

Sustainable Development Directorate

APPENDICES

Item 12.2.1 - 12.2.5

SPECIAL COUNCIL MEETING

To Be Held

Wednesday, 9th April 2025 Commencing at 5.00pm

Αt

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON



Document Control

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Executive Summary

Site	Lot description: Lot 1215 DP 251815				
Information	Physical address: 276 Clifton Road Waterloo WA 6228				
	Coordinates: -33.296636, 115.759245				
Proposal	Ventia, on behalf of Indara, is seeking Planning approval for the Development and Use of a new Telecommunications Facility at 276 Clifton Road Waterloo WA 6228. The proposed facility would be owned by the Indara Group and host Optus telecommunications equipment. The facility would provide enhanced Optus 4G and 5G services to Waterloo. The proposal involves installation of:				
	 One (1) new 35m Indara monopole One (1) new Optus square headframe supporting the following equipment: Three (3) Optus 4G panel antennas, each up to 2.8m in length Three (3) Optus 5G panel antennas, each up to 1m in length One (1) Optus parabolic antenna, measuring 600mm in diameter One (1) GPS antenna One (1) new 2-Bay outdoor equipment cabinet at ground level Ancillary works and equipment associated with the access, operation and safety of the facility, including remote radio units, cabling and antenna mounts 				
	The facility would be located within a fenced security compound. The monopole and associated equipment would be finished in non-reflective pale grey.				
Purpose	Indara Corporation Pty Ltd (part of the Indara group), with Optus, are proposing a new telecommunications facility at Waterloo. The new facility would provide enhanced 4G and 5G telecommunications services to the area.				
	The facility has been designed as a neutral host facility, capable of supporting co-location by other Carriers, government entities and wireless service providers.				
Planning Considerations	LGA: Shire of Dardanup Zoning: General Farming				
Applicant	Ventia on behalf of Indara Corporation Pty Ltd				
	Level 1, 10 Browning Street				
	West End Qld 4101				
	Our Reference: P1301 Australind East				

1. Introduction

Ventia, on behalf of Indara Corporation Pty Ltd (part of the Indara Group), is seeking development consent for a new telecommunications facility at 276 Clifton Road Waterloo WA 6228.

The new facility would be comprised of a 35m Indara monopole supporting Optus telecommunications antennas and equipment. The purpose of the project is to significantly improve Optus mobile telecommunications services, including coverage and network capacity, in the Waterloo area.

This Town Planning Report provides an assessment of the project against relevant planning controls.

2. Background

2.1 Indara

This development application has been prepared and submitted by Ventia on behalf of the Indara Group. Indara are Australia's leading independent owner and provider of shared wireless telecommunications infrastructure, with a portfolio of over 4300 telecommunications sites across Australia.

Indara are Australia's leading independent owner and operator of digital infrastructure. We provide critical communications and data solutions that help support the digital transformation of our society. We are passionate about investing long term in our nation, building and designing digital infrastructure that creates long term value for our customers and the broader Australian community.

Indara owns and manages over 4300 mobile telecommunications facilities across Australia. Indara operates as a neutral host - where facilities are specifically designed to accommodate co-location by Australia's mobile Carriers, government agencies and other wireless services providers.

Indara has partnered with Optus Mobile Pty Ltd (Optus) to expand the Optus mobile networks across Australia. This facility is being proposed to improve Optus mobile services in the Waterloo area.

The proposed facility would be comprised of a new monopole and associated passive infrastructure, which would be owned and managed by Indara, and active infrastructure (antennas and telecommunications equipment) which would be owned and managed by Optus.

Note for legal purposes, the applicant for this development application is 'Indara Corporation Pty Ltd'.

2.2 Demand for Network Services

Access to high quality telecommunications services is vitally important to the community. Mobile usage continues to trend upward.

- 99% of Australians use a mobile phone; 76% of Australians do not have a landline phone and rely exclusively on a mobile phone¹.
- Mobile data usage continues to significantly increase as the network is used in different ways.
 Between 2020 and 2021, the amount of data downloaded by phone increased by over 29%².
 In the first quarter of 2022, global mobile data usage grew by 40%³. Streaming and video calling are major drivers of this increased demand.
- Covid-19 significantly changed the way that Australians live and work 61% of employed Australians worked online from home in 2021⁴. With many Australians continuing to adopt flexible or hybrid work arrangements, additional demand has been placed on the mobile network.
- Public safety is a significant driver behind improvements to mobile coverage. In 2021, around 78% of emergency calls were made from a mobile handset⁵.

¹ https://www.acma.gov.au/publications/2021-12/report/communications-and-media-australia-how-we-communicate

² https://www.acma.gov.au/publications/2021-12/report/communications-and-media-australia-how-we-use-internet

³ https://www.ericsson.com/en/reports-and-papers/mobility-report/dataforecasts/mobile-traffic-update

⁴ https://www.acma.gov.au/publications/2021-12/report/communications-and-media-australia-trends-and-developments-telecommunications-2020-21

⁵ https://www.triplezero.gov.au/triple-zero/How-to-Call-000/advanced-mobile-location

More than ever, mobile telecommunications is an essential service. By extension, mobile base stations are essential infrastructure - it is important that mobile infrastructure keeps pace with this increasing demand.

2.3 Coverage Objectives

The continuing growth and expansion, even within rural areas, requires that operators of telecommunications networks must regularly respond to changes in technology and increasing demand on existing infrastructure assets - to ensure mobile customers have access to fast and reliable mobile services.

5G (Fifth Generation) connection is now the latest industry standard for mobile phone network operators within the Australian marketplace.

Each base station can only carry a finite number of calls. In areas of high mobile phone use, such as central business districts and high-density areas, more base stations are required to handle the level of call and data traffic.

There are many factors that influence call connections and data speeds such as:

- distance from a facility
- objects blocking the signal from the nearest facility such as hills, large buildings and trees
- the facility may be operating at capacity and unable to accept any more calls or data
- the depth of coverage may not be sufficient to allow reliable calls inside buildings

Telecommunications services within more rural areas is equally important, as more and more people rely on internet connections for school, business and leisure pursuits.

As indicated in Figure 1 (please refer to 3.2 Upgrade and Co-Location Opportunities), the nearest existing facility is located approx. 1.5 kms from the selected site.

Optus requires that a new site is established in the Waterloo area to improve Optus services to this area where, currently, services are limited.

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The existing services provided by other Carriers provide limited access to mobile call and data services, especially during times of emergency - like bushfire or farming injury.

Reliable telecommunications services are vital for emergency services to the area.

This new facility at **Waterloo** would provide enhanced Optus 4G and 5G coverage across the Waterloo area, especially for emergency services.

3. Candidate Selection

3.1 Site Selection

Before proposing a new base station, mobile Carriers will attempt to resolve service issues by reconfiguring or upgrading existing base stations. If upgrades do not resolve service issues, the Carrier will consider any opportunities to co-locate on an existing mobile facility, building or other structure.

If there are no feasible co-location opportunities, the Carrier will proceed to deploy a new 'greenfield' base station.

This Greenfield facility is proposed by Indara in partnership with Optus, who have confirmed a new telecommunications facility is needed in the Waterloo area.

3.2 Upgrade and Co-Location Opportunities

Based on information recorded on the Radio Frequency National Site Archive database (<u>www.rfnsa.com.au</u>), existing telecommunications facilities in the area were assessed to confirm if any would be feasible for co-location (please refer to Figure 1 and Table 1).



Figure 1: Existing communications facilities in the greater area (RFNSA)

Table 1. Existing communications facilities

Site Number	Comment
6233001 Optus Telstra Vodafone	This facility is located to the north-west, approx 4.1 km away from the selected site It is too far away to provide services to the required coverage area
6232002 Optus	This facility is located to the south-west, approx 4.7 km away from the selected site It is too far away to provide services to the required coverage area
6232001 Optus Telstra Vodafone	This facility is located to the south-west, approx 4.8 km away from the selected site It is too far away to provide services to the required coverage area
6228001 Telstra	This facility is located to the west approx 1.5 km away from the selected site. There is no space on this structure to install Optus equipment at the required height. It is also too far away to provide services to the required coverage area
6227001 Optus nbn	This facility is located to the south-east approx 6.1 km away from the selected site It is too far away to provide services to the required coverage area

The nearest facility to the selected site is located approx 1.5 kms away, with all other facilities being located greater than 4 kms away.

As base stations only have a limited range for providing services, none of these facilities would be suitable for upgrading or co-location - as they are all located too far from the required coverage area.

3.3 Potential Candidates Investigated

A robust investigation of potential locations ('candidates') has also been undertaken (please refer to Figure 2 and Table 2).

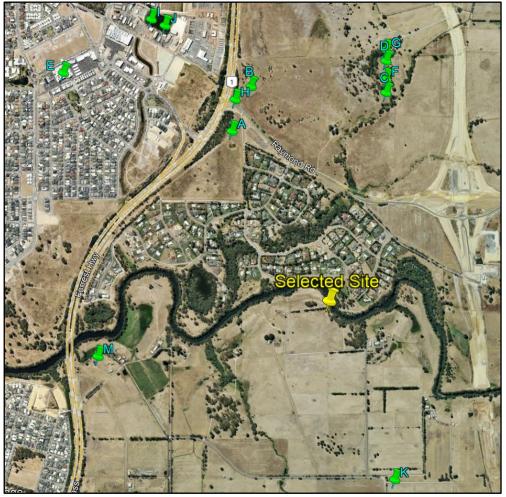


Figure 2: Locations of candidates investigated (Google Earth)

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Table 2. Potential Candidates

Candidate	Site Address	Comment
А	Lot 401 DP 418752 off Raymond Road Roelands	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development
		The landowner confirmed no interest in the proposal
В	Lot 50 DP 421006 off Raymond Road Roelands	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development
		The landowner confirmed no interest in the proposal
С	Lot 9601 DP 417260 off Ditchingham Place Australind	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development
		The landowner confirmed no interest in the proposal
D	Lot 103 P 049799 Ditchingham Place Australind	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development
		The landowner confirmed no interest in the proposal
Е	Treendale Shopping Centre 10 The Promenade Australind	This location was investigated for a new roof top installation; however, a facility at this location would not meet the radiofrequency coverage objectives
F	Vibe Treendale 157 Grand Entrance Australind	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development
		The landowner confirmed no interest in the proposal
G	Lot 102 P 049799 Ditchingham Place Australind	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development
		The landowner confirmed no interest in the proposal

Н	52 Forrest Highway Roelands	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development The landowner confirmed no interest in the proposal
I	11 Ditchingham Place Australind	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development The landowner confirmed no interest in the proposal
J	17 Ditchingham Place Australind	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development The landowner confirmed no interest in the proposal
К	110 Clifton Road Waterloo	A letter was issued to the landowner seeking confirmation if they would be interested in discussing the proposed development The landowner confirmed no interest in the proposal
L	276 Clifton Road Waterloo	This is the selected location
М	382 Clifton Road Waterloo	This is an existing Telstra facility Co-location on the structure was considered; however, there is not sufficient space at the required elevation to meet the Optus radiofrequency coverage objectives

Investigations into these potential candidates involved consideration of:

- a willing landowner
- access for heavy equipment
- access to power
- scenic amenity
- cost of deployment
- meeting the coverage objectives

After consideration of all these issues, Indara and Optus selected the location at:

Candidate L - 276 Clifton Road Waterloo WA 6228

In identifying this candidate, Indara and Optus have sought to maximise separation from residences and sensitive uses where possible, whilst also endeavouring to minimise impacts on the environment and scenic amenity as far as practicable.

A precautionary approach has been taken to site selection in accordance with sections 4.1 and 4.2 of the Industry Code, *C564:2020 Mobile Base Station Deployment*.

4. Site Context

When selecting a site for a new facility, it is important to note that the selection process does not occur randomly. Among the factors considered are:

- expected usage patterns of service and proximity to users
- local topography and building types
- interaction with existing and future sites
- line of sight requirements for high quality communications
- opportunities to use existing structures
- availability of a willing Landlord
- the industry's commitment to high service standards and customer satisfaction

The proposal involves the establishment of a new Indara and Optus telecommunications facility at 276 Clifton Road Waterloo (please refer to Figures 3-4).

The proposed development at 276 Clifton Road Waterloo is required as a base station, providing an additional hub for other facilities in the region as well as providing enhanced 4G and 5G services to the Waterloo area.

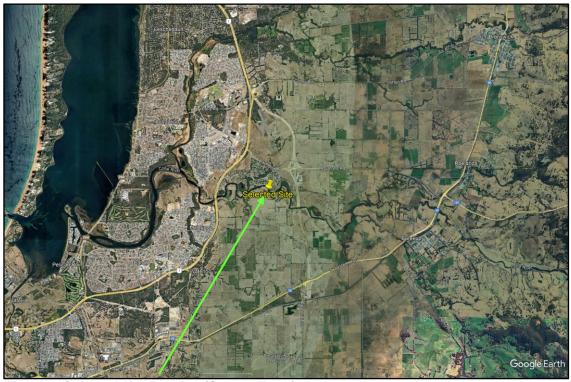


Figure 3. Selected site location (Google Earth)



Figure 4. Selected site location (Google Earth)

The selected site is situated on a property located within a 'General Farming' zone under Shire of Dardanup Scheme No. 3 - with surrounding properties also zoned 'General Farming'.

The selected site is situated towards the north-eastern end of the Lot, adjacent to lines of tall mature trees (please refer to Figures 5-7).



Figure 5. Selected site location on the Lot (Google Earth)



Figure 6. Selected site location on the Lot (Google Earth)



Figure 7. Selected site location adjacent to lines of trees (Google Earth)

The selected property runs along the southern bank of the *Collie River* in this area. The river bank is vegetated with tall mature trees for the entire length of the northern property boundary. The selected site is located approx. 45m from the river's edge.

The property is generally flat in character with slight undulations from the selected site to the southern boundary ranging from approx. 14-16m AHD. The northern end of the property slopes quickly from the selected site down to the River (elevation is approx. 4m)

Most of the property has been cleared of all native vegetation, except for mature trees lining the river bank, a few isolated lines of tall mature trees, a grove of trees at the eastern boundary and scattered trees at the southern end of the property.

The property is mostly cleared and undeveloped (please refer to Figures 8-12).



Figure 8. Looking south across the property from the selected site (Ventia)



Figure 9. Looking north across the property towards the selected site (Ventia)



Figure 10. Looking north across the property towards the selected site (Ventia)



Figure 11. Looking north-west across the property towards the selected site (Ventia)



Figure 12. Land sloping towards Collie River away from the selected site (Ventia)

As shown in this series of photos, there are tall mature trees in the near vicinity of the selected site - which would provide significant screening for the proposal.

During a visit to the selected site, a series of drone photos was also taken of the area - to provide a more comprehensive understanding of the topography and development of the surrounding area (please refer to Figures 13-14).



Figure 13. Drone photo showing the topography and surrounding development (Ventia)



Figure 14. Drone photo showing the topography and surrounding development (Ventia)

These photos confirm there is no development within the surrounding area that would be impacted by the proposed development.

Indara and Optus consider that the selected site for the proposed development is sensitively located to minimise impact on the surrounding area.

5. Proposed Works

5.1 Equipment to be Installed

The proposed works involve installation of:

- One (1) new 35m Indara monopole
- One (1) new Optus square headframe supporting the following equipment:
 - Three (3) Optus 4G panel antennas, each up to 2.8m in length
 - Three (3) Optus 5G panel antennas, each up to 1m in length
- One (1) Optus parabolic antenna, measuring 600mm in diameter
- One (1) GPS antenna
- One (1) new 2-Bay outdoor equipment cabinet at ground level
- Ancillary works and equipment associated with the access, operation and safety of the facility, including remote radio units, cabling and antenna mounts

The overall height of the facility, including antennas and equipment, would not exceed 40m above ground level. The facility would be located within a fenced 11m x 7m compound, enclosed by a 2.2m tall chain-link security fence (please refer to Appendix 2 for copies of the proposal plans).

5.2 Site Access and Parking

The selected site would be accessed directly from Clifton Road, then via the existing access route currently running along the eastern boundary of the property. A short section (approx. 300m in length) would need to be upgraded to allow safe access to the site for the construction vehicles (please refer to Figures 15-18).



Figure 15. Existing access route to the selected site, showing section requiring upgrading (Ventia)



Figure 16. Existing access route to the selected site (Ventia)

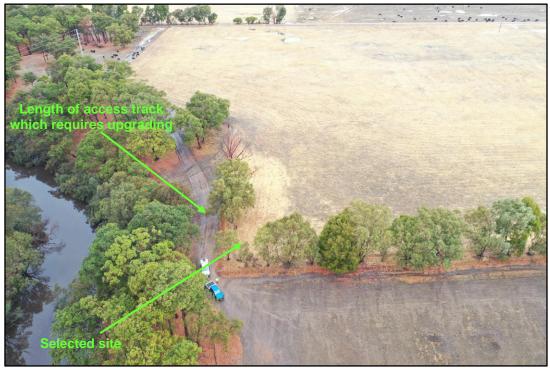


Figure 17. Existing access route to the selected site, showing section requiring upgrading (Ventia)



Figure 18. Existing access route to the selected site, showing section requiring upgrading (Ventia)

Once constructed, the facility would operate on a continually un-manned basis, aside from periodic routine maintenance visits (generally 2-4 times annually). The facility would not generate significant vehicle traffic through its ongoing operation (please refer to Appendix 2 for copies of the proposal plans).

5.3 Noise

The facility would not generate any significant noise. The only parts of the facility that generate noise are the cooling fans for the equipment cabinet. Cooling equipment would only operate when required and would not operate continuously. Cooling equipment would operate at levels generally comparable to those of a domestic air conditioner.

The nearest residences are located over 200m away from the selected site (please refer to Figure 19). The proposed facility would not present as a noise nuisance.



Figure 19. Nearest residences to the selected site (Google Earth)

5.4 Power and Utilities

The proposal involves installation of underground power, via trench. The existing power source is located approx. 150m away to the west of the selected site. The power supply would need to be extended, via trenching, from this source to the selected site (please refer to Figure 20 and Appendix 2 for plans for the proposed power route).



Figure 20. Existing power supply (Google Earth)

No works associated with stormwater drainage or connections to reticulated water and sewerage, are proposed or required.

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5.5 Emissions

Operation of the facility would not result in the emission of dust, heat, smoke, gaseous plumes or particulates.

To provide mobile coverage, the facility will produce electromagnetic EME emissions. These emissions would be within the levels prescribed by ARPANSA and regulated by ACMA. An ARPANSA EME Report, demonstrating compliance with Australian safety standards, is attached (please refer to Appendix 3). Further discussion on this matter is contained in section '8 Radiofrequency Emissions and Safety' of this Report.

5.6 Environmental Considerations

The proposed facility would be located towards the north-eastern corner of the property. This area has previously been cleared of nearly all native vegetation, excepting for two (2) lines of mature trees and those trees lining the banks of the *Collie River*. The selected site area is currently vegetated with random grasses and bare soil (please refer to Figures 21-22).



Figure 21. Aerial view of the selected site, showing existing vegetation (Ventia)

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Figure 22. View of the selected site, showing existing vegetation and bare soil areas (Ventia)

Excavation works within the compound area would be required to install the footings and concrete pad for the monopole and equipment cabinet. Once the footings, concrete pad and electrical cabling were installed, the ground would be restored. The base of the compound would be covered by weed matting and gravel base.

Access to the selected site would be via the existing access route along the eastern boundary through the property; and there is sufficient space adjacent to the selected site for the loading and unloading of materials.

Trenching for connection to the existing power supply is also required. The existing power source is located approx. 150m away to the west of the selected site. The power supply would need to be extended, via trenching, from this source to the selected site (please refer to Figure 20).

When the installation is completed, the land around the compound would be cleared of construction debris, returned to a state similar to what it was previously and allowed to re-generate naturally.

Due to the previous clearing of the property and the current uses of the Lot, there are very few habitats on the Lot for native flora and fauna species.

The proposed development would have negligible impact on the biodiversity of the area.

5.6.1 Protected Matters Report

An investigation was undertaken, dated 30 October 2024, to determine if there are any Protected Matters existing within a radius of 0.5 kms from the site location (please refer to Appendix 4). The Report identified the following:

•	Listed Threatened Ecological Communities	2
•	Listed Threatened Species	34
•	Listed Migratory Species	11

No Commonwealth Lands, Commonwealth Heritage Places, Critical Habitats or Commonwealth Reserves Terrestrial, State and Territory Reserves or Biologically Important Areas were identified within 500m of the selected site location.

No Wetlands - International or National - were identified at, or within the immediately surrounding area of, the selected site.

The proposed development is designed to allow the free flow of water across the compound and the natural percolation of water to the water table. The only hardstand runoff would be from the small equipment cabinet.

The area in which the proposed facility would be located has previously been cleared of nearly all native vegetation, except for a random number of trees.

There would be minimal disturbance or disruption to any ecological communities or threatened species, as a result of the proposed development.

5.7 Heritage

Investigations were undertaken to identify any cultural heritage that may be attached to, or located within the near vicinity of, this property.

5.7.1 Aboriginal Cultural Heritage

No Aboriginal Cultural Heritage Areas or Items were identified as pertaining to this property.

However, if Aboriginal artefacts are discovered during excavation works for the proposed development, work would cease, and the Office of Aboriginal Heritage contacted. Work would not resume until all approvals to do so were received.

5.7.2 European Cultural Heritage

Investigation of the Western Australia Heritage Register (iNHerit) and Shire of Dardanup Planning Scheme No 3 Heritage List did not identify any item or area within the near vicinity of the selected site as having heritage value or significance.

5.8 Aviation

The proposed facility would not be located within 10 kms of any identified airfield, with the nearest airfield being Bunbury (please refer to Figure 23):

Bunbury Airfield approx. 11 kms south-west

The proposed development would be located outside the OLS of airports and would have nil impact on airplane traffic at airfields.

Perth Airport is located approx. 170 kms north of the selected site and the proposed development would have nil impact on airplane traffic or operations at the Airport.

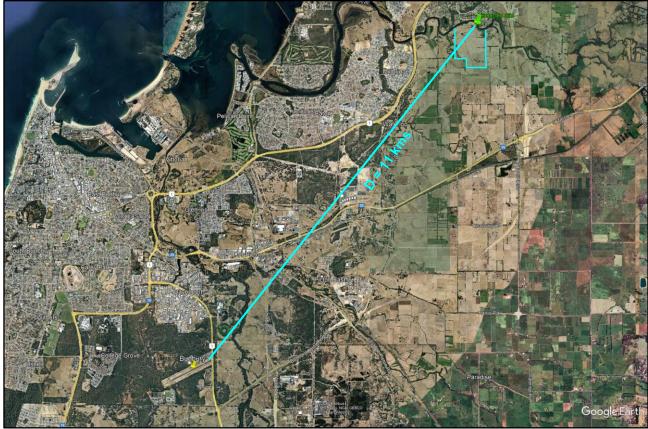


Figure 23. Airfields located within the surrounding area (Google Earth)

No specific aviation safety measures, such as lighting or obstacle marking, are proposed.

6. Legislative Context

6.1 Commonwealth Legislation

6.1.1 Telecommunications Act 1997 and Telecommunications (Low-Impact Facilities) Determination 2018

The *Telecommunications Act 1997* allows mobile Carriers to perform certain maintenance and installation works without needing development consent. The *Telecommunications (Low-Impact Facilities) Determination 2018* also allows for certain kinds of 'Low Impact' equipment to be installed without development consent.

New towers and monopoles do not fall within these Federal planning exemptions. Accordingly, this proposal will require Council approval.

6.1.2 Telecommunications Code of Practice 2018

The *Telecommunications Code of Practice 2018* emphasizes 'best practice' for the installation of facilities, compliance with industry standards and minimisation of adverse impacts on the environment.

This proposal has been designed with consideration for the Code of Practice. All steps will be taken to do as little damage as practicable; the facility will be constructed and operated in accordance with industry standards and good engineering practice; and the design of the facility will be in accordance with industry best practice.

6.1.3 Industry Code C564:2020

The Communications Alliance Limited Industry Code, 'C564:2020 Mobile Phone Base Station Deployment' (the 'Industry Code') is an industry code of practice registered by the Australian Communications and Media Authority (ACMA).

The Industry Code applies to all licenced telecommunications Carriers and sets guidelines for site selection, community consultation, design, installation and operation of telecommunications facilities.

Sections 4.1 and 4.2 of the Industry Code require a precautionary approach to site selection, infrastructure design and site operation. The proposed facility has been sited and designed in accordance with Sections 4.1 and 4.2. Checklists demonstrating compliance can be provided on request.

The Code also requires an ARPANSA EME Report be prepared for all new facilities, to demonstrate compliance with relevant safety standards. A copy of this Report is enclosed in Appendix 3.

6.2 State Legislation

6.2.1 Planning and Development Act 2005

The *Planning and Development Act 2005* (the 'Act') establishes the planning and development system framework for Western Australia.

The proposed development is defined as 'Development' under Section 4 of the Act:

- (a) Any demolition, erection, construction, alteration of or addition to any building or structure on the land
- (b) The carrying out on the land of any excavation or other works
- (c) In the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that -
 - (i) Is likely to change the character of that place or the external appearance of any building, or
 - (ii) Would constitute an irreversible alteration of the fabric of any building

6.2.2 Metropolitan Region Scheme

The selected site is located on a private property within an 'Urban deferred' zone under the Greater Bunbury Region Scheme; however, the selected site is not located on land requiring assessment under this Scheme.

6.2.3 State Planning Policy 3.7: Planning in bushfire prone areas

The 'Bush Fire Prone Areas 2021' dataset identifies bush fire prone areas of Western Australia, as designated by the Fire and Emergency Services (FES) Commissioner. Bush fire prone areas are subject to, or likely to be subject to, bush fire attack. The selected site is identified as being located within a bush fire prone area (please refer to Figure 24).



Figure 24. Selected site - located within a Bushfire-Prone Area (Landgate)

The proposed facility is classified under the 'Building Code of Australia' as a Class 10b:non-habitable structure - and would operate on a continual un-manned basis, except for occasional maintenance or emergency activities.

It would be designed for use in areas with a BAL of Fire Zone (FZ) and would be fully compliant with the Australian Standard: 'AS3959 Construction of Buildings in Bush Fire Prone Areas'. Class 10 (Telecommunications Infrastructure) does not require a BAL or Bushfire Hazard Assessment in fire prone areas.

Nonetheless, the proposed facility is designed with:

- weeding matting and gravel across the base of the compound
- metal chain-link security fencing around the compound
- a non-flammable monopole structure with internal feeders
- all electronic equipment enclosed within a secure aluminium outdoor cabinet
- · no components that would generate a fire, or contribute to the spread of a fire

The proposed facility would be pre-fabricated and designed in accordance with the 'Building Code of Australia'. The compound area would be cleared of all vegetation, forming part of the asset protection zone (APZ) in conjunction with abutting access tracks.

The proposed development would not result in any additional fire load or result in an unacceptable risk from bushfire to persons or property.

6.2.4 State Planning Policy 5.2: Telecommunications Infrastructure

The proposed development has been assessed against 'SPP5.2 Telecommunications Infrastructure' and is considered to be consistent with this Planning Policy, especially 'Section 4. Policy Objectives' and 'Section 5. Policy Measures'.

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6.2.4.1 Section 4. Policy Objectives

The Objectives of this Policy are to:

Objective	Comment
a) facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs	The location, height and design of the proposal have been considered to ensure that the facility is able to meet the needs of the growing community
	Space has been reserved on the proposed structure for other Carriers to co-locate in the future; thereby, ensuring the community would have access to essential telecommunications services in an effective and efficient manner with minimal impact on the environment
b) manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure	Indara and Optus have undertaken significant investigations in order to select a site and location that would minimise any negative impacts on the visual amenity and natural rural character and cultural heritage of the area
	The selected site is located within a farming zone adjacent to two (2) lines of tall mature trees - ensuring provision of the required services without significantly impacting on the landscape and character of the area
	The selected site would not have a significant impact on the environmental value or cultural heritage of the area
c) ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons	There is a general expectation in the community for dependable and reliable mobile phone networks for business and personal uses
	Mobile phone networks also provide a vital 'first response' tool in emergency situations. It is important that Carriers ensure their network and infrastructure is maintained to the highest standards
	Telecommunications infrastructure is, nowadays, essential infrastructure, especially within rural neighbourhoods which can sometimes be or feel isolated from the wider community

	Indara and Optus propose this new facility to ensure that this essential infrastructure is available for business, personal and emergency reasons
, ,	Indara and Optus have prepared this Planning Report in accordance with all relevant Planning Regulations and submit the Planning Application for assessment with regard to Council's consistent approach to determinations

6.2.4.2 Section 5. Policy Measures

Telecommunications infrastructure is, by nature, visible within the landscape - as facilities need to project above the higher elements in the surronding area.

Indara and Optus are aware that the visual impact of such facilities can be a concern to local residents. In consideration of this, a location within a farming community - on a property which provides mature vegetation coverage - has been identified.

Therefore, Indara and Optus consider that the proposed development would provide a balance between visual impact and the provisioning of essential telecommunications services (please refer to Table 3).

