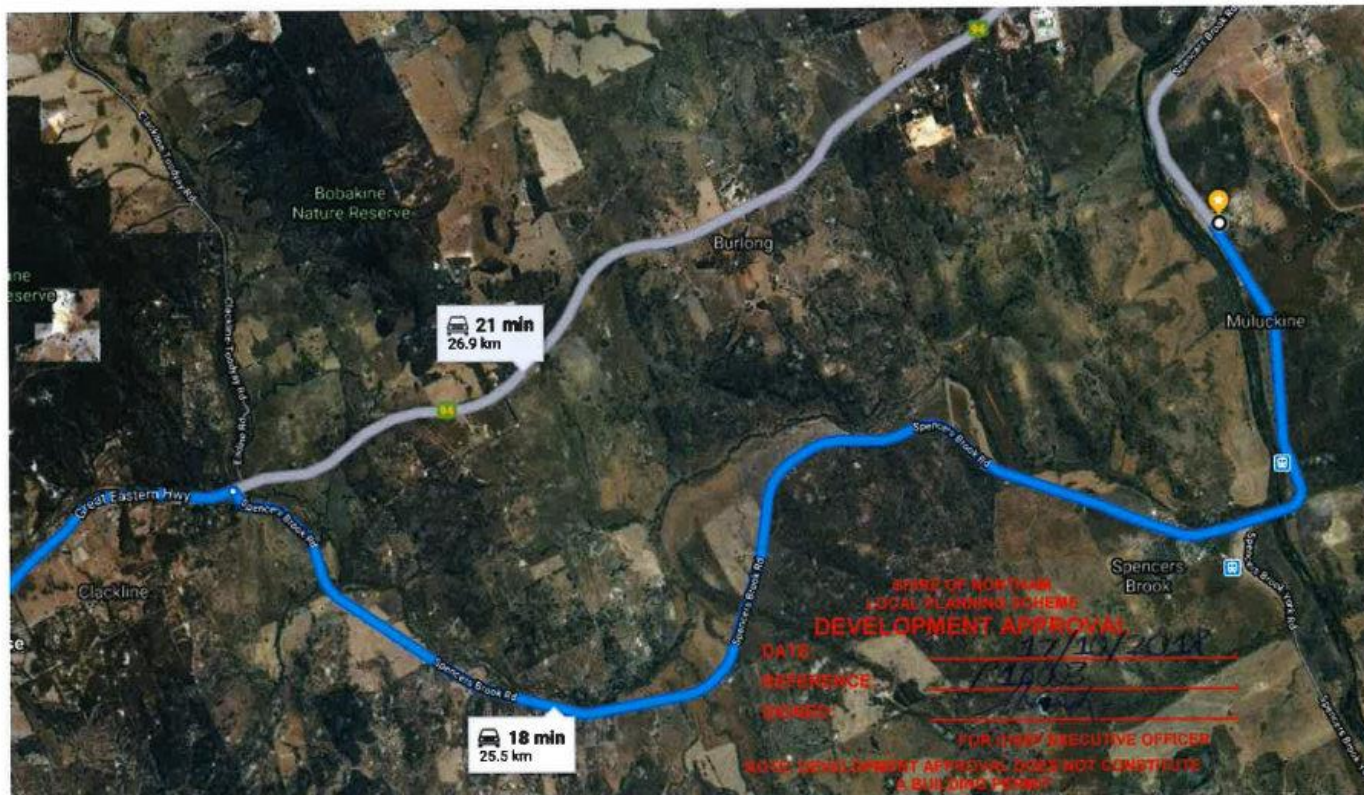
3 - Self-Bunded Diesel Tank (4000L max) and fluids storage container area

SHIRE OF NORTHAM
LOCAL PLANNING SCHEME
DEVELOPMENT APPROVAL
DATE: 17/10/2018
REFERENCE: P18003
SIGNED: [Signature]

FOR CHIEF EXECUTIVE OFFICER

NOTE: DEVELOPMENT APPROVAL DOES NOT CONSTITUTE
A BUILDING PERMIT

Transport Route





LOCALIZED
DRILL &
BLAST TO
REINFORCE
FACES
A & B. MAY
BE BACK TO
APPROPRIATE
COURT.

