

LUDLOW PARK ROAD

That the Council resolve:

That application DA16/0699 submitted for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.

That Development Approval is issued for the proposal referred to above subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and the following conditions:

General Conditions

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 220,000 cubic metres with a maximum 44,000 cubic metres per annum volume of material has been extracted. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans and Approved Management Plans and except as may be modified by the following conditions.

Prior to Commencement of Any Works Conditions:

3. The development hereby approved, or any works required to implement the development, shall not commence until the owner/applicant has applied for, and obtained, a Permit to Commence certificate from the City. The following plans/details are to be submitted to and approved by the City prior to requesting the issue of a Permit to Commence:
 - 3.1 The northern fork of Ludlow Park Road, indicated in red on the approval plans, to be upgraded for 27 metres as measured from its intersection with Ludlow Road North;
 - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
 - 3.3 A Noise Management Plan submitted to the City.
 - 3.4 A revised Hydrological assessment that includes, but not limited to, in-situ water table monitoring over time, from suitably constructed monitoring bores with known screen depths and stratigraphy, to establish conclusively maximum seasonal groundwater levels (MSGL) at the site of the proposed extraction operations.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this development approval:
 - 4.1 A dust bond to the value of \$5,000.00 which shall be held against satisfactory compliance with Condition 5.11 of this approval.

- 4.2 A rehabilitation bond to the value of \$20,000.00 which shall be held against satisfactory compliance with Condition 5.9 of this approval.
- 4.3 A road maintenance bond of \$40,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost to the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner.
- 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
 - (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
 - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

On-Going Conditions:

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
 - 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
 - 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
 - 5.3 The designated haulage route is to be along the northern fork of Ludlow Park Road turning only south along Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive.
 - 5.4 Trucks are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
 - 5.5 A maximum number of 10 truck movements (i.e. 10 trucks entering and 10 trucks exiting the site) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.

- 5.6 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
- 5.7 The lowest level of excavation shall always be a minimum of at least 300mm above the maximum water table level and no dewatering works are to be undertaken. The City is to be notified within 24 hours if the water table is intercepted.
- 5.8 Further to condition 5.7, the final land surface (after rehabilitation for horticulture) shall be 1 metre above the maximum seasonal groundwater level. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.9 The following minimum setback from extractive activities shall be achieved at all times:
> 20 metres to the south-eastern and south-western lot boundaries;
- 5.10 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.11 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.12 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.13 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.14 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.15 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water.
- 5.16 The applicant must submit to the City, annually and within 3 (three) months of the anniversary of this approval a report detailing the following:
a) Survey conducted by a licensed surveyor certifying;
- The extent/size and location of the area which has been extracted;
- The extent/size and location of the areas which has been rehabilitated;
- The extent/size and location of the area which is currently under operation;
b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.17 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:

- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.7);
- b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.8).