Table 3. Visual Impacts

Measure	Comment	
i) assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis	Indara and Optus have undertaken significant investigations in order to select a site and location that would minimise any negative impacts on the visual amenity and natural rural character of the area	
	The selected site is located within a farming zone adjacent to two (2) lines of tall mature trees - ensuring provision of the required services without significantly impacting on the landscape and character of the area	

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sited a	ecommunications infrastructure should be nd designed to minimise visual impact and ver possible
a)	be located where it will not be prominently visible from significant viewing locations such as scenic routes lookouts and

- recreation sites
- b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land
- c) not be located on sites environmental, cultural heritage, social and visual landscape values may be compromised
- d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape

iii) in addition to the existing exemptions under Indara and Optus would be willing to consider abiding by this measure, should Council adopt this exemption

- the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement development approval where:
 - a) the infrastructure has a maximum height of 30 metres from finished ground level
 - b) the proposal complies with the policy measures outlined in this policy
 - c) the proponent has undertaken notification of the proposal in a similar manner to 'low impact facilities' as defined and set out in the Industry Code, C564:2020 Mobile Phone Base Station Deployment

iv) telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community

v) telecommunications infrastructure should be co-located and whenever possible:

The proposed development would be:

- a) sited within a farming zone adjacent to two (2) lines of tall mature trees - ensuring provision of the required services without significantly impacting on the landscape and character of the area
- b) situated in an area that does not have environmental or cultural heritage significance and would not detract from any significant views
- land c) located on private where environmental, cultural heritage, social and visual landscape values would be compromised
- d) consistent with the scale of vegetation in the area and would be a pale, non-reflective grey in colour - which is shown to be sympathetic with the skyscape. The proposed development would only be visible above the tree tops

The proposed facility would be integrated into the existing Optus network, therefore ensuring continuous network coverage, especially to the residents in the Waterloo area

Indara and Optus did not identify any opportunities to co-locate the proposed development (please refer to section 3.2 Upgrade and Co-Location Opportunities)

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- a) cables and lines should be located within an existing underground conduit or duct
- b) overhead lines and towers should be colocated with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings
- a) the proposed facility would be connected to the existing power supply via new underground trenching from the power source to the compound area
- b) apart from some external cable trays located within the compound area, the proposed development would not require overhead lines or towers to connect to the existing power supply

6.3 Local Legislation: Shire of Dardanup

6.3.1 Dardanup Planning Scheme No.3

The selected site is located on land within the Shire of Dardanup Local Government Area and is subject to the provisions as contained in Dardanup Planning Scheme No.3 (the 'Scheme').

6.3.2.1 Zone Provisions

The selected site is located within a 'General Farming' zone under the Scheme (please refer to Figure 25).

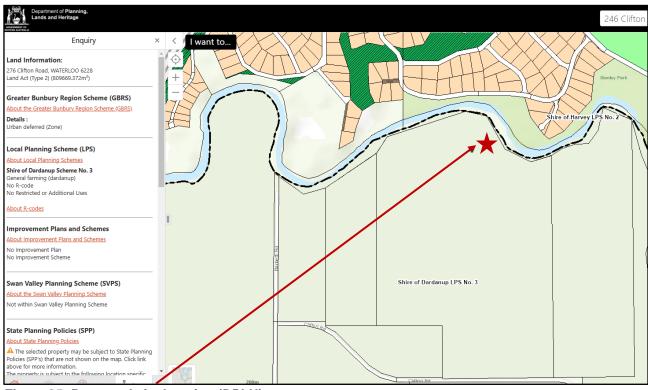


Figure 25. Proposed site location (DPLH)

Objectives of the Zone

- 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
- To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses
- 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

Comment

While telecommunications facilities are identified as essential infrastructure and vital for supporting effective commerce and essential for educational and personal usage, no specific areas or zones are established for their installation.

 The proposed facility would require only a small footprint of land - 11m x 7m - and would be situated in a corner of the property, adjacent to lines of mature trees. The size of the compound and the location would ensure there is minimal impact on current or future uses for grazing or horticulture on the property

While the proposed development would not be directly associated with the rural character of the area, the facility would provide those essential services necessary for the continuing operation of rural and farming activities

As stated, the proposed facility would have a visual presence in the area; however, the presence of tall mature tree coverage at the selected site and along the banks of the Collie River would ensure that the proposed facility would only be visible above the tree tops and would be similar in character to existing power poles visible across the region

- The selected site is not located within an irrigation district; and the small footprint required for the proposed facility would not have a significant impact on the agricultural value of the property
- The proposed facility is considered to be incidental to development of the local tourist industry

 providing those essential mobile call and data services expected by those who would visit
 the area particularly when investigating the significant tourist activities available across the
 region

The selected site is situated on a private property which is located on the southern side of the Collie River. Surrounding properties on the southern side of the river are also zoned as 'General Farming'.

The property for the selected site is generally cleared of vegetation and is currently undeveloped. Minimal development has also been undertaken on surrounding properties.

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The land bordering the northern side of Collie River is zoned as 'Rural' and 'Regional Open Space'; and the nearest residential zones are located on the northern side of the river and are greater than 200m away from the selected site.

Indara and Optus consider that the selected site for the proposed development is sensitively located to minimise impact on the surrounding area.

6.3.2 Wanju District Structure Plan

The selected site is located on a property which is subject to the 'Wanju District Structure Plan' (the 'Plan') - please refer to Figure 26.

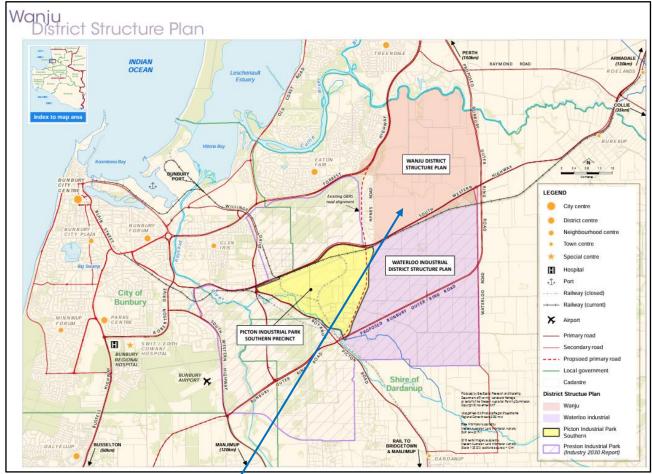


Figure 26. Area boundaries of the Wanju District Structure Plan (DPLH)

Under the Plan, areas have been strategically planned for future development over the next **forty** (40) years to provide for the increasing urban expansion - especially into areas previously established for farming and rural uses.

Indara and Optus appreciate the need to plan ahead and strategize in order to anticipate and meet the future needs of growing communities. Establishing this proposed facility at this location would provide for:

- current community needs for efficient and reliable telecommunications services
- future development requirements as identified under the Plan

and would be located in an area:

- established for farming purposes
- established as future 'green space'
- not identified as residential
- surrounded by tall mature vegetation
- significantly screened around the base of the compound area

It is noted that the Plan is proposed over a forty year period. Considering that the Indara and Optus development is proposed for installation within the next 2-3 years, sufficient time is available for any additional mitigation measures to be implemented, should they be required.

7. Visual Impact

Telecommunications facilities are, by their nature, visible infrastructure within the surrounding environment. While they are identified as essential infrastructure and vital for supporting effective commerce and essential for educational and personal usage, no specific areas or zones are established for their installation. This is not a problem with zone identification; rather, is a result of the need for each individual facility to be located in the area where it is most required.

Siting facilities in residential or highly visible locations is, unfortunately, sometimes required - when these are the areas where services are required. Mobile phone facilities only have a limited range; and need to be installed in close proximity to the area to be covered. If a facility is located too far from a proposed coverage area, connections would be unavailable, and interference may occur with another facility.

Existing Optus telecommunications facilities in the area are currently operating at near maximum capacity. A new facility is required in the Waterloo area, else Optus mobile call and data services will be compromised - resulting in slow data speeds, especially for data streaming, and even call 'drop-outs'.

In selecting this location for a new facility at Waterloo, Indara and Optus needed to consider the coverage requirements and balance these with any historical, commercial, recreational and residential aspects of the area.

Indara and Optus are proposing to install a new facility in the area to meet the growing demand and dependence upon mobile call and data services.

Indara and Optus have selected a site on a private property zoned and used for farming purposes because the location is established:

- outside a residential zone, yet capable of providing services to residents
- away from vehicle and pedestrian traffic
- screened by tall mature trees
- in an undeveloped area of the Lot

During a site visit, reconnaissance was made of the surrounding area to confirm what impact the proposed development may have on the visual amenity of the area.

A series of photos, taken with the use of a drone, clearly show the flat undeveloped nature of the surrounding properties, including the selected site (please refer to Figures 27-29).



Figure 27. Looking west from above the selected site (Ventia)



Figure 28. Looking south from above the selected site (Ventia)



Figure 29. Looking south from above the selected site (Ventia)

In addition, the selected site is bordered on the northern and eastern sides by tall mature trees (please refer to Figures 30-31).



Figure 30. Tall mature trees bordering the selected site (Ventia)



Figure 31. Tall mature trees bordering the selected site (Ventia)

Tall mature trees also line the northern banks of the Collie River - which would provide significant screening for those residences located to the north of the selected site (please refer to Figures 32-34).



Figure 32. Tall mature trees along the banks of the Collie River (Ventia)



Figure 33. Tall mature trees along the northern banks of the Collie River (Ventia)



Figure 34. Tall mature trees along the banks of the Collie River (Ventia)

Several photos were also taken from the ground to show the heights of existing trees at and around the selected site. These trees range in height from 16m - being those trees at the selected site - to 26m - being those trees along the river embankment (please refer to Figures 35-36).



Figure 35. Heights of existing trees at the selected site (Ventia)



Figure 36. Heights of existing trees along the river embankment (Ventia)

Indara and Optus are also mindful of the possible impact the proposed development may have on the visual amenity of the area. The following series of photos helps to understand the nature of the development when viewed from residences on the northern side of Collie River (please refer to Figures 37-39).



Figure 37. View from Shinnick Close, looking south-west towards the selected site, approx. 225m away (Google Earth)



Figure 38. View from Ranson Drive, looking directly south towards the site, approx. 270m away (Google Earth)



Figure 39. View from Ranson Drive, looking south-east towards the selected site, approx. 450m away (Google Earth)

As can be seen in this series of photos, the proposed facility would only be visible above the tree tops from residences on the northern side of Collie River and would blend in with the varying canopy shape.

Consideration was also given to the views from the Australind Bypass and those residences located on the western side of the Bypass.

As the Australind Bypass and residents in the Millbridge area are located over 1.8 kms from the selected site and there is significant tall vegetation coverage between them and the selected site, the proposed facility would not be visible (please refer to Figures 40-41).



Figure 40. View from Australind Bypass, looking north-east to the selected site, approx. 1.8 kms away (Google Earth)



Figure 41. View from Linden Way, looking north-east to the selected site, approx.

1.8 kms away (Google Earth)

Summary of visual impact

As previously stated, telecommunications facilities are visible infrastructure within the environment as the antennas need to be higher than objects in the surrounding area in order to operate effectively.

However, as shown by the series of photos provided, the proposed development would be difficult to identify from most aspects in the surrounding area due to the large expanses of tall mature trees - which would provide significant screening for the facility.

Indara and Optus have sited and designed the facility so that the visual impact on the surrounding area is minimised as much as possible; and consider that the selected site for the proposed development is sensitively located to minimise its impact.

8. Radiofrequency Emissions and Safety

It is the position of the Australian government, and peak health bodies like the World Health Organization (WHO), that mobile base stations are safe.

Statement from Australia's Chief Medical Officer

I'd like to reassure the community that 5G technology is safe. There is no evidence that telecommunication technologies, such as 5G, cause adverse health impacts. This position is supported by health authorities in Australia – such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) – and around the world, such as the World Health Organization.

Mobile phone networks and other wireless telecommunications emit low-powered radio waves also known as radiofrequency (RF) electromagnetic energy (EME). This is different to ionising radiation associated with nuclear energy or use in medicine. The radio waves to which the general public is exposed from telecommunications are not hazardous to human health.

https://www.health.gov.au/news/safety-of-5g-technology

Australian Government Advice

What do we know about EME? Answer: extensive scientific research confirms that mobile technology has no long or short term health effects; and the Australian Government is focused on capturing the benefits of advanced telecommunications while ensuring strict protections and safety standards are met.

The EME standard set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) defines the maximum exposure limit for all wireless equipment and is strictly enforced by the Australian Communications and Media Authority (ACMA). Measurements undertaken by Carriers and ACMA show that mobile telecommunication sites emit a tiny fraction of maximum EME exposure limits. The exposure limits are themselves very conservative. As such, sites which operate at 100% of the limit are still considered safe.

This standard is informed by decades of quality studies undertaken by expert Australian and international scientists which show the low levels of EME produced by telecommunications equipment have no adverse effects. This includes previous generations of mobile technology, like 3G and 4G, and the higher, more efficient, radio waves used for 5G.

https://www.infrastructure.gov.au/media-centre/5g-and-electromagnetic-energy

EME is one of the most heavily studied types of energy in the world. Decades of research shows there is no verifiable evidence that EME from telecommunications facilities pose a negative health risk, especially when emission levels are below the maximum exposure limits set out in the Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (the Standard).

https://www.infrastructure.gov.au/media-technology-communications/spectrum/5g-eme

All mobile base stations in Australia must comply with a strict safety standard called the *Standard for Limiting Exposure to Radiofrequency Fields - 100 KHz to 300 GHz (RPS S-1)*. The standard has been prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), based on the recommendations of ICNIRP (International Commission for Non-Ionising Radiation Protection).

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The Australian Communications and Media Authority (ACMA) regulates compliance with the standard. The safety standard applies to all mobile frequencies currently used in Australia, including 4G and 5G.

The Standard operates by placing a limit on the strength of the signal (or RF EME) that mobile Carriers can transmit to and from any network base station. The environmental standard restricts the signal strength to a level low enough to protect all people at all times - 365 days a year, 7 days a week, 24 hours a day. It has a significant safety margin, or precautionary approach, built into it.

An ARPANSA EME report has been prepared to demonstrate compliance with the Australian standard. This report demonstrates the maximum signal strength that a proposed telecommunications facility is capable of producing, assuming it is operating at maximum capacity.

This facility would operate at maximum EME levels representing **0.92%** of the Australian standard. (where 100% is referred to as safe). A copy of the ARPANSA EME Report is supplied with this Planning Report (please refer Appendix 3).

Note that mobile base stations are designed to operate at minimum, not maximum, power levels at all times. The facility will only operate at a level necessary to accommodate the number of customers using the facility at any one time. Actual EME levels emitted by the facility will generally be much lower than those shown in the ARPANSA EME Report.

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9. Conclusion

Ventia, for the Indara Group, is seeking development consent to install a new telecommunications facility at 276 Clifton Road Waterloo WA 6228. The new facility is proposed to provide enhanced 4G and 5G Optus mobile call and data services to the Waterloo area.

The facility has been designed and sited to minimise impact on surrounding land uses as far as practicable and generally accords with the Planning requirements of Dardanup Local Planning Scheme No. 3 and all relevant Planning Policies.

Telecommunications infrastructure, by nature, has a visual presence in any area. However, Indara and Optus have selected a site as far from residential developments as possible. The expansive coverage of tall mature vegetation across the area would provide substantial screening for the facility.

Without a new facility in the area, mobile call and data services will be severely compromised. Given the significant public benefit afforded by the proposal and minimal negative impact on the environment and community, it is requested that consent be granted to undertake the proposed development.

Appendix 1: Certificate of Title

Appendix 2: Proposal Plans

Appendix 3: ARPANSA EME Report

Environmental EME Report

Location	276 Clifton Road, Waterloo W	A 6228	
Date	16/10/2024	RFNSA No.	6228002

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 276 Clifton Road, Waterloo WA 6228. These levels have been calculated by Ventia - IRFA using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). A document describing how to interpret this report is available at ARPANSA's website:

A Guide to the Environmental Report.

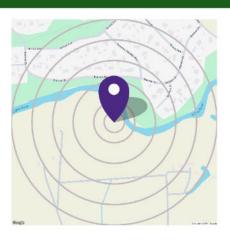
A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this

The maximum EME level calculated for the **proposed** changes at this site is

0.92%

out of 100% of the public exposure limit, 218 m from the location.



EME levels with the proposed changes			
Distance from the site	Percentage of the public exposure limit		
0-50 m	0.51%		
50-100 m	0.28%		
100-200 m	0.90%		
200-300 m	0.92%		
300-400 m	0.73%		
400-500 m	0.43%		

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at http://www.rfnsa.com.au/6228002.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

		Existing		Proposed	
Carrier	Systems	ems Configuration		Configuration	
Optus			4G, 5G	NR/LTE700 (proposed), NR/LTE900 (proposed), LTE1800 (proposed), NR/LTE2100 (proposed), NR3500 (proposed)	

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

	Existing configuration		Proposed configuration			
Distance from the site	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
0-50m				3.59	34.16	0.51%
50-100m				2.88	22.06	0.28%
100-200m				4.96	65.13	0.90%
200-300m				5.00	66.34	0.92%
300-400m				4.38	50.93	0.73%
400-500m				3.36	29.90	0.43%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the <u>Communications Alliance Ltd Deployment Code C564:2020</u> or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
No locations identified				

Appendix 4: Protected Matters Report

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 30-Oct-2024

Summary

Details

Matters of NES

Other Matters Protected by the EPBC Act

Extra Information

Caveat

Acknowledgements

Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the <u>Administrative Guidelines on Significance</u>.

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance (Ramsar	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	2
Listed Threatened Species:	34
Listed Migratory Species:	11

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at https://www.dcceew.gov.au/parks-heritage/heritage

A <u>permit</u> may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	14
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None
Habitat Critical to the Survival of Marine Turtles:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	None
Regional Forest Agreements:	None
Nationally Important Wetlands:	None
EPBC Act Referrals:	5
Key Ecological Features (Marine):	None
Biologically Important Areas:	None
Bioregional Assessments:	None
Geological and Bioregional Assessments:	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities

[Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
Banksia Woodlands of the Swan Coastal Plain ecological community	Endangered	Community likely to occur within area	In feature area
Tuart (Eucalyptus gomphocephala) Woodlands and Forests of the Swan Coastal Plain ecological community	Critically Endangered	Community likely to occur within area	In feature area

Listed Threatened	Species
-------------------	---------

Forest Red-tailed Black-Cockatoo,

Karrak [67034]

[Resource Information]

In feature area

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act. Number is the current name ID. Scientific Name Threatened Category Presence Text **Buffer Status** BIRD Botaurus poiciloptilus Australasian Bittern [1001] Endangered Species or species In feature area habitat likely to occur within area Calidris acuminata Sharp-tailed Sandpiper [874] Vulnerable Species or species In feature area habitat known to occur within area Calidris canutus Red Knot, Knot [855] Vulnerable Species or species In feature area habitat likely to occur within area Calidris ferruginea Curlew Sandpiper [856] Critically Endangered Species or species In feature area habitat may occur within area Calyptorhynchus banksii naso

Vulnerable

Species or species

habitat known to occur within area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Charadrius leschenaultii	*	ppendix ORD 1	,
Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area	In feature area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	In feature area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area	In feature area
Sternula nereis nereis Australian Fairy Tern [82950]	Vulnerable	Species or species habitat may occur within area	In feature area
Tringa nebularia			
Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area	In feature area
Zanda baudinii listed as Calyptorhynchus	<u>baudinii</u>		
Baudin's Cockatoo, Baudin's Black- Cockatoo, Long-billed Black-cockatoo [87736]	Endangered	Breeding likely to occur within area	In feature area
Zanda latirostris listed as Calyptorhynchu	s latirostris		
Carnaby's Black Cockatoo, Short-billed Black-cockatoo [87737]	Endangered	Breeding likely to occur within area	In feature area
FISH			
Nannatherina balstoni Balston's Pygmy Perch [66698]	Vulnerable	Species or species habitat likely to occur within area	In feature area
MAMMAL			
Dasyurus geoffroii Chuditch, Western Quoll [330]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Pseudocheirus occidentalis Western Ringtail Possum, Ngwayir, Womp, Woder, Ngoor, Ngoolangit [25911]	Critically Endangered	Species or species habitat known to occur within area	In feature area
OTHER			

Scientific Name	Threatened Category	Presence Text	Buffer Status
Westralunio carteri Carter's Freshwater Mussel, Freshwater Mussel [86266]	*	speedix ORD 1 Species or species habitat may occur within area	In feature area
PLANT			
Andersonia gracilis Slender Andersonia [14470]	Endangered	Species or species habitat may occur within area	In feature area
Banksia squarrosa subsp. argillacea Whicher Range Dryandra [82769]	Vulnerable	Species or species habitat may occur within area	In feature area
Brachyscias verecundus Ironstone Brachyscias [81321]	Critically Endangered	Species or species habitat may occur within area	In feature area
Caladenia huegelii King Spider-orchid, Grand Spider-orchid, Rusty Spider-orchid [7309]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Chamelaucium sp. S coastal plain (R.D.F Royce's Waxflower [87814]	Royce 4872) Vulnerable	Species or species habitat may occur within area	In feature area
Diuris drummondii Tall Donkey Orchid [4365]	Vulnerable	Species or species habitat may occur within area	In feature area
Diuris micrantha Dwarf Bee-orchid [55082]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Diuris purdiei Purdie's Donkey-orchid [12950]	Endangered	Species or species habitat may occur within area	In feature area
Drakaea elastica Glossy-leafed Hammer Orchid, Glossy- leaved Hammer Orchid, Warty Hammer Orchid [16753]	Endangered	Species or species habitat likely to occur within area	In feature area
Drakaea micrantha Dwarf Hammer-orchid [56755]	Vulnerable	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text ppendix ORD 1	Buffer Status
Eleocharis keigheryi	*		*
Keighery's Eleocharis [64893]	Vulnerable	Species or species habitat may occur within area	In feature area
Lambertia echinata subsp. occidentalis			
Western Prickly Honeysuckle [64528]	Endangered	Species or species habitat may occur within area	In feature area
Morelotia australiensis listed as Tetraria a	australiensis		
Southern Tetraria [92784]	Vulnerable	Species or species habitat may occur within area	In feature area
Synaphea sp. Fairbridge Farm (D.Papent	fus 696)		
Selena's Synaphea [82881]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Synaphea sp. Serpentine (G.R.Brand 103	<u>3)</u>		
[86879]	Critically Endangered	Species or species habitat may occur within area	In feature area
Synaphea stenoloba			
Dwellingup Synaphea [66311]	Endangered	Species or species habitat may occur within area	In feature area
SHARK			
Pristis pristis			
Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat may occur within area	In feature area
Listed Migratory Species		[Res	source Information
Scientific Name	Threatened Category	Presence Text	Buffer Status
Migratory Marine Birds			
Apus pacificus			
Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
Migratory Marine Species			
Pristis pristis			
Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat may occur within area	In feature area
Migratory Terrestrial Species			
Motacilla cinerea			
Grey Wagtail [642]		Species or species habitat may occur within area	In feature area
Migratory Wetlands Species			

Scientific Name	Threatened Category	Presence Text	Buffer Status
Actitis hypoleucos	(A	ppendix ORD 1	,
Common Sandpiper [59309]		Species or species habitat known to occur within area	In feature area
Calidris acuminata			
Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area	In feature area
<u>Calidris canutus</u>			
Red Knot, Knot [855]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Calidris ferruginea			
Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Calidris melanotos</u>			
Pectoral Sandpiper [858]		Species or species habitat may occur within area	In feature area
Charadrius leschenaultii			
Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Numenius madagascariensis			
Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Tringa nebularia</u>			
Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area	In feature area

Other Matters Protected by the EPBC Act

Listed Marine Species		[Re	source Information]
Scientific Name	Threatened Category	Presence Text	Buffer Status
Bird			
Actitis hypoleucos			
Common Sandpiper [59309]		Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Apus pacificus	(A	ppendix ORD 1	2.2.1A)
Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area	In feature area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area	In feature area
Calidris canutus Red Knot, Knot [855]	Vulnerable	Species or species habitat likely to occur within area overfly marine area	In feature area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area	In feature area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area	In feature area
Charadrius leschenaultii Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area	In feature area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area	In feature area
Motacilla cinerea Grey Wagtail [642]		Species or species habitat may occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
Numenius madagascariensis	(A	ppendix ORD 1	2.2.1A)
Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	In feature area
Rostratula australis as Rostratula bengha	alensis (sensu lato)		
Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
Tringa nebularia			
Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area

Extra Information

EPBC Act Referrals [Resource Information]						
Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status		
Controlled action						
Bunbury Outer Ring Road Northern and Central Section Project, WA	2019/8471	Controlled Action	Post-Approval	In buffer area only		
Yarragadee Water Supply Development	2005/2073	Controlled Action	Completed	In feature area		
Not controlled action						
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed	In feature area		
INDIGO Central Submarine Telecommunications Cable	2017/8127	Not Controlled Action	Completed	In feature area		
Not controlled action (particular manner)						
INDIGO Marine Cable Route Survey (INDIGO)	2017/7996	Not Controlled Action (Particular Manner)	Post-Approval	In feature area		

Caveat

1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- · Wetlands of International and National Importance;
- · Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- · listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data is available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on the contents of this report.

3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions when time permits.

4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- · threatened species listed as extinct or considered vagrants;
- · some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded breeding sites; and
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

Acknowledgements

(Appendix ORD 12.2.1A)

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- -Office of Environment and Heritage, New South Wales
- -Department of Environment and Primary Industries, Victoria
- -Department of Primary Industries, Parks, Water and Environment, Tasmania
- -Department of Environment, Water and Natural Resources, South Australia
- -Department of Land and Resource Management, Northern Territory
- -Department of Environmental and Heritage Protection, Queensland
- -Department of Parks and Wildlife, Western Australia
- -Environment and Planning Directorate, ACT
- -Birdlife Australia
- -Australian Bird and Bat Banding Scheme
- -Australian National Wildlife Collection
- -Natural history museums of Australia
- -Museum Victoria
- -Australian Museum
- -South Australian Museum
- -Queensland Museum
- -Online Zoological Collections of Australian Museums
- -Queensland Herbarium
- -National Herbarium of NSW
- -Royal Botanic Gardens and National Herbarium of Victoria
- -Tasmanian Herbarium
- -State Herbarium of South Australia
- -Northern Territory Herbarium
- -Western Australian Herbarium
- -Australian National Herbarium, Canberra
- -University of New England
- -Ocean Biogeographic Information System
- -Australian Government, Department of Defence
- Forestry Corporation, NSW
- -Geoscience Australia
- -CSIRO
- -Australian Tropical Herbarium, Cairns
- -eBird Australia
- -Australian Government Australian Antarctic Data Centre
- -Museum and Art Gallery of the Northern Territory
- -Australian Government National Environmental Science Program
- -Australian Institute of Marine Science
- -Reef Life Survey Australia
- -American Museum of Natural History
- -Queen Victoria Museum and Art Gallery, Inveresk, Tasmania
- -Tasmanian Museum and Art Gallery, Hobart, Tasmania
- -Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the Contact us page. 12.2.1A)

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Department of Climate Change, Energy, the Environment and Water GPO Box 3090 Canberra ACT 2601 Australia +61 2 6274 1111 Appendix 5: Owner's Consent to Lodge



Figure 1 Locations of the proposed montages

Montage One:

This montage is taken from the east of the proposed location, looking in a westerly direction. The monopole can be seen in the background protruding above the canopy.

Montage Two:

Montage two is taken from the north-west of the site, looking in a southerly direction. You can again see the monopole protrude above the canopy in the background.

Montage Three:

This montage is also taken from the northwest (further west than montage two) looking in a south easterly direction. A yellow arrow is included on the montage to identify the monopole in the background, due to the distance and trees shading it in the foreground.

Montage Four:

This montage is taken from the western side of Duncan Loop, looking in a north-western direction across to the site. Similarly to montage three, the site is significantly distanced from this montage location, and the monopole is barely able to be seen behind an established canopy of trees in front of it.

Montage Five:

Montage Five has been taken from the eastern side of Duncan Loop, at the Duncan Loop/Linden Way intersection, looking in an north easterly direction. The structure is unable to be viewed from this montage location due to the established vegetation and trees in the forefront. The monopole has been superimposed in the location where it would be located in the background in yellow, to show the location through the vegetation.

(A	on	en	dix	OF	RD	12.	2.	1A

APPENDIX 1 – Photo Montages to support DA Application.





















From:

Sent:

Thursday, 16 January 2025 6:54 AM

To:

Submissions Planning

Subject:

Development Application - Telecommunications Tower - Lot 1215 Clifton Road,

Waterloo

Follow Up Flag:

Follow up

Flag Status:

Flagged

A 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.

OFFICIAL

OFFICIAL

16 January 2025

Our Reference: PA069552, DWERVT50~107

Your Reference: DAP-F0410376

To: Shire of Dardanup

From: Department of Water and Environmental Regulation

Re: Development Application - Telecommunications Tower - Lot 1215 Clifton Road, Waterloo

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

The DA seeks approval for a proposed telecommunications tower and associated infrastructure at Lot 1215 Clifton Road, Waterloo (Lot 1215).

ADVICE: Subject to the appropriate building regulations the Department has no objection to the proposal.

Senior Natural Resource Management Officer Department of Water & Environmental Regulation, Planning Advice, South West Region

From:

Sent: Friday, 24 January 2025 11:21 AM

To: Cc:

Subject: RE: DA Referral - Telecommunications Facility - Lot 1215 (246) Clifton Road,

Waterloo - DPLH

Follow Up Flag: Flag Status:

Follow up Flagged

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OFFICIAL

Good Morning

Thank you for providing opportunity to comment on the proposed telecommunications facility to be located on lot 1215 (276 – *Note: It is believed the address number may be incorrect*) Clifton Road, Waterloo (**subject site**). The subject site is zoned as Urban Deferred under the Greater Bunbury Region Scheme (**GBRS**). It is also noted that the subject development is located within:

- The Strategic Agricultural Resources Land Buffer Area under the GBRS Priority Agricultural Land Policy;
 and
- The Wanju District Structure Plan (DSP) area.

Please find the Department's Land Use Planning response below:

Under Clause 27 and Resolution 2014/3 of the GBRS there are several scenarios under which a development application is required. The development has been assessed in accordance with the provisions of the GBRS, notably cl. 27, with reference to Resolution 2014/3 made under Clause 27, Schedule 1, Paragraph 6: Development in the Strategic Agricultural Resource Policy Area.