Attachment 3



Heritage, Commerce and Lifestyle

Italia Stone Group Pty Ltd
Attn: Tinus Nagel
55 Miguel Rd
BIBRA LAKE WA 6163

Our ref: A753 / 188307
Enquiries: Jacky Jurmann

Dear Tinus,

**RE: EXTRACTIVE INDUSTRY LICENCE
LOT 93 SPENCERS BROOK ROAD, MULUCKINE**

With reference to your application for an Extractive Industry Licence for the above property received on 21 June 2019 and in reference to your development approval (ref: P18003) dated 17 October 2018.

Please find enclosed your Extractive Industry Licence in accordance with Council's resolution of 17 October 2018.

The Extractive Industry Licence has been issued in accordance with the Shire of Northam's Extractive Industries Amendment Local Law 2018.

Your attention is drawn to clause 3.2, which requires the payment of an annual licence fee on or before 30 June each year. An invoice for the fee will be forwarded prior to the payment date. An annual inspection will also be carried out at this time to ensure compliance with the conditions of approval.

Should you have any queries in relation to this matter, please contact the undersigned on 9622 6134 or via email at mgrplanning@northam.wa.gov.au.

Yours sincerely,



JACKY JURMANN
MANAGER PLANNING SERVICES

30 October 2019

Encl.



ABN 42 826 617 380
395 Fitzgerald Street - PO Box 613, Northam WA 6401
T (08) 9622 6100 F (08) 9622 1910
E records@northam.wa.gov.au W www.northam.wa.gov.au



EXTRACTIVE INDUSTRY LICENCE

Licensee:	Italia Stone Group Pty Ltd
Address:	55 Miguel Road, Bibra Lake, WA, 6363
Land Description:	Lot 93 on Plan 23146, Spencers Brook Road, Muluckine
Materials to be Excavated:	Hard Rock
Term of Licence:	10 years from date of approval (20 June 2018)
Date of Expiry:	20 June 2028

This licence is issued in accordance with Council's resolution (C.3498), development approval (ref: P18003) dated 20 June 2018 and the *Shire of Northam's Extractive Industries Amendment Local Law 2018*, subject to the following conditions:

1. This licence is valid for 10 years from the date of determination of the development approval and will expire on 20th June 2028.
2. The excavation area is limited to the area shown on the approved plans without prior written approval being issued from Council.
3. The applicant shall comply with the requirements of the Extractive Industry Licence and the Shire's Extractive Industries Amendment Local Law 2018 at all times.
4. The applicant shall ensure, as much as reasonably practicable, that all lighting and fixed sirens on the site are to be orientated away from residences on land adjoining the site as at the date of this consent.
5. Hours of operation on the site shall be limited to between 0700 to 1700 hours, Monday to Friday, excluding public holidays.
6. The new excavation area (blasting) is to be limited to the outlined area as per the approved plans (Blast Site Plan and Benching Plan).
7. A maximum of 10 outgoing loads (total of 20 vehicle movements) associated with the extractive industry are permitted along Spencers Brook Road per day, for a combined maximum total of 180 days per year. If a variance to this condition is required by the applicant, a written request shall be made and considered for approval by Council.
8. Heavy vehicle movements are to be prohibited during school bus operating hours generally between 0700 and 0830hrs and 1500 and 1630hrs.
9. A sign is to be located at the entrance of the property to identify the quarry operator and a contact name and number of a responsible contact person for enquiries relating to the quarry operations.

