



Shire of Dardanup

Sustainable Development  
Directorate

# APPENDICES

Item 12.2.1 – 12.2.2

## ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 18<sup>th</sup> October 2023  
Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

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- ~ Large Print
- ~ Electronic Format [disk or emailed]  
Upon request.



# **Appendix ORD: 12.2.1A**

Attachments forming part of the  
Development application report Version F are  
provided electronically and Under Separate  
Cover

Tardis link - OCM-R1457112

Hard Copies are available for viewing at the  
Shire of Dardanup, Administration Centre  
1 Council Drive, Eaton.

Our Ref: 22962

28 September 2023

ATTENTION: PLANNING SERVICES

Shire of Dardanup  
PO Box 7016  
EATON WA 6232

Via Email: [cecilia.muller@dardanup.wa.gov.au](mailto:cecilia.muller@dardanup.wa.gov.au)

Dear Cecilia,

**RE: DAP-F0293586| PROPOSED EXTRACTIVE INDUSTRY AT LOT 81 MARGINATA CLOSE, CROOKED BROOK**

Further to our recent correspondence in relation to the above application, please find attached revised Development Application plans.

The main reason for the changes to the plans stems from the fact that some of the vegetation onsite was previously proposed to be removed and is now to be retained. The plans have therefore been updated to include:

- Identifying the additional vegetation to be retained;
- Updating the proposed stages of excavation works (with a 20m offset to the retained vegetation); and
- Updating the post extraction rehabilitation plans in line with the new stages of works.

We understand that with the lodgement of these revised plans, the proposal can be presented to the October Council meeting. We look forward to this and the Shire's determination and approval of the proposed extractive industry.

Yours faithfully,



Sebastian Bolhuis  
Director/ Licensed Surveyor  
**Harley Dykstra Pty Ltd**

E-mail: [SebastianB@HarleyDykstra.com.au](mailto:SebastianB@HarleyDykstra.com.au)

**BUNBURY**

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Albany

Bunbury

Busselton

Forrestdale

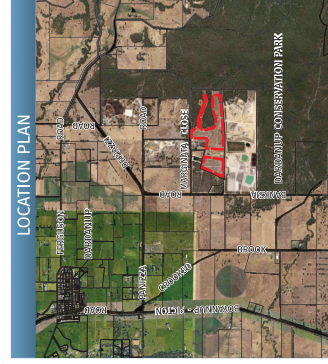
Perth

[www.harleydykstra.com.au](http://www.harleydykstra.com.au)

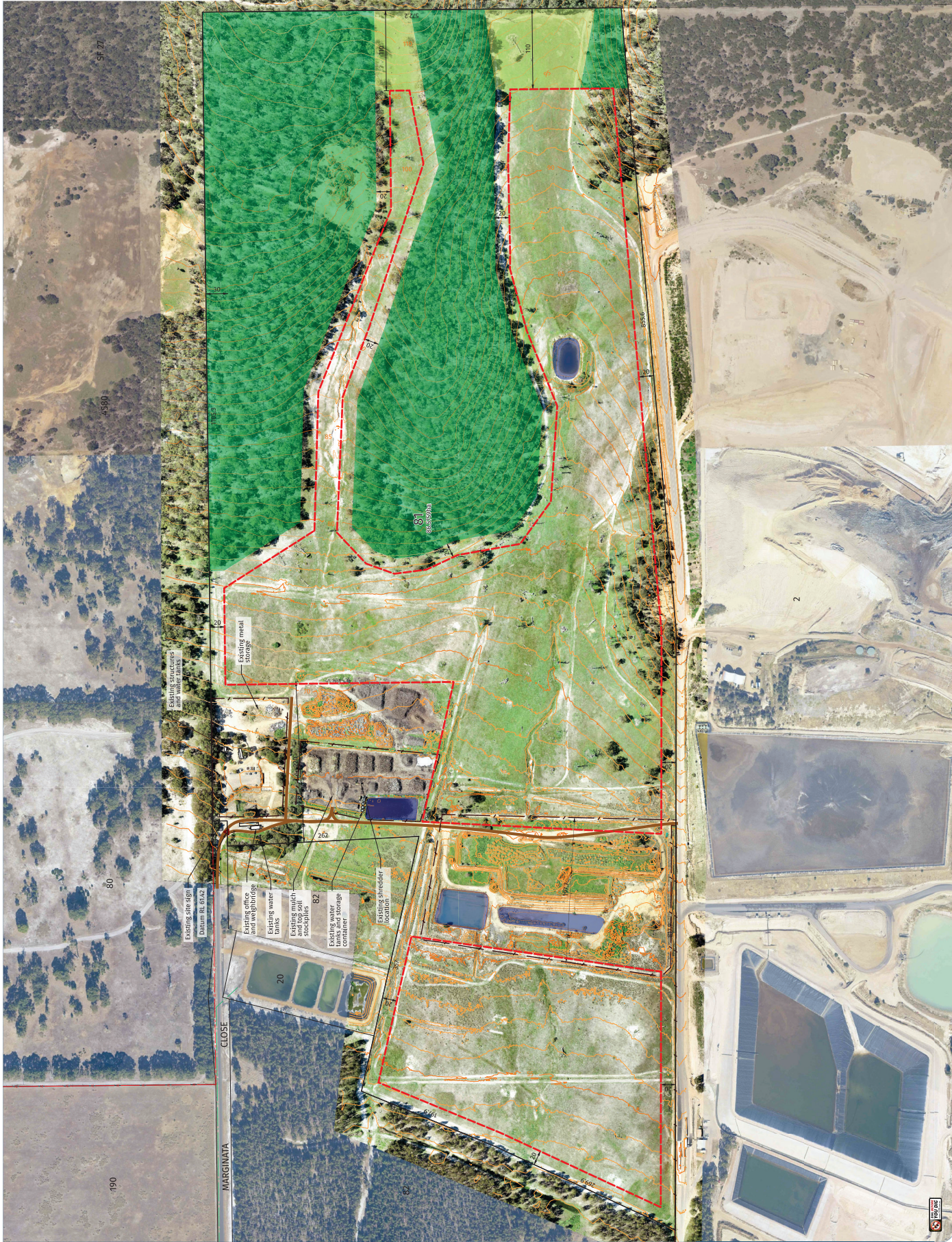


FS 536019





(Appendix ORD: 12.2.1B)

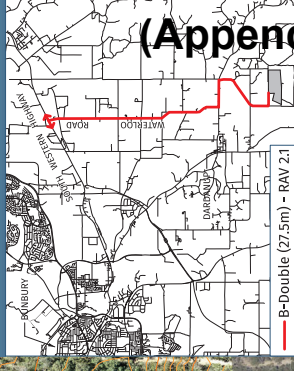


LEGEND

- Extractive License Extent (37.2191a)
- Existing Vegetation to be Retained
- Vegetation Planting
- Existing Stormwater Basin
- Datum
- Existing Haulage Route
- Existing Fencing
- Overhead Electricity (DBVD)
- Retculated Sewer (DBVD)

Note: Aerial Image and Contours captured on 20/08/2019





## Extractive License Extent (37 219ha)

Extraction Stage

Ten Coil Cables, Inc.

top soil stockpile

Extracted Gravel/Laterite Stockpile

### Existing Stormwater Basin

Datum

0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
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S  
T  
U  
V  
W  
X  
Y  
Z

Ultimate Internal Haulage Route  
Staged Haulage Route

Existing Fencing

Proposed Fencing

Overhead Electricity (DBYD)

Reticulated Sewer (DBYD)

Note: Aerial Image and Contours captured on 20/08/2019



Harley Dykstra

## PLANNING & SURVEY SOLUTIONS

Plan No. | 22962-01 BUNBURY OFFICE

Date	27/09/23
Drawn	BdR

Checked	LB
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W: [www.harleydykist.com](http://www.harleydykist.com)

REVISION | C | ALBANY | BUNBURY |

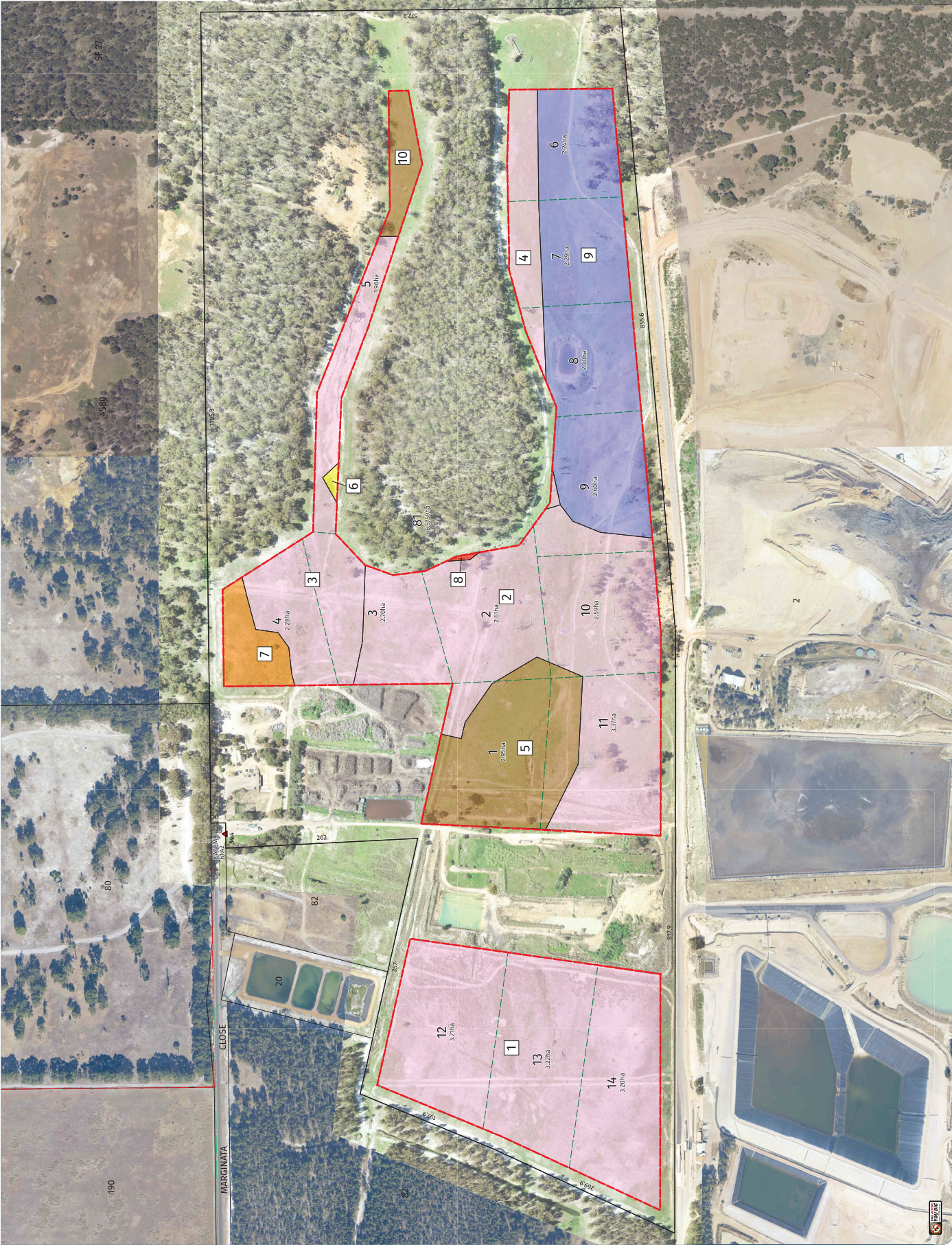
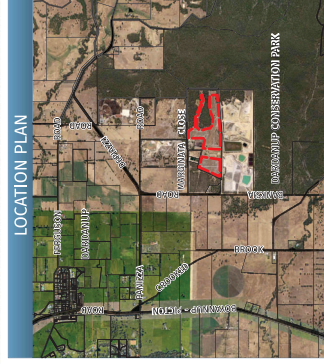
Scale | 1:2500 @ A1

NOTE: This plan has been prepared for planning purposes. Areas, Contours and

# EXCAVATION WORKS PLAN

Lot 81 Marginata Close,  
CROOKED BROOK





(Appendix ORD: 12.2.1B)

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Extractive License Extent (37.219ha)

Datum

1 Material Area

— AE —

— \$ — Reticulated Sewer (DBYD)

Note: Aerial image captured on 20/08/2019  
Material Evaluation data from WML report 01/  
Volumes in bank cubic metres (bcm)

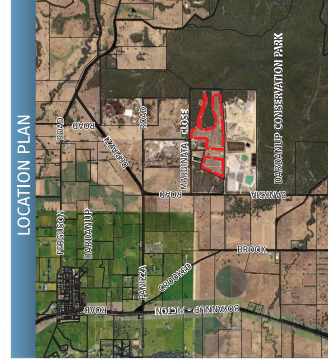
MATERIAL TYPE

Laterite Cap	Orange Sand	Pale Grey Sand	Sand with Clay/Silt	Sandy Gravel/Laterite/Clay	Yellow Sand
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## YIELD SUMMARY

Material Area	Material Type	Area (m <sup>2</sup> )	Average Depth (m)
1	Pale Grey Sand	96,272	1.3
2	Pale Grey Sand	100,824	1.2
3	Pale Grey Sand	37,364	1.2
4	Pale Grey Sand	14,399	1.2
5	Pale Brown Sand	35,916	0.9
6	Yellow Sand	576	0.9
7	Orange Sand	9,057	1.1
8	Hard Laterite Cap	217	1.1
9	Sand with Clay/Silt	70,768	1.1
10	Sandy Gravel/Laterite	6,614	1.1





# (Appendix ORD: 12.2.1B)



## NOTES

- Rehabilitation:
- a) All batters no greater than 1 in 6.
  - b) Rehabilitation to occur progressively as stages are excavated and typically in the same order as extraction. As each stage is excavated and the next stage is commenced, then rehabilitation is to follow.
  - c) Staging of rehabilitation is to be undertaken in accordance with the above plan. Rehabilitation of stages is to be complete within 6 months of ceasing extraction works within the stage footprint.
  - d) Finished extraction areas are to have 100mm of soil and seeded with species indicated in the species key.
- Planting:
- a) Areas are to be seeded at a rate of at least 1 kilogram of seeds per 100m<sup>2</sup>.
  - b) Seeded areas are to be watered at least once per week for a period of 6 weeks, or until established.
  - c) Pasture areas are to be watered at least once per week during the months of November-March.

