



AGENDA

Late Reports

Ordinary Council Meeting Tuesday, 19 October 2021

Date: Tuesday, 19 October 2021

Time: 2:00pm

**Location: Council Chamber
110 Massingham Street
Kellerberrin WA 6410**

Order Of Business

13	New Business of an Urgent Nature Introduced by Decision of Meeting	5
13.1	Development Application: Concrete Batching Plant.....	5

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**13.1 DEVELOPMENT APPLICATION: CONCRETE BATCHING PLANT**

File Ref:	A1747
Author:	Lewis York, Town Planner
Authoriser:	Raymond Griffiths, Chief Executive Officer
Applicant:	Mr Joe Fondacaro
Location:	106-107 Mather Road, Doodlakine
Attachments:	1. Development Application (under separate cover)
	2. Plan - Lots (under separate cover)
	3. J.Fondacaro Email Request (under separate cover)

BACKGROUND

An application has been received from Mr. Joe Fondacaro for the development of a mobile concrete batching plant at the existing Doodlakine Quarry operated by Mineral Crushing Services at 106 Mather Road, Doodlakine.

The site currently has a transportable site office and a crushing plant for the operation of a quarry.

The new proposal is to for Hanson construction to supply a batching plant, they have also supplied a detailed environmental management plan. The new batching plant will be located to the north-east of the existing quarry site. Lot 106 is reserved under the LPS4 for Public Purposes; Lot 107 is reserved under LPS4 as Recreation and Open Space, both lots are listed on the Aboriginal Heritage Register (5604).

SITE

Shire of Kellerberrin Local Planning Scheme

2.3. LOCAL RESERVES

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.4. USE AND DEVELOPMENT OF LOCAL RESERVES AMD 2 GG 12/09/17**2.4.1. A person must not —**

- a) **use a Local Reserve; or**
- b) **commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.**

2.4.2. In determining an application for development approval the local government is to have due regard to —

- a) the matters set out in Clause 67 of the deemed provisions; and
- b) **the ultimate purpose intended for the Reserve.**

2.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

Reserve Objectives as per the *Planning and Development (Local Planning Schemes) Regulations*

Public Purposes

- To provide a range of essential and physical and community infrastructure.

Recreation and Open Space

- Not defined.

Planning and Development (Local Planning Scheme) Regulations 2015**64. Advertising applications**

1. The local government —
 - a. must advertise a complex application for development approval in accordance with subclause (3); and
 - b. must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —
 - i. relates to development that is a class A use in relation to the zone in which the development is located; or
 - ii. relates to the extension of a non-conforming use; or
 - iii. relates to development that does not comply with the requirements of this Scheme; or
 - iv. relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
 - v. is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and (c) may advertise any other application for development approval in accordance with subclause (4).
2. Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.
3. For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —
 - a. publishing in accordance with clause 87 —
 - i. a notice of the proposed development in the form set out in clause 86(3); and
 - ii. the application for development approval; and
 - iii. any accompanying material in relation to the application that the local government considers should be published;
 - b. giving notice of the proposed development —
 - i. to the owners and occupiers of every property that is within 200 m of the proposed development; and
 - ii. to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - c. erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).
4. For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —
 - a. publishing in accordance with clause 87 —
 - i. a notice of the proposed development in the form set out in clause 86(3); and
 - ii. the application for development approval; and

- iii. any accompanying material in relation to the application that the local government considers should be published;
 - b. giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - c. erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).
5. A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —
 - a. the manner and form in which submissions may be made; and
 - b. the applicable period under subclause (6) or (7) for making submissions and the last day of that period.
 6. The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —
 - a. the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or
 - b. a longer period agreed in writing between the applicant and the local government.
 7. The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —
 - a. the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or
 - b. a longer period agreed in writing between the applicant and the local government.

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the 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;
- i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

- k) the built heritage conservation of any place that is of cultural significance;
- l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- 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;
- q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- 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;
- u) the availability and adequacy for the development of the following —
 - i. public transport services;
 - ii. public utility services;
 - iii. storage, management and collection of waste;
 - iv. access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - v. access by older people and people with disability;
- v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- 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.

87. Requirements for making documents available to public

1. This clause applies if under a provision of this Scheme the local government is required to publish in accordance with this clause a notice, plan, application or other document (the document).
2. The local government must make the document available in accordance with the applicable requirements of subclauses (3) to (5). Note for this subclause: Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to publish documents in accordance with subclauses (3) to (5).
3. For all documents, the local government must —
 - a. publish on the website of the local government —
 - i. the document; or
 - ii. a hyperlink to a webpage on which the document is published;
 - and
 - b. if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
4. If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.
5. The local government must ensure that the document remains published under subclause (3)(a) and (if applicable) available for public inspection under subclause (3)(b) —
 - a. if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or
 - b. if the document is published in compliance with a requirement to advertise for submissions under this Scheme — during the whole of the period within which submissions may be made; or
 - c. if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

[Clause 87 inserted: SL 2020/252 r. 79.]