CONDITIONS TO BE MET PRIOR TO THE COMMENCEMENT OF THE WORKS/USE

10. The applicant shall establish an initial road maintenance contribution of \$42,857.15. The contribution is to be utilised to maintain the road condition and will be conducted in compliance with Condition 18.
11. The applicant to provide a rehabilitation amount for \$75,000 (seventy five thousand dollars) and such bond, security or bank guarantee to be unconditional (no expiry date). (Refer Advice Note 14)
12. An environmental management plan is to be prepared and provided to the satisfaction of the local government, and endorsed by the landowner, under the Shire's Extractive Industries Amendment Local Law 2018. The Environmental Management Plan shall detail:
 - a. Dust Mitigation
 - (i) Equipment Source Management
 - (ii) Internal Access Road Management
 - (iii) Blasting Management
 - b. Drainage
 - (i) Denote the physical characteristics of any current on-site drainage for reinstatement
 - (ii) Management of drainage (works, surface flow – roads/access points)
 - c. Rehabilitation
 - (i) Drainage Management & Reinstatement
 - (ii) Bund Removal
 - (iii) Access Road/Hardstand removal.
 - (iv) Vegetation Planting (Species & Vegetation Stand Locations) – Future Use Separation Grazing/Non-Grazing Areas
 - (v) Maintenance Plan – Reinstatement procedure upon completion of extractive industry program, or staged reinstatement program details.
 - d. Other
 - (i) Denote the physical characteristics of vegetation complexes on-site where activities are proposed to be undertaken, or where they are to be affected by activities to be undertaken (dust/works).
13. Prior to the extractive industry license being issued, a detailed technical plan, prepared by a suitably qualified civil engineer, showing exact road widths, direction of entry and exit, angles of entry and exit, any turning circles and any other relevant information of the proposed intersection of the entry and exit points Spencers Brook Road shall be submitted to the Shire of Northam for approval.
14. The applicant shall upgrade the entry and exit crossover points and the section of road at the Quarry/Spencers Brook Road interface to the satisfaction of the Shire of Northam.
15. Prior to commencement of the use, the applicant shall install and maintain approved road signs along the transport route in consultation with the local government, warning other road users of trucks entering and using the public road system.

CONDITIONS REQUIRING ONGOING COMPLIANCE

16. The applicant shall pay a road maintenance contribution of 50 cents per tonne, to be utilised for the purpose of maintaining the road condition of Spencers Brook Road. (See Advice Note 16)

17. The intersection/entry and exit points into the extraction area is to be maintained to Council's specification during extractive operations.
18. The internal road infrastructure is to be maintained (smooth operating surfaces to reduce noise impact) and appropriately managed (dust suppression) to the satisfaction of the Shire during extractive operations on an ongoing basis.
19. Broadband reverse alarms are to be utilised for on-site equipment and transport vehicles of the applicant and/or their subcontractors as per the applicant's proposal. (See Advice Note 17)
20. Should complaints about vibrations generated by the crusher be received, the applicant is to employ suitably qualified personnel to determine mitigation strategies which shall be submitted to the local government for approval prior to implementation.
21. Stock proof fencing is to be maintained along the perimeter of the extractive industry area the site shall be maintained to restrict grazing animals from accessing and damaging the site while the rehabilitation takes place.
22. The site is to be rehabilitated using local endemic species to the satisfaction of the Shire of Northam.
23. The facility is to operate in accordance with the requirements of Regulation 7 of the *Environmental Protection (Noise) Regulations 1997*. Should noise complaints be received it shall be the licensee's responsibility to employ a suitably qualified acoustic engineer to determine ascendants and remedies. Where the requirements of Regulation 7 of the *Environmental Protection (Noise) Regulations 1997* cannot be satisfied, the licensee shall seek approval for the operation, in accordance with Regulation 17, of the same.
24. The approved transport route is to be from the quarry site, west along Spencers Brook Road and return to site along the same route.
25. The maximum permitted size for heavy vehicles using the approved route (Condition 25) are not to exceed Main Roads WA RAV 3 requirements.
26. The extractive industry is to be carried out in accordance with the Shire's Extractive Industries Amendment Local Law 2018 at all times.
27. The extractive industry is to operate in accordance with the requirements of the *Environmental (Noise) Protection Regulations 1997*.