Persons Responsible:  
Jim Zheng  
Project Manager of J&P Group  
08 9725 5050  
jim.z@jppgroup.com.au

## LEGEND

- Extractive License Extent (37.219ha)
- Rehabilitation Stage
- Existing Contours
- Proposed Extraction Contours
- Proposed Fencing
- Overhead Electricity (DBVD)
- Recirculated Sewer (DBVD)

## Species Key

Grasses for pasture  
Lolium glomerata,  
Phalaris aquatica,  
Poa annua,  
Bromus catharticus

## POST EXTRACTION REHABILITATION PLAN

Lot 81 Marginata Close,  
CROOKED BROOK

Plan No. | 22902-03  
Date | 27/09/23  
Drawn | BDR  
Checked | LB  
Revision | D  
Scale | 1:2500 @ A1  
NOTE: This Plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey.

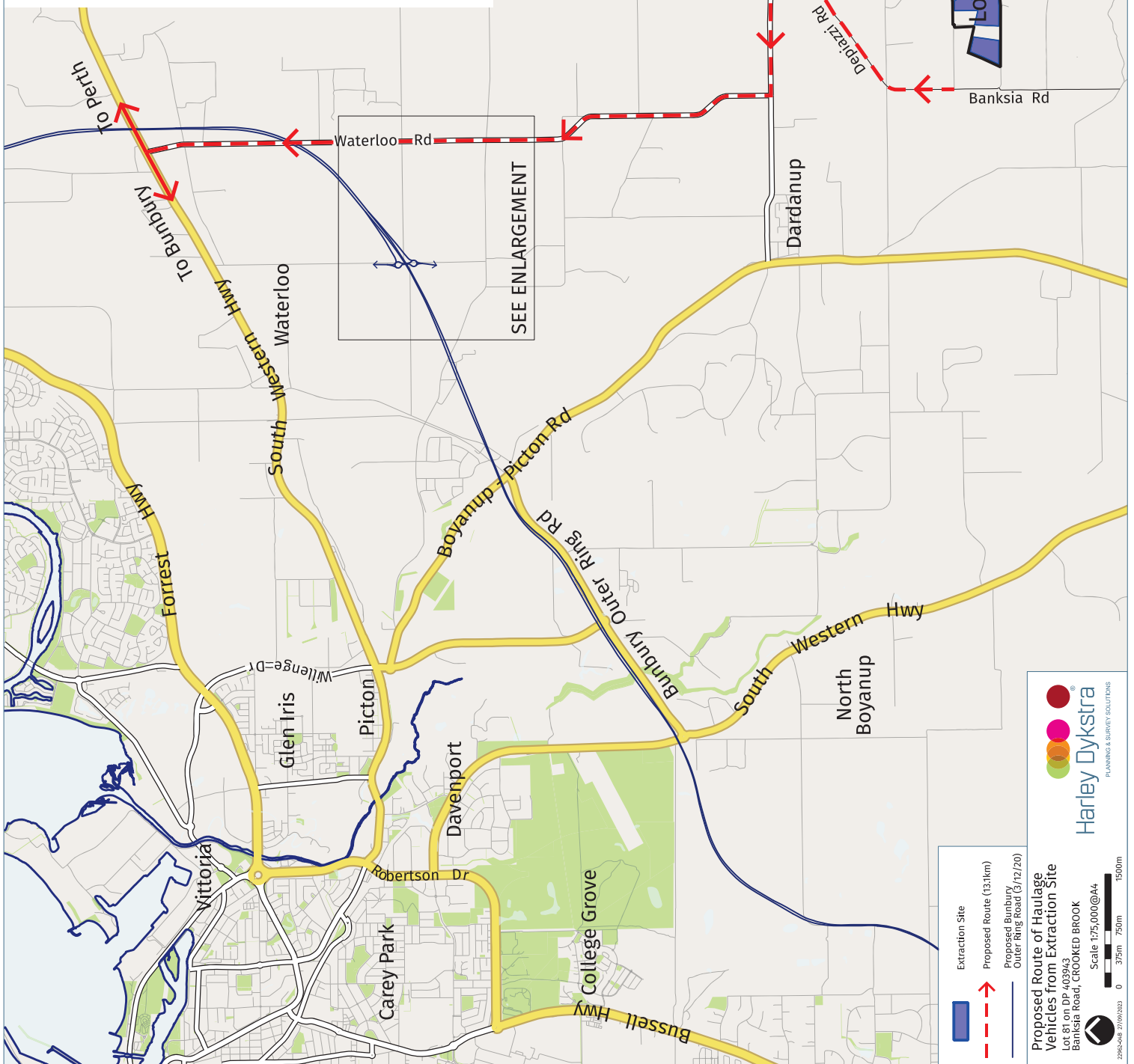
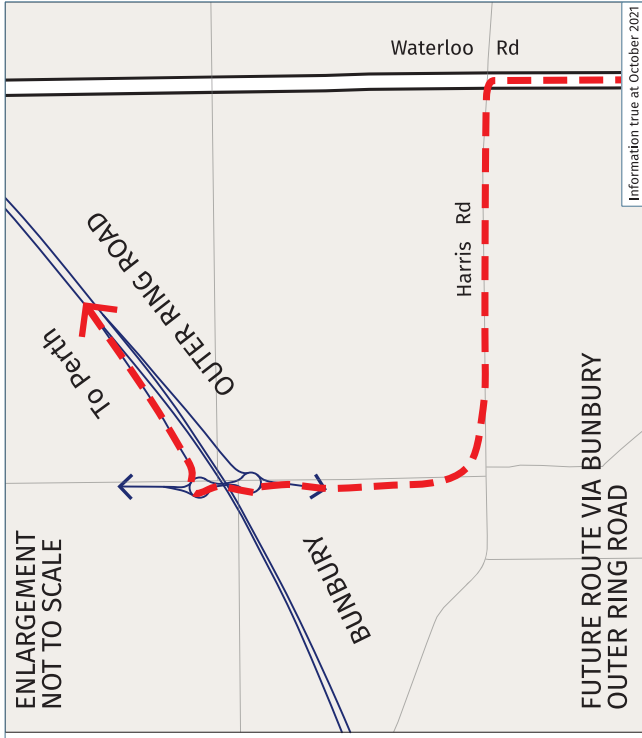
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Harley Dykstra  
PLANNING & SURVEY SOLUTIONS



# (Appendix ORD: 12.2.1B)



Mr Andre Schonfeldt  
Chief Executive Officer  
Shire of Dardanup  
PO Box 7016  
Eaton WA 6232  
4/11/2022

Dear Andre,

**Submission – Gravel Extraction Application - Lot 81 Marginata, Crooked Brook**

I am opposed to the gravel extraction application for the above for the following reasons.

The offsets proposed do not represent the environmental loss of native vegetation from 10.75ha of clearing at Lot 81 Marginata Close. This native vegetation on Lot 81 Marginata Rd adjoins the Dardanup Conservation Park containing threatened flora and fauna so any adjoining native vegetation is of high value. The offset 1 is a swamp in Picton, Lot 2148 Ferguson Rd already has plenty of native vegetation in the area due to the proximity to the Wellington Forest and the offset 3 will take many years to be established for use by the threatened flora and fauna and there is little evidence of how this vegetation will be established and cared for into the future in the report.

The native vegetation on Lot 81 currently provides a valuable buffer to the Dardanup Conservation Park. The threatened flora and fauna in the Conservation Park is offered some protection from light from the towers, dust, litter and noise. Without this vegetation there is nothing to protect the threatened flora or fauna and in fact the plants and animals will be very exposed to all of these elements.

The accumulated noise from Lot 2 Banksia Rd where landfill, gravel and sand extraction operations are taking place must be taken into consideration as the noise from Lot 81 Marginata is going to compound the noise problem that we as neighbours of this area are experiencing. As we have lived here since 1988 it is not acceptable in a rural environment.

The visual aspect of Lot 81 Marginata needs to be considered as already neighbours and the town of Dardanup are exposed to visual pollution from this area which will include Lot 81 Marginata if allowed to operate for gravel extraction.

The truck movements resulting from the gravel extraction from Lot 81 Marginata will exacerbate the problem the locals are already encountering with increased truck movements along Depiazzi, Dowdells Line, Ferguson Rd and through the town of Dardanup. The trucking movements do nothing to encourage tourists or cyclists into the area.

Yours sincerely

Jill Cross

[REDACTED]

[REDACTED]



Dardanup Environmental Action Group Inc.  
deaginc@gmail.com P.O. Box 205 Dardanup WA 6236

Development Assessment Panels Secretariat  
c/- Andre Schonfeldt  
Chief Executive Officer  
Shire of Dardanup  
PO Box 7016  
Eaton WA 6232  
submissions@dardanup.wa.gov.au

31/10/2022

Dear Mr Schonfeldt,

**Submission: Application for development Approval and licence – Extractive Industry (Sand and Gravel) Lot 81 Marginata Close, Crooked Brook**

The DEAG is an association of members in the Dardanup community that aims to maintain, preserve, and improve the community's quality of life and to protect and conserve Dardanup's natural environment.

Of great concern to the community is the application to clear approximately 11 ha of vegetation on Lot 81, adjoining the Dardanup Conservation park, prior to the commencement of sand and gravel extraction. Until the assessment of the Clearing Application by DWER, no planning approval should be contemplated by Dardanup Council.

This submission seeks to delineate that the objectives of the proponent's Environmental offset Report, *'to mitigate significant and unavoidable adverse environmental impacts by a positive environmental gain, with the inspirational goal of 'net environmental benefit'* is ludicrous.

The Harley Dykstra Report and Accento Offset Report identify differing areas for the extraction proposal. Accento clearly states that there is no option other than the vegetated area for extraction due to the low resource values outside of the 11ha vegetated area. The Harley Dykstra report identifies areas of sand outside of the vegetated area.

Even if approval is sought for sand and gravel extraction for the area outside of the vegetation footprint, with appropriate buffers to protect the remnant vegetation, there are planning issues which require review and consideration before planning decisions are made

Our submission in opposition to the Development Application are set out below.

The Development Application is inconsistent with:

*Schedule 2, Part 9 - Clause 67, Procedure for dealing with applications for development approval, Deemed provisions for local planning schemes Consideration of application by local government subclause 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

**Compatibility and Character of the setting – Environmental Impacts**

*Clause (1) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*



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deaginc@gmail.com P.O. Box 205 Dardanup WA 6236

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

1. The extractive industry footprint identifies removal of 11.01h of vegetated bush on Lot 81 containing Regionally significant species of remnant bushland endemic of the Whicher Scarp which contains endangered species of flora and fauna.

2. The Accento Offset Report does not acknowledge or address the value of rare flora which will be affected by this proposal or the significance of the remnant habitat.