Under paragraph 6 of *Resolution 2014/3*, a GBRS application can potentially be triggered if the development is located within the Priority Agricultural Land Policy area. However, regard is given to whether the proposed development would be potentially incompatible to agricultural activities in the policy area, or would be adversely affected by, or would adversely affect those activities. It is regarded that the proposed telecommunications facility located on lot 1215 will not be incompatible to the agricultural activities and will have limited perceived land uses conflict with agricultural activities. As such, no planning application is required under the GBRS.

If it is of the opinion of the Shire that a GBRS planning application is required, based on Paragraph 6, that the proposed development is potentially incompatible with agricultural activities, please refer to the Resolution of Delegation 2014/01. Paragraph 9, Schedule 2 of *Delegation 2014/01* of the GBRS outlines, where a development is located within the strategic agricultural resource policy area, delegation is provided to the local government where:

- The local government accepts the recommendation and any advice of the Department of Primary Industries and Regional Development.
- The local government decides to refuse approval under the GBRS.

The subject land is included within the Wanju DSP, and the proposed development is located on land identified as 'Public Open Space'. Further information on the Proposed Collie River Foreshore can be found at 4.1.4.2 of the DSP Report. It should be noted that foreshore reserves should be ceded free of cost to the Crown in any subdivision of land as envisaged under the Wanju DSP, which may implicate the proposed telecommunications facility. At current, there is no intent to purchase further Regional Open Space, and it is understood that the Shire will rezone the entirety of Lot 1215 as the Urban Development zone as part of a future local scheme amendment.

If after referral and assessment the local government believes a GBRS application is required to be determined by the Western Australian Planning Commission, or has any other queries relating to the GBRS, please contact the office to discuss on 9791 0577.

The proposed development is also located within close proximity to a Registered Aboriginal Site (ACH-16713), being the Collie River. Further information, if required, should be obtained by emailing: aboriginalheritage@dplh.wa.gov.au

Thank you, and please reach out if you require any further information or clarification.

Kind regards,

Planning Officer | Land Use Planning

Department of Planning, Lands and Heritage

140 William Street, Perth WA 6000

W: wa.gov.au/dplh | P: 6551 7909



Department of Planning, Lands and Heritage



Now it's easier to leave feedback on projects that may affect you. Visit haveyoursay.dplh.wa.gov.au today.

The Department of Planning, Lands and Heritage acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters an community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people. Learn more about our Reconciliation Action Plan.

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Your reference: DAP-F0410376 Our reference: LUP 2077

Enquiries:

Shire of Dardanup
PO Box 7016
EATON WA, 6232
submissions@dardanup.wa.gov.au

5 February 2025

COMMENT: Application for Development Approval - 35m Monopole Telecommunications Tower and Associated Infrastructure – Lot 1215 (246) Clifton Road, Waterloo

Thank you for the opportunity to comment on the proposed 35m Monopole Telecommunications Tower and Associated Infrastructure at Lot 1215 Clifton Road, Waterloo.

The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed 35m Monopole Telecommunications Tower and Associated Infrastructure at the abovementioned lot.

Yours sincerely

Acting Director
Agriculture Resource Management and Assessment
Fisheries and Sustainability

444 Albany Highway Albany WA 6330

Telephone 08 9892 8444 landuse.planning@dpird.wa.gov.au



Department of **Planning**, **Lands and Heritage**

Your ref: DAP-F0410376

Our ref: ADV-10007174 / A00008-25

Shire of Dardanup

REQUEST FOR COMMENT - PROPOSED INSTALLATION OF 35M MONOPOLE TELECOMMUNICATIONS TOWER AND ASSOCIATED INFRASTRUCTURE - LOCATED AT LOT 1215 (276) CLIFTON ROAD, WATERLOO.

Thank you for your email dated 31 January 2025 seeking comment from the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Conservation team, regarding the proposed installation of one 35m monopole telecomunications tower and associated infrastructure located at Lot 1215 (276) Clifton Road, Waterloo

A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites.

Therefore, based on the current information held by DPLH, no approvals under the *Aboriginal Heritage Act 1972* (AHA) are required in this instance. Please note that limited Aboriginal heritage surveys have been completed over the subject land and, as such, it is unknown if there is Aboriginal cultural heritage present. Therefore, the Shire of Dardanup needs to be aware of its obligations under the AHA.

DPLH also advises the Shire of Dardanup regularly checks ACHIS should new Aboriginal Cultural Heritage be reported within your subject area. You can search ACHIS by using the following link: https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS.

OFFICIAL - Sensitive (Appendix ORD 12.2.1B)

If you have any further questions regarding the AHA, please submit an enquiry via the ACHknowledge portal at Home-ACHknowledgePortal (dplh.wa.gov.au)

Yours sincerely

SENIOR HERITAGE OFFICER, ABORIGINAL HERITAGE CONSERVATION 05 February 2025

Submission in regard to the proposed construction of a communication tower at Lot 1215 Clifton road Waterloo.

It is my opinion that the tower at the proposed location is;

Contravening the intended use of the land.

Will have a negative visual impact forced onto residents.

Should be located 500 meters or more to the south.



9 February 2025

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

Email: submissions@dardanup.wa.gov.au

Dear Sir/Madam

RE: APPLICATION FOR DEVELOPMENT APPROVAL 35 M MONOPOLE COMMUNICATIONS TOWER AND ASSOCIATED INFRASTRUCTURE – LOT 1215 (246) CLIFTON ROAD WATERLOO

We are writing to strongly oppose the placement of a Communications tower at Lot 1215 (246) Clifton Road. This location is **not in the best interest of the community**, especially the residents of the Meadow Landing Estate. Our preference is that the proposed tower is located within commercial, business industrial or rural areas away from residential developments. The proponent, Indara Digital Infrastructure, has **not adequately surveyed alternative options**. Two hundred metres from the closest house in the Meadow Landing estate is **not "sensitively located"** as far from residential developments as possible.

The "robust" investigation of alternative sites (as shown below) does not appear very robust or thorough for a telecom tower servicing the "Waterloo" area. Logical alternate sites should include a site on the east boundary of the proposed Wanju subdivision on the Bunbury Outer Ring Road (BORR) alignment south of the Collie River or other sites within the industrial area north-west of Meadow Landing/River Ridge estates.

3.3 Potential Candidates Investigated

A robust investigation of potential locations ('candidates') has also been undertaken (please refer to Figure 2 and Table 2).

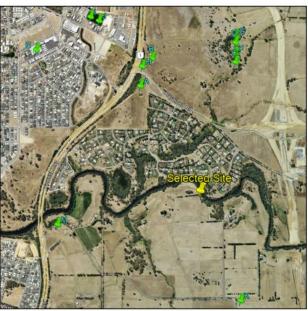


Figure 2: Locations of candidates investigated (Google Earth)

As residents of Meadow Landing with a young family we have **grave concerns** for the health implications relating to erecting a Telecom Tower so close to our sub division, we understand that the tower will operate in accord with all applicable Australian standards governing the production of electromagnetic emissions however we choose to live in this area with minimal above-ground infrastructure and believed that there would be no towers of such type within the immediate vicinity. Additionally, we object to the aesthetic impact of placing an unsightly tower so close to our beautiful estate valued for its natural landscapes and values. The proposal states that the tower will be at a height of 40 metres which is 20-25 meters above the tree height indicated immediately adjacent - it will **not blend into the landscape**.

It is for these obvious reasons that there should be further exploration of locating the tower in an industrial area or in a truly rural areas with no adjacent residences. This is a key consideration given the fact that the amenity values for residents on the east side of Meadow Landing estate have already been critically compromised by the BORR which was originally planned at Hynes Road 4km south of Meadow Landing estate. As residents of Meadow Landing, we are currently highly aggrieved due to the fact that we conducted our due-diligence to confirm the proposed BORR was 4km away, we purchased on good faith (of regional and state plans), paid for the privilege (amenity values of the area) and were denied the opportunity to design our house to accommodate the unplanned source of noise pollution from the new BORR. The addition of additional industrial visual pollution from a 45-meter-high tower significantly adds to the current socio-economic impact of the BORR.

Additionally, we have noted that Black Cockatoos roost in the immediate vicinity of the proposed tower along the river, and there is no evidence within the report that a survey has been completed to determine if the tower is likely to impact this federally listed threatened species.

We trust you will consider our concerns as residents and address the issues raised.



8 Feb 2025

Attention: Chief Executive Officer, Shire of Dardanup

RE: APPLICATION FOR DEVELOPMENT APPROVAL of TELECOMMUNICATIONS TOWER at LOT 1215, CLIFTON ROAD, WATERLOO.

I am writing to express my strong opposition to the proposal for the construction of a telecommunications tower at Lot 1215 Clifton Road, Waterloo. As a concerned resident I believe this development would have significant, long-term adverse impacts on the local community, environment, and the quality of life for the people who live here.

I have read the documentation report and believe that the provided information including photographs, highlighting positives in relation to the proposed location, creatively and professionally mask issues impacting residents in Meadow Landing.

Our property backs onto public open space bordering the Collie River and sits within 250m of the proposed tower, (as stated in the report). Many residents and families that live nearby frequent this space for recreation activities including fishing, kayaking, walking and exercising their dogs. Families use the river for boating and are often seen enjoying a leisurely boat trip on a weekend and especially on long weekends. The erection a huge telecommunications tower will detract from the aesthetics of the natural landscape and spoil an area that is currently, attractive and tranquil, enhancing a relaxing lifestyle that residents have specifically chosen for the betterment of their health and wellbeing.

The specific location for the telecommunications is directly opposite the entry to this public open space, and although this may seem an ideal location 'ticking the suitability boxes' for instalment, to the residents of Meadow Landing it is far from desirable. In 6.2.4.2 Section 5. Policy Measures, it is stated in Table 3, that the trees will provide substantial screening. The trees are not 40m tall and will not hide much of this tower. It is also explained that the tower needs to be in an area where it is not obstructed, which is contradictory when the report is trying to convince residents that there will be substantial coverage by the trees. Table 3a) states that the infrastructure should be 30m from ground level, where in the report it states that the finished tower from ground level will be 40m. I ask you, is 250m a substantial distance from residents???

Telecommunications infrastructure, by nature, has a visual presence in any area. However, Indara and Optus have selected a site as far from residential developments as possible. The expansive coverage of tall mature vegetation across the area would provide substantial screening for the facility.

The photographs provided do show views looking south towards the location of the tower, however they do not actually portray what we see every day, and how much of the tower will be visible. Indara and Optus have been very selective with photographs placed in the report. Whilst we appreciate the need for improved tower signals, I am sure that if you placed this tower closer to a residential area in the Shire of Dardanup (specifically the townsite of Dardanup), you would be receiving many requests for an alternative location. Please consider how you would feel if this tower were placed in 'your backyard'. Although the proposed site is zoned 'general farming', the telecommunications towers will be impacting on a residential location.

The construction of this unsightly tower will also impact on house and property values in Meadow Landing. Like most residents we place great pride in our home and its surrounds. This tower will devalue our property, the property of others in our street and the overall location. The years of hard work spent by residents beautifying this location to enhance the value of our properties will now become a waste of time and energy, with the erection of a tower.

It is evident that several alternate locations were sought however no interest was shown by landowners, except for the proposed site. The report states that there is no space on one of the current towers, 6228001, to install Optus Equipment and that the tower is not tall enough. As an alternative could tower 6228001 be removed, and the 'new bigger and better' tower be located there? I strongly urge you to re-explore other locations that would not jeopardise the current and future lifestyle of our community and disrupt the serene residential environment that residents currently enjoy.

Thank you for considering my concerns and those of other residents. I trust that you will carefully review the application for the development of the telecommunications tower at lot 1215, Clifton Road and look further into an alternate location.

Yours sincerely,



8 Feb 2025

Shire of Dardanup

RE: Concern with Regards to the Puposed Telecoms Tower We refer to the above for which our property at Roelands could be disadvantaged

on the following reasons

Health and Safety was and our untrevaluity we are nearing our 70's and our untrevaluity to electromagnetic nadiation is higher. Phase gire to electromagnetic nadiation is higher. Phase gire us written assurance that comphance on health standards are net.

2 Austholies of our lardscape and surrounds Currently we already have a very high netal electric pasts. Additional tower is visually unappealing. There mill also be impact on both unappealing. There mill also be impact on both blora and frauna during the towers construction and its orgaining regular maintenance.

3 Threat on our property values "special Rural We paid a premium to live on a "special Rural Residential " area. With the existence of the towers massive structure, we are devied of "earthing

green space "Therapy"
We would appreciate a deligent consideration of an alternative location to address this matter.
Thank you.

From:

Sent:

Saturday, 8 February 2025 1:37 PM

To:

Submissions Planning

Subject:

Telecommunication Tower Waterloo

Follow Up Flag:

Follow up

Flag Status:

Flagged

⚠ 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.

8th Feb 2025

Shire of Dardanup

To Whom It May Concern,

RE: CONCERNS REGARDING PROPOSAL OF 35M TELECOMMUNICATIONS TOWER

I am writing to formally express my concerns regarding the proposal to construct a telecommunication tower near my property located at . While I understand the importance of expanding telecommunication infrastructure, I have significant reservations about the impacts this development may have on my property and the surrounding community.

Health and Safety Risks: There is ongoing debate and community concern about the potential health risks associated with prolonged exposure to electromagnetic radiation emitted by telecommunication towers. I urge the Shire to provide detailed information on the safety measures and scientific research supporting the proposed tower's compliance with health standards.

Impact on Property Value: The presence of a telecommunication tower may negatively affect the market value of my property. Potential buyers often view such structures as undesirable, which could diminish the financial worth of my property.

Aesthetic and Environmental Impact: The proposed structure may significantly alter the visual landscape and natural character of the area. Additionally, I request clarity on how the construction and maintenance of the tower will address environmental concerns, such as potential harm to local flora and fauna.

I trust that you will carefully consider my concerns and those of others affected.

Thank you for your attention to this matter. I would appreciate an update on how my concerns will be addressed. Please do not hesitate to contact me.

Your sincerely,

(Appendix ORD 12.2.1B)
PARKS AND
WILDLIFE
SERVICE

Your ref: DAP-F0410376
Our ref: PRS53455 2023/003135

Enquiries: Phone:

Email: swlanduseplanning@dbca.wa.gov.au

Chief Executive Officer, Shire of Dardanup PO BOX 7016, EATON WA 6232

APPLICATION FOR DEVELOPMENT APPROVAL 35M MONOPOLE TELECOMMUNICATIONS TOWER AND ASSOCIATED INFRASTRUCTURE - LOT 1215 (246) CLIFTON ROAD, WATERLOO

I refer to your letter dated 14 January 2025 seeking the Department of Biodiversity, Conservation and Attractions' (DBCA) comments in relation to a development application for the above property.

The following recommendations and comments are provided pursuant to DBCA's responsibilities under the *Biodiversity Conservation Act 2016*.

Advice to Shire

The supporting Town Planning Report (Indara November 2024) indicates that a short section (approx. 300m in length) of track within the property would need to be upgraded to allow safe access to the site for the construction vehicles. This section of track traverses an area of native vegetation. If the upgrading of the existing access track requires the clearing of vegetation, a clearing permit through Department of Water and Environmental Regulation (DWER) may be required prior to any clearing or widening being undertaken.

The following advice notes are recommended.

Advice Note 1

Vegetation within the property and along the Collie River may provide habitat for western ringtail possums (WRP), wambengers and black cockatoos, which are listed as threatened species under the *Biodiversity Conservation Act 2016* (BC Act). It is an offence under the Act to take threatened fauna. The definition of take in relation to fauna, is:

- (i) To kill, injure, harvest or capture fauna by any means;
- (ii) To cause or permit anything referred to in subparagraph (i) to be done.

Penalties exist under the *Biodiversity Conservation Act 2016* for the unlawful take of threatened fauna species.

Advice Note 2

Immediately prior to vegetation clearing occurring, pre-clearance checks should be undertaken to determine the presence of threatened fauna that may be adversely impacted by these works. Checks should include looking for western ringtail possums (WRP) and WRP dreys in the vegetation to be pruned, and black cockatoos in tree hollows.

If found to be present, threatened fauna should be encouraged to disperse into the surrounding vegetation prior to subdivision works commencing. Upon commencement, any vegetation modification should be undertaken in such a manner that allows the dispersal of threatened fauna. If

fauna does not disperse, a fauna spotter holding authorisation may need to be contacted to manage displaced threatened fauna.

The capturing of threatened fauna requires authorisation under the *Biodiversity Conservation Act* 2016. For further information regarding authorisation please email speciesandcommunities@dbca.wa.gov.au

Speciesariucomi	<u>nunities@ubc</u>	a.wa.yuv.au		

Thank you for the opportunity to comment on this proposal.

Yours sincerely

Regional Manager

12 February 2025

Schedule of Submissions - Telecommunications Facility - Lot 1215 (246) Clifton Road, Waterloo

Agencies

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
1	Department of Water & Environmental Regulation	ADVICE: Subject to the appropriate building regulations the Department has no objection to the proposal.	Noted.
2	Department of Planning, Lands and Heritage	Under Clause 27 and <i>Resolution 2014/3</i> of the GBRS there are several scenarios under which a development application is required. The development has been assessed in accordance with the provisions of the GBRS, notably cl. 27, with reference to <i>Resolution 2014/3</i> made under Clause 27, Schedule 1, Paragraph 6: <i>Development in the Strategic Agricultural Resource Policy Area</i> . Under paragraph 6 of <i>Resolution 2014/3</i> , a GBRS application can potentially be triggered if the development is located within the Priority Agricultural Land Policy area. However, regard is given to whether the proposed development would be potentially incompatible to agricultural activities in the policy area, or would be adversely affected by, or would adversely affect those activities. It is regarded that the proposed telecommunications facility located on lot 1215 will not be incompatible to the agricultural activities and will have limited perceived land uses conflict with agricultural activities. As such, no planning application is required under the GBRS. If it is of the opinion of the Shire that a GBRS planning application is required, based on Paragraph 6, that the proposed development is potentially incompatible with agricultural activities, please refer to the Resolution of Delegation 2014/01. Paragraph 9, Schedule 2 of <i>Delegation 2014/01</i> of the GBRS outlines, where a development is located within the strategic agricultural resource policy area, delegation is provided to the local government where: - The local government accepts the recommendation and any advice of the Department of Primary Industries and Regional Development The local government decides to refuse approval under the GBRS. The subject land is included within the Wanju DSP, and the proposed development is located on land identified as 'Public Open Space'. Further information on the Proposed Collie River Foreshore can be found at 4.1.4.2 of the DSP Report. It should be noted that foreshore reserves should be ceded free of cost to the Crown in any subdivisi	DPLH have concluded that the development will have limited perceived land use conflicts with rural activities. It is not considered that a GBRS application is required. It is noted that the development is within POS of the Wanju DSP, however a Structure Plan is only a matter for due regard. Considering that the 'intent' at this stage is to be all urban, but not reflected on any plans, these comments do not require further consideration. A communications tower located within POS is capable of approval as it is not uncommon for this type of infrastructure to be located within POS.

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
		The proposed development is also located within close proximity to a Registered Aboriginal Site (ACH-16713), being the Collie River. Further information, if required, should be obtained by emailing: aboriginalheritage@dplh.wa.gov.au Thank you, and please reach out if you require any further information or clarification.	
3	Department of Primary Industries and Regional Development	Thank you for the opportunity to comment on the proposed 35m Monopole Telecommunications Tower and Associated Infrastructure at Lot 1215 Clifton Road, Waterloo. The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed 35m Monopole Telecommunications Tower and Associated Infrastructure at the abovementioned lot.	Noted.
4	Department of Planning, Lands and Heritage – Aboriginal Heritage	Thank you for your email dated 31 January 2025 seeking comment from the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Conservation team, regarding the proposed installation of one 35m monopole telecommunications tower and associated infrastructure located at Lot 1215 (276) Clifton Road, Waterloo. A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites. Therefore, based on the current information held by the DPLH, no approvals under the Aboriginal Heritage Act 1972 (AHA) are required in this instance. Please note that limited Aboriginal heritage surveys have been completed over the subject land and, as such, it is unknown if there is Aboriginal cultural heritage present. Therefore, the Shire of Dardanup needs to be aware of its obligations under the AHA. DPLH also advises the Shire of Dardanup regularly checks the ACHIS should new Aboriginal Cultural Heritage be reported within your subject area. You can search ACHIS by using the following link: https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS	Noted.
5	Department of Biodiversity, Conservation and Attractions	The following recommendations and comments are provided pursuant to DBCA's responsibilities under the Biodiversity Conservation Act 2016. Advice to Shire The supporting Town Planning Report (Indara November 2024) indicates that a short section (approx. 300m in length) of track within the property would need to be upgraded to allow safe access to the site for the construction vehicles. This section of track traverses an area of native vegetation. If the upgrading of the existing access track requires the clearing of vegetation, a clearing permit through Department of Water and Environmental Regulation (DWER) may be required prior to any clearing or widening being undertaken. The following advice notes are recommended.	DBCA advice will be reflected in the determination letter, should the development be approved.

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
		Advice Note 1 Vegetation within the property and along the Collie River may provide habitat for western ringtail possums (WRP), wambengers and black cockatoos, which are listed as threatened species under the Biodiversity Conservation Act 2016 (BC Act). It is an offence under the Act to take threatened fauna. The definition of take in relation to fauna, is: (i) To kill, injure, harvest or capture fauna by any means; (ii) To cause or permit anything referred to in subparagraph (i) to be done. Penalties exist under the Biodiversity Conservation Act 2016 for the unlawful take of threatened fauna species.	
		Advice Note 2 Immediately prior to vegetation clearing occurring, pre-clearance checks should be undertaken to determine the presence of threatened fauna that may be adversely impacted by these works. Checks should include looking for western ringtail possums (WRP) and WRP dreys in the vegetation to be pruned, and black cockatoos in tree hollows.	
		If found to be present, threatened fauna should be encouraged to disperse into the surrounding vegetation prior to subdivision works commencing. Upon commencement, any vegetation modification should be undertaken in such a manner that allows the dispersal of threatened fauna. If fauna does not disperse, a fauna spotter holding authorisation may need to be contacted to manage displaced threatened fauna.	
		The capturing of threatened fauna requires authorisation under the <i>Biodiversity Conservation Act 2016</i> . For further information regarding authorisation please email speciesandcommunities@dbca.wa.gov.au	

Public

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
1		Submission in regard to the proposed construction of a communication tower at Lot 1215 Clifton Road, Waterloo. It is my opinion that the tower at the proposed location is;	The intended use of the land is for POS as per the Wanju DSP and it has been considered that the development is compatible with the zone.
		Contravening the intended use of the land. Will have a negative visual impact forced onto residents. Should be located 500 meters or more to the south.	With respect to the existing residential area (to the north), the development will be well screened via mature vegetation and will have low visual bulk. Perceived

	C	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Grand Grand
No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
			visual amenity impacts may be created to the future residential area within the Wanju DSP and therefore a condition has been recommended for additional landscape screening in perpetuity.
			Moving the development any more to the south will have an adverse amenity impact on the future residential area of the Wanju DSP as the development will be located within the future residential area. The development will also be inconsistent with LPS3 (and draft LPS9), whereby the use is not permitted within
2		We are writing to strongly oppose the placement of a Communications tower at Lot 1215 (246) Clifton Road. This location is not in the best interest of the community , especially the residents of the Meadow Landing Estate. Our preference is that the proposed tower is located within commercial, business industrial or rural areas away from residential developments. The proponent, Indara Digital Infrastructure, has not adequately surveyed alternative options . Two hundred metres from the closest house in the Meadow Landing Estate is not "sensitively located" as far from residential developments as possible. The "robust" investigation of alternative sites (as shown below) does not appear very robust or thorough for a telecom tower servicing the "Waterloo" area. Logical alternate sites should include a site on the east boundary of the proposed Wanju subdivision on the Bunbury Outer Ring Road (BORR) alignment south of the Collie River or other sites within the industrial area north-west of Meadow Landing/River Ridge estates.	SPP5.2 and the State Planning Strategy 2050 outlines the need for telecommunications infrastructure. Noting that the Wanju DSP intends for significant residential development, it is considered that the infrastructure is needed, in addition to the Applicant's reporting that has shown that there is a requirement for additional services. Detailed surveying has been conducted by the Applicant with many sites being considered, namely not proceeding due to landowner authority. While needing to service the residential area, the development is located in an adequate position – that being in POS. There are possible health impacts that can be generated from these forms of developments, as outlined within section 3.1 of SPP5.2, however these are mitigated by ensuring that these developments are constructed and operated to the relevant Australian Standard. As the development is to be in

A robust investigation of potential locations ('candidates') has also been undertaken (please refer to Figure 2 and Table 2). While impact above following the screen of	OFFICER COMMENT ccordance with the relevant health and afety standards, the perceived impact on health is respectfully dismissed. While the perceived visual amenity impact is noted as the development sits bove the heights of the trees, the following is relevant:
A robust investigation of potential locations ('candidates') has also been undertaken (please refer to Figure 2 and Table 2). While impact above following the screen of	afety standards, the perceived impact on health is respectfully dismissed. While the perceived visual amenity impact is noted as the development sits bove the heights of the trees, the
Figure 2 and Table 2). While impact above following the screen screen in the screen i	mpact is noted as the development sits bove the heights of the trees, the
Whilst s impact and is constandard. Appending justificate there are cockator proposed develope this respectively. It is not not objet above, a in the constandard in	The development is significantly screened. The section of the development that would be partially visible will have minimal impact due to its large setbacks and small bulk. Whilst some visual impact may occur, the mpact is not considered to be adverse and is considered to be of an acceptable tandard subject to conditions. Appendix 4 of the Applicant's sustification report has identified that there are indeed nesting sites for black ockatoos. However, as no vegetation is proposed to be removed the development is deemed acceptable in this respect. It is noted that DWER and the DBCA have not objected to the proposal. As outlined bove, the DBCA advice will be reflected in the determination letter, should the development be approved.

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
140	JODIVITTER	choose to live in this area with minimal above-ground infrastructure and believed that there would be no towers of such type within the immediate vicinity. Additionally, we object to the aesthetic impact of placing an unsightly tower so close to our beautiful estate valued for its natural landscapes and values. The proposal states that the tower will be at a height of 40 metres which is 20-25 meters above the tree height indicated immediately adjacent – it will not blend into the landscape . It is for these obvious reasons that there should be further exploration of locating the tower in an industrial area or in a truly rural areas with no adjacent residences. This is a key consideration given the fact that the amenity values for residents on the east side of Meadow Landing estate have already been critically compromised by the BORR which was originally planned at Hynes Road 4km south of Meadow Landing estate. As residents of Meadow Landing, we are currently highly aggrieved due to the fact that we conducted our due-diligence to confirm the proposed BORR was 4km away, we purchased on good faith (of regional and state plans), paid for the privilege (amenity values of the area) and were denied the opportunity to design our house to accommodate the unplanned source of noise pollution from the new BORR. The addition of additional industrial visual pollution from a 45-meter-high tower significantly adds to the current socio-economic impact of the BORR. Additionally, we have noted that Black Cockatoos roost in the immediate vicinity of the proposed tower along the river, and there is no evidence within within the report that a survey has been completed to determine if the tower is likely to impact this federally listed threatened species. We trust you will consider our concerns as residents and address the issues raised.	OFFICER COIVINENT
3		I am writing to express my strong opposition to the proposal for the construction of a telecommunications tower at Lot 1215 Clifton Road, Waterloo. As a concerned resident I believe this development would have significant, long-term adverse impacts on the local community, environment, and the quality of life for the people who live here. I have read the documentation report and believe that the provided information including photographs, highlighting positives in relation to the proposed location, creatively and professionally mask issues impacting residents in Meadow Landing. Our property at 5 Shinnick Close backs onto public open space bordering the Collie River and sits within 250m of the proposed tower, (as stated in the report). Many residents and families that live nearby frequent this space for recreation activities including fishing, kayaking, walking and exercising dogs. Families use the river for boating and are often seen enjoying a leisurely boat trip on a weekend and especially on long weekends. The erection of a huge telecommunications tower will detract from the aesthetics of the natural landscape and spoil an area that is currently, attractive and tranquil, enhancing aa relaxing lifestyle that residents have specifically chosen for the betterment of their health and wellbeing. The specific location for the telecommunications is directly opposite the entry to this public open space, and although this may seem an ideal location 'ticking the suitability boxes' for instalment, to the residents of	 While the perceived visual amenity impact is noted as the development sits above the heights of the trees, the following is relevant: The development is significantly screened (but not completely). The section of the development that would be partially visible will have minimal impact due to its large setbacks and lack of bulk. Whilst some visual impact may occur, the impact is not considered to be adverse and is considered to be of an acceptable subject to standard conditions.