State Planning Policies

State Planning Policy No. 2.5 - Rural Planning The provisions of this policy relate to all rural land in Western Australia. The purpose of this policy is to inform the preparation of Local Planning Schemes, Local Planning Strategies and Local Planning Policies. The policy seeks to protect agricultural land resources, whilst also acknowledging the benefits of some non-agricultural uses. Within the 'priority agriculture' zone extractive industries are to be considered as discretionary and minimising land use conflicts is the primary concern. The policy recognises the need to extract basic raw materials and recommends, "these activities be regarded as generally acceptable, subject to assessment on their individual merits in rural areas".

State Planning Policy 4.1 – State Industrial Buffer The policy explains the need for buffers and principles behind establishing buffers. The policy also provides guidance for decision-making authorities in considering development or planning proposals in a buffer area. Supported by an endorsed technical analysis, regard should be given to:

- The proximity to the emission source and estimated level of impact and/or risk on the use or development;
- The sensitivity of the proposed use or development to off-site emissions and risk;
- The mitigation measures proposed to be undertaken to reduce the level of off-site emissions or risk, including proposed cleaner production or resources recovery techniques;
- The level of understanding demonstrated by existing landowners as to the potential likely impact (including an acceptance of likely reduced amenity) and/or risk, and the mechanisms proposed to ensure that prospective purchasers or future landowners will be made aware of the likelihood of reduced amenity or potential risk from those impacts;
- The known potential for any increase or reduction in off-site emissions or risk impacts in the future;
- The potential for the proposal to constrain the operation of existing or future industry or infrastructure protected by the buffer;
- Applicable state, regional or local planning statues and policies;
- Advice received from appropriate government agencies;
- Local Government views or submissions made during any public consultation period and any other relevant town planning consideration.

Aboriginal Heritage:

Description

Registered Aboriginal Site 5604
DOODLAKINE

Details

ID
5604

Name
DOODLAKINE

Status
Registered Site

Type
Painting

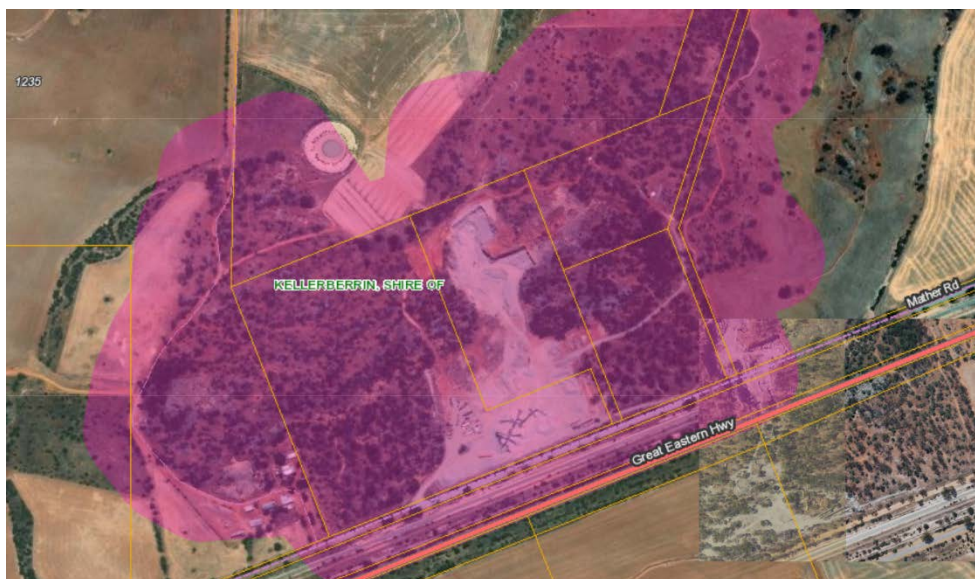
Region
Metro/Wheatbelt

Restrictions
No Gender Restrictions

File Restricted
No

Location Restricted
No



Bushfire Prone Areas Mapping:**STRATEGIC PLAN IMPLICATIONS**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

The proposed development raises several planning concerns that require greater clarity before any decision can be made to approve or refuse the application. Such matters include;

- Aboriginal Heritage on the site; and
- the purpose of the reserve and the impact on surrounding landowners

Therefore, it is recommended that the application be advertised for a period of 28 days. It is also requested that the applicant provide a more detailed site plan that includes; setbacks and clarity surrounding the clearing of vegetation.

STAFF RECOMMENDATION

That Council;

- 1. Advertise the application for 28 days in accordance with Schedule 2, Part 8 Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, seeking comment on the application; and*
- 2. Request a detailed site plan from the applicant showing the entirety of site operations.*