*Floristic Survey of the Whicher Scarp – BJ Keighery 2008.*

This Report for Dept of Environment and Conservation identified the high biological diversity of the North Whicher Scarp: Dardanup Conservation Park.

This report concludes:

- a) *The remnant vegetation has been overestimated.*
- b) *It is recommended that the significance of the Dardanup Conservation Park is such that the boundaries should be expanded.*

*'The findings described in this report (section 5.1), have established that the Whicher Scarp is an area of outstanding flora values. The values described for the proposed 'Whicher Range reserve' (Figures 4 and 5) in the System 1 (CTRC 1974 and DCE 1976) area are a characteristic of the entire Whicher Scarp'*

This Report for Dept of Environment and Conservation identified:

*53 significant declared rare flora taxa (species, subspecies and varieties) listed for WA.  
2 internationally (IUCN) listed taxa which were critically endangered  
1 internationally (IUCN) listed taxa endangered  
4 internationally (IUCN) listed taxa vulnerable  
3 commonwealth(COM) listed taxa endangered  
3 commonwealth(COM) listed taxa vulnerable*

3. Department of Parks and Wildlife have recorded threatened fauna, recorded within the park which would, logically, also be found in the proposed extractive industry footprint, as it is congruent to the Conservation Park. These include:

- a. *South western brush tailed phascogale*
- b. *South western brown bandicoot*
- c. *Forest red-tailed black cockatoo*
- d. *Carnaby's cockatoo*
- e. *Western ringtail possum*
- f. *Western quoll*

4. Accento's Offset Report calculations are disputable and deficient as they are based only on a fauna tree habitat survey conducted by Harewood (2021) Fauna Assessment which only addressed the impacts on black cockatoos. References to the other recorded threatened fauna species are omitted from their calculations.

5. Accento's report acknowledges the Offset Application will result in the loss of 16.81ha of black cockatoo habitat. The management strategy also acknowledges the necessity for fauna adding to habitat pressures on the park.

*the 10.76ha will be cleared progressively over approximately five years...clearing will commence in a west to east direction, which will enable fauna to naturally disperse into the adjoining Dardanup Conservation Park.*





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For numbers of threatened fauna to grow it is vital that habitat increase, not be bulldozed. It appears very shortsighted to assume that just because trees are not presently being used for nesting that they will not be in the future, particularly as anecdotal information indicates that large numbers of cockatoos are being observed in the park. The habitat of other species should also be considered.

6. Accento is incorrect in claiming that no pockets of isolated remnant native vegetation will be created. Figure 1 identifies areas to the north along the boundary that will lose connectivity with the Conservation park.



**Figure 1: Lot 2 Banksia Road context**

### **Environmental Protection Act Pt V Division 2**

1. While it is acknowledged that the environmental assessment for clearing of Lot 81 will be done by DWER and EPA under Pt V or Part 1V of the EP Act. The CEO, in deciding about a clearing permit application under section 51O of the EP Act, shall have regard to the clearing principles contained in Schedule 5 of the EP Act so far as they are relevant to the matter under consideration.
2. This proposal does not meet the following requirements of:  
*A guide to the assessment of applications to clear native vegetation Under Part V Division 2 of the Environmental Protection Act 1986, December 2014*



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deaginc@gmail.com P.O. Box 205 Dardanup WA 6236

- *Principle (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.*
  - *Principle (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.*
  - *Principle (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora*
  - *Principle (d) Native vegetation should not be cleared if it comprises the whole or a part of or is necessary for the maintenance of a threatened ecological community.*
  - *Principle (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.*
3. The offsets proposed are not representative of the value of remnant vegetation of Whicher Scarp, which is an identified and proclaimed Conservation region for a reason. Degraded swamp land and a bush block in the Darling Scarp do not offset the loss of the vegetation congruent with the Conservation Park. Excavation activities and associated noise and dust would further compromise the habitat and increase stress on fauna and flora in the vicinity.
  4. The clearing does not comply with EPBC Act Offset Policy
    - a. Direct offsets are defined as those actions that provide a measurable conservation gain for the impacted protected matter.
  5. Accento calculations to determine the acceptability of the proposed offsets are flawed as they do not weigh the value of 53 *significant declared rare flora taxa* flora and threatened fauna species utilising the habitat.

### State Planning Policy 2.4 Extractive Report

1. The Accento report states *that the proponent has considered alternative locations for the proposed action within Lot 81 but states that the gravel resource is restricted to the nominated footprint. Previously cleared areas of Lot 82 do not contain sufficient resource.*
2. The material on the vegetated site is shown (Areas 11 and 12) as sandy gravel/ Laterite/ Clay. Diagram 9002-G-003 shows this area. It is not an appropriate site on planning and environmental grounds.
3. The report states:

*The two vegetated east west ridges contains about 180,000bcm of loose gravel, cobbles, boulders and cemented laterite gravel that if crushed, blended and processed using dozers and screens would produce a low value strong sandy gravel material that is overfull in fines. This material is unlikely to meet local basecourse specifications used by Main Roads and Local Government for pavement construction.*

The stated purpose of the report, to provide planning justification for this proposal which has significant environmental impacts on threatened pockets of threatened flora and fauna is not supported by the extractive report.

The objectives of the GBRS MP are not met by this proposal as it is not of a suitable quality to enable regionally significant projects to be supported by locally sourced resources. Based on this report this is not a regionally significant geological supply.
4. State Planning Policy 2.4 seeks to enable the responsible extraction of BRM while ensuring the protection of people and the environment. The following clauses are not met by the proposal.



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deaginc@gmail.com P.O. Box 205 Dardanup WA 6236

- a. Provide guidance to facilitate the planning of BRM extraction from sites, where such extraction **is considered appropriate on planning and environmental grounds.**
- b. Ensure that the use and development of land for extraction of BRM, during and after extraction avoids, **minimises and mitigates detrimental impacts on the community and environment, including water resources and biodiversity values**

### Compatibility and Character of the setting – Amenity

#### 1. Water resources

SPP 2.5 Section 4 Policy Objectives includes the following clause;

*(g) protect and sustainably manage environmental, landscape and water resource assets.*

- Harley Dykstra claims specialist consultants have been engaged to monitor and model the groundwater below the subject site.  
However, the hydrogeology of the area is complicated and not fully understood (Golder 2015). The proponents fail to explain that the monitoring bores were neither located or constructed according to the licence, and this has only now been rectified. Therefore, there are no meaningful water testing results as these bores failed to separate aquifers and were generally inadequate (Golder 2015). The data collected to date can provide no meaningful analysis as to the impact on the quality of the groundwater aquifers and the claims made by the proponent should be considered as spurious.
- Issues of contamination from past activities need additional investigation.

#### • Social Amenity

- *(n) the amenity of the locality including the following —*
- *(iii) social impacts of the development;*

##### Noise Accumulation.

The sheer amount of noise and duration of impacts has grown to the point where Planners must consider whether this site is compatible with the values of a rural environment as per planning considerations. The proposal is located on the ridge and the volume of noise from the two sites owned by JP Group – Lot 2 and Lot 81 is unacceptable in a rural environment and adjoining a Conservation Park.

- **Visual Impacts**

The proponent's report underestimates visual pollution and does not consider the visual impacts from more elevated locations. The effect of any additional visual impacts of expansion on this highly sensitised and frustrated community need to be considered by planners.

- **Truck Movements**

- Since the closure of Stanley Road Refuse Site there has been a very significant increase in heavy truck movements along local roads, including Crooked Brook Rd, Dowdells Line and Ferguson Rd in addition to Waterloo Rd. This traffic increase is already causing conflict with local and tourist traffic, cyclists, car rallies etc. The truck movements which would be generated by the proposal will exacerbate an already untenable situation and impact tourist planning opportunities.

**DF & RA Birch Submission: Application for development Approval and licence – Extractive Industry (Sand and Gravel) Lot 81 Marginata Close, Crooked Brook.**

We wish to oppose the granting of the above application to extract gravel at Lot 81 Marginata Close Crooked Brook.

We fully support the objections made by the Dardanup Environmental Action Group in their submission and wish our objection to be read in conjunction with the DEAG submission.

In particular, we believe

1. This application must be refused until a clearing permit is issued not granted subject to a clearing permit being issued. We believe any granting of the development will give undue support to the clearing application.
2. The Shire must take into consideration the major impact to the social, future and economic amenity that development in this area has had on of the residents of Dardanup and not allow future development to expand these impacts. It must give weight to the zoning of the land (Rural) and rule that just because something maybe allowed within that zoning under other clauses it doesn't mean that it should be allowed if it has major impacts to the surrounding community.
3. The application has failed to prove that the resource is of enough significant value to the region to justify the loss of valuable remnant vegetation. The offsets offered are of poor quality and greatly under estimate the value of the remnant vegetation on the property.
4. The Shire should not only refuse this application but vigorously oppose the clearing application before the EPA to help preserve the heritage of the flora and fauna and the social amenity of the area.

David & Raelene Birch

[REDACTED]  
[REDACTED]

**Ella Rafferty**

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**From:** Submissions Planning  
**Sent:** Thursday, 3 November 2022 12:38 PM  
**To:** Melanie Young  
**Subject:** FW:

**From:** Josef Hilzensauer <[REDACTED]>  
**Sent:** Thursday, 3 November 2022 11:28 AM  
**To:** Records <[records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au)>  
**Subject:**

**⚠ CAUTION:** This email originated from outside the Shire of Dardanup.  
Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

Lot 81 extraction let Lt be stated that the destruction of natural habitat got to stop totally unacceptable those days got to be finished better solutions got to be implemented without delay please brain's and balls gentlemen get it together close that pit down



**Ella Rafferty**

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**From:** Val <[REDACTED]>  
**Sent:** Monday, 24 October 2022 6:43 PM  
**To:** Records  
**Cc:** Submissions Planning  
**Subject:** Public Submission for Development Application for a Extractive License on Lot 81 Marginata Close, Dardanup.

**⚠ CAUTION:** This email originated from outside the Shire of Dardanup.  
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Mr. Andre SCHONFELDT CEO , Councillors and Whom it may Concern.

Public Submission ;

We wish to submit a submission to address the concerns of this Extractive License application.

Firstly we are dismayed that most of the reports that are in this Development Application are very much in line with reports and Companies that are dealing with and referring to Cleanaway Solid Waste Ltd on the adjoining Lot 2 Banksia road.

This proponent should be more Independent in its application , we believe.

We object to the Development Application.

This is put forward when there is the Shire of Dardanup LPS 9 still before the EPA , so many items in this DA such as Zoning are important decisions that may change soon.

The importance of many factors that will turn this Lot 81 , Marginata Close , Crooked Brook into a large noisy , dusty , busy visually terrible Industrial site and it has a real chance of destroying the farmland that we so want to protect.

DWER have noted in Appendix M that this site is Potentially contaminated and still do in the Basic Summary of Records.

The staging of extraction is not noted , so at anytime this area if given the red light the Proponent could ramp up extraction sooner than expected.

Will the Shire insist on a recorded schedule to exist so that the Shire can implement strict Non compliance rules if this schedules is compromised?

The clearing to the East boundary is too close to the Dardanup Conservation Park.

How can this area to be cleared not impact on the native Fauna and Flora?

The close proximity of Lot 2 , Cleanaway Landfill and the Height that they are going to achieve on this site should ring alarm bells. On one site they are Extracting material and on the adjoining site they are building a mountain of rubbish.

Can these two sites Co-Exist Side by Side SAFELY?

We are very concerned that eventually these two hideous scars on our Beautiful scarp will turn into One regretful eyesore , that has a potential to ruin our whole area.

Regards, Andrew and Valerie Brandstater. [REDACTED]

Sent from [Mail](#) for Windows

Your ref: DAP-F0293586

Our ref: 49221 2022/001879

Enquiries: Tracy Teede

Phone: 9725 4300

Email: [swlanduseplanning@dbca.wa.gov.au](mailto:swlanduseplanning@dbca.wa.gov.au)

Chief Executive Officer  
Shire of Dardanup  
PO Box 7016  
EATON WA 6232

Attention: Melanie Young

## EXTRACTIVE INDUSTRY (GRAVEL & SAND EXTRACTION) – LOT 81 MARGINATA CLOSE CROOKED BROOK

I refer to your letter dated 6 October 2022 seeking the Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Service's comments on an extractive industry application for the above location.

Parks and Wildlife Service's South West Region provides the following advice.

### Advice to Shire

The Dardanup Conservation Park (DCP) and the Boyanup State forest adjoin the Lot 81 eastern and north-eastern boundaries respectively, which are managed by DBCA. There should be no impacts from the proposed extraction works on the biodiversity values and management of the DCP and State forest.