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
		Meadow Landing it is far from desirable. In 6.2.4.2 Section 5. Policy Measures, it is stated in Table 3, that the trees will provide substantial screening. The trees are not 40m tall and will not hide much of this tower. It is also explained that the tower needs to be in an area where it is not obstructed, which is contradictory when the report is trying to convince residents that there will be substantial coverage by the trees. Table 3a) states that the infrastructure should be 30m from ground level, where in the report it states that the finished tower from ground level will be 40m. I ask you, is 250m a substantial distance from residents???	With respect to not being obstructed, this is reference to the antennae at the top of the tower, and not the entire development itself. The vegetation therefore is not contradictory. Additionally, the 30m height is in relation to a possible exemption under the
		Telecommunications infrastructure, by nature, has a visual presence in any area. However, Indara and Optus have selected a site as far from residential developments as possible. The expansive coverage of tall mature vegetation across the area would provide substantial screening for the facility.	Telecommunications Act 1997, and not the height of the proposal. The location itself in the General Farming zone is discretionary, and does consider offsite impacts that include properties
		The photographs provided do show views looking south towards the location of the tower, however they do not actually portray what we see every day, and how much of the tower will be visible. Indara and Optus have been very selective with photographs placed in the report. Whilst we appreciate the need for improved tower signals, I am sure that if you placed this tower closer to a residential area in the Shire of Dardanup (specifically the townsite of Dardanup), you would be receiving many requests for an alternative location. Please consider how you would feel I this tower were placed in 'your backyard'. Although the proposed site is zoned 'general farming' the telecommunications tower will be impacting on a residential location.	with different zonings. Perceived impact on property values is not a relevant planning consideration pursuant to clause 67(2) of the Deemed Provisions. Whilst other sites have been considered by the Applicant, the Shire can only
		The construction of this unsightly tower will also impact on house and property values in Meadow Landing. Like most residents we place great pride in our home and its surrounds. This tower will devalue our property, the property of others in our street and the overall location. The years of hard work spent by residents beautifying this location to enhance the value of our properties will now become a waste of time and energy, with the erection of a tower.	assess and make a determination based on the land proposed.
		It is evident that several alternate locations were sought however no interest was shown by landowners, except for the proposed site. The report states that there is no space on one of the current towers, 6228001, to install Optus Equipment and that the tower is not tall enough. As an .alternative could tower 6228001 be removed, and the 'new bigger and better' tower be located there? I strongly urge you to re-explore other locations that would not jeopardise the current and future lifestyle of our community and disrupt the serene residential environment that residents currently enjoy.	
		Thank your for considering my concerns and those of other residents. I trust that you will carefully review the application for the development of the telecommunications tower at lot 1215, Clifton Road and look further into an alternate location.	
4		We refer to the above for which our property at 4 Shinnick Close, Roelands could be disadvantaged in the following measure:	There are possible health impacts that can be generated from these forms of developments, as outlined within section

		(Appelluix OND 12.2.10)					
No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT				
		 Health and Safety We are nearing our 70's and our vulnerability to electromagnetic radiation is higher. Please give us written assurance that compliance on health standards are met. Aesthetics of our landscape and surrounds Currently we already have a very high metal electric post "additional tower is visually unappealing". There will also be impact on both flora and fauna during the tower's construction and its ongoing 	3.1 of SPP5.2, however these are mitigated by ensuring that these developments are constructed and operated to the relevant Australian Standard. As the development is to be in accordance with the relevant health and safety standards, the perceived impact				
		regular maintenance.	on health is therefore not a planning consideration.				
		 Threat on our property values We paid a premium to live on a "Special Rural Residential" area, with the existence of the towers massive structure, we are denied of "earthing green space" therapy. 	Appendix 4 of the Applicant's justification report has identified that there are indeed nesting sites for black				
		We would appreciate a diligent consideration of an alternative location to address this matter. Thank you.	cockatoos. However, as no vegetation is proposed to be removed the development is deemed acceptable in				
			this respect.				
			It is noted that DWER and the DBCA have not objected to the proposal. As outlined above, the DBCA advice will be reflected in the determination letter, should the development be approved.				
			It is noted that a recommended condition for a Construction Management Plan is to be imposed to ensure there is no environmental damage created during the construction process.				
			Perceived impact on property values is not a relevant planning consideration pursuant to clause 67(2) of the Deemed Provisions.				
5		I am writing to formally express my concerns regarding the proposal to construct a telecommunication tower near my property located at Lot 1215 (246) Clifton Road, Waterloo. While I understand the importance of expanding telecommunication infrastructure, I have significant reservations about the impacts this development may have on my property and the surrounding community.	There are possible health impacts that can be generated from these forms of developments, as outlined within section 3.1 of SPP5.2, however these are mitigated by ensuring that these				
		Health and Safety Risks: There is ongoing debate and community concern about the potential health risks associated with prolonged exposure to electromagnetic radiation emitted by telecommunication towers. I urge	developments are constructed and operated to the relevant Australian				

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
		the Shire to provide detailed information on the safety measures and scientific research supporting the proposed tower's compliance with health standards.	Standard. As the development is to be in accordance with the relevant health and safety standards, the perceived impact
		Impact on Property Value: The presence of a telecommunication tower may negatively affect the market value of my property. Potential buyers often view such structures as undesirable, which could diminish the financial	on health is not a planning consideration.
		worth of my property.	Perceived impact on property values is not a relevant planning consideration
		Aesthetic and Environmental Impact: The proposed structure may significantly alter the visual landscape and natural character of the area. Additionally, I request clarity on how the construction and maintenance of the tower will address environmental concerns, such as potential harm to local flora and fauna.	pursuant to clause 67(2) of the Deemed Provisions.
			While the perceived visual amenity
		I trust that you will carefully consider my concerns and those of others affected. Thank you for your attention to this matter. I would appreciate an update on how my concerns will be addressed. Please do not hesitate to contact me.	impact is noted as the development sits above the heights of the trees, the following is relevant:
			 The development is significantly screened (but noted not completely). The section of the development that would be partially visible will have
			minimal impact due to its large setbacks and small bulk.
			Whilst some visual impact may occur, the impact is not considered to be adverse and is considered to be of an acceptable standard subject to conditions.
			With respect to the environmental concerns, Appendix 4 of the Applicant's justification report has identified that there are some endangered flora and fauna within the general vicinity of the development
			It is noted that DWER and the DBCA have not objected to the proposal. As outlined above, the DBCA advice will be reflected in the determination letter, should the development be approved.

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
			It is noted that a recommended condition for a Construction
			Management Plan is to be imposed to ensure there is no environmental
			damage created during the construction
			process.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Development Application – Communications Infrastructure (Telecommunications Tower) – Lot 1215 (276) Clifton Road, Waterloo

RISK THEME PROFILE:

11 - IT, Communication Systems and Infrastructure

Choose an item. Choose an item.

Choose an item.

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE		PRIOR TO T	REATMENT OR	CONTROL	RISK ACTION PLAN	AFTER TREATEMENT OR CONTROL		
CATEGORY	RISK EVENT	CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING	(Treatment or controls proposed)	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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	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	If Council refuses the application and a review is lodged with the State Administrative Tribunal, reasons for the refusal based on sound planning principles must be provided.	Minor (2)	Possible (3)	Low (1 - 4)	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.

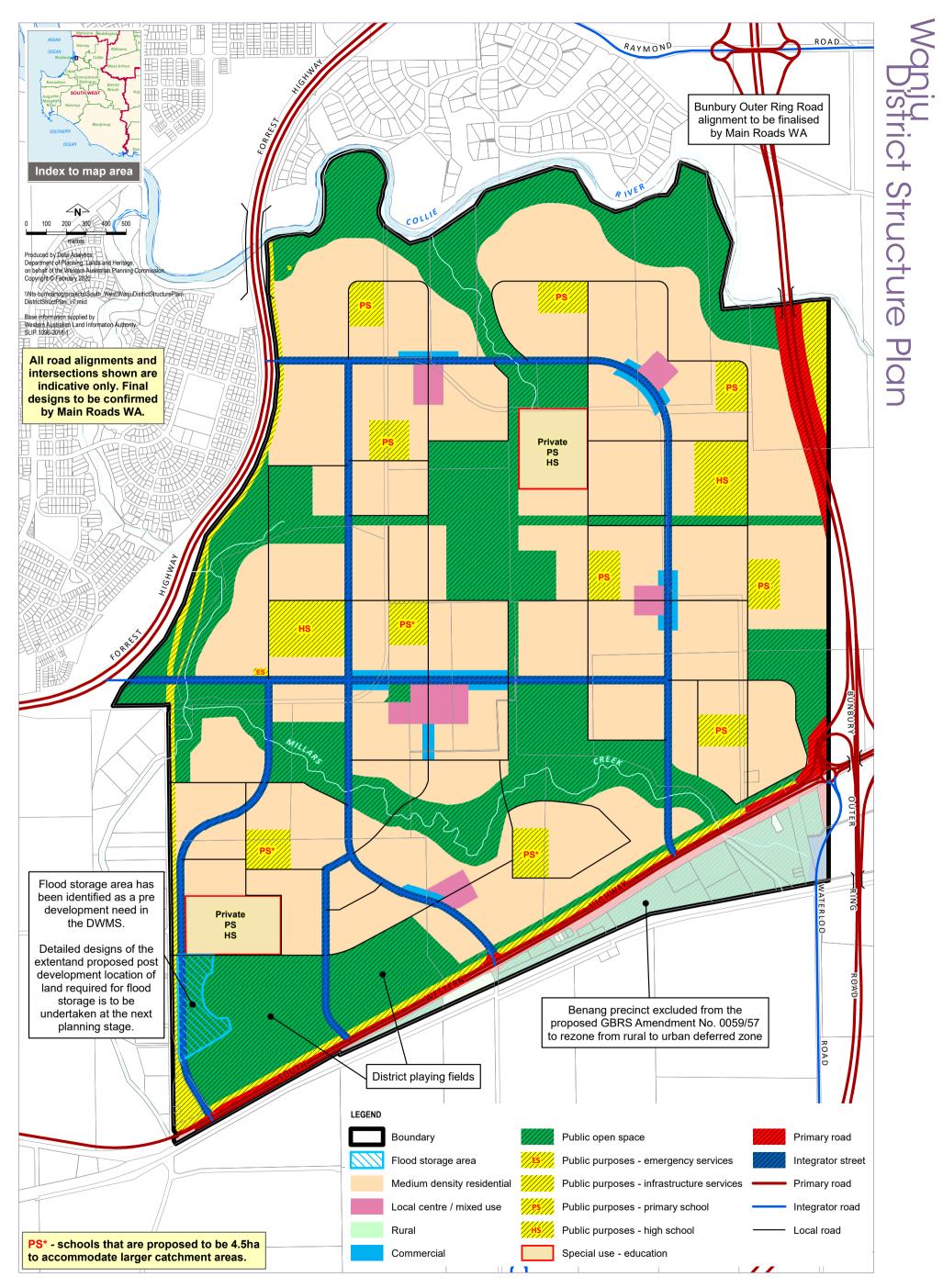


Figure 1.1: Wanju district structure plan



Planning Assessment for Development Approval – Delegated TELECOMMUNICATIONS TOWER

Date of Assessment	23/01/2025
DA Reference	DAP F0410376
Property Address	Lot 1215 (276) Clifton Road, Waterloo
Planning Officer	Jayden Pope – Altus Planning

		Comments
	Does the assessing or delegated officer have a conflict of interest?	No
	Have all landowners signed the form?	No – Need an ASIC Company Extract to determine authority to sign.
	Application fee received and correct?	Yes
	Referral to Internal Divisions done?	Yes
	Lot size: 80.9669ha	
Cl.67(a)	The aims and provisions of this Scheme and any other local Scheme area	planning scheme operating within the
	PART II - Zones	
	TPS3 Zoning: General Farming	
	Land Use classification in TPS3: Communications Infrastructu Description of proposal: Telecommunication Tower	re
	Permissibility:	D ⊠ D □ A
	Relevant Scheme Provisions: (delete rows as necessary)	
	PART III – Control of Development and Use	
	3.1 Division 1 – Development Table	20m setback required to all boundaries – no other requirements.
		Proposed: Smallest setback is to the northeastern boundary of 18m.

	(A)	ppendix ORD 12.2.1F)				
		Comments				
	3.13 Division 4 – Non Urban Zones	The development is required to provide communication services for the growing population in the nearby residential areas. It is considered that the development does not adversely impact the rural appearance of its setting due to its location and screening.				
	PART IV – Miscellaneous					
	4.2 Landscaping	This form of development generally does not require any landscaping.				
		Existing vegetation already significantly screens the development.				
		No additional landscaping is deemed necessary.				
	4.8 General Appearance of Buildings 4.8.1 No person shall without the written approval of the Council	Development, whilst tall in height, is well screened from any residential property. The colour of the development will blend				
	erect a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general	in with its surround and is considered acceptable.				
	appearance, has an exterior design which is out of harmony with					
Cl.67(b)	existing buildings or the landscape character of the area. The requirements of orderly and proper planning including:					
CI.67(b)		Douglamment is consistent with draft				
	 proposed local planning scheme that has been advertised under P&D Regs 2015 	Development is consistent with draft LPS9.				
	amendment to this Scheme that has been	LF39.				
	advertised under P&D Regs 2015					
	 any other proposed planning instrument that the local government is seriously considering adopting or approving 					
Cl.67(c)	Any approved State planning policy: (delete rows as necessar	у)				
	SPP 3.7 - Planning in bushfire prone areas					
	Relevant exemption under SPP3.7?	Yes – does not intensify land use and is non-habitable.				
	SPP 5.2 - Telecommunications infrastructure	Refer later on this report for a detailed assessment.				
Cl.67(f)	Any policy of the State:					
	Government Sewerage Policy : If it applies, does it comply?	Not applicable.				
Cl.67(fa)	Any local planning strategy for this Scheme endorsed by the Commission - Shire of Dardanup Local Planning Strategy:	Development is considered to be consistent with the intent of the Strategy				
OL CET ()	Does the proposal comply? Any changes to zoning?					
Cl.67(g)	Any local planning policy for the Scheme area: 2020 Council P					
	SDev CP0505 - Public Consultation – Planning Matters	Refer to the schedule of submissions and further in this report.				
Cl.67(h)	Any structure plan or local development plan that relates to	Wanju District Structure Plan is				
	the development	applicable. The Structure Plan shows that the location of the development is				
		and location of the development is				

(Appendix ORD 12.2.1F) located within POS. It is not uncommon for communications to be located within POS and as the Structure Plan is due regard only, the development is considered acceptable with respect to clause 1.13 of LPS3 as detailed throughout this report. RIVER Cl.67(i) Any report of the review of the local planning scheme that Pursuant to draft LPS9, the development has been published under the Planning and Development would be a 'Telecommunications (Local Planning Schemes) Regulations 2015 infrastructure' land use which is an 'A' use in the rural zone. The development would therefore be capable of approval under LPS9. Cl.67(m) The compatibility of the development with its setting, A communication tower that is largely including surrounded by mature vegetation on one the compatibility of the development with the desired side and large open space to other is not future character of its setting; and considered to detract from its setting. With its future setting, the development is intended to be within POS which is not uncommon for the zone.

		ppendix ORD 12.2.1F)
		Comments
	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;	The height and bulk of the development is largely screened via mature vegetation to the adjacent residential area.
		However, to the southwest will be future residential with a smaller setback and no screening. It is considered that vegetation screening is to be provided for this area, and by the time the residential area is starting to be developed, the vegetation will have started to mature. A condition is recommended to be imposed in this respect.
Cl.67(n)	The amenity of the locality including the following — (i)environmental impacts of the development; (ii) the character of the locality; (iii)social impacts of the development;	An environmental assessment was conducted by the Applicant that has identified that there are no adverse environmental impacts. Additionally, DWER and DBCA have raised no concerns with the proposal.
		As the development is well screened to the existing residential area, no adverse social impacts or impacts to the character of the locality. However, to the southwest will be future residential with a smaller setback and no screening. It is considered that vegetation screening is to be provided for this area, and by the time the residential area is starting to be developed, the vegetation will have started to mature. A condition is recommended to be imposed in this respect.
Cl.67(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;	There is unlikely to be any adverse impacts from the development once operational, however there may be potential for some impact to the native vegetation during construction works. A construction management plan is therefore recommended.
Cl.67(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;	Additional landscaping is not considered to be necessary.

	(Appendix ORD 12.2.1F)				
			Comments		
			Existing vegetation is largely retained and		
			is acceptable.		
Cl.67(q)	The suitability of the land for the develop	ment taking into	No adverse risks identified.		
	account the possible risk of flooding, tidal				
	subsidence, landslip, bush fire, soil erosion	n, land			
01.67()	degradation or any other risk;		A		
Cl.67(r)	The suitability of the land for the develope account the possible risk to human health	_	No adverse risks identified.		
Cl.67(s)	The adequacy of —	or sujety,	Proposed internal access is to be		
C.1.07 (3)	(i) the proposed means of access to and e	aress from the	upgraded. Future access will be minimal		
	site; and	gress from the	and only required for maintenance		
	(ii) arrangements for the loading, unloadi	na manoeuvrina	purposes. Access is considered		
	and parking of vehicles;	ng, manocaving	acceptable.		
Cl.67(t)	The amount of traffic likely to be generate	ed hy the	Minimal traffic for construction and		
C1.07(t)	development, particularly in relation to the	-	operation. Considered acceptable.		
	road system in the locality and the probab		operation. considered acceptable.		
	flow and safety;				
Cl.67(w)	The history of the site where the develop	nent is to be	The location on site is currently vacant		
	located;		and the subject lot has no relevant site		
	Previous approvals:		history that would in anyway impact this		
			proposal.		
Cl.67(y)	Any submissions received on the application (number):		5 – all objections		
	Advertising: Not complex	ı			
	Newspaper Notice	N/A			
	Due Date: Click or tap to enter a date.				
	Website Notice	28 days			
	Due Date: 11/02/2025				
	Sign on Site	N/A			
	Due Date: Click or tap to enter a date.				
	Postal notices (500m radius)	28 days			
	Due Date: 11/02/2025				
	Any objections received on the application	(number):	5 – all objections		
	Issues raised:		Officer Response:		
	Defer to cobodule of subsectorions				
	Refer to schedule of submissions		Refer to schedule of submissions		
	The comments or submissions received fro	om any authority	Refer to schedule of submissions		
Cl.67(za)	consulted under clause 66; (other than un				
CI.67(2a)	Referral to Government Agencies under cl.				
	Due Date: Click or tap to enter a date.				
	Any submissions received on the application	on (number):			
	Any objections received on the application	(number):			
	Issues raised:		Officer Response:		
	issues raisea.		отпест пезропас.		
Cl.67(zb)	Any other planning consideration the loca	ıl government consi	ders appropriate:		

(Appendix ORD 12.2.1F)			
		Cor	nments
DWER -	Environmentally Sensitive Areas	Refer to schedule	of submissions
	ing: Urban Deferred		
Referral R	equired below - Due date =		
DPLH -	Development of State or Regional Significant	ce	No
	Land abutting a Regional Open Space Reserv	vation	No
Main Roa	ds WA - Land abutting Primary Regional Roads Reser	vation	No
	Land abutting Other Regional Roads Reserv	ation	No
DBCA/PTA	A/ETC - Land abutting other Reservations		Refer to schedule of submissions
	Development in Special Control Area 1 (SCA	A 1)	No
	Development in Special Control Area 2 (SCA	A 2)	No
	Development in Special Control Area 3 (SCA	A 3)	No
	Development in Special Control Area 4 (SCA	4)	No
DPIRD -	Development in the Strategic Agricultural Ro	esource Policy Area	No objection
DMIRS - Development in the Strategic Minerals and Basic Raw Materials Resource Policy Area			No
DWER -	Development in the Floodplain Managemen	t Policy Area	No objection, advice provided only
DPLH -	Development in Activity Centres		No
	Development in the rural zone		Yes – refer to
			schedule of submissions
	Animal Husbandry		No
	Non-conforming use		No
• C	hanges to the land shown in the BRSRSP?		No
• Is	proposal consistent?		Yes

SPP 5.2 - Telecommunications Infrastructure

Section 6.3:

Development In considering a development application, the local government should give consideration to:

- a) The extent to which the proposal adheres to the policy measures outlined in Section 5 of this policy
- b) The need for services to be located to optimise coverage; and
- c) Documentation to be submitted under Section 6.3.1 of this Policy. The advertising period for a development proposal should be no more than 21 days.

Comment:

a) Refer to section 5 assessment, below.

- b) The need for services in the area has been demonstrated by both the applicant and also by the large future residential area from the Wanju Structure Plan. With a lack of service and an increase in residential dwellings, the service is considered necessary.
- c) All relevant documentation has been submitted in accordance with section 6.3.1. The application was also advertised to the general surrounding landowners.

Section 5 Assessment:

- 5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.
 - (i) Visual impact to the existing residents to the north have been given due consideration, as detailed below.

(ii)

- a) While the development can be seen from scenic locations (i.e. the Collie River bushland is considered to be a scenic route), the development is considered not to be "prominently" visible due to the large setbacks and significant screening.
- b) The development does not detract from any significant view.
- c) While the site itself may have some environmental values, the location of the development on the large site will not create any adverse environmental impacts.
- (iii) the design features of the development (scale and materials) are considered to be sympathetic with its surrounds. The low bulk from setbacks and screening, in addition to the non-reflective grey paint is considered to not create any adverse impacts to the landscape.
- (iv) Not applicable to this application, these are strategic requirements.
- (v) The location of the development will service the existing residential area to the north, and the future residential area within the Structure Plan.
- (vi) To service this area, the development cannot utilise existing infrastructure. The applicant did investigate the possibility on utilising infrastructure to the west, however after investigations it was deemed that it would not adequately service the area required. It is however noted that the development and its services (on ground level) are grouped together in an area that will not be visually prominent.

It is considered that the proposed development is generally consistent with the above and therefore is considered consistent with the intent of SPP5.2.



LOT 2 BANKSIA ROAD, CROOKED BROOK – LANDFILL WASTE CELLS

State Administrative Tribunal Reconsideration – Responsible Authority Report

(Regulation 12)

DAP Name:	Pagional IDAP	
Local Government Area:	Regional JDAP Shire of Dardanup	
Summary of Modifications:		
Summary of Mounications.	Maximum height of new waste cells reduced from 151m AHD to 130m AHD	
	Revised Rehabilitation and Closure Plan	
	Revised Landfill Gas Management Plan	
Amplicant	Revised Landscaping Plan	
Applicant:	Harley Dykstra Pty Ltd on behalf of	
Owner	Cleanaway Solid Waste Pty Ltd	
Owner: Value of Development:	J & P Corporation Pty Ltd \$10.5 million	
value of Development.	1 .	
December 1911 A 41 14	Opt In (Regulation 6)	
Responsible Authority:	Shire of Dardanup	
Authorising Officer:	Ashwin Nair	
LG Reference:	DAP-F0211219	
DAP File No:	DAP/21/02063	
SAT File No (DR reference):	DR 241/2021	
Date of Decision under Review:	27 November 2021 5 November 2021	
Application for Review Lodgement Date:	5 November 2021	
Attachment(s):	1. Location Plan	
Attachment(s).	Development Application Report	
	Development Application Plans:	
	Development Site Plan (Drg No.)	
	BANK-421, Rev F)	
	 Landfill Cell 9 Layout Plan (Drg No. 	
	BANK-306, Rev B)	
	Cell 9 Top of Waste Section (Drg No.)	
	BANK-SK-92, Rev B)	
	Cell 9 Top of Waste Surface Profile	
	(Drg No. BANK-SK-91, Rev B)	
	Landfill Cell 10 Layout Plan (Drg No.)	
	BANK-406, Rev B)	
	Cell 10 Top of Waste Section (Drg	
	No. BANK-SK-94, Rev B)	
	Cell 10 Top of Waste Surface Profile	
	(Drg No. BANK-SK-93, Rev B)	
	Landfill Cell 12A Layout Plan (Drg	
	No. BANK-506, Rev C)	
	Cell 12A Top of Waste Sections (Drg	
	No. BANK-SK-96, Rev B)	

	4. Publ 5. Agei 6. Publ 7. Agei 8. Cou publ 9. EPA 10. Minis	Cell 12A Top of Waste Surface Profile (Drg No. BANK-SK-95, Rev B) ic Submissions 2021 ncy Comments 2021 ic Submissions 2023/24 ncy Submissions 2023/24 ncil Minutes (to be provided once ished) Report 1747 sterial Statement 1213 ise 67 Technical Assessment	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?			
	⊠ No	Complete Responsible Authority and Officer Recommendation sections	

Responsible Authority Recommendation

No resolution was made by Council at the Ordinary Council Meeting held 31 January 2024.

Details: outline of development application

Region Scheme	Greater Bunbury Region Scheme	
Region Scheme Zone/Reserve	Rural	
Local Planning Scheme	Shire of Dardanup Local Planning Scheme	
	No. 3	
Local Planning Scheme	General Farming	
Zone/Reserve		
Structure Plan/Precinct Plan	N/A	
Structure Plan/Precinct Plan	N/A	
Land Use Designation		
Use Class (proposed) and	Use not listed – "Waste Disposal Facility"	
permissibility:	101.0000	
Lot Size:	121.6658ha	
Net Lettable Area (NLA):	N/A	
Number of Dwellings:	N/A	
Existing Land Use:	Waste disposal facility and extractive	
	industry	
State Heritage Register	No	
Local Heritage	⊠ N/A	
	☐ Heritage List	
	☐ Heritage Area	
Design Review	⊠ N/A	
	□ Local Design Review Panel	
	□ State Design Review Panel	
	□ Other	
Bushfire Prone Area	Yes	

Swan River Trust Area	No

Proposal:

The application seeks approval for the construction of three new landfill waste cells (Cells 9, 10 and 12A) at the existing Cleanaway landfill facility located on Lot 2 Banksia Road, Crooked Brook.

The waste cells will receive solid waste for burial as per the site's current Department of Water and Environmental Regulation's (DWER) licence. The proposed waste cells will replace the corresponding existing cells in a staged manner, which are reaching their capacity. The application includes an internal road, the relocation of existing infrastructure and the mitigation of offsite impacts, including screening for visual sensitivity.

Key aspects of the application are as follows:

- The area proposed for Cells 9 and 10 is 2.54ha each and the area for cell 12A is 2.12ha (total area for all three cells is approximately 7.2ha).
- Cells will be filled to a maximum height of 128m AHD, with a further 2m of capping, bringing the overall height to 130m AHD (reduced from an overall height of 151m AHD as originally proposed by this application).
- The proposed timing for filling of the cells is as follows (based on waste acceptance of 200,000 tonnes per year and the corresponding airspace):
 - Cell 12A commenced by August 2024, completed by November 2028;
 - Cell 9 commenced by November 2028, completed by December 2031;
 and
 - Cell 10 commenced by December 2031; completed by March 2035.,
- A range of existing ancillary infrastructure is located within the footprint of Cell 12A and will be relocated as follows:
 - A workshop and amenities block to be relocated to the north-eastern portion of the site;
 - Landfill gas flare (with associated generator) to be relocated east of proposed Cell 12A adjacent to an existing tailings storage facility;
 - A tailings discharge point relocated immediately north of proposed Cell 12A.
- Soil removed from the three cells will be stockpiled on-site and used for covering and capping as the cells progress. Staging plan as follows:

Existing/	Cells	Waste category Fil		Filling		Rehabilitation	
Proposed			Filling Stage	Filling to commence by	Filling to be completed by ¹	Final capping construction to commence by	Rehabilitation Stage
Existing	Cells 1 & 2	Class II	Stage 2A	Commenced	December 2027	December 2028	Stage 2
	3	Class III + SWT1 and SWT2	Stage 1 (current filling area)	Commenced	August 2027	August 2028	Stage 7/8
	5	Class III + SWT1 and SWT2	N/A	Commenced	Completed	Commenced – scheduled to be completed by March 2024	Stage 1
	4, 12	Class III + SWT1 and SWT2	Stage 1 (current filling area)	Commenced	November 2028	November 2029	Stage 4/5/7/8
	6, 7, 8	Class III + SWT1 and SWT2	Stage 1 (current filling area)	Commenced	August 2024	August 2025	Stage 6/7
Proposed	12A	Class III + SWT1 and SWT2	Stage 2B	August 2024	November 2028	November 2029	Stage 3
	9	Class III + SWT1 and SWT2	Stage 3	November 2028	December 2031	December 2032	Stage 7
	10	Class III + SWT1 and SWT2	Stage 4	December 2031	March 2035	March 2036	Stage 7

It is proposed that the facility will have the same operational hours from 6:00am to 6:00pm seven days a week and proposes no additional traffic or changes to the operational methodology of the landfill.

The application contains several specialist reports addressing the following matters:

- Environmental Management Plan;
- Stormwater Management Plan;
- · Dust Management Plan;
- Landscape and Visual Assessment;
- Landfill Rehabilitation and Closure Plan;
- Landfill Gas Management Plan;
- Landscaping Plan;
- Leachate Balance Assessment Report
- Bushfire Management Plan; and
- Acoustic Assessment.

These reports have been lodged with the JDAP.

Background:

The subject site is located approximately 4km south east of the Dardanup townsite and abuts the Dardanup Conservation Park to the east and south. To the immediate north, the land contains the Shire of Dardanup waste transfer station, green waste facility and the Water Corporation's Dardanup Wastewater Treatment Plant. Beyond the immediate site the landscape consists of predominantly rural farmland with the closest residence being some 500m from the subject site's boundary.

The site currently operates a waste landfill facility that was originally given approval from the (then) Minister for Planning in 1999 and is subject to a DWER licence issued under Part V of the *Environmental Protection Act 1986* (EP Act). This licence allows

for the disposal of 353,000 tonnes of liquid waste per annum and 350,000 tonnes of Class II or Class III putrescible waste.

The site currently contains a weigh bridge, office, nine waste cells, two stormwater ponds, four leachate ponds, two tailings storage facilities, a portion of gravel extraction and internal sealed and unsealed access road. Waste cells are developed in stages as needed, depending on the remaining capacity of existing cells.

Access is via Banksia Road which is sealed only from the northern boundary of the site heading north. Current development approval conditions restrict access to the site only from the northern sealed portion of Banksia Road and prohibits heavy vehicle access to the site from the unsealed southern section.

History of Application

The original JDAP development application for the three new waste cells was lodged with the Shire on 17 August 2021.

Prior to this, in April 2021 the proponent self-referred this application to the Environmental Protection Authority (EPA). Pursuant to s39A(1) of the EP Act, in August 2021 the EPA decided to assess the proposal. The level of assessment was 'Referral Information with Additional Information required under section 40(2)(a) of the *Environmental Protection Act 1986*'. The EPA required the following additional information be provided:

- Hydrogeological assessment and water management plan
- Visual impact assessment
- Greenhouse gas emission estimates
- Air Quality Impact Assessment for Odour and particulates
- Geotechnical stability of cell construction

As the decision-making authority, the JDAP was restricted from making a decision (under s41 of the EP Act) on this proposal which would cause or allow the proposal to be implemented, until the EPA had concluded its assessment.