CONDITIONS INCLUDED WITHIN THE TRAFFIC ROUTES ASSESSMENT

28. The applicant is to undertake the commitments provided within the Transport Routes Assessment with particular reference to:
 - (i) The Spencers Brook Road intersection, entry and exit points to the extraction area is to be maintained by Italia Stone to the Shire's specification during extractive operations;
 - (ii) Italia Stone will install and maintain approved road signs along the transport route in consultation with the local government (including at the intersection of Spencers Brook Road/Trimmer Road), warning other road users of trucks entering and using the public road system;
 - (iii) Heavy vehicles will drive at a reduced speed limit of 80km/h on Spencers Brook Road in general, a reduced speed of 60km/h through the Spencers Brook townsite and an estimated maximum speed of 50 km/h near the intersection of Trimmer Road/Spencers Brook Road;
 - (iv) It will formulate, implement and review a Drivers' Code of Conduct (the principles are set in Attachment 14);

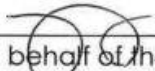
- (v) Undertake the noise mitigation commitments in section 6.2;
- (vi) Establish and maintain a monitoring program (see section 6.4);
- (vii) Trucks will be equipped with GPS tracking which can monitor in real time;
- (viii) Review and work with the Shire and community to minimise risks regarding operations during certain times of the year (e.g. harvest).

ADVICE NOTES

- NOTE 1: If an applicant is aggrieved by this determination there is a right of appeal under the *Planning and Development Act 2005*. An appeal must be lodged with the State Administrative Tribunal within 28 days of the determination.
- NOTE 2: A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
- NOTE 3: The licensee shall provide to the local government a copy of the policy taken out under condition 23 within 14 days of issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.
- NOTE 4: On or before 30 June in each year, the licensee shall pay to the local government the annual licence fee determined by the local government from time to time.
- NOTE 5: A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal:
- a. the fee determined by the local government from time to time;
 - b. a copy of the current licence;
 - c. a plan showing the contours of the excavation carried out to the date of that application;
 - d. details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in subclauses 2.3(1)(b) and (c); and
 - e. any other things referred to clauses 2.3 and 3.1 of the Shire's Extractive Industries Amendment Local Law 2018.
- NOTE 6: With respect to Condition 14 and 24, upon completion of the site rehabilitation, the applicant is to notify the local government in writing. At this time, local government Officers will conduct a site visit to ensure that the site has been rehabilitated to the satisfaction of the local government.
- NOTE 7: Approval for an Extractive Industry Licence is not transferable unless written approval is granted by the Shire of Northam, and provided all conditions of the existing approval are met.
- NOTE 8: Site operation to comply with the *Mines Safety and Inspection Act 1994* at all times.
- NOTE 9: When the extractive industry ceases the local government may review the condition of Spencers Brook Road and, if necessary, draw on the bond/bank guarantee to pay for any work required to return the road to its present standard. Any balance of the bond/bank guarantee which thereafter remains will to be refunded to the applicant. The local

government may require the applicant to enter into a legal agreement, prepared by the local government's solicitors at the applicant's cost, in order to deal with any additional matter of detail concerning the requirements of this approval.