The Lot 81 eastern native vegetation is contiguous with, and provides a buffer to the DCP in addition to having significant conservation values.

### Biodiversity values

The Lot 81 bushland is located within the Whicher Scarp, which is an area known to contain significant biodiversity values. The Lot 81 bushland is considered to be in Very Good or better condition and contains the Whicher Scarp (WCv) vegetation complex that is considered to be poorly retained, with only 574ha of the pre-1750 extent remaining. This is below the recommended 1500ha threshold for the retention of remnant vegetation.

The following Priority flora species have been located either close to the Lot 81/DCP boundary, or within 1.1km of Lot 2.

*Logania wendyea* (P1)  
*Stylidium perplexum* (P1)  
*Gastrolobium whicherensis* (P2)  
*Lomandra whicherensis* (P3)

*Synaphea polypodioides* (P3)  
*Acacia semitrullata* (P4)  
*Acacia flagelliformis* (P4)  
*Chamelaucium sp. Yoongarillup* (P4)

The application did not include any Lot 81 flora and vegetation survey information for the proposed extraction area. DBCA considers the provision of Lot 81 flora and survey information

**South West Region**

PO Box 1693, Bunbury, Western Australia 6230  
Phone: (08) 9725 4300 Email: [bunbury@dbca.wa.gov.au](mailto:bunbury@dbca.wa.gov.au)  
[dbca.wa.gov.au](http://dbca.wa.gov.au)

as being critical for the evaluation of potential impacts and offsets for this proposal and recommends that a detailed Level 2 flora and vegetation survey for Lot 81 be provided to assist the assessment of this proposal.

The Lot 81 native vegetation provides habitat for threatened black cockatoos and western ringtail possums (WRP). Black cockatoos and WRP are listed as threatened species under the *Biodiversity Conservation Act 2016* (BC Act) and the *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act).

WRP are listed as critically endangered under both the BC Act and the EPBC Act. Other fauna of conservation significance that are likely to use the site include quenda and south-western brush-tailed phascogales.

### Clearing permit

Section 2.2 of the Harley Dykstra *Development Application* (2022) refers to the applicant applying for a Department of Water and Environmental Regulation (DWER) clearing permit. DBCA expects that the environmental values that are likely to be impacted by the proposed sand and gravel extraction will be adequately considered through the assessment of the clearing permit, through which DBCA may provide advice to DWER.

The Harley Dykstra *Pre Extraction Site Plan* (Revision A, October 2021) (PESP) depicts areas of vegetation to be retained and the Harley Dykstra *Excavation Works Plan* (Revision B, March 2022) depicts the location of top-soil stockpiles.

Irrespective of the outcome of the DWER clearing permit assessment, DBCA recommends there be a demarcated buffer between the proposed extraction area, stockpiles and associated works, from the retained bushland. The purpose of a buffer to the retained bushland would be to prevent accidental vehicle encroachment and/or damage to the adjacent vegetation.

### Revegetation

The PESP depicts proposed vegetation planting areas adjacent to the DCP boundary.

If the proposal proceeds as proposed and buffer planting is required adjacent to the DCP boundary, DBCA seeks to be consulted on the revegetation management plan, including details of the proposed species planting list, to ensure the planted vegetation is consistent with the biodiversity values of the adjoining DCP. It is presumed, but not stated, that the management plan is to be prepared and implemented by the proponent.

### DBCA-managed land

There should be no direct or indirect impacts, including surface run-off, drainage, erosion and/or *Phytophthora* dieback spread from Lot 81 into the adjacent DCP and State forest, and bushland within the property that is proposed to be retained. Surface water run-off and drainage from within Lot 81, should be contained and managed within the planned disturbance areas.

### Federal referral

The proposed extractive industry works will involve likely impacts on Matters of National Environmental Significance as listed under the EPBC Act. The proponent should investigate the need for approvals under that Act.

An Accendo Australia, June 2022, *Environmental Offset Proposal*, was provided with the proposal to offset the proposed clearing of native vegetation, but there is no detailed flora, vegetation and fauna surveys for the site to be impacted by the proposal, for assessment and comparison with proposed offsets.



## **(Appendix ORD: 12.2.1D)**

DBCA suggests that Shire of Dardanup development approval is not provided until after the decision of the DWER clearing permit to ensure any allowed clearing in the development design, and the suitability of proposed offsets, have been determined by DWER and the DCCEEW.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife Service South West Region office on 9725 4300 if you have any queries regarding this advice.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Ennis', written in a cursive style.

Aminya Ennis  
Acting Regional Manager  
Parks and Wildlife Service

2 December 2022



Government of Western Australia  
Department of Mines, Industry Regulation and Safety  
Resource and Environmental Regulation

Your ref DAP-F0293586  
DAP-R1146604  
Our ref A0111/202201  
Enquiries Steven Batty — 9222 3104  
Steven.BATTY@dmirs.wa.gov.au

Melanie Young  
Senior Planning Officer  
Shire of Dardanup  
Sent by Email — Melanie.Young@dardanup.wa.gov.au  
Eaton WA 6232

Dear Melanie Young

**APPLICATION FOR DEVELOPMENT - EXTRACTIVE INDUSTRY - LOT 81 MARGINATA  
CLOSE CROOKED BROOK - SHIRE OF DARDANUP**

Thank you for your letter dated 06/10/2022 inviting comment on the application for development of an Extractive Industry for sand and gravel at Lot 81 Marginata Close Crooked Brook, Shire of Dardanup.

The Department of Mines, Industry Regulation and Safety (DMIRS) has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comment.

- There is a 1.88% encroachment on granted E 70/3587. The holder Doral Mineral Sands Pty Ltd, was contacted 09/11/2022 but has not responded.
- There is a 41.22% encroachment on granted M 70/83 and a 21.07% encroachment on granted M 70/89. The holder Cable Sands (W.A.) Pty Ltd, was contacted 09/11/2022 but has not responded.
- The lack of response would typically suggest there are no concerns. As the current sand operation to the south is well established and it is assumed reasonable communication is active between the various companies working in this area this is our interpretation at this time.

DMIRS lodges no objections to the above development application.

Yours sincerely

---

Steven Batty  
Senior Geologist  
Mineral and Energy Resources Directorate  
29 November 2022



Your ref:

Our ref: DMO 8352; DER2016/2394

Enquiries: Sharon Gray, Ph 6364 7193

Email: Sharon.gray@dwer.wa.gov.au

Melanie Young  
Senior Planning Officer  
Shire of Dardanup  
PO Box 7016  
Eaton WA 6232

By email [submissions@dardanup.wa.gov.au](mailto:submissions@dardanup.wa.gov.au)

Dear Melanie Young

**DEVELOPMENT APPLICATION – LOT 81 MARGINATA CLOSE,  
CROOKED BROOK**

I refer to your letter dated 6 October 2022 to the Department of Water and Environmental Regulation (the department) regarding an application to the Shire of Dardanup for the proposed development of the above-mentioned lot.

As per the requirements under section 58(6)(b) of the *Contaminated Sites Act 2003* (CS Act), advice is required as to the suitability of the land for the proposed development on Lot 81 on Plan 403943. Lot 81 is currently zoned 'General Farming' under the Shire of Dardanup's town planning scheme however is also indicated as designated for 'waste disposal/processing' and 'strategic minerals' land use area in the current Local Planning Strategy. The department understands that the proposed development comprises extractive industry (sands and gravel).

Under the CS Act, the department classified Lot 81 (formerly Lot 1 Banksia Road), as *possibly contaminated – investigation required* on 28/5/2014 and a memorial (reference number M675552 ML) was placed on the certificate of title.

The classification of Lot 81 was based on the findings from limited groundwater investigations prepared on behalf of the Shire of Dardanup and submitted to the department in 2014. The investigation identified the presence of low pH in groundwater outside the accepted range indicated by the Australian Drinking Water Guidelines (aesthetic), Long Term Irrigation Guidelines and Aquatic Ecosystems – Freshwater guidelines as published in 'Assessment Levels for Soil, Sediment and Water' (Department of Environment and Conservation, 2010) as applicable at that time. The western end of former Lot 81 is located in an area of moderate to low risk of the occurrence of acid sulfate soils which may have previously been disturbed by either the construction of the former landfill, and may be impacting on groundwater quality.

No further groundwater investigation reports for Lot 81 have been by the Shire of Dardanup since 2014. The current proposal submission limits reference to environmental investigations undertaken at the *adjacent* Lot 2 Banksia Road, to the

south of the subject site. Given the uncertainties associated with the current contamination status of Lot 81 the department cannot comment on the suitability of the site for the proposed extractive industries development

Based on available information and given that the development does not represent a change to a more sensitive land use, the department has no objection to the proposed development and recommends that the approval should not include a contamination condition.

Acid sulfate soil risk mapping shows that the western portion of Lot 81 lies within an area identified as having a moderate to low risk of acid sulfate soils occurring within three metres of the natural soil surface, but high to moderate risk of acid sulfate soils beyond three metres below the natural soil surface.

The maximum depth of extraction works is indicated as 4 metres below ground level (bgl) with an average depth of 2.3 m bgl. Groundwater depth has been reported previously to the department for this site as being approximately 2 to 3 m bgl in the western portion of former Lot 81 and between 10 to 20 m bgl in the central- eastern portion of former Lot 81. The current submission provides end of summer bore logs (30 March 2020) for the western end of Lot 81, to a maximum bore termination depth of 2.2 to 2.8 m bgl, indicating a moist soil profile (sand to sandy clay/gravels).

The department considers that there is a risk of groundwater acidification associated with the proposed development works, that may exacerbate existing potential groundwater contamination associated with the former landfill. The proposed development includes excavation of soils greater than 100 cubic metres to a depth of greater than 3 m bgl, having the potential to intercept low/medium/high risk acid sulfate soils and/or groundwater.

As the proposed development works have the potential to disturb acid sulfate soils the department recommends that the following advice note be applied to any approval granted by the Shire of Dardanup:

### **Advice**

Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface and moderate to high risk below 3 metres. There is a risk of groundwater acidification associated with the proposed development works, that may exacerbate existing potential groundwater contamination associated with the former landfill. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works. <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

Please note that this advice relates to potential contamination and acid sulfate soil issues only. You may receive additional advice from other areas within the department.

If you have any queries in relation to the above, please contact Environmental Officer, Sharon Gray, on 6364 7193.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Penny Woodberry', is placed over a light blue rectangular background.

**Penny Woodberry**  
**A/SENIOR MANAGER**  
**CONTAMINATED SITES**  
**Delegated Officer under section 91**  
**of the *Contaminated Sites Act 2003***

23 November 2022



Government of **Western Australia**  
Department of **Water and Environmental Regulation**

## Technical (Review) Report

Advice/Report on Acoustic Assessment Report for the  
Proposed Extractive Industry, Lot 81 Marginata Close,  
Crooked Brook, prepared for the Shire of Dardanup

Department of Water and Environmental Regulation  
November 2022

Department of Water and Environmental Regulation

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November 2022

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### **Acknowledgements**

For more information about this report, contact

Environmental Noise, Department of Water and Environmental Regulation.

## Document control


### Document version history

Version	Date	Description	Author	Reviewer
0.0	18/11/2022	Draft – internal review	JG	PPA
1.0	22/11/2022	Final - Issued	JG	PPA


### Corporate reference

File number and/or name	File owner or custodian
DWERVT11149~1	Land use planning advice

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Signature			Date 22/11/2022

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Position title	Principal Environmental Noise Officer		
Signature			Date 22/11/2022



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## 1. Introduction

This advice was prepared for the Shire of Dardanup in response to a request for comment made to the Department of Water and Environmental Regulation (DWER) dated 6 October 2022, regarding the proposed extractive industry on Lot 81 Marginata Close, Crooked Brook.

## 2. Documentation

In support of this request, the Shire of Dardanup made the following documents available. These documents form the basis of this technical expert advice.

Material / document name	Author	Date
Development Application (Extractive Industry): Lot 81 Marginata Close, Crooked Brook – prepared for J&P Group Pty Ltd (Job No: 22962)	Harley Dykstra Planning & Survey Solutions	12 September 2022
Acoustic Assessment: Extractive Industry – Lot 81 Marginata Close, Crooked Brook – prepared for JP Group (Ref: 25783-3-20062)	Herring Storer Acoustics	1 June 2022

## 3. Background

The proposed operation will consist of the extraction of sand on the western portion of the site and gravel crushing and screening on the eastern portion of the site. The proposed operation hours will be from 0700 to 1800 Monday to Friday (excluding public holidays). Hence, noise emissions levels from the proposed operation need to comply with the daytime assigned noise levels only.