On 5 October 2023, the EPA's assessment report on the application was published (EPA Report 1747). The report recommends the proposal may be implemented subject to appropriate conditions. No appeals were lodged against the EPA's recommendation through the Office of the Appeals Convenor, and Ministerial Statement 1213 reflecting the recommended conditions of EPA Report 1747 was ultimately published on 21 November 2023.

Concurrently, a Local Development Plan (LDP) applicable to the subject site was prepared and approved by Council in May 2021. The LDP was subsequently amended by order of the State Administrative Tribunal (SAT) made in October 2022.

This application has been assessed in light of these recent decisions which have occurred since the original development application was considered.

Application to the State Administrative Tribunal

In accordance with the required timeframes for deciding an application for development approval under the *Planning and Development (Local Planning*

Schemes) Regulations 2015, a decision on the original application was to be made by the JDAP by 27 November 2021.

The application was assessed by Shire officers, an RAR was prepared and presented to Council on 27 October 2021. However, due to the JDAP's inability to determine the application (under s41 of the EP Act), the application was never put forward for consideration by the JDAP.

In anticipation of the development application being deemed refused, the applicant lodged an application seeking review of the JDAP's deemed refusal of the application with the SAT on 5 November 2021.

Following the release of Ministerial Statement 1213 on 21 November 2023, and a directions hearing was held on 8December 2023, the SAT made orders inviting the decision-maker, under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act) to reconsider its decision. The decision-maker may:

- · affirm the previous decision,
- · vary the decision, or
- set aside the decision and substitute a new decision.

Legislation and Policy:

Legislation

Greater Bunbury Region Scheme Shire of Dardanup Local Planning Scheme No. 3 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Environmental Protection Act 1986

State Government Policies

State Planning Policy 2.0 – Environment and natural resources policy State Planning Policy 2.5 – Rural planning State Planning Policy 2.9 – Water resources State Planning Policy 3.7 – Planning in bushfire prone areas

Local Development Plans

Local Development Plan - Lot 2 Banksia Road, Crooked Brook

Consultation:

Public Consultation

The application was initially advertised in accordance with cl.64 (1)(a) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy SDVE CP505-Public Consultation- Planning Matters.

The advertising period was for 28 days (concluding on Thursday 23 September 2021) and involved the following:

- A notice was published in a newspaper circulating the area.
- A notice was displayed on the subject site;
- A notice was displayed at both the Eaton and Dardnaup Administration buildings and also placed on the Shire's website; and
- A written notice was sent to adjoining landowners within approximately 2km of the subject site.

During this initial advertising process, a total of 53 submissions were received. All submissions objected to the application. Theses submissions can be seen as attached, the objections were based on the following:

Visual Amenity Impacts;

Officer Comment

The proposed reduction in the finished height of the waste mound from 151m AHD to 130m AHD results in the aesthetic value and surrounding amenity being maintained. The landform can now be considered a low broad hill and should integrate into the natural undulation well and be consistent with the broader panorama.

Environmental Impacts;

Officer Comment

The EPA assessed the impacts to social surroundings as detailed in EPA Report 1747. Conditions are recommended in the EPA's report limiting the height of the development to 130m AHD to reduce impacts to visual amenity, and requiring the proponent obtain works approval and a licence under Part V of the EP Act which can apply conditions to control relevant emissions and discharges related to the operation of a landfill (e.g. gas, dust, odour, litter).

Dust Impacts;

Officer Comment

The proponent has undertaken a Dust Management Plan which includes management actions consistent with the licence conditions related to dust. Strategen JBS&G have prepared a DMP to address concerns related to the potential impact of dust on the surrounding area.

The DMP generally supports the proposal as long as the requirements outlined for Classification 3 in DEC (2011) are implemented. The primary dust management practices include sweeping traffic pathways and stabilising loose sediment and disturbed land with water. The monitoring component requires routine monitoring with data being sent to the Shire on a monthly basis for an initial period of 6 months to ensure compliance. Monitoring locations should be positioned according to the prevailing winds expected at the time of year the monitoring occurs. Any non-compliances must be addressed as part of the monitoring process.

The EPA concluded that the DWER licence was sufficient in regulating the requirements related to dust management and control and did not determine that air quality was a major environmental factor as part of its assessment.

Odour Impact

Officer Comment

Odour management is proposed to be consistent with the emission control practices currently implemented as part of the site's operation and are regulated under the existing DWER licence. Control measures for odour control are detailed in the Environmental Management Plan prepared by Cleanaway/Tonkin and includes:

- Covering and filling odorous waste promptly after arrival;
- Maintaining an active landfill gas management system;
- Maintaining an odour complaint register;
- Minimising active disposal areas and covering waste regularly;
- Minimising disturbance of existing disposal sites;
- Prohibiting waste disposal into onsite water facilities; and
- · Rectifying specific odour related concerns.

The EPA raised no concerns with regard to odour and the potential impact of odour on the locality.

Noise Impacts;

Officer Comment

The EPA's report highlighted concerns raised during the public consultation related to noise generation and impacts. The report acknowledges the noise management measures proposed by the proponent to mitigate any potential noise impacts were considered sufficient. The EPA did not impose any conditions specifically for mitigating noise impacts.

Notwithstanding the above, the submitted Environmental Acoustic Assessment (EAA) indicated that the noise levels would not materially increase as a result of the proposal.

Groundwater Impacts:

Officer Comment

Tonkin prepared a Leachate Balance Assessment Report as part of the development application to determine the required leachate management measures as part of the proposal. The modelling done as part of the assessment concluded that there appears to be a balance achieved with the current leachate ponds ensuring the leachate volumes don't exceed the onsite capacity. Ongoing monitoring and reporting is recommended to ensure the balance is maintained.

The EPA identified that the proposal has been designed with sufficient detail on the design, implementation and operation of containment infrastructure o prevent the discharge of waste and leachate to the environment. Minimisation of the amount of waste disposed and the restriction of waste types that can be disposed of in the landfill will also protect the environment from emissions and discharges that have the potential to impact terrestrial environment quality, and inland waters. The design of the containment infrastructure will also be subject to consideration under Pat V of the EP Act to control emissions and discharges of waste.

Land Use Permissibility

Officer Comment

It is important to note that the existing landfill facility (including the waste cells that are currently operational) have all been previously granted development approval and therefore considered to be consistent with the 'General Farming' zone. There is no reason to depart from this well-established determination given the application is for an extension to the existing facility, and it has been satisfactorily demonstrated that the new cells are able to be appropriately managed to reduce any potential external impacts.

Increase in heavy movement vehicles.

Officer Comment

The proposed cells will not have material impact to the traffic generation onsite or offsite (i.e no increase), since the three cells are proposed in a stage manner to replace the existing cells which are reaching their capacity. Any minor changes to traffic patterns resulting from this development application will be contained within Lot 2.

Hours of Operation.

Officer Comment

Operating hours of 6.00am to 6.00pm daily consistent with previous approvals for the site.

The application during this initial advertising process was also sent to the following State departments and agencies for a period of 42 days. Their submission can be seen as attached.

- Department of Biodiversity, Conservation and Attractions
- Department of Energy, Mines, Industry Regulation and Safety
- Department of Fire and Emergency Services
- Department of Planning, Lands and Heritage
- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Main Roads WA
- Water Corporation

Consultation on updated proposal

Subsequent to the SAT reconsideration order, once the updated plans had been received, they were advertised in accordance with cl.1C and cl.64 (1)(a) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy 'SDVE CP505-Public Consultation - Planning Matters', from 11th December 2023 – 19th January 2024, by the following methods:

- A notice was published in a newspaper circulating the area;
- A notice was displayed at both the Eaton and Dardanup Administration buildings and also placed on the Shire's website; and
- A written notice was sent to adjoining landowners within approximately 2km of the subject site.

At the end of the advertising period one public submission was received, primarily objecting to potential visual and environmental impacts, as previously summarised by Officers. Public submissions to the updated proposal can be seen within the attachment.

Referrals/consultation with Government/Service Agencies

The application was referred to the following agencies in accordance with the cl. 66 of the deemed provisions of the *Planning and Development (Local Planning Schemes)* Regulations 2015:

- Department of Biodiversity, Conservation and Attractions
- Department of Energy, Mines, Industry Regulation and Safety
- Department of Fire and Emergency Services
- Department of Planning, Lands and Heritage
- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Main Roads WA
- Water Corporation
- Dardanup Environmental Action Group (DEAG)

Submissions were received from all but one of the State government departments/agencies referred to, and no objections were received. No submission was received from DEAG. State government submissions to the updated proposal can be seen within the attachment.

Other Advice

As discussed previously, the application was assessed by the EPA under s.44 of the EP Act. EPA Report 1747 was published on 5 October 2023, and describes the EPA's assessment of the construction and operation of landfill Cells 9, 10 and 12A as proposed at the subject site.

The EPA took the following into account in its assessment of the proposal:

- environmental values which may be significantly affected by the proposal;
- assessment of key environmental factors, separately and holistically (this has included considering cumulative impacts of the proposal where relevant);
- likely environmental outcomes which can be achieved with the imposition of conditions;
- consistency of environmental outcomes with the EPA objectives for the key environmental factors;
- EPA's confidence in the proponent's proposed mitigation measures;
- whether other statutory decision-making processes can mitigate the potential impacts of the proposal on the environment, and the historical record of regulation to mitigate risk under Part V of the EP Act;
- principles of the EP Act.

The EPA ultimately recommended that the proposal may be implemented, subject to a series of conditions, which are set out in the associated Ministerial Statement No. 1213.

Planning Assessment:

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the Clause 67 Technical Assessment as attached.

The following matters have been identified as key considerations for the determination of this application:

- Greater Bunbury Region Scheme
- Zoning and Land Use Class Permissibility
- Lot 2 Banksia Road Local Development Plan
- Environmental Protection Act 1986
- Environmental Impacts
- Visual Amenity
- Bushfire Management

Greater Bunbury Region Scheme

Under the Greater Bunbury Region Scheme (GBRS) the site is zoned 'Rural'. As the site is located adjacent to a 'Regional Open Space' reserve and is within the Strategic Minerals and Basic Raw Materials Resource Policy area, a GBRS application is required. GBRS applications are delegated to the local government on land abutting 'Regional Open Space' reservations where the local government accepts the recommendation and any advice of the DPLH or where the local government decides to refuse approval. The relevant advice agencies under the GBRS are DMIRS and DWER and the Shire has accepted the recommendations and advice from these advice agencies.

The proposal is consistent with the existing use of the site for landfill activities and extractive industry. Appropriate design, management and mitigation measures ensure impacts on the amenity of the broader 'Rural' zoned area are minimised, and approval under the GBRS is recommended accordingly.

Shire of Dardanup Local Planning Scheme No. 3

The following aims and provisions of the Shire of Dardanup Local Planning Scheme No. 3 (LPS3) are relevant to this application:

1.3 Objects of the Scheme

- 1.3 (b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof.
- 1.3 (d) the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest.
- 1.4 (e) to protect areas of significant agricultural value particularly those in irrigation districts from conflicting land uses.

3.13 Division 4 - Non Urban Zones

- 3.13.1 In considering applications for planning consent to commence development, subdivision and rezoning of land in a Non Urban Zone the Council shall have regard to:
 - b) the need to preserve the rural character and a rural appearance of the area;

LPS3 highlights the importance of retaining the visual amenity and landscape of the locality. A Landscape and Visual Assessment Report provided by EPCAD was submitted as part of this application. While the proposed development is visible from certain vantage points surrounding the site, the impact on the visual amenity of the broader area is not considered significant. The finished landform can be considered a low broad hill that should integrate into the natural undulation sufficiently and be consistent with the broader panorama.

Zoning and Land Use Class Permissibility

The site is zoned 'General Farming' under LPS3 and the objectives of the zone are:

- 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.
- To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses.
- 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.

The application seeks approval for the construction of three new landfill waste cells located on an existing site that has been given previous development approvals and licences for a landfill facility. Although the use class 'Waste Disposal Facility' does not appear in the Zoning Table of LPS3, it is defined in the land use definitions in cl. 1.8.2 as follows:

waste disposal facility means premises used -

- (a) for the disposal of waste by landfill,
- (b) the incineration of hazardous, clinical or biomedical waste;

Under cl. 2.4.2 of LPS3 where a land use is not specifically mentioned in the Zoning Table the local government may:

- a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 7.2.2 in considering an application for planning approval; or
- Determine that the use is not consistent with the objectives of the particular zone and therefore not permitted.

It is important to note that the existing landfill facility (including the waste cells that are currently operational) have all been previously granted development approval and therefore considered to be consistent with the 'General Farming' zone. There is no reason to depart from this well-established determination given the application is for an extension to the existing facility, and it has been satisfactorily demonstrated that

the new cells are able to be appropriately managed to reduce any potential external impacts.

Shire of Dardanup Draft Local Planning Scheme No. 9

Council has advertised and recommended approval to the WAPC of a draft new Scheme – the Shire of Dardanup Local Planning Scheme No 9 (LPS9). LPS9 is considered a seriously entertained document and given due as part of this assessment.

Under LPS9, the subject site is zoned 'Special Use Zone 1' (SU1) and as such special considerations for the site are applicable. Schedule 4 of LPS9 includes a list of conditions any development application for the site must consider. Each condition applicable to SU1 has been addressed in the table below:

Special Use Zone 1 - Lot 4580 Panizza Road, Crooked Brook & Lot 2 Banksia Road, Crooked Brook						
Category	Condition	Response				
Subdivision	(1) No further subdivision shall be supported unless it can be demonstrated that it is essential for the on-going effective management of any existing development or for demonstrable environmental benefit and / or protection.	No subdivision proposed.				
Development	(2) The local government may require the design and operation of the waste disposal / storage facility to meet better practice standards as advised by the Department of Water and Environmental Regulation.	DWER advised that it is currently progressing the Part V assessment, which will determine the conditions to be met under the Works Approval. From a land use planning perspective, DWER has no further comment to offer on the proposal.				
Local development plan	(3) The local government may require the preparation of a local development plan.	A LDP exists for the subject site which contemplates the proposed development.				
Social surroundings	(4) The local government may require information or studies to address any impacts on social surroundings in accordance with the Environmental Factor Guideline – Social Surroundings (EPA). (5) Where an application has the potential (in the opinion of the local government in consultation with the Department of Water and Environmental Protection) to have a significant impact on the wider community's aesthetic, cultural, economic or social surroundings, the local government may require that applications assess the cumulative impact of the development.	The EPA assessed the impacts to social surroundings as detailed in EPA Report 1747. Conditions are recommended in the EPA's report limiting the height of the development to 130m AHD to reduce impacts to visual amenity, and requiring the proponent obtain works approval and a licence under Part V of the EP Act which can apply conditions to control relevant emissions and discharges related to the operation of a landfill (e.g. gas, dust, odour, litter).				

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	(6) The local government may require that applications demonstrate that suitable buffers can be achieved in accordance with the Guidance for the Assessment of Environmental Factors — Separation Distances between Industrial and Sensitive Land Uses (EPA).	The proposed waste cells are adequately separated from any surrounding sensitive land uses.
	(7) In considering any application the local government will have due regard to State Planning Policy 4.1 – State Industrial Buffers.	The intent and objectives of SPP4.1 are considered to be adequately addressed through the application, which proposes a waste facility that is appropriate sited and managed to minimise off-site impacts and/or safety risks to sensitive land uses.
Visual impact	(8) The local government may require the preparation of a visual impact assessment in accordance with the Visual Landscape Planning in Western Australia (WAPC).	EPCAD has provided a Landscape and Visual Assessment which addresses the visual impact of the development proposal. The reduced height of the development from 151m AHD to 130m AHD will result in a significant reduction in the impact on visual amenity.
	(9) Maximum building height shall be 9 m unless varied via an approved visual impact assessment or local development plan.	No new buildings proposed. The existing workshop and amenities block are proposed to be relocated, and will be screened by the surrounding vegetation so as not to be visible from offsite.
	(10) A 20 m wide landscaping buffer shall be established around the perimeter of the site or development to act as a visual screen unless varied via an approved landscaping plan, visual impact assessment or local development plan.	The LDP requires a minimum 20m landscape strip along the perimeter of the subject site. This is broadly reflected in the submitted Landscape Plan, which will form part of the approval.
Water management	(11) The local government may require information or studies to address any impacts on groundwater (superficial and Leederville aquifers) or surface water in accordance with the Environmental Factor Guideline – Inland Waters (EPA).	Assuming compliance against Part V of the EP Act, the EPA's assessment concluded that there are no serious or irreversible impact to inland waters. The impacts to inland waters are regulated under the DWER licence.
	(12) Where required by the local government, groundwater monitoring and sampling shall be undertaken in accordance with the relevant Australian Standard and the results may be made public.	Leachate and groundwater quality monitoring is currently undertaken as part of the DWER licence. No concerns have been raised by the EPA or DWER at this point in time.
	(13) The local government may require the preparation of a water management plan in accordance with State Planning Policy 2.9 – Water Resources (WAPC).	It was determined by the EPA that the current and proposed stormwater management facilities are suitable in achieving the objectives of the EP Act in regard to inland waters
	(14) The local government may require information or studies to	DWER advised that it is currently progressing the Part V assessment,

	address stormwater in accordance with the Stormwater Management Manual for Western Australia (DWER) and / or any other industry specific criteria or standard.	which will determine the conditions to be met under the Works Approval. From a land use planning perspective, DWER has no further comment to offer on the proposal.
	 (15) Wastewater is to be managed in accordance with – (a) Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. (b) Government Sewerage Policy. (c) Any relevant Australian Standard. 	The proposal will not result in any changes to existing wastewater management arrangements onsite.
Flora and vegetation	(16) The local government may require information or studies to address any impacts on flora and vegetation in accordance with the Environmental Factor Guideline – Flora and Vegetation (EPA). (17) No clearing of native vegetation is permitted unless exempt under the Environmental Protection Act 1986 or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 or unless otherwise approved in writing from the local government. (18) Where clearing is proposed applications shall be accompanied by relevant information in accordance with the Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment (EPA).	The proposed waste cells are situated in the historically cleared areas of the site only, and no vegetation clearing is proposed. The EPA's report confirms the proposal will have no direct impact on flora and vegetation. The scope of the current operation will not be altered. No vegetation clearing is proposed.
	(19) The local government may require the preparation of a rehabilitation plan in accordance with Guidance Statement No. 6 – Rehabilitation of Terrestrial Ecosystems (EPA) and the Mine Closure Plan Guidance (DMIRS). The rehabilitation plan shall include staging details of the rehabilitation works and any proposed bonds.	The application is supported by a Landfill Rehabilitation and Closure Plan. The cells are proposed to be constructed and filled over the next 10 years, in the order of Cell 12A, Cell 9 and Cell 10 but with some overlap in the ordering to facilitate operational continuity. When the filling of the cells is complete, the waste surface within the landfill cell will be capped and rehabilitated.
Terrestrial fauna	(20) The local government may require information or studies to address any impacts on terrestrial fauna in accordance with the Environmental Factor Guideline – Terrestrial Fauna (EPA). (21) Where surveys are required, they shall be in accordance with the Technical Guidance – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment (EPA).	The EPA report confirms no direct impact on terrestrial fauna. The scope of the current operation will not be altered. The EPA report confirms no direct impact on terrestrial fauna. The scope of the current operation will not be altered.

Dust	(22) The local government may require the preparation of a dust management plan in accordance with A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DWER).	The proponent has undertaken a Dust Management Plan which includes management actions consistent with the licence conditions related to dust. The EPA's assessment did not identify dust as a concern. Again, impacts related to air quality are regulated under the existing DWER licence.
	(23) Development is required to comply with any relevant dust local law.	A Dust Management Plan has been provided.
Noise	(24) The local government may require the preparation of a noise management plan in accordance with the <i>Environmental Protection</i> (Noise) Regulations 1997.	An Environmental Acoustic Assessment has been prepared in support of this application. It includes noise modelling and assessment of the noise emissions from the various operating conditions, and concludes that noise emissions from the facility is able to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times. A condition of approval is recommended requiring a Noise
		Management Plan to demonstrates that noise from the approved use will comply with the <i>Environmental Protection (Noise) Regulations 1997</i> and to ensure ongoing compliance for the life of the approval.
	(25) Operating hours shall be limited to 6 am to 6 pm, Monday to Saturday (inclusive) unless varied via an approved noise management plan or otherwise approved in writing from the local government.	Operating hours of 6.00am to 6.00pm daily is recommended via a condition of approval, consistent with previous approvals for the site. The Noise Management Plan must demonstrate noise levels are compliant during all operating hours.
Odour	(26) The local government may require the preparation of an odour management plan in accordance with the <i>Guideline – Odour Emissions</i> (DWER).	Odour management measures are set out in the submitted Environmental Management Plan, and are consistent with longstanding emission controls on the site's operations as administered under Part V of the EP Act by DWER.
Bushfire	(27) The local government may require information or studies to address bushfire risk management in accordance with State Planning Policy 3.7 – Planning In Bushfire Prone Areas.	A Bushfire Management Plan (BMP) has been submitted in support of the application. A condition of approval is recommended requiring the BMP be modified in accordance with DFES recommendations and further comment sought from DFES regarding those modifications.
Basic raw materials	(28) In considering any application the local government will have due regard to –	No extraction of raw materials is proposed as part of this application. The development proposal relates to

	 (a) State Planning Policy 2.4 – Basic Raw Materials. (b) Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy (WAPC). (c) Basic Raw Materials Applicant's Manual (WAPC). 	the storage of waste materials from off site.
	(29) Development is required to comply with any relevant extractive industry local law.	N/A
Traffic	(30) The local government may require information or studies to address traffic management in accordance with the <i>Transport Impact Assessment Guidelines</i> (WAPC).	A transport impact assessment or statement is not considered necessary in this instance. The existing number of traffic movements in connection with the approved landfill development at Lot 2 are not proposed to change as part of this proposal, as the waste acceptance volumes will continue within the licence limits.

Shire of Dardanup Local Planning Strategy

The Shire of Dardanup's Local Planning Strategy was endorsed by the WAPC on 4 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 & Buffer' areas. The continued use of the site for waste disposal/processing is consistent with the Strategy's future intention for the area.

Local Development Plan

Under cl. 56(1) of the deemed provisions, a decision-maker for an application for development approval in an area that is covered by a LDP that has been approved by the local government must have due regard to, but is not bound by, the LDP when deciding the application.

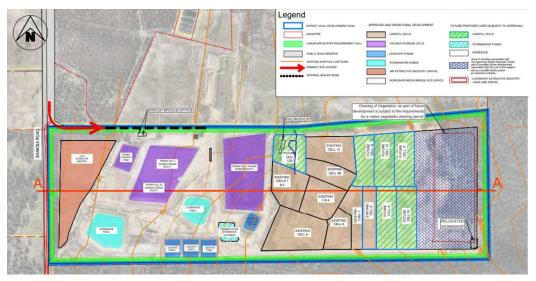
The Lot 2 Banksia Road, Crooked Brook LDP was approved by Council in May 2021, and subsequently amended by order of the SAT on 13 October 2022. The objectives of the LDP are to:

- ensure on-site development and associated operations are undertaken in an orderly manner;
- ensure that any impacts from development on surrounding sensitive land uses are minimised; and
- provide guidance and a general understanding of current and future development(s), and the key considerations applicable to any future development applications.

The LDP also sets out detailed guidance on the following matters:

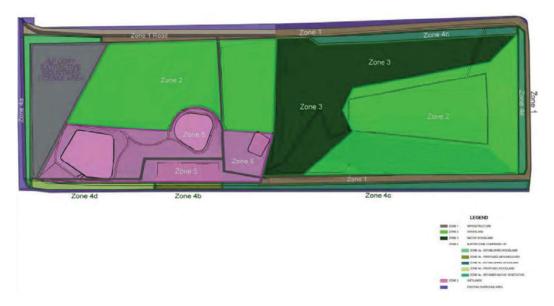
- Development Applications;
- Boundary Setbacks;
- Height;
- Site and Access Circulation;
- Landscaping Requirements;

- Fencing; and
- Environmental Management.



The proposed waste cells are identified on the LDP as future landfill cells. The boundary setbacks, site access and circulation, landscaping and fencing aspects of the application are considered to be consistent with the LDP. The application proposes a finished waste mound height of 128m AHD with a further 2m of capping, which is also consistent with the LDP height requirements.

With regard to landscaping, the LDP requires a 20m landscape buffer to screen any development. Landscaping buffers should include native trees and shrubbery to increase the density of vegetation. The Landscaping Plan provided (depicted below) confirms the inclusion of native vegetation within a 20m landscaping buffer around the perimeter of the subject site.



The waste cells will not be substantially landscaped for an extensive period of time which raised concerns about compatibility of the proposal with the desired future

character of its setting. Considering the proposed finished height of the waste mound has been reduced from the originally proposed 151m AHD to 130m AHD, the overall impact on the locality and visual amenity of the landscape is not expected to be significant. The height is compliant against the LDP, EPA's assessment and is not considered to dominate the horizon from any visible vantage points.

The LDP contains requirements for the submittal of a Transport Impact Assessment (TIA) or Transport Impact Statement (TIS) to assess the suitability of the public road network, any upgrades required and potentially any ongoing maintenance costs.

It is acknowledged that the current tonnages of waste accepted at the site will not increase, and the planning report provided indicates no increase in vehicle numbers that use the site. The facility is currently licenced to process 200,000 tonnes of waste annually which is not proposed to change. Considering that the impact on the local transport network will not change it is considered reasonable to waive the requirements for the submittal of a TIA or TIS.

The LDP also requires the following supporting technical assessment and management plans, where relevant, to accompany development applications:

- Stormwater Management Plan;
- Environmental Management Plan;
- Bushfire Management Plan;
- · Dust Management Plan;
- Visual Impact Assessment:
- Acoustic Report; and
- Noise Management Plan.

All relevant technical assessment and management plans have been provided.

State Planning Policy 2.0 – Environment and Natural Resources Policy

SPP 2.0 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:

5.9 Landscape

Planning strategies, schemes and decision-making should:

- (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.
- (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.

(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.

The impact of the original application on the landscape was considered significant and this was also acknowledged by the EPA who had identified the interference with amenity values as one of the factors that originally required further assessment by them.

The proposed reduction in the finished height of the waste mound from 151m AHD to 130m AHD results in the aesthetic value and surrounding amenity being maintained. The landform can now be considered a low broad hill and should integrate into the natural undulation well and be consistent with the broader panorama.

The proposal is therefore considered to be consistent with SPP 2.0.

State Planning Policy 2.5 - Rural planning

The purpose of SPP 2.5 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.

Managing landscape attributes is also an important aspect of the policy which acknowledges waste facilities as a regional facility that can be accommodated in rural areas however it also requires that the facility should not be visually dominant within key viewsheds and should be visually compatible with surrounding land uses.

It is important to note that the existing landfill facility (including the waste cells that are currently operational) have all been previously granted development approval and therefore considered to be consistent with the 'General Farming' zone. There is no reason to depart from this well-established determination given the application is for an extension to the existing facility.

The key characteristics of the development with the potential to significantly impact the rural land assets is the visual intrusion of the waste mounds and any potential environmental implications. The proposed height of the waste mound is 130m AHD which results in the aesthetic value and surrounding amenity being maintained. The landform can now be considered a low broad hill and should integrate into the natural undulation well and be consistent with the broader panorama.

Environmental considerations including the EPA's assessment are addressed later in this report.

The proposal is considered to be consistent with SPP 2.5.

State Planning Policy 2.9 – Water resources

SPP 2.9 provides guidance in the planning, protection and management of surface and groundwater catchments.

The impacts of the existing operation on inland waters is regulated under a DWER licence. It was determined by the EPA that the current and proposed stormwater management facilities are suitable in achieving the objectives of the EP Act in regard

to inland waters. As such, inland waters is not considered a key environmental concern.

A Leachate Balance Assessment Report prepared by Tonkin has been submitted as part of the development application to determine the required leachate management measures as part of the proposal. The modelling done as part of the assessment concluded that there appears to be a balance achieved with the current leachate ponds ensuring the leachate volumes don't exceed the onsite capacity.

The proposal is therefore considered to be consistent with SPP 2.9.

State Planning Policy 3.7 – Planning in bushfire prone areas

The subject site lies within a bushfire prone area and as such is required to have a Bushfire Management Plan (BMP) prepared achieving compliance with SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas (Guidelines.

A condition of approval is recommended requiring the BMP be modified in accordance with DFES recommendations and further comment sought from DFES in regard to those modifications.



EPA Assessment

In April 2021 the proponent self-referred this application to the EPA. Pursuant to s39A(1) of the EP Act, the EPA decided to assess the proposal. The level of assessment was 'Referral Information with Additional Information', with reasons for requiring an assessment relating to:

- Inland waters from stormwater runoff and leachate seepage into groundwater;
- Social surroundings from interference with amenity values; and
- Greenhouse gas emissions from flaring; and
- Air Quality from dust and odour.

On 21 November 2023 the EPA concluded its assessment and the Minister for Environment issued Ministerial Statement No. 1213 supporting the implementation of the proposal, subject to conditions.

The EPA's assessment concluded that there was no serious threat or irreversible harm to the surrounding air quality, presuming adherence with the DWER licence issued for the site under Part V of the EP Act.

The conditions imposed as part of the approval were categorised as follows:

- · Proposal extent;
- Environmental outcomes, prescriptions and objectives;
- Environmental management plans and monitoring; and
- Compliance and other conditions.

Proposal Extent

The scope of the proposal was conditioned under the EPA's approval to be limited to an area of disturbance of 7 hectares and a maximum height of 130m AHD. Whilst the proposal complies with the maximum allowable height, the area of disturbance is approximately 7.2 hectares and so does not strictly comply with the EPA's condition of approval. The variation is minor and does not have any major implications from a planning perspective and still complies with the LDP.