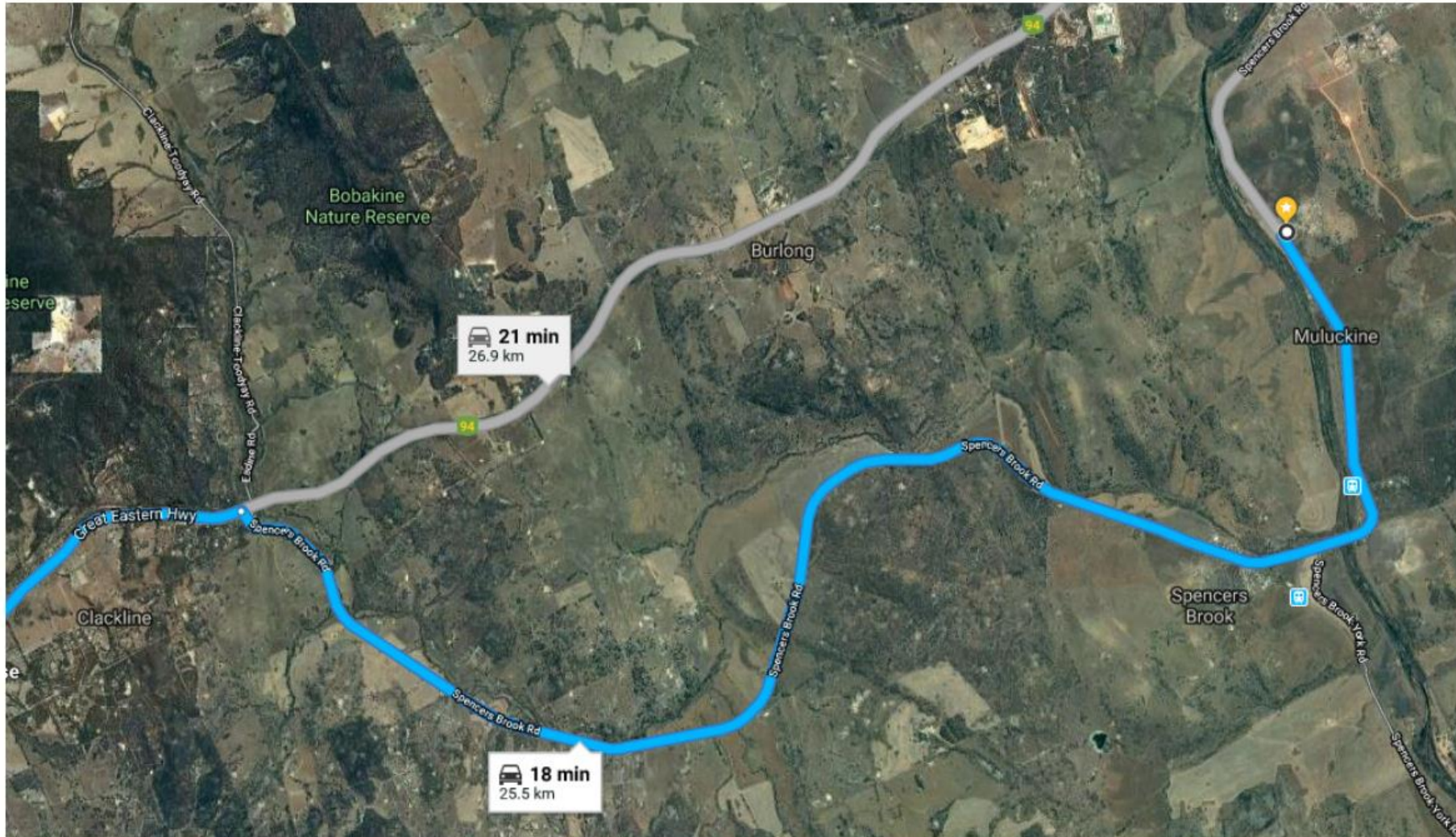
- NOTE 10: The proposed extractive industry is located adjacent to the Avon River. As such, the DWER recommends that stormwater management be in accordance with the Stormwater Management Manual of Western Australia (DWER, 2004-2007) and relevant Water Quality Protection Notes (WQPN) and guidelines including;
- WQPN 10: Contaminant spills – emergency response
 - WQPN 56: Tanks for elevated chemical storage
 - WQPN 58: Tanks for temporary elevated chemical storage WQPN 65: Toxic and hazardous substances
 - WQPN 52: Stormwater management at industrial sites
- NOTE 11: The fee payable under Condition 13 is calculated on the fee made payable by the prior applicant plus CPI inflation and rounding modelled to 2017/2018.
- NOTE 12: Approval from the Department of Water and Environmental Regulation for the crushing activities to be undertaken on the site as a 'prescribed premise' from the Department of Environment and Regulation under Part V of the *Environmental Protection Act 1986* (Environmental Protection Regulations, 1987, Schedule 1).
- NOTE 13: With respect to Condition 16, the amount payable per financial year is to be based on estimated tonnage of material transported from the site and made in advance prior to the commencement of operations and thereafter on an annual basis. A report detailing all activities and tonnages of material transported to and from the site is to be submitted to the shire of Northam for the financial year ending 30th and is to be submitted by 31st July each year (in accordance with Local Planning Policy 21). Where a shortfall in funding has occurred against the actual volumes transported from site, the applicant will provide additional funding to rectify the shortfall.
- NOTE 14: With respect to Condition 23, reversing alarms on vehicles and equipment must be managed on site to ensure they do not interfere with the amenity of nearby residential properties while complying with the *Occupational Safety and Health Regulations 1996* and the *Environmental Protection (Noise) Regulations 1997*.
- NOTE 15: Blasting must be carried out in strict accordance with the AS2187 SAA Explosives Code, the *Mines Safety and Inspection Act 1994*, the *Mines Safety and Inspection Regulations 1995*; the *Environmental Protection Act 1986*, and all relevant local laws of the local government.