## 4. Advice

DWER's Environmental Noise Branch (ENB) has reviewed the Acoustic Assessment report prepared by Herring Storer Acoustics (HSA) for proposed project, as well as the Development Application document. The proposed extractive industry will be located on Lot 81 Marginata Close, Crooked Brook, the site currently contains the existing Bunbury Harvey Regional Council Organic Processing Facility and Dardanup Waste Transfer Station. The nearest residential premises are located to the west, southwest and northeast of the proposed operation, with the separation distances around 1300 to 2000 m. It should be noted that the *Environmental Protection Authority's Guidance for the Assessment of Environmental Factors* (EPA Guidance 3) recommends a

generic separation distance of 1000 m for an extractive industry with crushing activity. The proposed project obviously has the buffer distance recommended by the EPA Guidance 3 for this type of operation.

The methodology of the noise modelling and assessment conducted by HSA seems appropriate and correct. The predicted noise emission levels and the noise compliance assessment results also seem reasonable and acceptable. ENB would agree that noise emissions from the proposed extractive industry can be managed to comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

Notwithstanding, ENB has identified some technical issues with HSA's report as stated below:

1. The sound power level of 102 dB(A) was quoted for loaders (CAT 980H or similar), which seems too low for such plant. The manufacturer's specification gives 108-113 dB(A) for CAT 980H, depending on the noise reduction package. HSA may need to justify this sound power level used in the noise modelling. It should be noted that as the sound power level of the loader is relatively low when compared with the other sources, such as crusher and shredder, this underestimation will not change the assessment results;
2. The sound power level of 104 dB(A) quoted for the screen (McCloskey S190 or similar), also seems too low for such plant. Manufacturer's published measured noise levels indicate that a sound power level in the range of 117 dB(A) is more appropriate, although the noise levels vary considerably with direction. Although this underestimation will still not change the noise compliance assessment results, it potentially may lead to borderline noise compliance. HSA may need to verify this sound power level used in the noise modelling; and
3. HSA applied a +5 dB penalty for tonality to the modelled noise levels, when assessing the noise compliance with the Noise Regulations. It is noted that the modelled noise emission levels will range between 34 to 38 dB(A) at the neighbouring noise sensitive receivers. ENB believes that it is highly unlikely that noise from the proposed operation is tonal at such levels during the day. However, as there are existing operations on site, noise levels can be cumulative at the receiving locations. Hence, noise emissions from the proposed operation may need to be at least 5 dB below the daytime assigned noise level at the receiving locations, for it not to be 'significantly contributing' to the cumulative noise level that may exceed the assigned noise level. The 5 dB adjustment is more likely required for this purpose, instead of the tonality. Again, this is only a technical issue that does not change the compliance assessment results.

## 5. Limitations

Technical expert advice in any field is subject to various limitations. Important limitations to the advice include:

1. No attempt has been made to verify HSA's noise modelling results with computer modelling.

**DUST ADVICE**

SUBJECT:	EXTRACTIVE INDUSTRY - LOT 81 MARGINATA CLOSE CROOKED BROOK DUST MANAGEMENT PLAN
AQ ID:	1689

**Key points:**

- The recommended separation distances as per EPA GS3 for the various activities that apply to the site are:
  - 300m to 500m for sand extraction
  - 500m for screening works
  - Case by case for hard rock grinding and milling works (no blasting)

DWER notes that for crushing of building material the separation distance is 1000m, which could reasonably apply for this site where crushing of hard rock will be conducted to produce gravel.

- The proponent has indicated that the nearest proponent-identified sensitive receptor is about 800m away from the site boundary. All other receptors are over 1000m away from the site. Some topsoil stockpiles are between 800m to 1000m away from this potential receptor, but most site activities are at least 1000m. Therefore, the risk is considered low.
- There are other dust sources surrounding the site that may impact or contribute to cumulative dust impacts at sensitive receptors. However, given the distances to receptors and that the site is located in a rural area with isolated residences, the risk is considered low.

Further to your technical advice request of 31 October 2022, DWER has reviewed sections of the following documents:

- *Dust Management Plan, Lot 81 Marginata Close, Crooked Brook* (Accendo Australia, September 2020).
- *Development Application (Extractive Industry) Lot 81 Marginata Close Crooked Brook* (Harley Dykstra Planning and Survey Solutions, September 2022).
- *Traffic Impact Assessment, Extractive Industry - Lot 81 Marginata Close, Dardanup* (Cardno (Stantec), January 2022).
- *Extractive Industry Lot 81 marginata close, crooked brook: Acoustic assessment* (Herring Storer Acoustics, June 2022)

Please refer to our statement of limitations regarding this review as shown below.

### Background:

As indicated in the Dust Management Plan (DMP), J and P Corporation (the applicant) is proposing to extract sand and gravel from an 80-hectare (ha) extraction area (herein referred to as the extraction area) located on Lot 81 Marginata Close, Crooked Brook. The extraction area is located on the Whicher Scarp adjacent to the western boundary of the Dardanup Conservation Park which forms part of the Dardanup Forest Block. The extraction area is approximately 4 km south-east of the Dardanup town site, within the municipality of the Shire of Dardanup.

It is noted in the Development Application that crushing will be conducted on site.

### Advice:

As per your request for advice, DWER has reviewed the DMP for the proposed extractive industry and provides the following comment:

- As indicated in the Dust Management Plan (DMP) activities at the site will involve sand and gravel extraction. In Section 3.2 of the Development Application states that activities will also involve ripping and crushing of lateritic hardcap and gravel.

The following recommended separation distances are specified, as per the 2005 *EPA Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses* (EPA GS3):

- 300m to 500m for sand extraction
- 500m for screening works
- Case by case for hard rock grinding and milling works (no blasting) – material processed by grinding, milling or separated by sieving, aeration etc.

DWER notes that for crushing of building material the separation distance is 1000m, which could reasonably apply to rock crushing as well.

The proponent has indicated the nearest sensitive receptor is about 800m away from the site boundary (Figure 1 below) although the distance to the dust generating activities on site, such as the crusher are over 1000m away (Figure 2 below). Some of the topsoil stockpiles are between 800m and 1000m from the nearest receptor (Figure 3). However, it is unclear if the identified nearest receptor is a sensitive receptor as per DWER's definition:

*Places where people live or regularly spend time, and which are therefore sensitive to emissions from industry with implications for human health or amenity. They include, but are not limited to, residences, health care establishments, places of accommodation, places of study, childcare facilities, shopping centres, places of recreation, and some public buildings. Commercial, industrial and institutional land uses that require high levels of amenity, or are sensitive to particular emissions, may also be considered sensitive land uses.*

All other receptors are over 1000m from the site. Given the distances to receptors and that the site is located in a rural area with isolated residences, the risk is considered low.





Figure 1 – Distance to nearest potential receptor

The proponent has assessed the risk as low, based on the risk assessment approach in the DEC 2011 dust guideline, *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (DEC, 2011), which DWER considers to be appropriate.

- The dust controls proposed are in accordance with the DEC 2011 dust guideline. Consideration should be given to placing the crushing and screening activities further east of the proposed location shown in Figure 2 below (Figure 4.1 of the Acoustic Report) in order to increase the distance to receptors.





Figure 2 – Site layout



Figure 3 – stockpile locations

- The proponent has utilised wind roses from the Bureau of Meteorology (BOM) meteorology station at Bunbury, however, wind roses from non-coastal sites such as the Wokalup or Jarrah wood BOM sites should be used as these are more representative of the premises location. Further, the DMP contains wind roses



showing only 9am and 3pm average conditions, which are not a reliable indicator of average wind conditions for daily periods, or for periods when emissions occur. It is therefore not possible to comment on assumptions made by the consultant about the prevailing winds.

- There appear to be other dust sources adjacent to the boundary of the site as shown in Figure 4, which could contribute to cumulative impacts. Note that EPA GS3 separation distances do not account for cumulative impacts. This may change the risk profile.

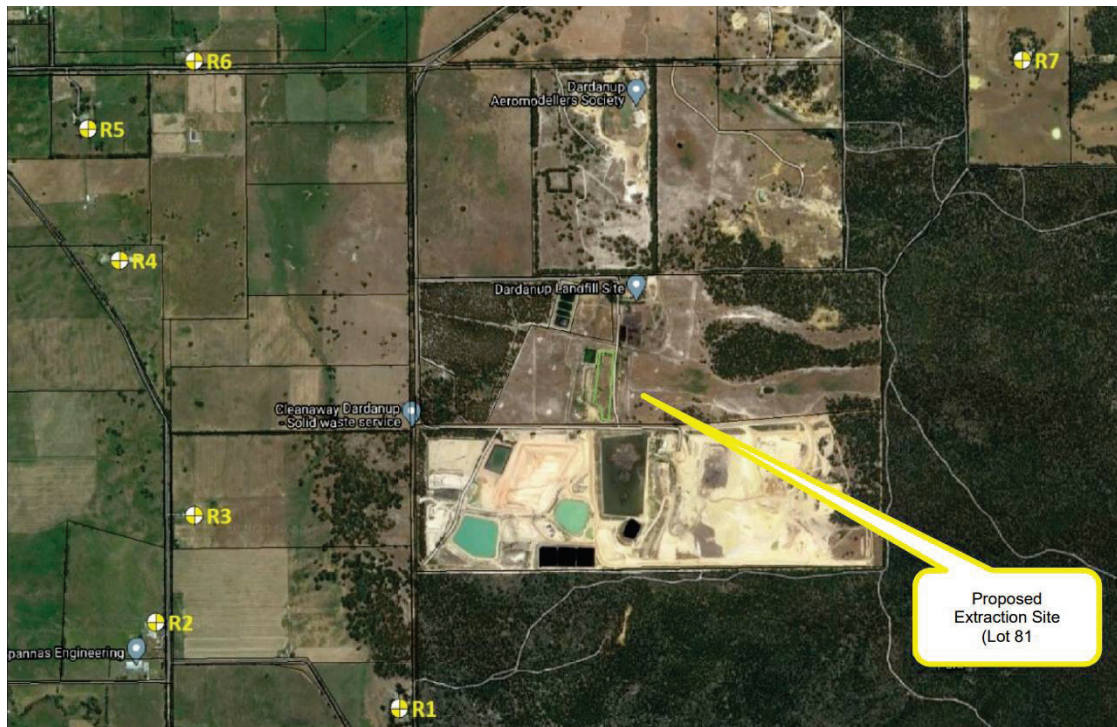


Figure 4 – sensitive receptors and other dust sources around the site

### Limitations of DWER Review

Please note the following important information relevant to the review of this proposal by DWER:

- The pollutant of concern considered by the consultant is dust; and
- DWER assumes that the individuals responsible for dust management are suitably experienced in the techniques proposed to control dust. The success of the dust management strategy depends critically on the competence of the relevant personnel.

## (Appendix ORD: 12.2.1D)

**From:** Daniel Wong <daniel.wong@dwer.wa.gov.au>  
**Sent:** Friday, 25 November 2022 11:32 AM  
**To:** Submissions Planning  
**Cc:** Melanie Young  
**Subject:** Proposed Extractive industry at Lot 81 Marginata Close Crooked Brook ( DWER ref: PA 052015 , DWERT11149~1 ; Shire ref: DAP-F0293586 )  
**Attachments:** Screenshot 1\_\_Extraction stages.JPG; WQPN-15-Basic-raw-materials-extraction.pdf; Screenshot 2\_\_Materials evaluation plan & Extraction stages.JPG; Screenshot 3\_\_Appendix D - Excavation Works Plan.JPG; Screenshot 4\_\_Appendix E\_Rehab plan.JPG; Screenshot 5\_\_Appendix H\_\_Crusher & screening, drainage flow\_\_taken from Acoustic report.JPG; WQPN 56\_Tanks for fuel and chemical storage near sensitive water resources \_Dec 2018.pdf; 2022 Nov 18 sg L tech advice DMO 8352 asm approved.PDF; 2022-11-24 Shire of Dardanup - Technical Report - Noise - Lot 81 Marginata Close.pdf; AQ1689-M AQ Final\_Advice to Shire.docx

**⚠ CAUTION:** This email originated from outside the Shire of Dardanup. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

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25<sup>th</sup> November 2022

Our Reference: PA 052015 , DWERT11149~1

Your Reference: DAP-F0293586

To: Shire of Dardanup

From: Department of Water and Environmental Regulation

Attention: Melanie Young

**RE: Proposed Extractive industry at Lot 81 Marginata Close Crooked Brook**

Dear Melanie,

Thank you for providing the above Development Application (DA) for the Department of Water and Environmental Regulation (Department) to consider.

This proposal is for the extraction of 551,671 cubic metres of sand/gravel over a period of 10 years in 20 extraction stages (Screenshot 1 & 2).