With regard to greenhouse gas emissions, to establish confidence the proposal will be compliant against the EPA's *Environmental Factor Guideline – Greenhouse Gas Emissions*, conditions were imposed limiting the net allowable greenhouse gas emissions. Part V of the EP Act can also limit the level of greenhouse gas emissions.

Environmental Outcomes, Prescriptions and Objectives

These conditions primarily focus on waste minimisation including ensuring the type of waste and disposal methods are compliant against Western Australia's Waste Avoidance and Resource Recovery Strategy 2030. These procedures are to be reviewed every five years to ensure continued compliance.

Environmental Management Plans and Monitoring

An Environmental Management Plan is required to be submitted and endorsed by the Chief Executive Officer of the Department of Public Service of the State (CEO). The Environmental Management Plan should include management actions, management targets, contingency measures if management targets are not met and reporting requirements.

A Compliance Monitoring Report is also required to be submitted to ensure the extent of the proposal is not exceeded, the type of monitoring undertaken, the results of the monitoring, any limitations evident during the monitoring process and any required remediation for any non-compliance issues.

Compliance and other conditions

These conditions relate to the necessary procedures the proponent must follow in the event of a non-compliance. There is also a requirement to submit a Compliance Assessment Report on an annual basis, and a Compliance Assessment Plan six months prior to the deadline for the first Compliance Assessment Report. These documents need to be submitted to the CEO and endorsed.

The proponent is responsible for seeking clearance of the EPA's conditions imposed as part of the approval for the proposal.

Environmental

The majority of environmental issues raised come under the primary responsibility of the DWER, which regulates emissions and discharges to the environment through a works approval and licensing process, under Part V of the EP Act. Through this process DWER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DWER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

The site has an active DWER licence to operate the site as a waste disposal facility.

Dust

The Shire of Dardanup Dust Control Local Law 2011 provides guidance on the mitigation requirements related to any proposed development considered a dust generating activity. In accordance with the LDP requirements, a Dust Management Plan (DMP) is required to be submitted as part of any development application for the subject site.

Strategen JBS&G have prepared a DMP to address concerns related to the potential impact of dust on the surrounding area.

The DMP was prepared with consideration for the 2011 Department of Environment and Conservation (DEC) document, *A guideline for managing the impacts of dust and associated contaminates from land development sites, contaminated sites remediation and other related activities*. It identified the site as having a Classification 3 designation and so dust control measures and monitoring requirements outlined in DEC (2011) for this classification must be followed.

The DMP generally supports the proposal as long as the requirements outlined for Classification 3 in DEC (2011) are implemented. The primary dust management practices include sweeping traffic pathways and stabilising loose sediment and disturbed land with water. The monitoring component requires routine monitoring with data being sent to the Shire on a monthly basis for an initial period of 6 months to ensure compliance. Monitoring locations should be positioned according to the prevailing winds expected at the time of year the monitoring occurs. Any non-compliances must be addressed as part of the monitoring process.

The impacts related to dust are currently regulated under the existing DWER licence pursuant to Part V of the EP Act. The EPA therefore concluded that the DWER licence was sufficient in regulating the requirements related to dust management and control and did not determine that air quality was a major environmental factor as part of its assessment.

Conditions were imposed as part of the EPA's approval minimising the waste generation on site which would result in a decrease in dust generation. Other relevant conditions included monitoring and reporting requirements related to dust and air quality.

Noise

The proponent submitted an Environmental Acoustic Assessment (EAA) in accordance with the *Environmental Protection (Noise) Regulations* 1997 (Noise Regulations). The assessment modelled noise emissions from several noise emitting scenarios of the development.

The only residential location in close proximity to the subject site is 268 Banksia Road, Crooked Brook which is located south west of the subject site. This property was selected as a monitoring location to ensure any noise impacts on surrounding residential properties was appropriately addressed.

The EAA indicated that the noise level would not materially increase as a result of this proposal and will remain consistent with the current noise levels associated with the operation on site.

TABLE 8.2 - ASSESSMENT OF NOISE LEVELS

	Scenario	R1	R2	R3	R4	R5	R6	Assigned L _{A10} Level (dB)	Compliance
1	Night Operations 06:00 to 07:00	35	31	33	32	27	31	35	Complies
2A	Day Operations 07:00 to 19:00 – No Construction	45	39	41	37	34	36	45	Complies
2B	Day Operations 07:00 to 19:00 – All operations, and construction of Cell 12A	45	39	41	38	35	36	45	Complies
2C	Day Operations 07:00 to 19:00 – All operations, and construction of Cell 9 and 10	45	39	41	38	34	36	45	Complies
3	Sunday Operations 06:00 to 20:00	37	29	31	26	21	26	35	Complies

The EAA therefore concluded that the proposal remained compliant at all times.

The EPA's report highlighted concerns raised during the public consultation related to noise generation and impacts. The report acknowledges the noise management measures proposed by the proponent to mitigate any potential noise impacts were considered sufficient. The EPA did not impose any conditions specifically for mitigating noise impacts.

The proposal is also required to comply with the noise levels detailed in the Noise Regulations and the conditions of the DWER licence.

As a result, the noise impacts of the proposal on the surrounding area are considered compliant.

Odour

Odour management is proposed to be consistent with the emission control practices currently implemented as part of the site's operation and are regulated under the existing DWER licence.

Control measures for odour control are detailed in the Environmental Management Plan prepared by Cleanaway/Tonkin and includes:

- Covering and filling odorous waste promptly after arrival;
- Maintaining an active landfill gas management system;
- Maintaining an odour complaint register;

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- Minimising active disposal areas and covering waste regularly;
- Minimising disturbance of existing disposal sites;
- Prohibiting waste disposal into onsite water facilities; and
- Rectifying specific odour related concerns.

The odour control measures proposed are considered adequate and will sufficiently address any concerns related to the impact of odour on the surrounding area.

The EPA raised no concerns with regard to odour and the potential impact of odour on the locality.

Leachate

Tonkin prepared a Leachate Balance Assessment Report as part of the development application to determine the required leachate management measures as part of the proposal. The modelling done as part of the assessment concluded that there appears to be a balance achieved with the current leachate ponds ensuring the leachate volumes don't exceed the onsite capacity. Ongoing monitoring and reporting is recommended to ensure the balance is maintained.

Since the proposal does not materially increase the overall scope of the existing operation on site the impact of the proposal on the leachate volumes should not be significantly altered. As such there are no current concerns.

The EPA originally identified the potential impacts on inland waters from stormwater runoff and leachate seepage into groundwater as a concern and one of the key reasons for requesting an assessment of the proposal. During the assessment it was determined that the current groundwater quality monitoring and existing stormwater management systems are regulated through the DWER licence. Because the licence operates under Part V of the EP Act it is considered sufficient in mitigating any adverse impacts on inland waters. As such, the EPA did not consider inland waters a major environmental concern as a result of the proposal.

Litter

The proponent's planning report indicates that since the proposed waste cells are replacing existing waste cells the generation of associated litter will be consistent with the current operation.

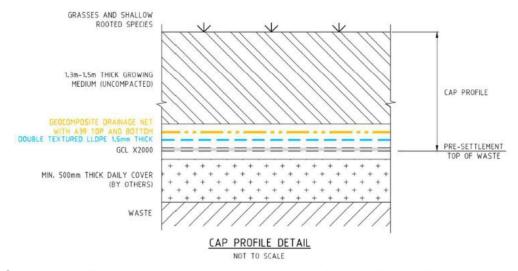
A Litter Management Program is detailed in the Environmental Management Plan prepared by Cleanaway/Tonkin which details provisions that aim to reduce the amount of on-site litter. Provisions generally relate to ensuring waste is appropriately covered or screened so that the potential for prevailing winds to carry litter is reduced and requiring personnel to routinely collect and monitor on site litter and respond accordingly to ensure litter levels remain low.

The EPA's report concluded that the existing DWER licence is capable of regulating environment impacts associated with litter sufficiently under Part V of the EP Act and had no immediate concerns regarding the impacts of litter on the surrounding area.

Rehabilitation and Landscaping

The proponent has submitted a Landfill Rehabilitation and Closure Plan to ensure the appropriate capping and landscaping of the waste cells once they are filled. It is part of an ongoing effort to rehabilitate the finished caps of completed waste cells on site and has been updated as part of this proposal to ensure the staged rehabilitation and landscaping of waste cells 12A, 10 and 9 are included. Progressive rehabilitation is expected to commence within 6 months of, or the summer immediately following, the completion of disposal in a cell or part of a cell once final waste heights have been reached.

A synthetic cap profile is proposed which incorporates a physical barrier to limit the exposure of the waste to moisture, reducing the potential for leachate contamination and ensuring potential impacts on the inland waters are minimised.



Staged rehabilitation landscape works are proposed and will be delivered upon the completion of each waste cell. Landscaping will include grassland, native trees and plant species. The inclusion of only native species will ensure the rehabilitated site reflects the existing visual amenity and landscape of the surrounding area.

A Landfill Rehabilitation Contour Plan for the entire operation was originally established in March 2021 to ensure the completed waste cells were remediated to match the existing surrounding landscape. It was updated in 2023 to incorporate the proposed waste cells. The provisions ensure the finished undulation of the site does not stray from the existing topography and can integrate appropriately.

It is not anticipated that the proposed rehabilitation and landscaping plan will adversely impact the visual amenity and surrounding landscape.

Gas Flare

The purpose of the blower/flare station is to safely and efficiently combust the landfill gas that is recovered from the waste mass to minimise greenhouse emissions. The flare, through combustion converts the methane into carbon dioxide and the EPA advise that methane is a potent greenhouse gas with a global warming potential 21 times greater than carbon dioxide.

In terms of fire, the DWER have advised that the potential for fire is mitigated through monitoring the temperature of the flare as well as the flare being fitted with a flame arrestor. It is considered that there are no other mechanisms that adequately address this risk.

In regard to visual amenity, the relocation of the gas flare, generator and air compressor unit on the lot will increase the current setback from the boundary with the Dardanup Conservation Park from approx. 900m to over 1300m, the increased setback is not expected to adversely impact upon the amenity of surrounding landowners in the locality. It is important to note that the structure is already present on the site. In terms of heights it will be located within an area which has a level of 61m AHD. The structure is 10m in height, therefore the 71m AHD complies with the height restriction of the LDP.



Workshop

The application also seeks to relocate the workshop from its current site to the northeast of the site. The workshop comprises of two sea containers with a dome roof as per the existing development onsite.



The location of the office varies the location designated within the LDP, however, Officers consider there is no amenity impacts that result from the relocation of the workshop as they will not be able to be seen when viewed from the broader area. A condition has been recommended to for a Workshop Operation Plan to be submitted which demonstrates how fuel will be kept on site and secured, how contaminants will be prevented from escaping (hydrocarbons escaping) and leaching into the ground from the servicing activities proposed to take place. The maximum height of the workshop is 6m. a 3x3 transportable office has also been proposed to be sited within the workshop compound which is supported.

Conclusion:

The proposal meets the aims and provisions of the GBRS, LPS3, draft LPS9 and LDP as well as all relevant state and local planning policies.

The potential impact on the surrounding area has been sufficiently addressed by reducing the finished height of the waste mound to 128m AHD with an additional 2m of capping, combined with appropriate management measures relating to dust, environment, stormwater, landfill gas, bushfire and landscaping.

Environmental concerns have been addressed and detailed in the EPA's report with imposed conditions ensuring compliance under Part V of the EP Act. Overall, the EPA was supportive of the implementation of the proposal and was satisfied all environmental concerns were addressed or compliance could be achieved through conditions.

The application is therefore recommended for approval.

Officer Recommendation

That the Regional Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 241 of 2021, resolves to:

Reconsider its decision dated 27 November 2021 and **SET ASIDE** the decision and substitute a new decision for DAP Application reference DAP/21/02063 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Dardanup Local Planning Scheme No. 3, subject to the following conditions:

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- All development must be carried out in accordance with the approved plans listed below, unless amended with the written consent of the Shire. In the event of an inconsistency between the approved plan(s) and a requirement of the conditions of this development approval, the requirement of the conditions prevail.

Development Plans (prepared by IW Projects)

- Development Site Plan (Drg No. BANK-421, Rev F, dated 14/12/23);
- Landfill Cell 9 Layout Plan (Drg No. BANK-306, Rev B, dated 21/08/23);
- Cell 9 Top of Waste Section (Drg No. BANK-SK-92, Rev B, dated 14/09/23);
- Cell 9 Top of Waste Surface Profile (Drg No. BANK-SK-91, Rev B, dated 14/09/23);
- Landfill Cell 10 Layout Plan (Drg No. BANK-406, Rev B, dated 22/08/23);
- Cell 10 Top of Waste Section (Drg No. BANK-SK-94, Rev B, dated 15/09/23);
- Cell 10 Top of Waste Surface Profile (Drg No. BANK-SK-93, Rev B, dated 15/09/23);
- Landfill Cell 12A Layout Plan (Drg No. BANK-506, Rev C, dated 20/08/23);
- Cell 12A Top of Waste Sections (Drg No. BANK-SK-96, Rev B, dated 06/09/23);
- Cell 12A Top of Waste Surface Profile (Drg No. BANK-SK-95, Rev B, dated 06/09/23);

Management & Other Relevant Plans

- Dust Management Plan dated 12/03/21 (Rev 4) prepared by Strategn-JBS&G:
- Environmental Management Plan dated 18/03/21 (Ver 004) prepared by Cleanaway;
- Stormwater Management Plan dated 15/01/21 (Ver C2) prepared by Cleanaway;
- Rehabilitation and Closure Plan dated 12/09/23 (Ver V9) prepared by Cleanaway;
- Landfill Gas Management Plan dated September 2023 (Ver 004) prepared by Cleanaway;
- Bushfire Management Plan dated 12/07/2021 (Ver 1.0) prepared by Bushfire Prone Planning; and
- Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin.

The landowner/proponent is responsible to ensure that the development is carried out at all times and in all respects in accordance with the approved plans.

- 3. Landfill within the new cells must not exceed a maximum height of 130m AHD (128m to top of waste plus 2m capping).
- 4. Access to and egress from the site for all heavy haulage vehicles associated with the approved landfill cells and related works are restricted to using the sealed road north of Lot 2 Banksia Road. Internal circulation of all vehicles must not encroach on the 20m landscaped boundary interface of the property.
- 5. Prior to works commencing, a 'Noise Management Plan' that has been prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Shire of Dardanup that includes the following:
 - b. demonstrates that noise from the approved use will comply with the *Environmental Protection (Noise) Regulations 1997*; and

- c. details the noise mitigation measures that will be implemented to make the noise comply with the *Environmental Protection (Noise) Regulations* 1997.
- d. Once approved the plan will form part of this approval and must be complied with at all times for the life of this approval.
- 6. All boundaries of the site are to be fenced with chain mesh fencing to a minimum of 2m in height and to include wildlife egress points.
- 7. All materials extracted are to be used on site, unless otherwise approved by the Shire of Dardanup.
- 8. The approved hours of operation are 6.00am until 6.00pm daily.
- 9. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Shire of Dardanup.
- 10. The operator is required to submit an annual "Progress Report" detailing progress of the pit over the previous 12-month period. The report should provide details of the following:
 - a. Extent of extraction undertaken (volume and area);
 - b. Extent of filling of the cells (volume and area);
 - c. Completion of stages;
 - d. Rehabilitation of completed stages:
 - e. Outcomes of monitoring of planted vegetation buffers.
 - 11. Prior to works commencing an updated Bushfire Management Plan being submitted and approved by the Shire in conjunction with the Department of Fire Emergency Services which includes the modifications recommended by the Department of Fire Emergency Services. Once approved the plan be implemented in its entirety.
 - 12. Prior to the lodgment of a Building Permit, a Workshop Operation Plan must be submitted to the Shire of Dardanup for approval. The plan must demonstrate the following:
 - a. All measures to manage the risk of contaminants, including hydrocarbons escaping from the area and leaching into the ground;
 - b. Fuel kept onsite to be stored in bunded fire rated fuel tanks;
 - c. The workshop floor being constructed of hardstand and bunded to specifications to cater for the type of vehicles proposed to be parked/serviced/maneuvering onsite.

Reasons for Officer Recommendation

For the reasons contained in the report



LG Ref: DAP-D0211219 DAP Ref: DAP/21/02063

Enquiries: (08) 6551 9919

State Administrative Tribunal 565 Hay Street PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL APPLICATION – DR 241/2021 CLEANAWAY SOLID WASTE PTY LTD v PRESIDING MEMBER OF THE REGIONAL JOINT DEVELOPMENT ASSESSMENT PANEL

Property Location:	Lot 2 Banksia Road, Crooked Brook
Application Details:	Cleanaway Dardanup Landfill Facility

Please be advised that the Regional Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR 241/2021, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 9 February 2024.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

19 February 2024

Encl: Amended DAP Determination Notice

Cc:

Cleanaway Waste Pty Ltd

State Solicitor's Office

Ashwin Nair Shire of Dardanup

Planning Appeals

Planning and Development Act 2005

Shire of Dardanup Local Planning Scheme No. 3

Regional Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lot 2 Banksia Road, Crooked Brook **Application Details:** Cleanaway Dardanup Landfill Facility

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Regional JDAP, at its meeting on 9 February 2024, has resolved to:

Reconsider its decision dated 27 November 2021 and SET ASIDE the decision and substitute a new decision and approve DAP Application reference DAP/21/02063 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Dardanup Local Planning Scheme No. 3, subject to the following conditions:

- 1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 2. All development must be carried out in accordance with the approved plans listed below, unless amended with the written consent of the Shire. In the event of an inconsistency between the approved plan(s) and a requirement of the conditions of this development approval, the requirement of the conditions prevail.

 <u>Development Plans (prepared by IW Projects)</u>
 - Development Site Plan (Drg No. BANK-421, Rev F, dated 14/12/23);
 - Landfill Cell 9 Layout Plan (Drg No. BANK-306, Rev B, dated 21/08/23);
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 - Cell 10 Top of Waste Section (Drg No. BANK-SK-94, Rev B, dated 15/09/23);
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Management & Other Relevant Plans

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- Rehabilitation and Closure Plan dated 12/09/23 (Ver V9) prepared by Cleanaway;
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- Bushfire Management Plan dated 12/07/2021 (Ver 1.0) prepared by Bushfire Prone Planning; and
- Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin.

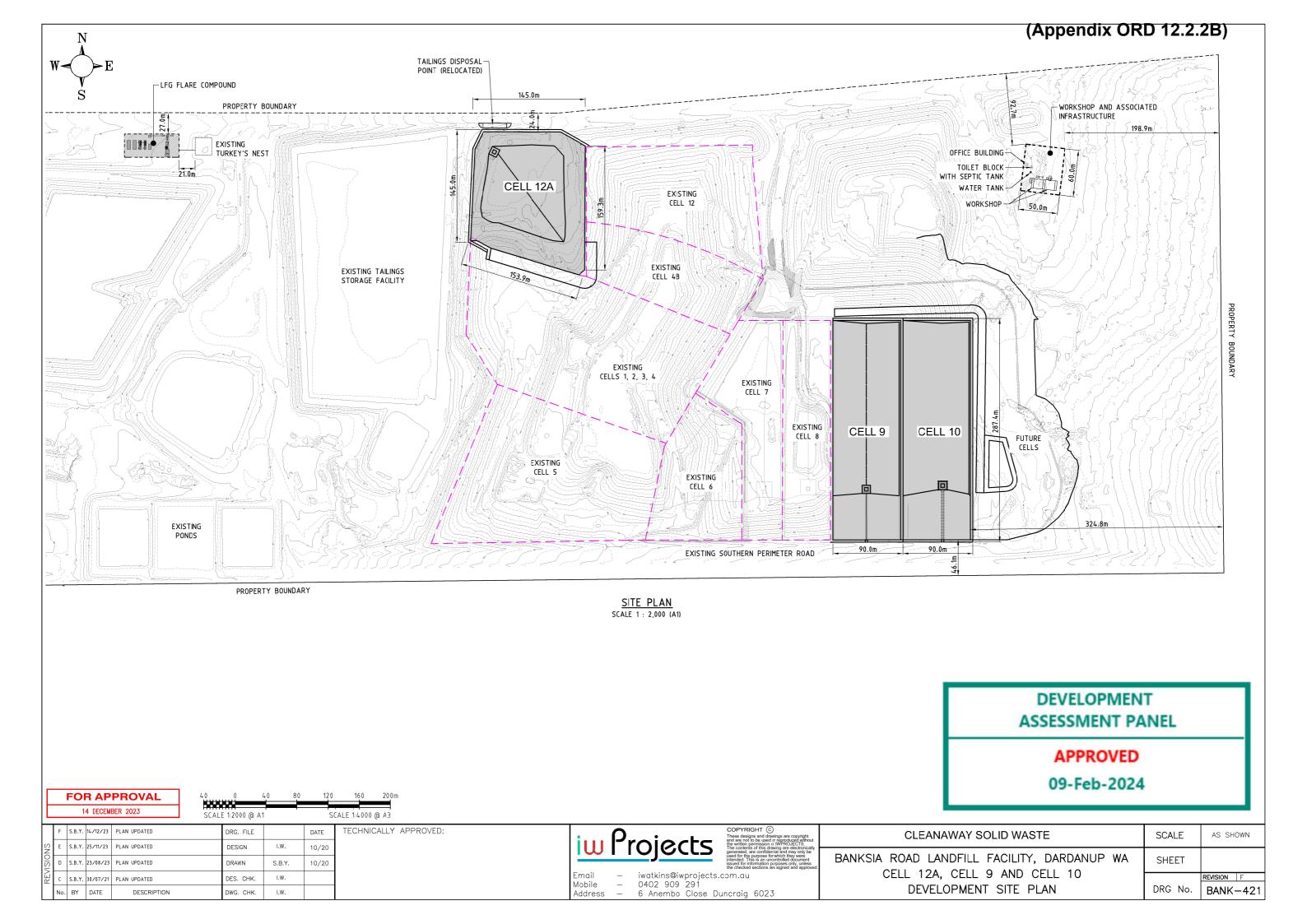
The landowner/proponent is responsible to ensure that the development is carried out at all times and in all respects in accordance with the approved plans.

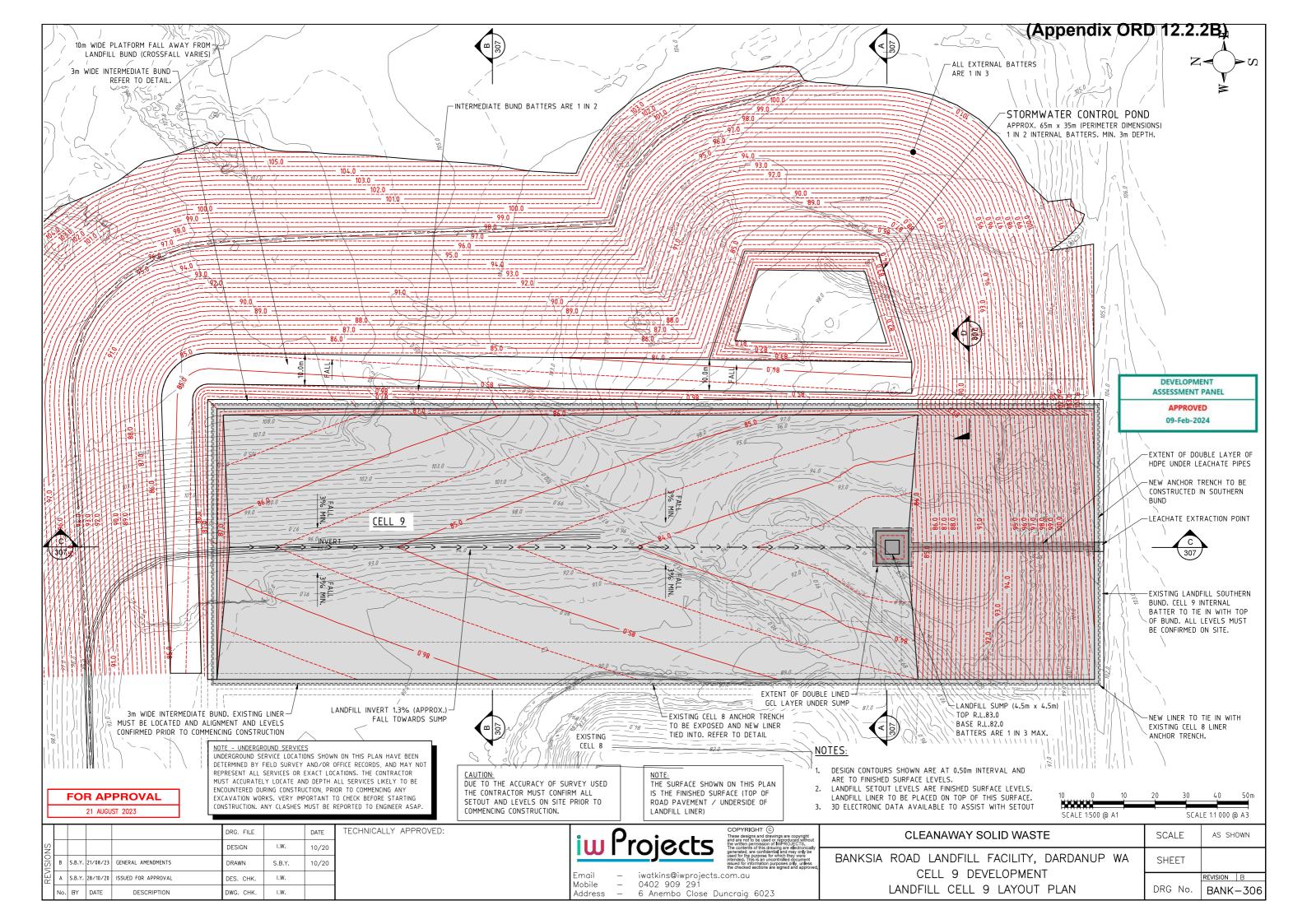
- 3. Landfill within the new cells must not exceed a maximum height of 130m AHD (128m to top of waste plus 2m capping).
- 4. Access to and egress from the site for all heavy haulage vehicles associated with the approved landfill cells and related works are restricted to using the sealed road north of Lot 2 Banksia Road. Internal circulation of all vehicles must not encroach on the 20m landscaped boundary interface of the property.
- 5. Prior to the commencement of use, a 'Noise Management Plan' that has been prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Shire of Dardanup that includes the following:
 - a. demonstrates that noise from the approved use will comply with the Environmental Protection (Noise) Regulations 1997; and
 - b. details the noise mitigation measures that will be implemented to make the noise comply with the *Environmental Protection (Noise) Regulations* 1997.
 - c. Once approved the plan will form part of this approval and must be complied with at all times for the life of this approval.
- 6. All boundaries of the site are to be fenced with chain mesh fencing to a minimum of 2m in height and to include wildlife egress points.
- 7. All materials extracted are to be used on site, unless otherwise approved by the Shire of Dardanup.
- 8. The approved hours of operation are 6.00am until 6.00pm daily.
- 9. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Shire of Dardanup.

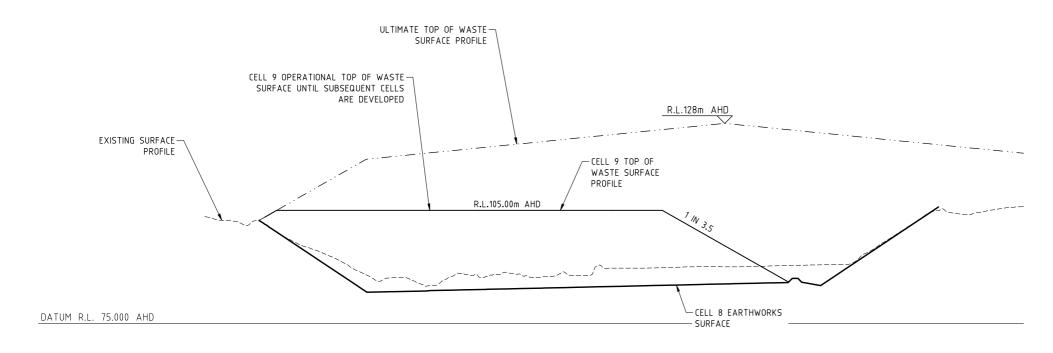
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- 10. The operator is required to submit an annual "Progress Report" detailing progress of the pit over the previous 12-month period. The report should provide details of the following:
 - a. Extent of extraction undertaken (volume and area);
 - b. Extent of filling of the cells (volume and area);
 - c. Completion of stages;
 - d. Rehabilitation of completed stages;
 - e. Outcomes of monitoring of planted vegetation buffers.
- 11. Prior to the commencement of use an updated Bushfire Management Plan being submitted and approved by the Shire on advice of the Department of Fire Emergency Services which includes the modifications recommended by the Department of Fire Emergency Services. Once approved the plan be implemented in its entirety.
- 12. Prior to the lodgment of a Building Permit, a Workshop Operation Plan must be submitted to the Shire of Dardanup for approval. The plan must demonstrate the following:
 - a. All measures to manage the risk of contaminants, including hydrocarbons escaping from the area and leaching into the ground;
 - b. Fuel kept onsite to be stored in bunded fire rated fuel tanks;
 - c. The workshop floor being constructed of hardstand and bunded to specifications to cater for the type of vehicles proposed to be parked/serviced/maneuvering onsite.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.