Signed:  _____
For and on behalf of the Shire of Northam.

Dated: 30/10/2019

Attachment 4

Transport Route



Attachment 5

Alysha McCall

From: Jason Whiteaker
Sent: Wednesday, 4 March 2020 8:53 AM
To: Chadd Hunt; Jacky Jurmann
Subject: FW: Spencers Brook Quarry

Kind Regards

Jason Whiteaker

Chief Executive Officer, Shire of Northam

e: ceo@northam.wa.gov.au

p: (08) 9622 6114

Shire of Northam



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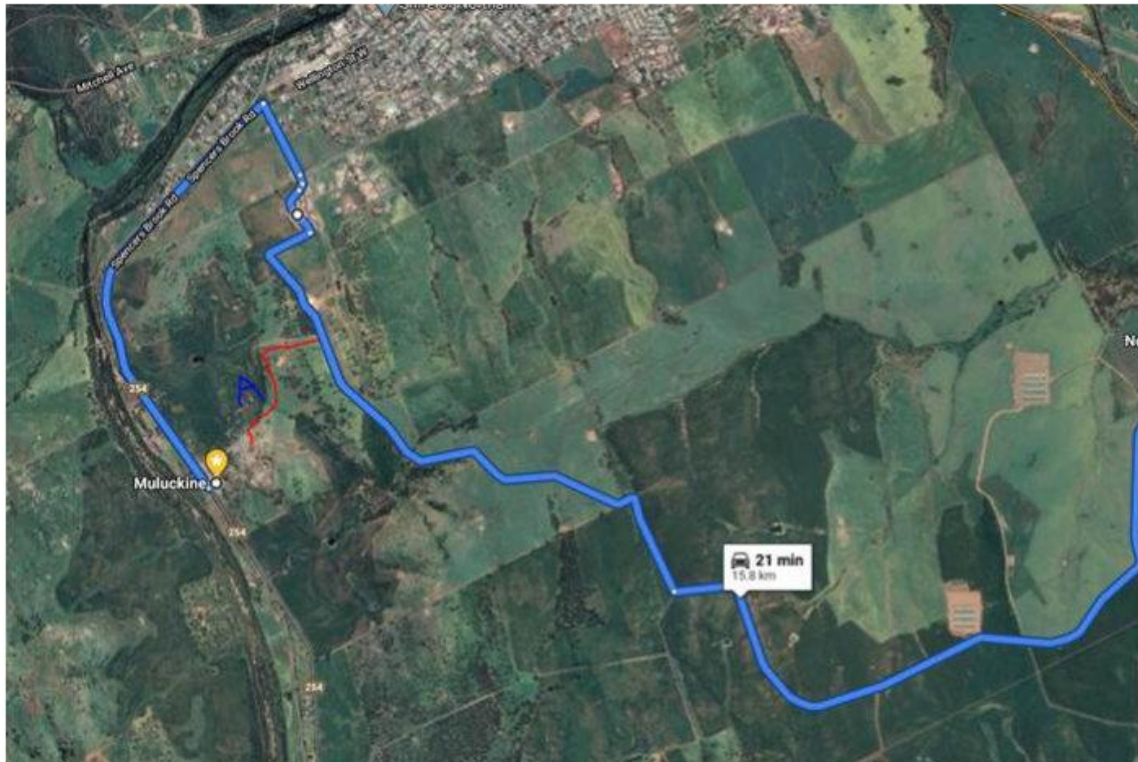