It is however unclear if these extraction stages are to be used as landfill cells prior to rehabilitation – as discussed in our comments below.

To support this proposal, the following document has been prepared: *Development Application (Extractive Industry) - Lot 81 Marginata Close Crooked Brook* (by Harley Dykstra, Job No: 22962, Ver: F, dated: 12/09/2022) (to be referred to as the Planning Report Ver F)

## (Appendix ORD: 12.2.1D)

The Department has identified that the proposal will impact on the environment and water resource values. Key issues and recommendations are provided below, and these matters must be addressed to the satisfaction of the Department:

- **Issue 1:** The proposed operations may be categorised as Prescribed Premises under the *Environmental Protection Regulations 1987*
- **Advice 1:** The following is advised:
  - a) Crushing and screening: the applicant lodge an application for a works approval (or licence) with DWER under the EP Act for the proposed crushing and screening related to the extraction activity
  - b) Landfilling of extraction areas: if proposed, the applicant is strongly advised to contact DWER regarding the proposed filling of the extraction areas (with landfill cells) as the activity may be subject to a works approval depending upon the amount of waste disposed/buried and the type of waste
  - c) the applicant is to refer to the Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and to contact DWER regarding works approvals and licenses at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000
- **Issue 2:** The clearing of native vegetation in this proposal is subject to the *Environmental Protection Act 1986* (EP Act)
- **Advice 2:** The following is advised:
  - a) the Department is currently awaiting further information from the applicant regarding Clearing Permit CPS 8327/1 for the proposed extractive industry
  - b) for additional advice relating to the assessment of this application please contact Andre Schmitz on 6364 7269
- **Issue 3:** Water supply
- **Advice 3:** Recommended condition: The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire
- **Issue 4:** Environmental risks
- **Advice 4:** Recommended condition: The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 '*Basic raw materials extraction*' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated
- **Issue 5:** Staging Plan

## (Appendix ORD: 12.2.1D)

- **Advice 5:** The following is advised:
  - a) Recommended condition: Extraction must be undertaken in accordance with the agreed staging plan, as approved by the local government. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation
  - b) In the event landfill cells are to be developed in the extraction stages, the proponent is to provide further detail to the Shire and Department on the landfilling activity, such as, but not limited to the amount of waste disposed/buried and the type of waste – See Issue 1 b)
- **Issue 6:** Rehabilitation Plan and final landform
- **Advice 6:** The following is advised:
  - a) Recommended condition: The rehabilitation measures contained within the Planning Report Ver F is to be approved and implemented to the satisfaction of the Shire consistent with WQPN 15 and the Guidelines for Preparing Mine Closure Plans<sup>1</sup>. The proponent is to adhere to the agreed intended staging and ensure successful rehabilitation to the final landform and landuse. Management and compliance reporting shall be included to ensure successful implementation
  - b) Advice: The Shire to consider the appropriateness of the sizing of the proposed rehabilitation stages – noting that these are over 3 times larger than the extraction stages
- **Issue 7:** Stormwater and groundwater
- **Advice 7:** The following is advised:
  - Groundwater data requirements: Prior to setting the proposed maximum 2-4 metre extraction depth, the highest groundwater level should be confirmed with the provision of additional information, such as, but not limited to groundwater levels at Lot 2 Banksia Road, Crooked Brook (immediately south of the subject site) to the satisfaction of the Shire to ensure there is no groundwater interception
  - Recommended Condition: no dewatering works are to be undertaken without DWER consultation. The Local Government is to be notified within 24 hours if the water table is intercepted
  - Recommended Condition: A Stormwater Management Plan is to be prepared and approved to the satisfaction of the Shire, in consultation with DWER, consistent with WQPN 15. Details provided should include the following information (and any other information as appropriate):
    - capacity and design of the detention basins,
    - expected volumes of stormwater to be detained,
    - stormwater flow paths and measures to divert stormwater to the detention basins

## (Appendix ORD: 12.2.1D)

- a map showing the above would greatly assist in clarity of the proposed stormwater management
- **Issue 8:** Fuel and chemical management
- **Advice 8:** Recommended condition: Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – '*Toxic and Hazardous Substance Storage and Use*' (Dec 2018)
- **Issue 9:** Dieback management plan
- **Advice 9:** Recommended condition: A Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the *Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries*<sup>1</sup>.
- **Issue 10:** Contaminated sites
- **Advice 10:** Please refer to the attachment '2022 Nov 18 sg L tech advice DMO 8352 asm approved.pdf'
- **Issue 11:** Noise
- **Advice 11:** Please refer to the attachment '2022-11-24 Shire of Dardanup - Technical Report - Noise - Lot 81 Marginata Close.pdf'
- **Issue 12:** Dust
- **Advice 12:** Please refer to the attachment 'AQ1689-M AQ Final\_Advice to Shire'

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

In the event that the applicant determines that a works approval or licence application is required under Part V of the *Environmental Protection Act 1986* (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.

More detail pertaining to the above issues are provided in Table 1 below.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact the undersigned.

Thank you.

Yours sincerely,

Daniel Wong  
Environmental Officer  
Department of Water and Environmental Regulation  
Planning Advice South West Region

Email: [daniel.wong@dwer.wa.gov.au](mailto:daniel.wong@dwer.wa.gov.au)  
Phone: 08 9726 4113  
Fax: 08 9726 4100  
Postal: PO Box 261, Bunbury, WA 6231  
Location: 35-39 McCombe Road, Bunbury, WA 6230

**Table 1 - Department of Water and Environmental Regulation detailed comments on DAP-F0293586**

Item No.	Ref	Reviewer comment/advice
1	N/A	<p><b>Issue 1:</b> The proposed operations may be categorised as Prescribed Premises under the <i>Environmental Protection Regulations 1987</i></p> <p><b>Advice 1:</b> The following is advised:</p> <ul style="list-style-type: none"><li>• a) Crushing and screening: the applicant lodge an application for a works approval (or licence) with DWER under the EP Act for the proposed crushing and screening related to the extraction activity</li><li>• b) Landfilling in extraction areas: the applicant is to contact DWER regarding the proposed filling of the extraction stages (with landfill cells) as the activity may be subject to a works approval depending upon the amount of waste disposed/buried and the type of waste</li><li>• c) the applicant is to refer to the Industry Regulation Guide to Licensing available at <a href="http://www.der.wa.gov.au/our-work/licences-and-works-approvals">http://www.der.wa.gov.au/our-work/licences-and-works-approvals</a> and to contact DWER regarding works approvals and licenses at <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> or 6364 7000</li></ul> <p><b>Discussion 1:</b> DWER regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the EP Act.</p> <p>The categories of prescribed premises are outlined in Schedule 1 of the EP Regulations.</p> <p>The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.</p>



The provided development referral request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.

Based on the information provided, the proposed activities may cause the premises to become prescribed as per Schedule 1 of the EP Regulations for the following categories:

Category	Category description	Production or design capacity
12	Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	50 000 tonnes or more per year

Category	Category description	Production or design capacity
70	Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	More than 5 000 but less than 50 000 tonnes per year

The EP Act requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge unless a licence or registration (for operation) is held for the premises.

DWER has not received an application for a works approval or licence for this premises to date. As such, DWER recommends that the applicant lodge an application for a works approval (or licence) with DWER.

The applicant is advised to refer to the information and Guideline: Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and / or if they have queries relating to works approvals and licences to [contact DWER at info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000 for information on the application for a works approval.

The application will also need to demonstrate compliance with the general provisions of the EP Act and all relevant regulations including the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* irrespective of whether the premises is prescribed or not.

#### Landfill

The following is noted Appendix I of the referral (Dust Management Plan):

- “Upon completion of the extraction operation, the pit will subsequently be used as landfill cells. Once the landfill cells have reached capacity, the cells will be



		<p>revegetated with native species. This is expected to occur in 10 – 15 years from commencement of clearing.”</p> <p>No information has been provided regarding the type of waste or the amount of waste proposed to be disposed in the pits post-extraction.</p> <p>If the disposal of waste via landfilling triggers a category under Schedule 1 of the <i>Environmental Protection Regulation 1987</i>, the applicant will need to apply for a works approval to cover the proposed landfill activity.</p> <p>Possible categories (associated with landfills) include Category 63, 64 and 89 but this would be dependent on the amount of waste disposed/buried and the type of waste.</p> <p>The <a href="http://der.wa.gov.au">Landfill Waste Classification and Waste Definitions 1996 (der.wa.gov.au)</a> outlines the landfill class and waste types permitted.</p> <p>The general provisions of the <i>Environmental Protection Act 1986</i> will apply.</p> <p>The department also administers the <i>Environmental Protection (Rural Landfill) Regulations 2002</i> – to which the Shire and proponent should note.</p> <p><u>General</u></p> <p>Please note that this advice is provided based on information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact DWER at the above contact details to clarify requirements, should there be changes to information.</p>
2	N/A	<p><b>Issue 2:</b> The clearing of native vegetation in this proposal is subject to the <i>Environmental Protection Act 1986</i> (EP Act)</p> <p><b>Advice 2:</b> The following is advised:</p> <ul style="list-style-type: none"><li>• a) the Department is currently awaiting further information from the applicant regarding Clearing Permit CPS 8327/1 for the proposed extractive industry</li><li>• b) for additional advice relating to the assessment of this application please contact Andre Schmitz on 6364 7269</li></ul> <p><b>Discussion 2:</b> Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"><li>• it is undertaken under the authority of a clearing permit</li><li>• it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required</li><li>• the clearing is subject to an exemption</li></ul> <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (the Clearing Regulations).</p>

		<p>The Department received a Clearing Permit application CPS 8327/1 on 11 January 2019 from Mr Jim Zheng to clear 26.4 ha hectares of native vegetation at this location (Lot 81 and Lot 2, Banksia Road) for the purposes of extractive industry. Since receiving the application, the applicant has minimised the proposed clearing area and revised down to 16.81 ha. This application is currently awaiting additional information from the applicant.</p> <p>The extent of clearing specified in the clearing permit application appears to be consistent with the clearing proposed in the Development Application.</p> <p>For additional advice relating to the assessment of this application please contact Andre Schmitz on 6364 7269.</p> <p>If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (<a href="mailto:admin.nvp@dwer.wa.gov.au">admin.nvp@dwer.wa.gov.au</a>) or by telephone (6364 7098).</p>
3	N/A	<p><b>Issue 3:</b> Water supply</p> <p><b>Advice 3:</b> Recommended condition: The proponent is to quantify their water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire</p> <p><b>Discussion 3:</b> The dust management plan provided indicates an annual water use of 5,400 KL for dust suppression – where the water will be carted on site as required.</p> <p>However, no information has been provided regarding the where the water will be sourced, or if additional water is required for other aspects of the extraction activity.</p> <p>As such, the above advice is recommended.</p>
4	N/A	<p><b>Issue 4:</b> Environmental risks</p> <p><b>Advice 4:</b> Recommended condition: The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 '<i>Basic raw materials extraction</i>' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated</p> <p><b>Discussion 4:</b> WQPN 15 provides recommendations on how to limit the impacts of their operations to the environment and water resources, to which the proponent is expected to adhere to where appropriate to the site situation (attached for your convenience)</p>
5	N/A	<p><b>Issue 5:</b> Staging Plan and landfill proposal</p> <p><b>Advice 5:</b> The following is advised:</p>