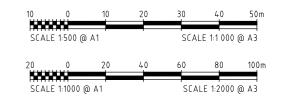


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DEVELOPMENT ASSESSMENT PANEL

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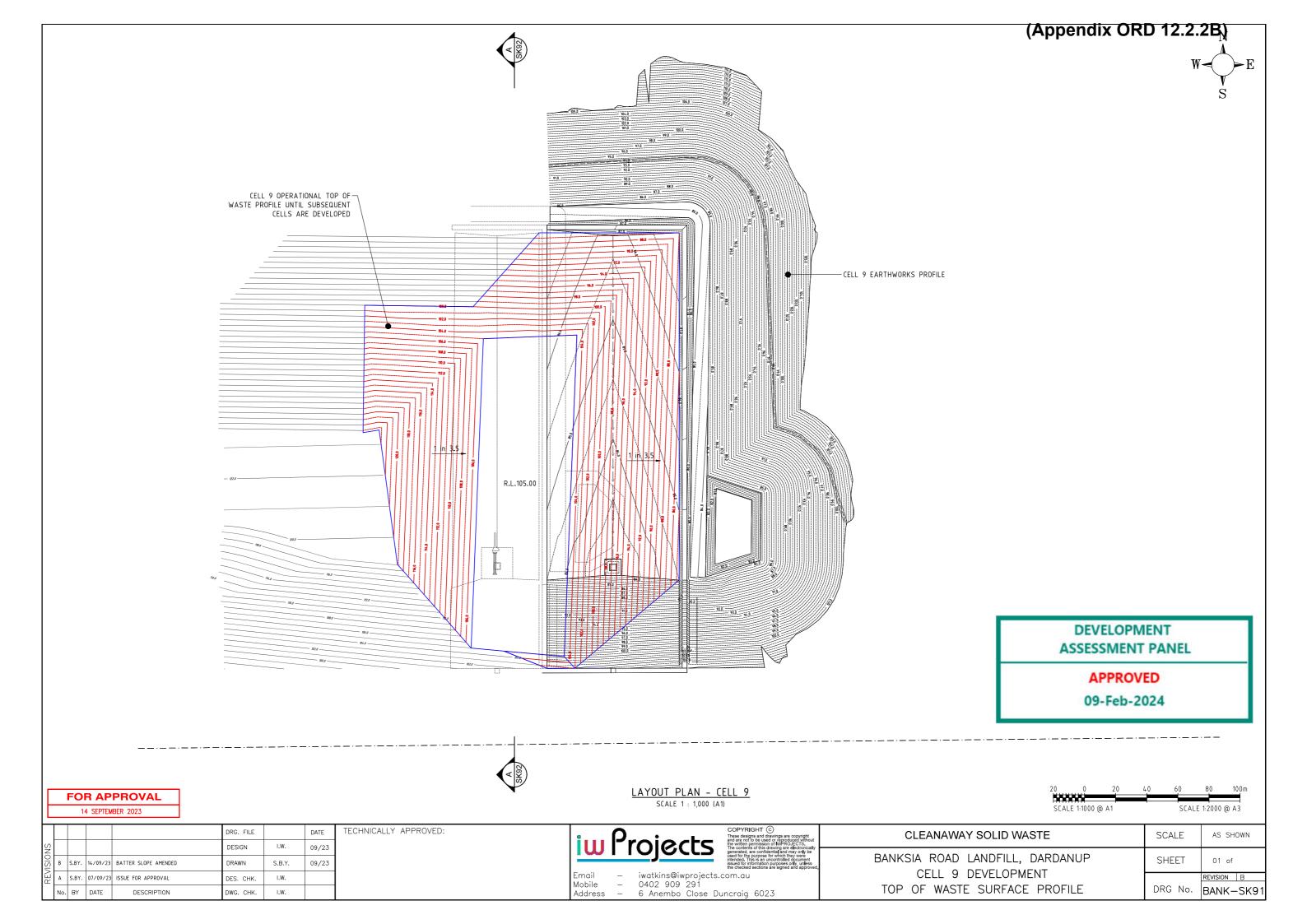
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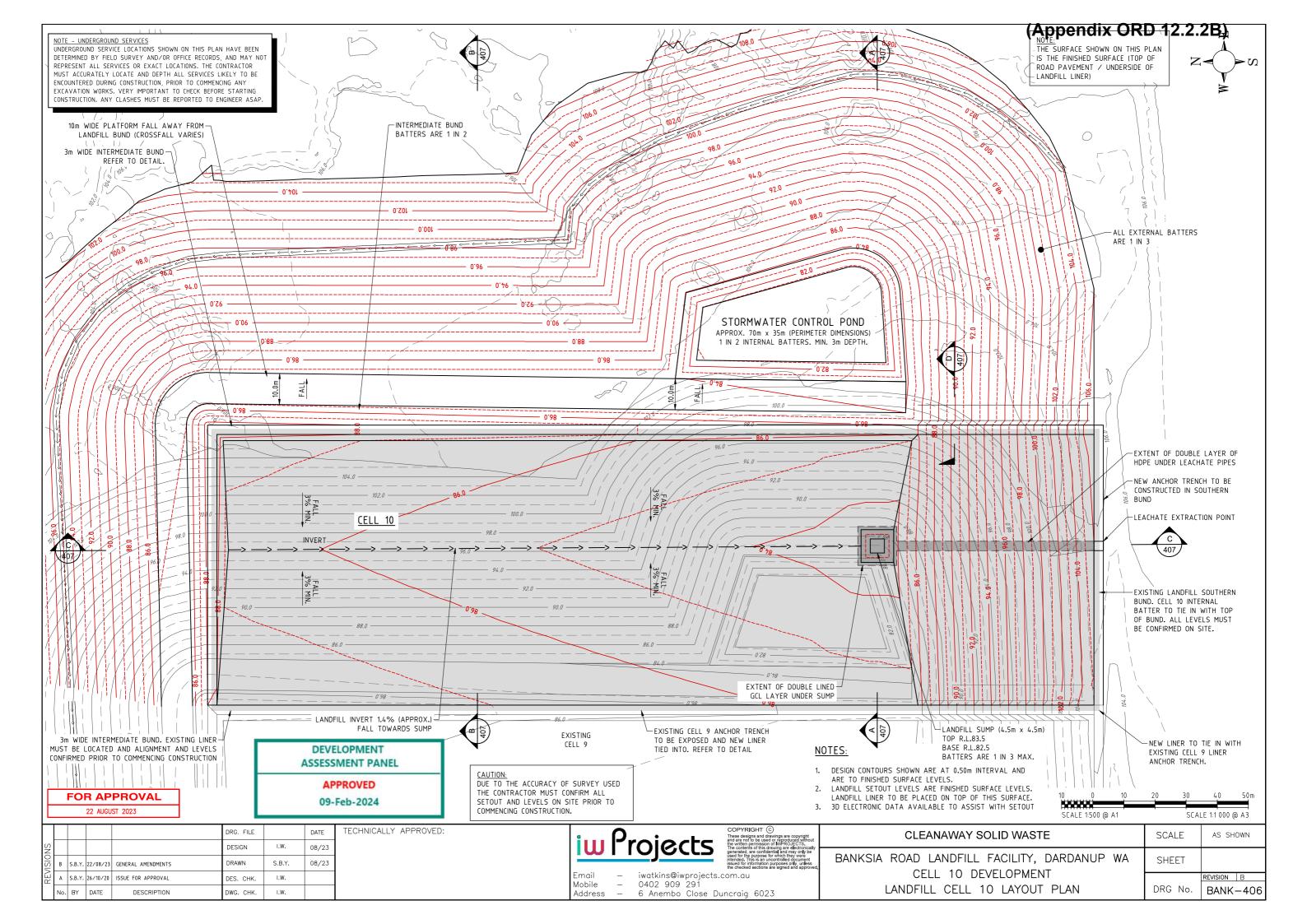


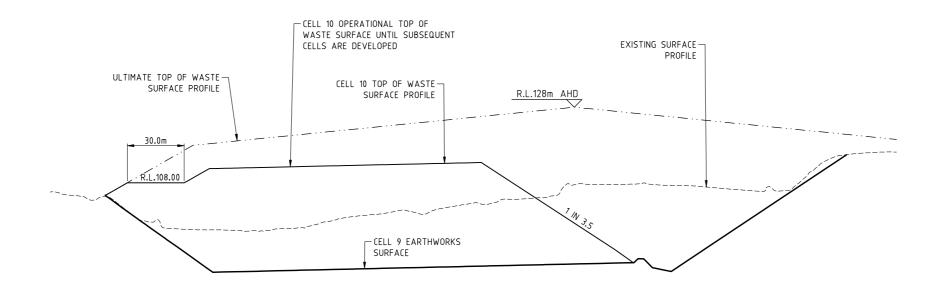
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14 SEPTEMBER 2023

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DEVELOPMENT ASSESSMENT PANEL

APPROVED

09-Feb-2024

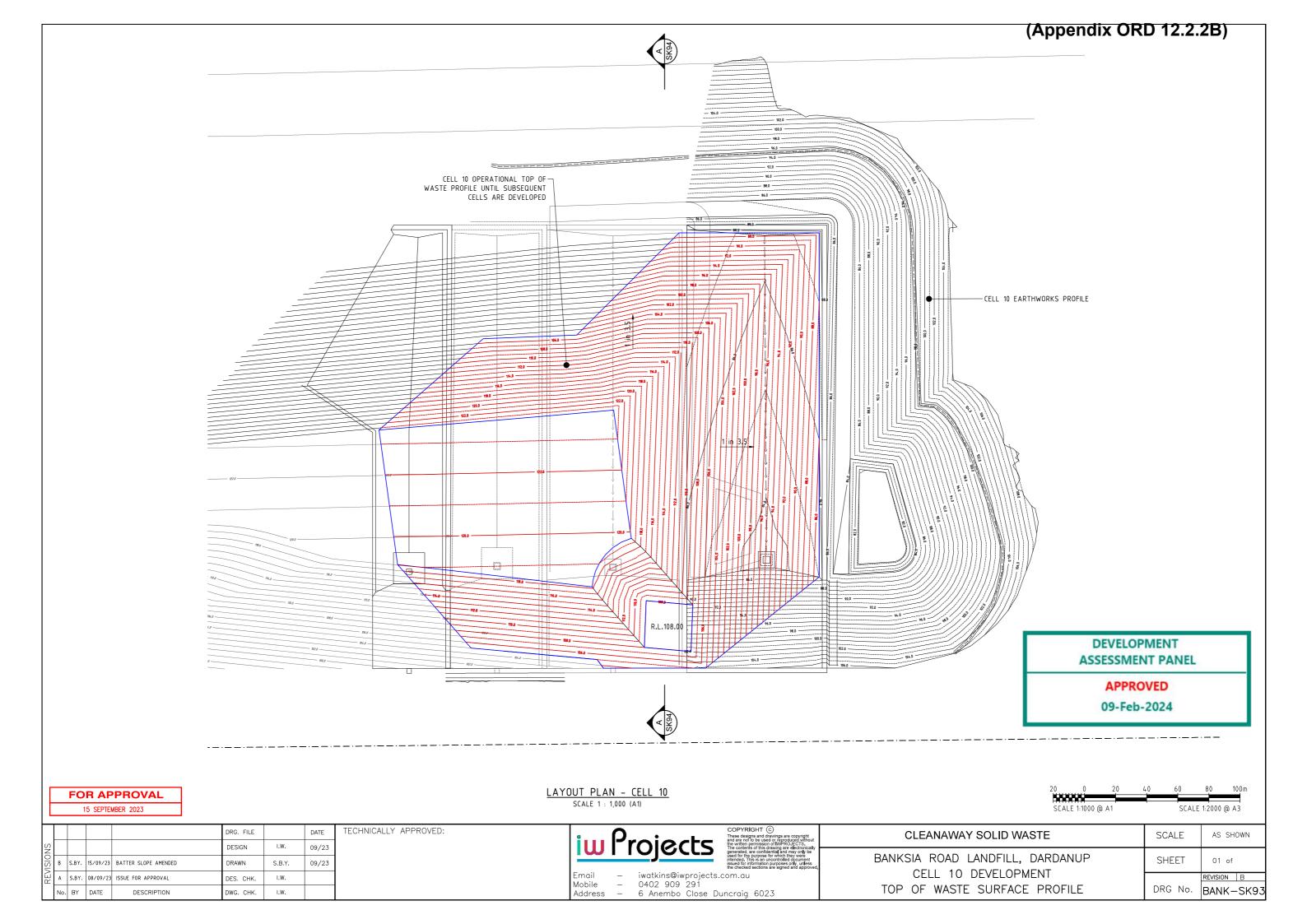


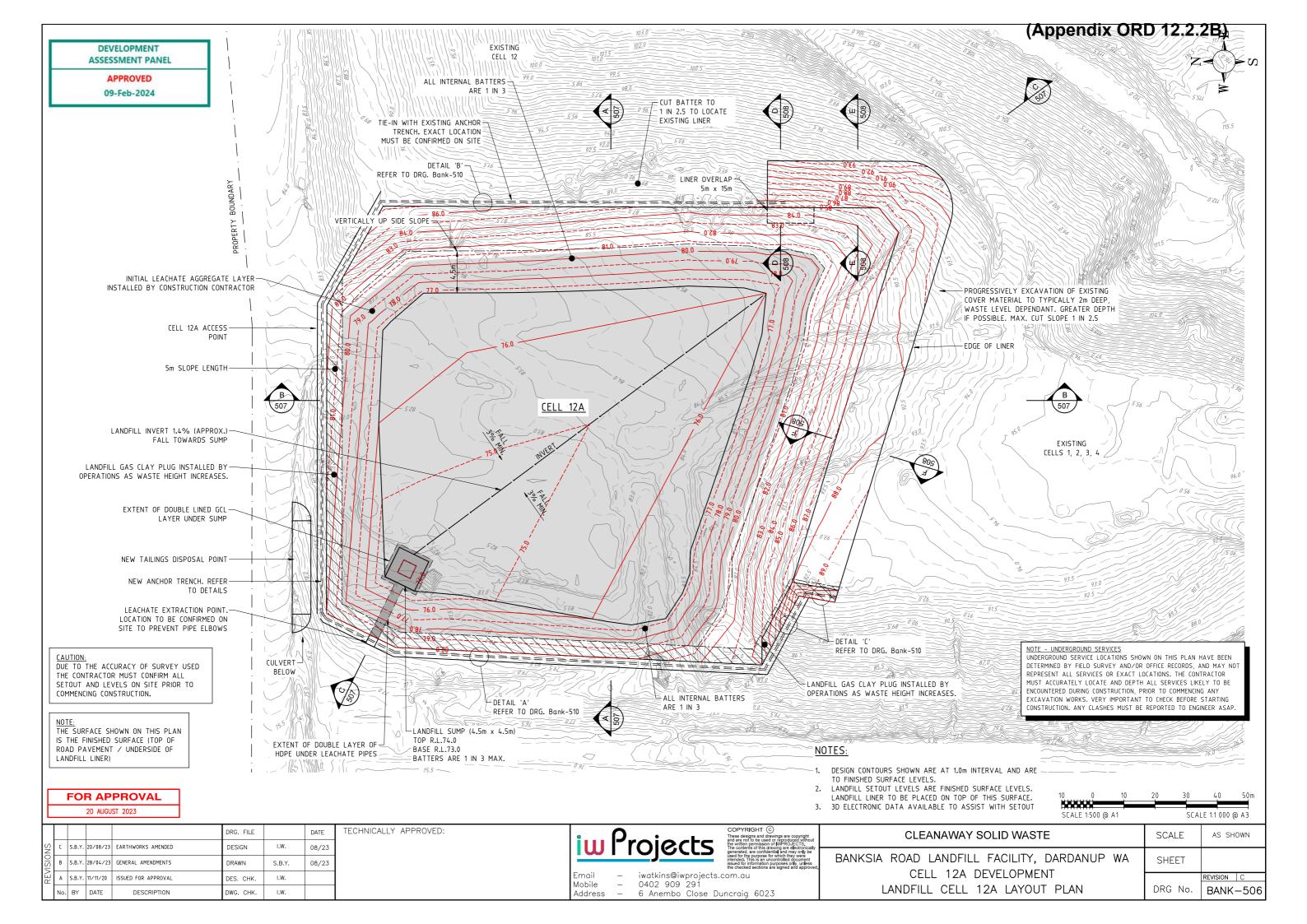
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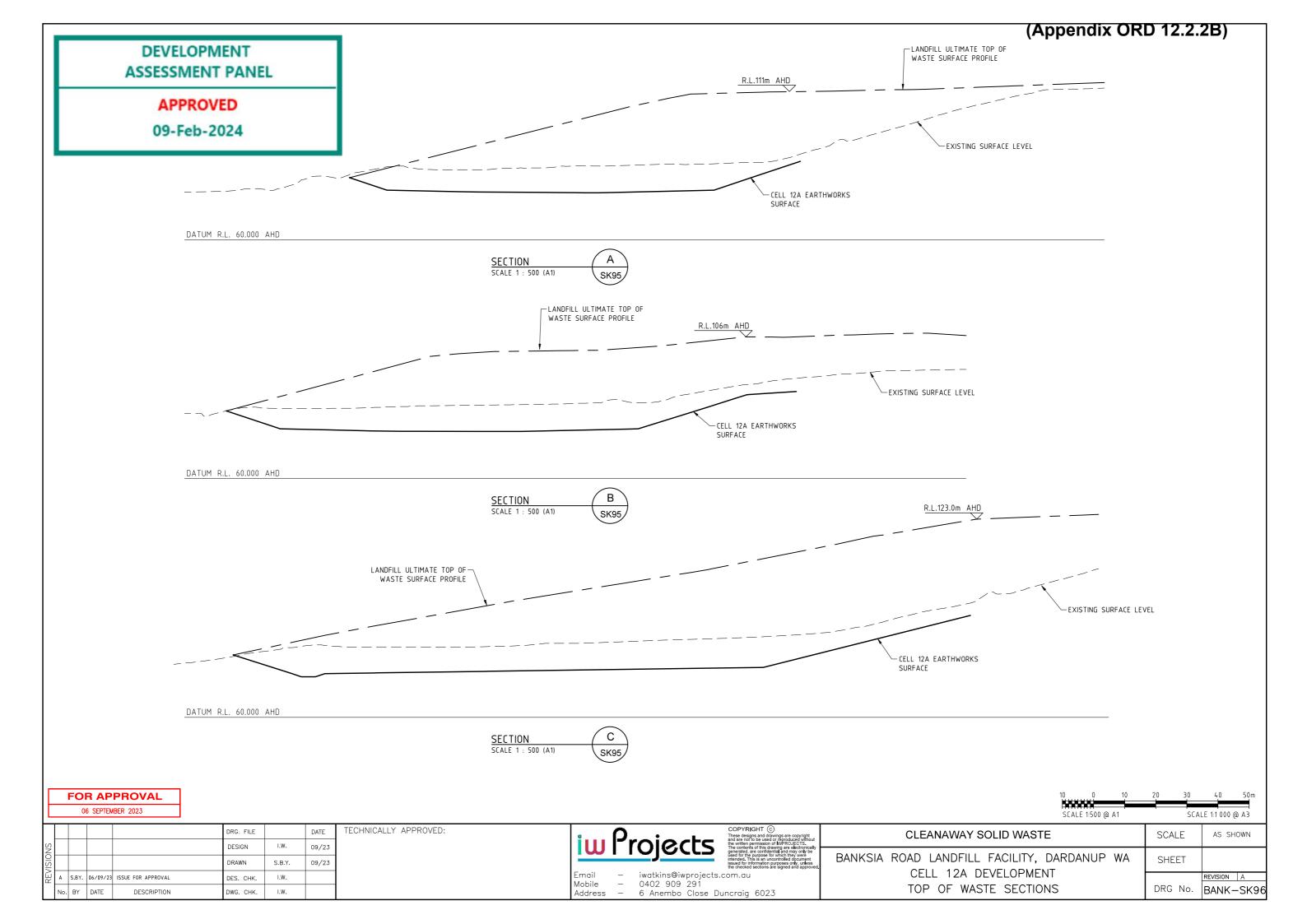
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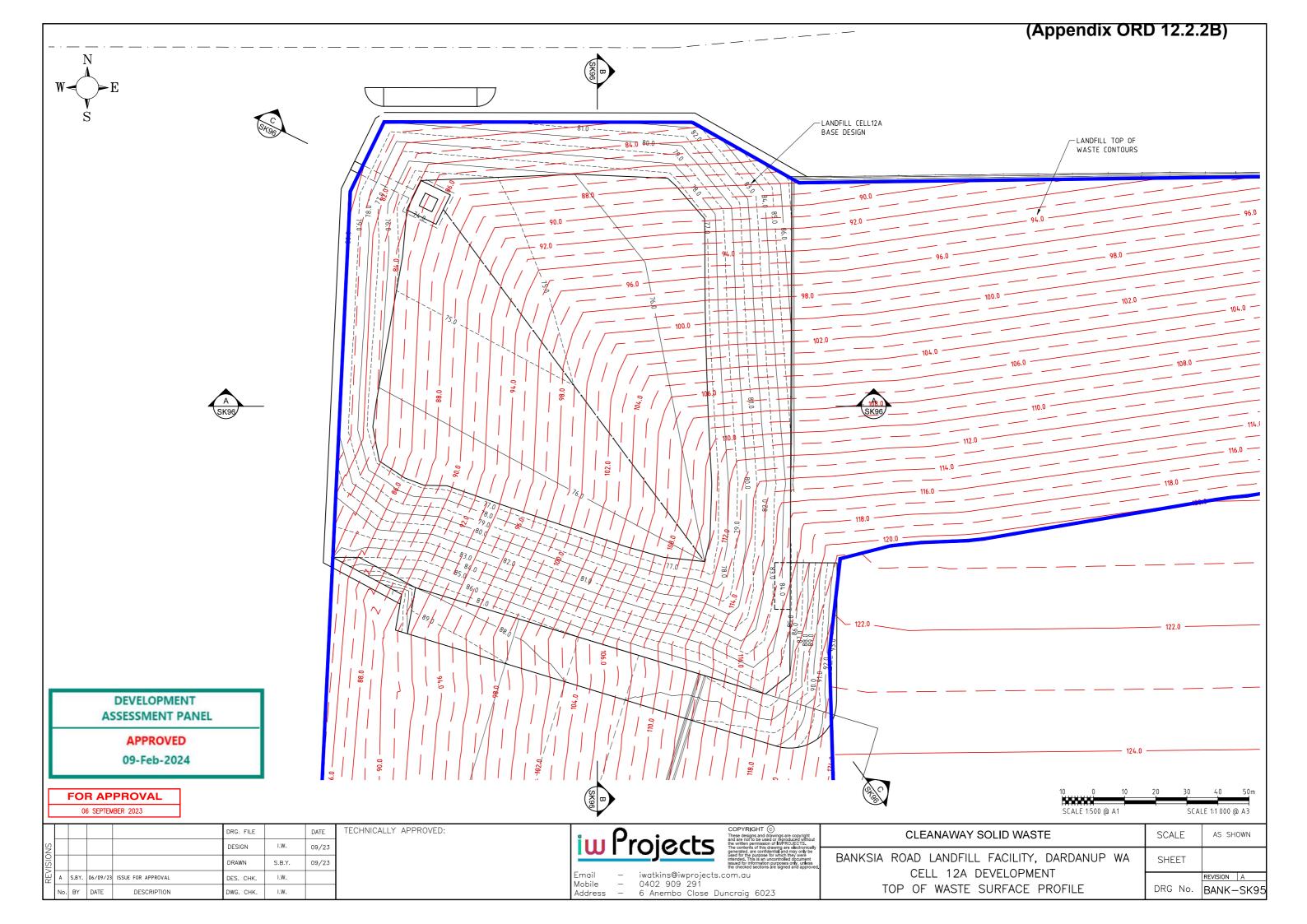
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Lawvers

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PO Box Z5025, St Georges Terrace Perth WA 6831

T +61 8 9404 9100 F +61 8 9300 1338

Our ref JS:MP:4983006 Your ref DR241 of 2021

17 February 2025

Stephanie Price Assistant State Solicitor State Solicitor's Office David Malcolm Justice Centre 28 Barrack Street Perth WA 6000 Email: s.price@sso.wa.gov.au

CC:

Chief Executive Officer State Administrative Tribunal 565 Hay Street Perth WA 6000

Dear Dr Price

Additional information for reconsideration

DR241 of 2021 - Cleanaway Solid Waste Pty Ltd v DAP Executive Member

- We refer to the orders made by the State Administrative Tribunal in this matter on 12 November 2024 and in particular the order for the Applicant to provide its additional information in support of its case in these proceedings, following which the Respondent will reconsider its decision.
- 2 Enclosed is a new version of the relevant landscaping plan (**Attachment 1**), which incorporates amendments that seek to improve and clarify the landscaping commitments.
- The Applicant requests, as set out in the submissions in this letter bellow and supported by the attachments, that the Respondent on reconsideration:
 - (a) approve the updated landscaping plan as an amendment replacing the pre-existing version noted in Condition 2;
 - (b) amend Condition 4 to delete the second sentence; and
 - (c) delete Condition 10 in its entirety.

Background

4 The following background is noted:

- (a) on 21 November 2023, Ministerial Statement 1213 was published for the determination that the proposal may be implemented;
- (b) on 9 February 2024, the Regional Joint Development Assessment Panel (**DAP**) determined to approve the development application (**Approval**), subject to 12 conditions;
- (c) on 22 February 2024, the Applicant filed notice:
 - (i) that it was not satisfied with the DAP's decision; and
 - (ii) in particular, as to its dispute with conditions 4, 5, 10, 11 and 12 of the Approval;
- (d) on 5 April 2024, the Shire informed the Applicant that it had approved the management plans required under conditions 5, 11 and 12, and as a result of this the dispute regarding those 3 conditions was resolved; and
- (e) on 18 September 2024, the Shire, as part of considering a management plan amendment under Condition 2:
 - (i) refused to approve replacing 'Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin' (2022 Landscaping Plan); and
 - (ii) refused to accept, as the replacement, the 'Landscaping plan dated 26/08/24 (Rev 8) prepared by Tonkin (2024 Landscaping Plan),

despite the Shire stating that 'the submitted landscape plan dated Aug 2024, there appears to be an improvement from the 2022 iteration' (see **Attachment 2**).

Condition 4

Second sentence disputed

5 Condition 4 is as follows, with the second sentence emphasised:

'Access to and egress from the site for all heavy haulage vehicles associated with the approved landfill cells and related works are restricted to using the sealed road north of Lot 2 Banksia Road. Internal circulation of all vehicles must not encroach on the 20m landscaped boundary interface of the property.'

The Applicant seeks the deletion of the second sentence of Condition 4, on the basis that Condition 4 in its current form, including the second sentence, does not meet the reasonableness requirement of the 'Newbury Test'.

Conflict between the second sentence and the established development

- There has always been internal circulation of vehicles within 20m of the boundary of Lot 2 by way of long-established roads and access ways, as part of the existing approved development on the site. This is recognised in the first sentence of Condition 4 (ie 'Access to and egress... are restricted to using the sealed road north of Lot 2 Banksia Road'), with respect to the established sealed internal road on the northern boundary that:
 - (a) provides the access to, and egress from, Lot 2; and
 - (b) extends into the site past the weighbridge facility and then along the northern boundary (and within 20m of the northern boundary) to various turn off points for entrance to the landfill cells, as necessary for trucks to access and unload waste.
- In addition to the northern boundary, the eastern and southern boundary have also long had internal roads and access ways established within 20m of the boundary, as part of existing approved development of the site.
- 9 Further and in any case, there is no actual provision for landscaping to displace where these existing access ways are established within 20m of the boundary, as the 2022 Landscaping Plan sets out the landscaping and associating planting for buffer vegetation to be around them.

Existing landscaping around the existing internal roads

The 2022 Landscaping Plan has planned out the areas of landscaping around the existing roads internal to Lot 2.

- 11 <u>It is not the case</u> that as a requirement of the conditions of the Approval, there is to be landscaping of all of the boundaries of Lot 2 to a width of 20m. In fact, for most of the boundary of Lot 2 that is not the case. In some sections there is landscaping that is wider than 20m, in some sections there is landscaping that is narrower, in some sections there is an access track between the landscaping and the boundary, and in some sections the landscaping is up to the boundary. In all cases the landscaping was clearly set out in the 2022 Landscaping Plan, including how it is to provide for vegetation buffers, and this was approved under Condition 2, as part of the Approval granted on 9 February 2024.
- Therefore, the retention of the access ways for the internal circulation of vehicles and the planned landscaping is not in conflict such that there is any need for the second sentence of Condition 4, and it ought to be deleted to avoid confusion in terms of expectations for the landscaping and access ways in proximity to the boundary of Lot 2.

Condition 4 and the 2022 Landscaping Plan

The extent of the landscaping required to be carried out under the Approval, including vegetation to be planted and maintained within 20m of the boundary, is set out in the 2022 Landscaping Plan, as accepted in the decision to grant the Approval and made explicit under Condition 2, which provides:

'All development must be carried out in accordance with the approved plans listed below, unless amended with the written consent...

Management & Other Relevant Plans

. . .

- Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin.
- The 2022 Landscaping Plan ultimately provides for the landscaping of all of Lot 2,¹ as part of the rehabilitation commitment for the site. The landscaping has been planned in a staged manner concurrent with the progressive development and completion of the sequence of landfill cells, as those cells are approved on Lot 2.
- The 2022 Landscaping Plan specifically provides for the staged landscaping of the actual landfill footprint, as cells are progressively filled, closed and capped.² This is to progressively achieve the final rehabilitation of the site and ameliorate the visual impact, by blending the elevated landfill form with the surrounding topography of the Dardanup Conservation Park and the broader Whicher Range in the background.
- Other than the actual landfill footprint, currently <u>it is not the case</u> that there are any timeframe commitments for the landscaping of other areas Lot 2, including for the buffer landscaping (ie Zone 4), as the 2022 Landscaping Plan was approved under Condition 2, as part of the Approval on 9 February 2024.
- 17 Therefore, given:
 - (a) the terms of the 2022 Landscaping Plan currently applicable under Condition 2; and
 - (b) the lack of any requirement for landscaping beyond the landfill footprint,

¹ There is one exception to this, being the small portion at the west, which is for a separate quarrying operation with its own rehabilitation commitments, as part of the specific respective approvals.