From: Tinus Nagel [<mailto:Tinus@italiastonegroup.com.au>]
Sent: Wednesday, 4 March 2020 8:52 AM
To: Jason Whiteaker <ceo@northam.wa.gov.au>
Cc: Darren.West.MP <Darren.West.MP@mp.wa.gov.au>
Subject: RE: Spencers Brook Quarry

Good morning Jason,

Thank you for setting up the meeting.

We investigated this option and also discussed this alternative with the land owner. This option has the same challenges as the option, putting a track through straight from the quarry to the farm road. There are several deep gully's and high rises along this route and some very sharp corners with obscured sight. There will be a considerable cut and fill to level the road and make it traversable for truck traffic. In addition to this there would be major ongoing maintenance to keep this road in a trafficable condition. This option only eliminates the push through of the track direct from the quarry as indicated below. The land owner also prefer that we do not pursue this option.



Our team will do another visit to residents tonight as we only had feedback from a few. Two residents indicated that they were not aware of the issue and the other was Glenn Bradbury that had a discussion with Eamon. We will make all the details available during the day.

As an alternative to using Wellington Street only, we would consider using Wellington Street travelling towards the contract site, and return via Throssell Street. This will half the amount of movements on Wellington Street as discussed during our meeting.

Kind regards,
Tinus Nagel
General Manager



M: 0497 664 030
T: 08 9418 1437
F: 08 9434 2431
E: tinus.nagel@italiastonegroup.com.au
W: www.italiastonegroup.com.au

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From: Jason Whiteaker <ceo@northam.wa.gov.au>
Sent: Tuesday, 3 March 2020 10:40
To: Tinus Nagel <Tinus@italiastonegroup.com.au>
Cc: Darren.West.MP <Darren.West.MP@mp.wa.gov.au>
Subject: RE: Spencers Brook Quarry

Thanks Tinus

We are planning on having a special meeting this Thursday at 5.30pm. On the route options, have you considered turning right, out of the site, moving down to the town site and turning right into Burn Street and then rather than turning left on to Throssell Street, turning right on to the property owners land and moving across his property?

How did you go over the weekend, did you talk with the potentially impacted land owners on Wellington Street? If so we would appreciate any feedback. We have to get our agenda out this afternoon

Kind Regards

Jason Whiteaker

Chief Executive Officer, Shire of Northam

e: ceo@northam.wa.gov.au

p: (08) 9622 6114

Shire of Northam



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From: Tinus Nagel [<mailto:Tinus@italiastonegroup.com.au>]
Sent: Sunday, 1 March 2020 5:33 PM
To: Jason Whiteaker <ceo@northam.wa.gov.au>
Cc: darren.west.mp@mp.wa.gov.au; Chadd Hunt <emds@northam.wa.gov.au>; Clinton Kleynhans <emes@northam.wa.gov.au>; Jacky Jurmann <merplanning@northam.wa.gov.au>; Gary Wainwright <Gary@italiastonegroup.com.au>
Subject: RE: Spencers Brook Quarry

Good afternoon Jason,

Find attached the letter clarifying our current contract commitments and transport request during our meeting.

Please contact me directly should you require further details.

Kind regards,
Tinus Nagel
General Manager



M: 0497 664 030
T: 08 9418 1437
F: 08 9434 2431
E: tinus.nagel@italiastonegroup.com.au
W: www.italiastonegroup.com.au

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13. MATTERS BEHIND CLOSED DOORS

Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS APPROVED BY DECISION

Nil.

16. DECLARATION OF CLOSURE