		<ul style="list-style-type: none"><li>• a) Recommended condition: Extraction must be undertaken in accordance with the agreed staging plan, as approved by the local government. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation</li><li>• b) In the event landfill cells are to be developed in the extraction stages, the proponent is to provide further detail to the Shire and Department on the landfilling activity, such as, but not limited to the amount of waste disposed/buried and the type of waste – See Issue 1 b)</li></ul> <p><b>Discussion 5:</b> The Department notes the proposed extraction will occur in 20 stages ranging from 3.0 ha to 3.36 ha (Screenshot 1 &amp; 2).</p>
6	N/A	<p><b>Issue 6:</b> Rehabilitation Plan and final landform</p> <p><b>Advice 6:</b> The following is advised:</p> <ul style="list-style-type: none"><li>• a) Recommended condition: The rehabilitation measures contained within the Planning Report Ver F is to be approved and implemented to the satisfaction of the Shire consistent with WQPN 15 and the Guidelines for Preparing Mine Closure Plans<sup>1</sup>. The proponent is to adhere to the agreed intended staging and ensure successful rehabilitation to the final landform and landuse. Management and compliance reporting shall be included to ensure successful implementation</li><li>• b) Advice: The Shire to consider the appropriateness of the sizing of the proposed rehabilitation stages – noting that these are over 3 times larger than the extraction stages</li></ul> <p><b>Discussion 6:</b> The Department notes the following statements in the <i>Development Application (Extractive Industry) - Lot 81 Marginata Close Crooked Brook</i> (by Harley Dykstra, Job No: 22962, Ver: F, dated: 12/09/2022) (to be referred to as the Planning Report Ver F):</p> <p>“Please be aware that the Accendo report at <b>Appendix N</b> relates to areas being cleared at both Lot 81 Marginata Close and Lot 2 Banksia Road. The area to be cleared at Lot 81 Marginata Close is 11.01ha. This report also incorrectly makes reference to landfill cells being developed.”</p> <p>As <b>Appendix I</b> of the referral (Dust Management Plan) makes reference to the development of landfill cells, it is not known if the ‘landfill cells’ referred in the above statement about Appendix N refers to these same cells – which should be confirmed (See Issue 1).</p> <p>In addition, the Planning Report Ver F states:</p> <p>“The rehabilitation of the site following each stage of extraction is as follows:</p> <ul style="list-style-type: none"><li>• Each extraction stage is to be decommissioned with the final pit design to be as per the attached Rehabilitation Plan at Appendix E and the land profile contoured accordingly to the satisfaction of the Shire of Dardanup;”</li></ul> <p>DWER notes there are only 4 rehabilitation stages, which are a larger area (~10ha) than the extraction stages (comparing Screenshot 2 with Screenshot 4).</p>

7	N/A	<p><b>Issue 7:</b> Stormwater and groundwater</p> <p><b>Advice 7:</b> The following is advised:</p> <ul style="list-style-type: none"><li>• Groundwater data requirements: Prior to setting the proposed maximum 2-4 metre extraction depth, the highest groundwater level should be confirmed with the provision of additional information, such as, but not limited to groundwater levels at Lot 2 Banksia Road, Crooked Brook (immediately south of the subject site).</li><li>• Recommended Condition: no dewatering works are to be undertaken without DWER consultation. The Local Government is to be notified within 24 hours if the water table is intercepted</li><li>• Recommended Condition: A Stormwater Management Plan is to be prepared and approved to the satisfaction of the Shire, in consultation with DWER, consistent with WQPN 15. Details provided should include the following information (and any other information as appropriate):<ul style="list-style-type: none"><li>○ capacity and design of the detention basins,</li><li>○ expected volumes of stormwater to be detained,</li><li>○ stormwater flow paths and measures to divert stormwater to the detention basins</li><li>○ a map showing the above would greatly assist in clarity of the proposed stormwater management</li></ul></li></ul> <p><b>Discussion 7:</b></p> <p><u>Groundwater</u></p> <p>The following is noted in APPENDIX G   WML MATERIAL EVALUATION (ref: 9002-G-R-001-B Materials Evaluation Lot 81 Banksia Road .docx):</p> <ul style="list-style-type: none"><li>• “No water table was encountered in any of the test pits. It is likely that during rainfall events that a temporary perched water table will exist at the base of the sand layer and above the hard-cemented layer.”</li><li>• “Note that borehole data from the adjacent landfill site shows that permanent ground water to be more than 10 metres below ground level.”</li><li>• “See Appendix A for a summary of test results, pit diagrams and test pit logs with Laboratory Test certificates in Appendix C.”</li></ul> <p>Based on the information provided, DWER is unable to determine the likelihood of intercepting groundwater for the proposed extraction on the basis that:</p> <ul style="list-style-type: none"><li>• while the maximum depth of extraction will be 4m below ground level, test pits were only dug to around 2.2 metres depth</li></ul>

		<ul style="list-style-type: none"><li>• as the highest groundwater occurs between August to early October (late winter to early spring) depending upon rainfall, the measurements taken in March in the WML investigation would not have captured this</li><li>• as no data has been provided for groundwater levels in the adjacent landfill site, the Department cannot ascertain the claim that ground water is more than 10 metres below ground level</li></ul> <p>It is however noted in the Planning Report Ver F that states:</p> <ul style="list-style-type: none"><li>• “From the previous extractive industry licence lodged in 2015 over Lot 2 Banksia Road, Crooked Brook, immediately south of the subject site, onsite groundwater data determined a separation to groundwater to be approximately 10 meters from the highest know peak level. Further, given extraction onsite is to be limited to an average maximum depth of 2.3 below ground level, separation to groundwater will be in excess of the 2m requirement of the Department of Water’s Water Quality Protection Note No. 15 (July 2019).”</li></ul> <p>To substantiate this claim, the proponent should provide this data to the satisfaction of the Shire.</p> <p><u>Stormwater</u></p> <p>The following statements are noted in the Planning Report Ver F:</p> <ul style="list-style-type: none"><li>• "All surface water onsite flows towards the western boundary of the site. An erosion gully is located along the southern edge of proposed stages 5 and 8 which flows west towards a shallow channel within proposed stages 3, 2 and 1. All water is captured through onsite infiltration with excess water stored within the drainage swale constructed along the northern side of Stage 17.”</li><li>• “Extraction of Gravel within the eastern portion of the site will require staged stormwater basin detention to accommodate all stormwater generated from the staged extraction area.”</li></ul> <p>No details have been provided with regards to the sizing/capacity/design of the detention basins or expected stormwater volumes to be detained.</p> <p>No details have been provided with regards to stormwater flow paths during extraction works, or how stormwater will be diverted into the stormwater detention basins.</p> <p>DWER notes the acoustic report (Appendix H) contains details on stormwater flow paths and stormwater basins (Screenshot 5) – which should be included in a Stormwater Management Plan with the required details.</p>
8	N/A	<p><b>Issue 8:</b> Fuel and chemical management</p> <p><b>Advice 8:</b> Recommended condition: Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER’s WQPN 56 – ‘<i>Toxic and Hazardous Substance Storage and Use</i>’ (Dec 2018)</p>

## (Appendix ORD: 12.2.1D)

		<p><b>Discussion 8:</b> No details have been provided in the Planning Report Ver F with regards to the management of fuel and chemicals, such as, but not limited to storage, refuelling or servicing of mechanical equipment.</p> <p>To ensure that the receiving environment is protected from chemical spills/leaks, the above advice is recommended.</p>
9	N/A	<p><b>Issue 9:</b> Dieback management plan</p> <p><b>Advice 9:</b> Recommended condition: A Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the <i>Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries</i><sup>1</sup>.</p> <p><b>Discussion 9:</b> No details have been provided with regards to the management of dieback. Although the DBCA is the primary responsible agency for dieback, due to the ease of spread and significant risk this pathogen poses to native vegetation, this condition is recommended<sup>1</sup>.</p>
10	N/A	<p><b>Issue 10:</b> Contaminated sites</p> <p><b>Advice 10:</b> Please refer to the attachment '2022 Nov 18 sg L tech advice DMO 8352 asm approved.pdf'</p> <p><b>Discussion 10:</b> N/A</p>
11	N/A	<p><b>Issue 11:</b> Noise</p> <p><b>Advice 11:</b> Please refer to the attachment '2022-11-24 Shire of Dardanup - Technical Report - Noise - Lot 81 Marginata Close.pdf'</p> <p><b>Discussion 11:</b> N/A</p>
12	N/A	<p><b>Issue 12:</b> Dust</p> <p><b>Advice 12:</b> Please refer to the attachment 'AQ1689-M AQ Final_Advice to Shire'</p> <p><b>Discussion 12:</b> N/A</p>



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Your Ref: DAP-F0293586  
Our Ref: DEV390603  
Enquiries: Matt Calabro  
Direct Tel: 9420 2099

15 November 2022

Chief Executive Officer  
Shire Of Dardanup  
1 Council Dr  
EATON WA 6232

Attention of: Melanie

**Re: APPLICATION FOR DEVELOPMENT APPROVAL AND EXTRACTIVE INDUSTRY  
LICENCE - EXTRACTIVE INDUSTRY (SAND AND GRAVEL) - LOT 81 MARGINATA CLOSE  
CROOKED BROOK 6236**

Thank you for your letter dated 6<sup>th</sup> October 2022 requesting comment on the development application at Lot 81 Marginata Close, Crooked Brook.

Water Corporation has no objection to the proposed development. However due to its proximity to the Dardanup Wastewater Treatment Plant there are further discussions needed with the developer.

Current operations of the Dardanup WWTP include several upstream water sampling and monitoring bores on the site of Lot 81 Marginata Close. The proponent will need to get in contact with the Water Corporation to discuss the relocation of these bores at their expense.

The Developer can contact Alan Brown at [alan.brown@watercorporation.com.au](mailto:alan.brown@watercorporation.com.au) to discuss this.

The information provided above is subject to review and may change. If the proposal has not proceeded within six months, it is recommended that the developer contacts us to confirm whether or not the above information is still valid.

Please pass this information on to the developer so we can continue discussing with them directly.

Should you have any queries, please do not hesitate to contact me at [matt.calabro@watercorporation.com.au](mailto:matt.calabro@watercorporation.com.au)

Regards,

A handwritten signature in black ink, appearing to read "Matt Calabro", written over a light blue horizontal line.

Matt Calabro  
Advisor – Land Planning  
DEVELOPMENT SERVICES

**From:** Scott Penfold <Scott.Penfold@dplh.wa.gov.au>  
**Sent:** Monday, 14 November 2022 3:14 PM  
**To:** Submissions Planning  
**Cc:** Melanie Young  
**Subject:** RE: DA Govt Agency Referral - Extractive Industry - Lot 81 Marginata Close  
- Email 1 of 2

**⚠ CAUTION:** This email originated from outside the Shire of Dardanup.  
Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

Hi Melanie,

Thank you for referring the application to the Department for comment.

The GBRS, Resolution 2014/03 and Delegation 2014/01 outline the circumstances where a GBRS application will be required and whether the decision is delegated to the local government. On this basis and at this time, the proposal does not appear to require determination by the Western Australian Planning Commission.

Given the neighbouring Greater Bunbury Region Scheme reserves, advice should be sought from the Department of Biodiversity, Conservation and Attractions and Water Corporation regarding the proposed development application.

I trust you are having a good day. Please do not hesitate to contact me should you have any queries.

Kind Regards,

**Scott Penfold** | A/Planning Manager | Land Use Planning  
Bunbury Tower, Level 6, 61 Victoria Street, Bunbury WA 6230  
9791 0588 |  
[www.wa.gov.au/dplh](http://www.wa.gov.au/dplh)



***We're on a Roll, WA***

**Keep doing 3 simple things**

**Wear a mask when necessary | Update your vaccinations | Wash hands regularly.**

*The Department acknowledges the Aboriginal people of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.*

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**From:** Eaton Reception Mailbox <[Reception@dardanup.wa.gov.au](mailto:Reception@dardanup.wa.gov.au)>  
**Sent:** Thursday, 6 October 2022 2:03 PM  
**To:** DPI Referrals <[Referrals@dplh.wa.gov.au](mailto:Referrals@dplh.wa.gov.au)>  
**Subject:** DA Govt Agency Referral - Extractive Industry - Lot 81 Marginata Close - Email 1 of 2

Good afternoon

Please see the attached Referral Letter and Development Application Planning Report and Appendices relating to Lot 81 Marginata Close, Crooked Brook.

Please direct any enquiries to Melanie Young, Senior Planning Officer on ph: 08 9724 0348 or via email: [Melanie.Young@dardanup.wa.gov.au](mailto:Melanie.Young@dardanup.wa.gov.au)

Please Note: Email 1 of 2

Kind regards

**Krystle Harrison**

Customer Service Officer



**A:** 1 Council Drive | PO Box 7016 | Eaton WA 6232  
**T:** (08) 9724 0000 | **E:** [Krystle.Harrison@dardanup.wa.gov.au](mailto:Krystle.Harrison@dardanup.wa.gov.au)  
**W:** [www.dardanup.wa.gov.au](http://www.dardanup.wa.gov.au)



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Department of  
**Primary Industries and  
Regional Development**

Your reference: DAP-F0293586  
Our reference: LUP 1470  
Enquiries: Leon van Wyk

Melanie Young  
Senior Planning Officer  
Shire of Dardanup  
PO Box 7016  
EATON WA, 6232  
[submissions@dardanup.wa.gov.au](mailto:submissions@dardanup.wa.gov.au)

14 November 2022

Dear Melanie

**COMMENT: Application for Development Approval - Extractive Industry (Sand and Gravel) - Lot 81 Marginata Close Crooked Brook**

Thank you for the opportunity to comment on the proposed Extractive Industry (sand and gravel) at Lot 81 Marginata Close, Crooked Brook.

