

ALTERNATE MOTION BY COUNCILLOR MULCAHY

ITEM NUMBER: DIS012
ITEM TITLE: INDUSTRY-EXTRACTIVE (GRAVEL), 45720 SOUTH COAST HIGHWAY,
KALGAN

DATE & TIME RECEIVED: SATURDAY 25 MARCH AT 1.32AM

**DIS012: ALTERNATE MOTION BY COUNCILLOR MULCAHY
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a notice of REFUSAL for Industry- Extractive (Gravel), 45720 South Coast Highway, Kalgan for the following reason:

Past approvals for extraction since 1999 have exhausted the life of the existing operation over 18 years. The application for a new operation is not consistent with the objective and guidelines of the City of Albany Kalgan Rural Village Structure Plan which came into effect in 2012.

Councillor Reason:

The Kalgan Rural Village Structure Plan states in 'Key Objectives of the Policy' No. 9:

'Ensure protection of Rural Village amenity and minimise land use conflict.'

In 'Land Uses' the policy states:

- *'In determining applications for discretionary uses listed in the zoning table, the Council shall have regard to the general objectives of the zone, the key objectives and provisions of the Kalgan Rural Village Strategy and the Precincts Document'.*
- *'In order to ensure non-residential uses provide for the protection of rural village amenity the Council will not grant planning consent unless it is satisfied that the proposed use would not have an adverse impact on Rural Village amenity.'*

In 'Development Provisions for Specific Precincts Introduction' it states:

'Sustainable and co-ordinated growth and development is supported. The Rural Village zone allows a range of land uses with the majority being at the discretion of Council. The Council will ensure protection of Rural Village amenity is paramount, as is avoidance of land use conflict.'

'Proposals for subdivision and/or land use changes shall be evaluated against the general Objectives of the zone contained in the Town Planning Scheme and the General and Key Objections and Provisions set out in the Structure Plan Report as well as the requirements specific to the precinct.'

Residents have embraced the Kalgan Rural Village Structure Plan and this has increased the population and construction of homes in the precinct. Residents on Churchlane Road have endured eighteen years of disruptive extractive industry and many newcomers purchased and settled there with the understanding that the extraction was coming to the end of its life and would close. A new operation is not welcomed by residents and its impact on amenity is not consistent with the Structure Plan endorsed by Council. The land use conflict can no longer be managed efficiently and the amenity of the rural village will be adversely affected.

Officer Comment (Executive Director Development Services):

- 1) Mineral resources and the supply of basic raw materials to the agricultural, construction and mining industries are important contributors to economic development in the region. These Raw Materials are used in the construction industry and the activity provides employment opportunities.
 - a. Due to our dependence on these, the resources are being rapidly exhausted and therefore the provision to protect these are vital. Due to the cost of transporting the material, the end cost of the resource is hugely influenced by the travel distance and therefore it is preferable that the resource is sourced close to where it is required.
 - b. The subject lot is zoned Priority Agriculture and an Extractive Industry is a use than can be considered within this zone. The importance of protecting this resource has been recognised within the Kalgan Rural Village Structure Plan, which was endorsed by the WAPC on 28th February 2012.
 - c. Within Appendix A (7.3) of the Kalgan Rural Village Structure Plan the existing extractive industry was recognised and appropriate buffers in accordance with a number of policies and guidelines were recommended to protect this existing use and resource, the amenity and minimise land use conflict.
 - d. The recommend buffers within the Kalgan Rural Village Structure Plan are as follows:
 - For natural gravel and sand extraction a 200 metre buffer is recommended
 - Where crushing is required, the appropriate buffer is 300 metres from a dwelling.
 - e. The closest dwelling is 369 metres from the extraction area and therefore the recommended buffers have been met. In addition to this buffer, staff recommend bunds be constructed to further mitigate dust or noise concerns.
 - f. Subdivision that has occurred on Churchlane Road have had notices on the titles that state that:

“The use of the land above described may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings”.
 - g. Land parcels that have not been subdivided since the establishment of the Kalgan Rural Village Structure Plan do not have these notices, however the Structure Plan document was extensively advertised prior to its endorsement.
- 2) Apart from in September 2016, there have been no complaints received in regards to the existing operation being disruptive. It should be noted that the complaints received last year were not in relation to the extractive industry operation and were in relation to the construction of firebreaks and fencing on the eastern boundary. The noise complaint made in relation to night-time operation was a case of vandalism where the machinery onsite was broken into and started.
- 3) The proposed access will be via an existing crossover which exits the site directly onto South Coast Highway. This is the access point used for the existing operation. As this operation has recently ceased, the truck movements from the site will not increase.
- 4) A site meeting would allow Elected Members a better understanding of how the site would operate prior to making a final decision.