The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed extraction of sand and gravel at the abovementioned lot. The applicant did not prepare a separate *Weed Management Plan* but has a basic description of weed management in the *Environmental Assessment and Indicative Rehabilitation Plan* (p 16). DPIRD recommends that weed monitoring should at least occur every six months (Autumn and Spring) and not just every 12 months as indicated in the application.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or [leon.vanwyk@dpird.wa.gov.au](mailto:leon.vanwyk@dpird.wa.gov.au).

Yours sincerely

Dr Melanie Strawbridge  
**Director Agriculture Resource Management Assessment  
Sustainability and Biosecurity**

75 York Road Northam 6401  
PO Box 483 Northam WA 6401  
Telephone +61 (0)8 9690 2000 [landuse.planning@dpird.wa.gov.au](mailto:landuse.planning@dpird.wa.gov.au)  
**[dpird.wa.gov.au](http://dpird.wa.gov.au)**  
ABN: 18 951 343 745

RISK ASSESSMENT TOOL								
<b>OVERALL RISK EVENT:</b>		Extractive Industry – Lot 81 Marginata Close, Crooked Brook						
<b>RISK THEME PROFILE:</b>		3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)						
<b>RISK ASSESSMENT CONTEXT:</b>		Operational						
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Should Council refuse the application, and the proponent seek a review of that decision, there is likely to be a financial impact through the State Administrative Tribunal process.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	Inadequate conditions to mitigate environmental impacts.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.

(Appendix ORD: 12.2.2E)

## (Appendix ORD: 12.2.1F)

An assessment of the proposed LDP against the relevant matters set out under clause 67(2) is provided in the table below:

Clause 67(2) consideration	Officer comment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	<p><b>1.3 Objects of the Scheme</b></p> <p>1.3 (a) to zone the Scheme Area for the purposes in the Scheme described</p> <p>1.3 (b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof</p> <p>1.3 (d) the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest</p> <p><b>1.4 The particular objects of the Scheme area are:</b></p> <p>1.4 (e) to protect areas of significant agricultural value particularly those in irrigation districts from conflicting land uses.</p> <p><b>2.2 Objectives of the Zones</b></p> <p><u>General Farming Zone</u></p> <ul style="list-style-type: none"> <li>To provide for a wide variety of productive farming activities, ranging from broadacre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality.</li> <li>To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses.</li> <li>To facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised.</li> </ul> <p>Lot 81 is used for the Shire of Dardanup waste transfer station purposes and accommodates the Bunbury Harvey Regional Council green waste facility. This proposal is for the extraction of sand and gravel over a period of 10 years. Extractive industries have already been considered and approved on lots to the north and to the south of the application site. Post extraction the lot will be returned to pasture which will reinstate the rural character and complies with the objective of the General Farming zone.</p>



## (Appendix ORD: 12.2.1F)

	<p><b>2.3 Zones and Uses</b></p> <p>The application seeks approval for an 'Industry – Extractive' use class which is defined as:</p> <p><i>“an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;”</i></p> <p>Lot 81 is zoned General Farming under TPS3; and a part of the lot is a Regional Scheme Reserve for Public Purposes under the GBRS. The Zoning Table of TPS3 lists 'Industry – Extractive' as an 'A' use under the 'General Farming' zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application.</p> <p><u>The following provisions of the Greater Bunbury Region Scheme (GBRS) are relevant to the proposal:</u></p> <p>Under the Greater Bunbury Region Scheme (GBRS) Lot 81 is zoned 'Rural' and a part of the lot is a Regional Scheme Reserve for Public Purposes which accommodates the buffer for the wastewater treatment plant in addition Lot 81 abuts a 'Regional Open Space' reserve. A GBRS application is triggered. GBRS applications are delegated to the local government where the local government accepts the recommendation and any advice of the advice agencies or where the local government decides to refuse approval. The proposal was referred to both the referral agencies, DBCA and Water Corporation, and their comments are contained in this report.</p> <p>The land is located within the <i>Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy area</i>. The principal purpose of this policy is to ensure long-term security of access to minerals and basic raw materials through appropriate land use planning and control of development. The proposal was referred to the relevant advice agency DMIRS. DMIRS advised that it has no objection to the development application.</p>
(b) any proposed local scheme the local government is considering adopting;	Under the draft Local Planning Scheme No. 9 Lot 81 is to be zoned Rural and an 'Industry – Extractive' use is an 'A' use similar to TPS3.
(c) any approved State planning policy;	<u>State Planning Policy 2.0 – Environment and natural resources policy</u>

## (Appendix ORD: 12.2.1F)

	<p>The policy advocates that there is a clear and explicit need to incorporate environmental considerations and resource management into the planning process to ensure that decisions are made in the context of potential impacts on the environment. The policy also places considerable emphasis on protecting landscapes that are valued by the community as follows:</p> <p><i>5.9 Landscape Planning strategies, schemes and decision-making should:</i></p> <ul style="list-style-type: none"><li><i>(i) Identify and safeguard landscapes with high geological, geomorphological or ecological values, as well as those of aesthetic, cultural or historical value to the community, and encourage the restoration of those that are degraded.</i></li><li><i>(ii) In areas identified in 5.9(i) above, consider the level or capacity of the landscape to absorb new activities and incorporate appropriate planning and building design and siting criteria to ensure that new development is consistent and sensitive to the character and quality of the landscape.</i></li><li><i>(iii) Consider the need for a landscape, cultural or visual impact assessment for land use or development proposals that may have a significant impact on sensitive landscapes.</i></li></ul> <p>The application has been amended and no longer requires extensive clearing of remnant vegetation. The area to be extracted will be returned to pasture and therefore does no longer go against the intent of the policy.</p> <p><u>State Planning Policy 2.4 – Planning for Basic Raw Materials</u></p> <p>The intent of this policy is to ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State's BRM resources. The policy acknowledges that the supply of BRM is essential to support economic development in Western Australia.</p> <p>The policy highlights separation distances, visual impacts, groundwater separation and transport management as key aspects to consider. The application has demonstrated that:</p>
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## (Appendix ORD: 12.2.1F)

	<ul style="list-style-type: none"><li>• The extractive industry meets the 500m separation distance from sensitive land uses outlined in the EPA's Guidance Statement No. 3; it is other activities such as the crushing of material that requires a separation distance of 1000m. With the nearest sensitive receptor at 800m away from the site boundary conditions are to be imposed to ensure that potential offsite impacts are adequately managed. For instance the crushing equipment should be placed on site at a distance to meet the setback requirement as stated under the dust management plan and the acoustic report.</li><li>• Extraction is proposed to a maximum depth of 4m below the current ground level and there is a minimum of 16m vertical separation distance between the extractive industry floor and the highest groundwater level.</li><li>• Consideration need to be given to the road safety aspect as the Waste Transfer Station is a facility open to the public and these matters are considered under the officer comment section of the report and conditioned to ensure road upgrades are appropriate to the use and fit for purpose.</li><li>• It is noted that the policy does not elevate the extraction of basic raw materials over the protection of environmental attributes. The applicant has amended to proposal to reflect minimal clearing of vegetation.</li></ul> <p><u>State Planning Policy 2.5 – Rural planning</u></p> <p>The purpose of the policy is to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.</p> <p>The policy advocates for securing significant basic raw material resources and providing for their extraction and the application is therefore considered consistent with the policy.</p> <p>Managing landscape attributes is also an important aspect of the policy. The proposal demonstrates that post extraction the lot will be returned to pasture.</p>
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## (Appendix ORD: 12.2.1F)

	<p><u>State Planning Policy 3.7 – Planning in bushfire prone areas</u></p> <p>The subject site is partly in a designated bushfire prone area, therefore the requirements of State Planning Policy 3.7 – Planning in bushfire prone areas applies to some of the land. Under 2.6 of the Guidelines for Planning in Bushfire Prone Areas exemptions from the requirements of SPP 3.7 and the guidelines may be applied where there is no intensification of the landuse and/or the proposal is not increasing the bushfire threat. Exemption relevant to an extractive industry may be applied where the extraction is undertaken in an open cleared area and no habitable buildings are proposed. Officers consider the exemption apply to the extractive industry proposal on Lot 81.</p>
(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d).	<p>DWER advised that the applicant would need to lodge an application for a works approval (or licence) with DWER under the EP Act for the proposed crushing and screening related to the extraction activity.</p> <p>An advice note is recommended.</p>
(e) any policy of the Commission;	<p>The land is located within the <i>Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy area</i>. The principal purpose of this policy is to ensure long-term security of access to minerals and basic raw materials through appropriate land use planning and control of development. The proposal was referred to the relevant advice agency DMIRS. DMIRS advised that it has no objection to the development application.</p>
(fa) any local planning strategy for this Scheme endorsed by the Commission	<p>The Shire of Dardanup Local Planning Strategy was endorsed by the WAPC on the 4th of May 2015. The site is located within an area identified as a 'Waste Disposal/Processing' area and also within the 'Strategic Minerals' and 'Basic Raw Materials &amp; Buffer' areas. The extractive industry land use is consistent with the Strategy's future intention for the area.</p>
(g) any local planning policy for the Scheme area;	<p>The Shire's policy 'Infr CP055 – Extractive Industries – Site Rehabilitation' specifies the rehabilitation requirements for extraction sites within the Shire.</p> <p>General Conditions:</p> <p>2. To assist rehabilitation and wherever possible, new pits will be established on cleared land, not existing bushland. Clearing permits are required where Native vegetation is required to be cleared.</p> <p>The policy requires that where possible new pits should be on cleared land and not on existing</p>

## (Appendix ORD: 12.2.1F)

	bushland. The proposal complies with the policy and the current rehabilitation plan is proposing to return the site to pasture for future grazing purposes.
(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.	Under the Greater Bunbury Region Scheme (GBRS) a small part of Lot 81 is a Regional Scheme Reserve for Public Purposes under the GBRS and used for buffer purpose for the Dardanup Waste Water treatment plant.  The proposal was referred to Water Corporation and it advised that it has no objection to the proposal.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	The site is not identified as having any Aboriginal Heritage values but an advice note will be provided requiring the applicant do due diligence.
(m) the compatibility of the development with its setting, including — <ul style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(ii) 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;</li> </ul>	Most extractive industries have a 'scarring effect' on the land that is usually temporary until the land is returned to its former condition, in most instances this would be pasture. A positive is that the proposal has been amended to ensure that clearing of vegetation will no longer occur. This will alleviate some of the concerns about the negative visual impacts while the land is rehabilitated.
(n) the amenity of the locality including the following — <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul>	
(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;	Environmental matters relevant to the extractive industry proposal relates largely to the noise management, dust management, stormwater management, and rehabilitation of the land. These matters can be managed through the imposition of conditions on the development approval.
(s) the adequacy of — <ul style="list-style-type: none"> <li>(i) the proposed means of access to and egress from the site; and</li> <li>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</li> </ul>	The application proposes to utilise B double truck configurations (RAV 2) which can only operate on Main Roads approved RAV 2 roads. The majority of the proposed truck route is approved for RAV 4 trucks except for Marginata Close. Marginata Close has sufficient width and integrity to be considered suitable for RAV 2 vehicles, but the corner radius at the intersection of Banksia Rd and Marginata Close is too small to accommodate RAV 2 vehicles without
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity	

## (Appendix ORD: 12.2.1F)

of the road system in the locality and the probable effect on traffic flow and safety;	<p>utilising the whole of the road which could conflict with other vehicles on Marginata Close. It is recommended that any approval for RAV 2 vehicles on Marginata Close be conditioned with the upgrading of the intersection width to accommodate the RAV 2 vehicles to remain lane correct.</p> <p>The recommended conditions includes authorisation for the Chief Executive Officer to approve the inclusion of Marginata Close into the Main Roads WA Restricted Access Vehicle (RAV) Network 2 upon completion of upgrade works to accommodate RAV 2 vehicles through the Banksia Rd / Marginata Cl intersection.</p>
(za) the comments or submissions received from any authority consulted under clause 66;	The submissions and comments received are discussed in the 'Consultation' section of this report.



RISK ASSESSMENT TOOL								
<b>OVERALL RISK EVENT:</b> The Shire of Dardanup New Library, Administration and Community Building – Update on Variation Orders <b>RISK THEME PROFILE:</b> 2 - Business and Community Disruption <b>RISK ASSESSMENT CONTEXT:</b> Operational								
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	If the savings on the project budget and Fixed Contingencies is not realised it will impact the Reserve in the Long Term Financial Plan resulting in needing to delay other projects.	Moderate (3)	Possible (3)	Moderate (5 - 11)	May cause delay for other Council projects due to funding being unavailable. Council may need to postpone projects in the LTFP.	Moderate (3)	Possible (3)	Moderate (5 - 11)
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.