² See 'Rehabilitation and Closure Plan dated 12/09/23 (Ver V9) prepared by Cleanaway', also approved under Condition 2 of the Approval.

as matters stand, there is not even any landscaping required to be implemented for the area within 20m of the boundary, prior to the closure of the landfill under the terms of the Approval.

Condition 2, and the 2025 Landscaping Plan

- As referred to above, as part of the request for the deletion of the second sentence of Condition 4, the Applicant prepared the 2024 Landscaping Plan (for approval under Condition 2, as an amendment to the 2022 Landscaping Plan), which the Shire refused to accept on 18 September 2024.
- Since then, the Applicant has made some further minor amendments and updates to the 2024 Landscaping Plan, which is now the *'Landscaping Plan* dated **31 January 2025** (Rev 9) prepared by Tonkin (**2025 Landscaping Plan**) (**Attachment 1**).
- Both the 2024 Landscaping Plan and the 2025 Landscaping Plan have been prepared with updates that clarify the implementation of landscaping for areas other than just the landfill footprint. This includes those areas closest to the boundaries of Lot 2 that either have already been planted with vegetation to serve as a buffer providing a visual screen.
- These updates clarify the implementation of the landscaping, particularly the vegetation buffer (ie Zone 4) and will result in an improved outcome with respect to that interest. This was ostensibly the interest that the second sentence of Condition 4 was attempting to address, but burdened by the poor framing.
- To assist understanding the detail of what is in the area within 20m of the boundary of Lot 2 and the corresponding proposed landscaping components, attached is a table setting this out (**Attachment 3**). The table addresses the areas on the boundary of Lot 2 in 9 sections. Each section is detailed, starting with the north western corner and moving clockwise around Lot 2. Note that the information can be more easily understood by cross-referencing to Figure 1 in the Landscaping Plans.
- The 2024 Landscaping Plan and 2025 Landscaping Plan contain no other material differences from the current approved 2022 Landscaping Plan. The content otherwise remains as was assessed and accepted as part of the Approval.
- The Applicant requests that the DAP approve the 2025 Landscaping Plan, by way of amending Condition 2 to refer to the 2025 Landscaping Plan, in place of the current reference to the 2022 Landscaping Plan.

Visual impact management and the landscaping

- Relevant to the requests in relation to both Condition 4 and Condition 2, the landscaping for Lot 2 serves as an important visual impact management measure for not just the development of landfill cells 9, 10 and 12A the subject of the Approval, but also the pre-existing development and ongoing operations. The landscaping has been formulated to this end in both the current approved 2022 Landscaping Plan and the updated 2025 Landscaping Plan.
- The visual impact management considerations discharged as part of the process culminating in the Approval are summarised below.
- The expert consultancy, EPCAD, was commissioned to prepare a 'Landscape and Visual Assessment'. This assessment was submitted as an appendix to the application, which was considered and then granted the Approval.³ The EPCAD assessment refers extensively to the 2022 Landscaping Plan (see sections 9 to 11) and included extracts (see figures 10 to 11). In particular, the assessment concludes (see 11.1):
 - (a) '[a]s filling progresses, the planting will mature. As the scale and height of the new landform increases the landscape planting will ameliorate effects'; and

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³ See Appendix F in the application document.

- (b) "[i[n the long term, the works will be revegetated with woodland plants, and will not be discernible from the wider landscape. The grassland rehabilitation will form an open paddock similar in character to many areas of the contextual rural landscape'.
- While the EPCAD assessment relies on the 2022 Landscaping Plan, the amelioration measures resulting from the landscaping as set out in the 2022 Landscaping Plan are largely to blend the development of Lot 2 with 'the wider landscape' (as noted above), rather than to act as a buffer to visually screen sensitive views. The screening through vegetation buffers is largely already achieved by the existing vegetation that is being retained, as the EPCAD assessment notes (see section 5.4.2):
 - (a) '[t]he western boundary of the site, consists of a vegetated buffer... assists in screening views into the interior of the subject site';
 - (b) 'vegetation also extends for approximately 335m along the northern boundary, also providing screening';
 - (c) 'eastern most portion of vegetation, does not appear to have been cleared for any purposes';and
 - (d) '[t]he southern boundary has... rehabilitation works in order to provide a 20m vegetated buffer'.
- Further, on the basis of the EPCAD assessment, the responsible authority report (**RAR**) that informed the decision of the DAP to grant the Approval, concluded as follows against the relevant objective under the local planning scheme (see page 11 of the RAR):
 - 'While the proposed development is visible from certain vantage points surrounding the site, the impact on the visual amenity of the broader area is not considered significant. The finished landform can be considered a low broad hill that should integrate into the natural undulation sufficiently and be consistent with the broader panorama'.
- In conclusion, the appropriate vegetation buffer for screening the development on Lot 2 is already largely achieved through the retention of the existing remnant vegetation, as explained by the EPCAD assessment and accepted by the RAR.
- The Applicant submits that under both the 2022 Landscaping Plan and the 2025 Landscaping Plan:
 - (a) the retention of the existing remnant vegetation referred to above; and
 - (b) the supplementary planting,

ought to resolve any concern regarding the visual screening that the second sentence of Condition 4 might have been intending to address (albeit burdened by the poor framing). Further to this, the updates in the 2025 Landscaping Plan provide for a better and clearer outcome, which ought to be approved as an amendment to Condition 2, in conjunction with the deletion of the second sentence of Condition 4.

Condition 10

32 Condition 10 states:

'The operator is required to submit an annual "Progress Report" detailing progress of the pit over the previous 12-month period. The report should provide details of the following:

- a. Extent of extraction undertaken (volume and area);
- b. Extent of filling of the cells (volume and area);
- c. Completion of stages;
- d. Rehabilitation of completed stages;

- e. Outcomes of monitoring of planted vegetation buffers.'
- The Applicant requests that Condition 10 be deleted as part of the reconsideration by the DAP of its decision on 9 February 2024, for the reasons set out below.
- The reporting that is required by Condition 10 is a duplication of the jurisdiction of the Department of Water and Environmental Regulation (**DWER**) and in particular, the reporting requirements under the Licence L8904/2015/1 that are applicable to the landfill operations (**Licence**) (see **Attachment 4** for extract of the Licence).
- 35 Condition 65 of the Licence requires annual reporting, including on the following matters:
 - (a) A summary of the active landfill area and also construction quality assurance reporting. This captures detailed information on the as constructed status of the landfill cells, including extraction volumes and covers the scope of what is duplicated by the above requirement in Condition 10(a) of the Approval.
 - (b) A summary of waste volumes accepted and capacity remaining, which covers the scope of what is duplicated by the above requirement in Condition 10(b) and (c).
 - (c) A summary and update on the rehabilitation progress of the landfill cells, which covers the scope of what is duplicated by the above requirement in Condition 10(d).
- There is no planning basis for the Shire, by way the reporting required by Condition 10, to duplicate the operational oversight role of DWER, particularly in this case where the subject matter is specifically addressed under the Licence (ie Condition 65). In *SITA Australia Pty Ltd and Wheatbelt Joint Development Assessment Panel* [2016] WASAT 22, at [127]-[129] the State Administrative Tribunal accepted as a general principle that "where it is likely that a DER condition will operate in parallel with a Shire condition, 'it is unnecessary to duplicate such requirements in the [Shire's] conditions", and at [137]-[138] the Tribunal was specifically prepared to apply this principle to a condition requiring the supply to the Shire of information that was required to be provided to the DWER.
- With respect to the requirement in Condition 10(e), to the extent there is an interest in:
 - (a) the maintenance of the landscaping, this is addressed in both the 2022 and the 2025 Landscaping Plans and is enforceable through the requirement to implement those plans under Condition 2 of the Approval; and
 - (b) the planting for vegetation buffers concurrent with the development of Cells 9, 10 and 12A, this is already the subject of the Approval (ie only Zones 4B,C and D) and furthermore, with respect to implementation and monitoring of vegetation on the southern boundary, this is also already addressed in the 'Southern Boundary Native Vegetation Buffer Plan' approved as part of the development approval for the stormwater infrastructure, by a decision of the Council on 24 February 2024 (see **Attachment 5**).
- On the basis of the above matters, the Applicant submits that Condition 10 is an unreasonable duplication of the pre-existing requirements of the licence administered by DWER and the correct and preferable resolution is for it to be deleted.

Yours faithfully Thomson Geer

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Banksia Road Landfill Rehabilitation and Closure Plan

Appendix D - Landscaping Plan

Cleanaway Waste Management

31 January 2025 Ref: 201515R003





Document History and Status

Rev	Description	Author	Reviewed	Approved	Date
Α	For Client Comment	AW/MRS	IPN	MRS	11/09/2020
В	For Client Comment	MRS	MRS	MRS	29/09/2020
0	For Issue	MRS	Sally Carlton, Cleanaway	MRS	01/10/2020
1	Updated for CWY Comments	MRS	MRS	MRS	09/11/2020
2	Updated for Shire submission in response to third party review	IPN	MRS	MRS	22/01/2021
3	Minor updates to document Updated for Shire submission in response to third party review	IPN	MRS	MRS	5/02/2021
4	Updated Figure 2	IPN	IPN	IPN	10/02/2021
5	Minor update to document P3 TOW contour details	Sally Carlton, Cleanaway			10/09/2021
6	Update for Phytocap Report by Tonkin Jan 2022	MRS	Sally Carlton, Cleanaway	MRS	31/01/2022
7	Update to Appendix A Species List	MRS	Sally Carlton	MRS	29/08/2022
8	Update the Zone 4 buffer description to reflect the site condition	IPN	MI	MI	26/08/2024
9	Updated Section 3.2	IPN	SH	SH	31/01/2025

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Client: Cleanaway Waste Management

Ref: 201515R003

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1 Introduction

Tonkin was engaged by Cleanaway Waste Management to prepare a Landscaping Plan (the Plan) for the Dardanup Landfill (Landfill). The site is located in the Shire of Dardanup local government area. Department of Water and Environmental Regulation (DWER) Licence 8904/2015/1 incorporates Lot 2 on Plan 65861, Banksia Road, Crooked Brook WA.

1.1 Aims and Objectives

The Plan aims to provide a clear, concise and practical framework for the landscaping of the final landform of the Landfill, in accordance with the requirements of the *DWER Revegetation Guideline* (DWER, 2018) and the *Rehabilitation and Closure Plan* (Cleanaway, 2022) for the site. The final landform and landscaping are intended to facilitate a final land use as passive open recreational space.

The objectives of the Landscaping Plan are to:

- determine local vegetation characteristics;
- describe the landscaping activities necessary to restore the native vegetation;
- describe the maintenance program to ensure establishment;
- utilise cost efficient restoration techniques;
- restore the Landfill in a manner which minimises management costs in perpetuity; and
- provide an indication of the costing for the landscaping work.

1.2 Relationship with Existing Reports

The Plan has taken into consideration the impacts of the following documentation:

- Rehabilitation and Closure Plan, Updated V6 (Cleanaway, 2022).
- Rehabilitation Staging Plan (Drawing F001 Rev B, Cleanaway, 2022).
- Phytocap Performance Trial Final Report (ref:20171422L02RevA, Tonkin 2022)
- Capping Design Report (ref: 201515R001Rev2, Tonkin, 2020);
- Southern Boundary Vegetation Buffer Plan (Cleanaway, 2016);
- Stormwater Management Plan (Golder, 2020)

All work to be performed on site will be in accordance with the following guidelines, or updated versions thereafter:

- Florabank Guideline Series
- Regional forest Agreement for the South-West Forest Region of Western Australia 1999.
- Fire Management Strategy (DPaW, 2019)
- A Revegetation Guide for Eucalypt Woodlands (DWEWPC, Greening Australia and Landcare, undated).

1.3 Relevant Legislation

The Plan has been prepared in accordance with the provisions contained in relevant legislation and policy guidelines, including but not limited to the following:

• Biodiversity Conservation Act 2016 (WA) provides protection for biodiversity, including threatened species and ecological communities and critical habitat;



- Bush Fires Act 1954 (WA) provides for prevention control and extinguishment of bush fires and diminishing bush fire danger for the public.
- Conservation and Land Management Act 1984 (WA) provides for the management of land for native vegetation conservation purposes;
- Environment Protection Act 1986 (WA) provides for the establishment of environment protection policies, regulation of clearing for development and definition of prescribed premises, works, approvals and licences
- Environment Protection and Biodiversity Conservation Act 1999 (Cth) provide protection of the environment on matters of national significance and identifies species and communities which are under threat;
- Soil and Land Conservation Act 1945 (WA) provides for the conservation of soil and land resources to mitigate the effects of erosion, salinity and flooding and includes the management of native vegetation to conserve land;



2 Description of Proposed Development

This section provides a general description of the proposed development based on discussions with Cleanaway and the existing report listed in Section 1.2

The site operates in accordance with the Licence L8904/2015/1 issued by DWER. Cleanaway proposes to continue landfilling the Dardanup Landfill site to the approved DWER top of waste height contour with capping design and settlement allowances in addition to this. Landfilling rates are not expected to differ substantially from current levels. Site operations require the ongoing use of site facilities including stormwater management infrastructure. Refer to Section 2 of the *Capping Design Report* for additional site setting and background information.

The final landform for the site has been designed to account for the following considerations:

- Providing a long-term stable barrier between waste and the environment
- Providing land suitable for its intended after use.

2.1 Landfill Capping System

The landfill capping will be constructed in accordance with Section 2 of the *Rehabilitation and Closure Plan* which nominates a geosynthetic capping system including (from bottom to top):

- min 500mm Daily cover layer;
- geosynthetic clay layer (GCL);
- linear low-density polyethylene (LLDPE);
- geo-composite drainage layer
- 1.3-1.5m growing medium planted to appropriate vegetation (grasses and/or small shrubs).

In 2019, a phytocap trial was constructed on a portion of Cell 5 using 2 m of locally available soil planted to endemic trees, shrubs and grasses. The *Phytocap Performance Trial Final Report* concluded "The phytocap trial at Banksia Road was constructed in accordance with the technical specification but the establishment of plants did not occur. Native plants are slow to establish and require intensive maintenance to ensure their establishment. As a result of the highly erodible site-won soil which requires vegetation to be established quickly alternative approaches to revegetation would be required and would require a higher level of management and maintenance". This did not meet Cleanaway's requirements for capping so a phytocap was deemed unlikely to provide a suitable capping solution for Banksia Road and a geosynthetic cap option has been selected.

2.2 Surface Water

An extensive infrastructure system has been installed / maintained to manage stormwater runoff from and across the site incorporating the following:

- Two stormwater ponds;
- A network of vegetated swales, stormwater drains, channels and bunds;
- Secondary underground drainage on the side of the Southern Haul Road via pit and pipe systems;
- Maintained surface grades to prevent ponding of surface water.

The system relies on the principle of preventing 'run-on' to active areas and runoff from active areas and the separation of clean and 'dirty' runoff throughout the site. The Stormwater Management Plan for the site details the stormwater management practices at the site and the design of the above infrastructure.



3 Landscaping Plan

The following information provides an assessment of the opportunities and constraints at the site in relation to landscaping and a detailed description of all activities required to implement the Landscaping Plan. The opportunities have been developed using desk top research or existing reports relevant to the site, current vegetation maps and restoration guidelines, previous field investigations and liaison with Cleanaway.

3.1 Site Opportunities and Constraints

The restoration of such a large area provides numerous opportunities and constraints. To ensure the success of the project it is important to identify these prior to developing a design or undertaking any works.

3.1.1 Opportunities

The opportunities that this project provides include:

- Restoring a large area of native vegetation/habitat;
- Providing valuable bird habitat through the mass installation of native shrubs;
- · Linking with local habitat corridors;
- Improving aesthetics of the area;
- Providing a passive recreation area for local residents;
- Utilising 'best practice' vegetation restoration techniques;
- Integrating ecological function and engineering design to achieve balanced landscape outcomes; and
- · Improving water quality at the site;
- Providing future use areas for activities such as active recreation (e.g. courts, playing fields), shed-based commercial industries (e.g. farm supplies) or on-going waste related activities (e.g. energy from waste plant, material recovery and recycling facility).

3.1.2 Constraints

Constraints to be considered during project design include:

- Highly modified/artificial site conditions;
- Low summer rainfall;
- Erodible natural soil:
- Depleted natural seed source;
- Weed burden from green waste materials transported to site;
- Settling of landfill and production of landfill gas during early stages;
- Maintenance requirements of the landscaped area.

3.2 Restoration Zones

The site is divided into five distinct areas that require different vegetation management approaches, as part of the landscaping to best serve the ongoing management and rehabilitation of the landfill. These areas are:



Zone 1 Infrastructure –This is an infrastructure zone, mostly near the landfill perimeter and includes access roads and tracks and stormwater drains and channels, necessary for the management of the site during and after the life of the Landfills operation. Therefore, there will be no vegetation in this area.

Zone 2 Grassland – This is to be a grassed area on the upper crest of the landfill and over the Tronox ponds, in order to facilitate use of the site for passive recreation. Native gardens may be included in this space where the growing medium is of sufficient depth and likewise small trees and shrubs will be included where the soil is of sufficient depth.

Zone 3 Native Woodland – The western batter slopes of the landfill will be planted to native shrubs and grasses to provide a visual screen and reduce the visual impact of the most prominent aspect of the Landfill's topography by blending into the surrounding Dardanup Conservation Park vegetation.

Zone 4 Buffer – This buffer zone around the landfill provides a visual screen comprised of native vegetation, including trees, shrubs and groundcover species on steeper embankments, in order to link with adjacent Dardanup Conservation Park vegetation. This area is not over landfill footprint but around it and the titanium dioxide storage cells, leachate ponds and the other associated developments.

Zone 4a Woodland – This area comprises existing trees with a grass understorey and has an established width from the site boundary that varies between 20 to 30 m.

Zone 4b Groundcovers – This area is 10m wide and is along the batter slope of the leachate ponds. The vegetated pond wall provides a visual screen between adjacent forest and the landfill. Native shrubs, grasses and forbs have been planted along this section.

Zone 4c Woodland – This area is 12-21m wide and has been planted with a range of native vegetation.

Zone 4d Woodland– This area is 15-20m wide and has been planted with a range of native Vegetation.

Zone 4e Retained Native Vegetation – Remnant native vegetation 20-30m wide in this area will be retained and protected.

These buffer zones are as above, except where restricted by the topography or existing infrastructure along portions of the southern and northern boundary. The areas in Zone 4b-d along the southern boundary are also described in the Southern Boundary Native Buffer Plan.

Zone 5 Wetland – This is a wetland area over the lower part of the site and around the stormwater basins and leachate ponds, to consist of native shrubs and groundcovers upon closure of the site. This area is not over the landfill footprint.

Figure 1 shows the location of the zones and is an impression of the final landscaped site. A species list for the Zones with native vegetation is provided in Appendix A with selected photographs and a list of threatened or rare species for Whicher Range and Dardanup is included in Appendix B.

3.3 Seed Collection and Supply

Native seed and tube stock will be purchased from Revegetation Industry Association of WA (RIAWA) accredited seed collector and suppliers (riawa.com.au) and will be local provenance, where possible, for trees and shrubs. One potential supplier is Nindethana Seed Suppliers (part of Greening Australia (WA)) who are RIAWA accredited and located in Albany so able to supply local provenance seed and provided the seed for the phytocap trial (Table 1). To allow sufficient lead-in time for the propagation of provenance species, native plant orders must be placed prior to spring for sufficient stock to be available. The vegetation supplied should be consistent with those listed in Appendix A and Appendix B, noting species may be substituted as required and that native seed availability is highly variable. Where practical, threatened and rare plants should also be included. A list of these species for the Whicher Range and near Dardanup plants, as current on 5 December 2018, is presented in Appendix B.



Non-native grasses will be purchased from companies which meet the seed certification standards specified by the Australian Seed Federation. One potential supplier is PGG Wrightson Turf which supplies certified seed and is located in Perth and has previously provided ryegrass seed for stabilisation of embankments (Table 1). They also can supply sterile grass seed which can be used as a cover crop prior to establishment of native seed.

Table 1 Contact Details for Potential WA-Accredited Vegetation Suppliers

Vegetation type	Supplier
Native seed and tubestock	Nindethana Seed Supplies Phone: 08 9844 3533 Email: seed@nindethana.net.au www.nindethana.net.au
Native tubestock (including installation)	Matthew Blunt Tranen 20 Possum Place, Vasse, WA 6280 Phone: (08) 9754 2643 Mobile: 0400 165 729 matt.blunt@tranen.com.au www.tranen.com.au
Non-native grasses	Glen Liebold Revegetation Territory Manager WA & NT. PGG Wrightson Turf Phone: 1800 3872 8879 Email: gliebold@pgwturf.com.au www.pggwrightsonturf.com.au

3.4 Plant Propagation

Plant propagation refers to the germination of collection seed and the 'growing on' of plants in enviro cells, hiko cells or forestry tubes. This will be undertaken by a suitably qualified and experienced native plant production nursery.

3.5 Site Preparation

3.5.1 Site Protection

Once the bulk earthworks are complete and to ensure the success of plant establishment, it will be necessary to control access into the area. Machine access should be limited inside the landscaping zones other than for landscaping purposes and re-shaping areas of erosion or maintaining a free draining surface.



3.5.2 Erosion Control

At the completion of earthworks, appropriate sediment control fencing will be installed as specified in the detailed design for capping. Consideration will be given to alternative control structures, particularly those shown in "Best Practice Erosion and Sediment Control" (IECA, 2008).

Areas of high erosion potential may require the installation of jute matting or hydromulching. The Hydromulch "mixture" will include jute fibre and a mixture of pre-treated native seed. Experience has shown that using a mixture of native peas and Acacia's in the hydro mulch is an inexpensive way to establish native vegetation at difficult sites.

3.5.3 Litter Removal

All litter from the site should be removed prior to the commencement of landscaping works.

3.5.4 Weed control

Being highly modified, the site is unlikely to contain significant weed seed loads at the completion of the bulk earthworks, other than those growing on existing batters. Inspection for and removal of any noxious weeds prior to any landscaping works should be undertaken. All weed control activities are to be completed by a suitably qualified contractor.

3.5.5 Installation of Irrigation System

Before revegetation activities commence an irrigation system, e.g. drippers or sprinklers, will be installed throughout Zones 2, 3, 4B, 4C and 5 (refer Figure 3) to assist in establishing vegetation. Once established the irrigation may be retained or removed. As far as practical, the system should be buried to prevent damage and is anticipated to be required for at least 3 years. Installation of an irrigation system helps ensure establishment targets are achieved.

3.6 Sowing/Planting Techniques

A combination of landscaping techniques should be employed in each of the zones to maximise the potential for good establishment of plants. Due to the different characteristics of each zone and the different type of vegetation to be established (as described in Section 3.2 and Appendix A), the landscaping techniques recommended for each zone are also different. The landscaping techniques to be used for each zone are summarised in Table 2 and described in more detail below.

Table 2 Sowing/Planting Technique for Each Zone

Technique	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
Hydromulch	NR	✓	✓	✓	✓
Tube stock	NR	Garden beds	✓	✓	✓
Native seed	NR	✓	✓	✓	✓
Lawn seed	NR	✓			
NR – not required					

3.6.1 Hydromulch

Hydromulch is the means by which mulch in the form of plant fibre can be placed onto topsoil using water as a carrier. Pre-treated seed, including native seed can be added to the mulch; native seed must



be added with minimal agitation to minimise seed damage. Hydromulch encourages vegetation cover and provides protection against erosion. Initially, it is recommended that blends of the appropriate pretreated native seed mix be added to the mulch and spread across the Zones. It is recommended that 2-3 kg/ha of seed be added to the mulch.

3.6.2 Tube Stock

Native tube stock may also be used across the Zones by hand planting across smaller areas (up to 10 ha). Machinery is available but is not currently recommended for tube stock. The recommended planting density for trees and shrubs for each zone is 1 per 10 m^2 with 5 m interrow spacings to achieve a recommended density of 1 per 20 m^2 when trees and shrubs are established. It is recommended that groundcovers are planted in the interrow at 4 per m^2 .

Most plants will be planted as hiko or enviro cells. Each plant will have a surface mulch ring placed around its base and then protected using a tree guard, stabilised by stakes. This is to prevent herbivory and weed competition and to encourage optimum growing conditions.

In general, autumn is the best season for planting to reduce stress on young plants from high temperatures or frost. Planting in early spring can be effective provided a suitable watering regime is implemented; however, has higher risk of lower survival rates.

3.6.3 Seeders

Non-native grass and native seed, particularly native grasses, may be mechanically sown on-site. Modified air seeders with trailing harrows have been successfully used across large areas to provide a light cover to native seed. Seeders may be used in the inter-row of tree and shrub tube stock. It is recommended that 3-5 kg/ha of seed be used.

3.6.4 Hand Broadcasting of Seed

To supplement the establishment of vegetation, grass seed may be hand broadcast throughout the maintenance period of the landscaping program.

3.6.5 Fertiliser

Fertiliser will only be applied to native vegetation areas if required due to low nutrient conditions. Fertiliser for the native vegetation will be a low or no phosphorus fertiliser suitable for native vegetation and applied at low rates to minimise weed competition.

Fertiliser will be applied to the non-native grass areas to improve establishment as recommended by the seed supplier.

3.7 Maintenance Program

At the completion of the planting a 36-month maintenance program will commence. The maintenance program will optimise plant establishment and weed control. Activities will include watering, herbicide spraying, replacement planting and general maintenance. The aim of the maintenance program is to sustain:

• No bare patches > 4 m².

3.7.1 General Maintenance

Six-monthly general maintenance visits will be scheduled throughout the three - year maintenance period. These activities will include repairing and removing tree guards, monitoring survival and growth rates (see Section 3.8.3), installing replacement plants as required, weeding and continued follow-up spot spraying.



3.7.2 Watering

All plants will be 'watered in' on installation, with each plant receiving a minimum five litres. All plantings will receive a further three applications of water during the first 6 weeks to assist establishment, depending on rain fall. Irrigation will be undertaken by drip or sprinkler irrigation or by hand watering, depending on the zone and resources available.

3.7.3 Weed Control

To ensure the success of the revegetation activities it is essential to control weeds. Weeds compete with the newly installed plants for nutrients and water thereby limiting their survival and growth rates. In Zones 2, weed control will include the removal of any emergent tree species to minimise the potential for roots to penetrate the landfill capping.

Weed spraying will be instigated as required from General Maintenance. All spraying will be carried out by suitably trained contractors.

3.8 Monitoring and Reporting

In order to accurately evaluate the success of the landscaping works, a monitoring and evaluation program will be put into place. The monitoring and reporting requirements are:

- An implementation report;
- Maintenance checklists;
- Vegetation assessment Zones 3 and 4 only; and
- Landscape Report.

All reports should be prepared by suitably experienced and qualified consultants.

3.8.1 Implementation Report

When the landscape works are completed, an Implementation Report will be prepared as an addendum to the As Constructed Report prepared for final capping. These final capping reports will be completed following the construction of each stage of final capping as detailed in Table B of the *Rehabilitation and Closure Plan*. This report will provide written certification that:

- The individual or company that supplied seed/tube stock is suitably accredited;
- The landscape works have been implemented substantially in accordance with the approved plans.
 Minor variations to the approved plans, such as small changes in plant species and quantities, are
 acceptable subject to Cleanaway approval;
- The landscape works have been implemented in accordance with best practice industry standards; and
- A landscape maintenance program has been established.

3.8.2 Maintenance Checklists

As part of the General Maintenance program a checklist will be completed to record all measurements and observations.

3.8.3 Zone 3 and Zone 4 Vegetation Assessment

In Zones 3 and 4 only, vegetation assessment for survival and establishment will be undertaken at 6 monthly intervals after planting for the first 3 years and then annually until vegetation is fully established, which is anticipated to be around 10 years following planting.

The vegetation assessment involves:

• Zone 3 & 4: Visual assessment for tree and shrub death



 \bullet Zone 3 only: Assessment of ground cover using aerial survey to identify bare ground > 4 m² It is important for this assessment to be undertaken initially on a six-monthly basis to inform the maintenance program including, weed and pest management, replanting requirements and irrigation requirements.

3.8.4 Three Year Landscape Report

After three years, a landscape report will be prepared which details:

- Summarizes the maintenance undertaken;
- Analyses the survival, establishment and ground cover of vegetation
- Determines if vegetation has matured or whether any additional actions are required.



4 Program of Works

Landfill capping and the corresponding landscaping works will be undertaken in stages as described in Table B of the *Rehabilitation and Closure Plan*.



5 Costings

Approximate costs to complete the landscape plan are provided in Table 3. These costs are indicative only (+/-40%) at present value) and are provided for budgeting purposes only and should not be utilised for any other purpose. If required, a detailed cost estimate will need to be requested prior to commencing construction works on site.

Table 3 Estimated Costs for Revegetation Works

Task	Area (ha)	Estimated Cost	Basis
Seed - grass	58	\$67,000	\$7/kg @ at 150kg/ha
Seed - native	27	\$99,000	Phytocap trial
Hydromulching	85	\$374,000	Phytocap trial
Tubestock	6.5	\$178,000	Quote from Cleanaway
Planting	6.5	\$64,000	Quote from Cleanaway
Tree guards	6.5	\$64,000	Schirmer and Field (2000)
Fertiliser	93	\$8,000	150 kg/ha of <4%P fertiliser @ \$500/t
Irrigation	93	\$120,000/yr	50kL/ha/week for 16 weeks at \$1.45/kL
Weed Control	93	\$15,000/yr	\$70/ha/application, twice/yr
Replacement	93	\$243,000	30% replacement
Project Management		\$24,000/yr	Cleanaway Engineering 10 hours/ month
Monitoring and Reporting		\$30,000/yr	Tonkin estimate
Total (ex. GST)		\$1,364,000	



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Figures



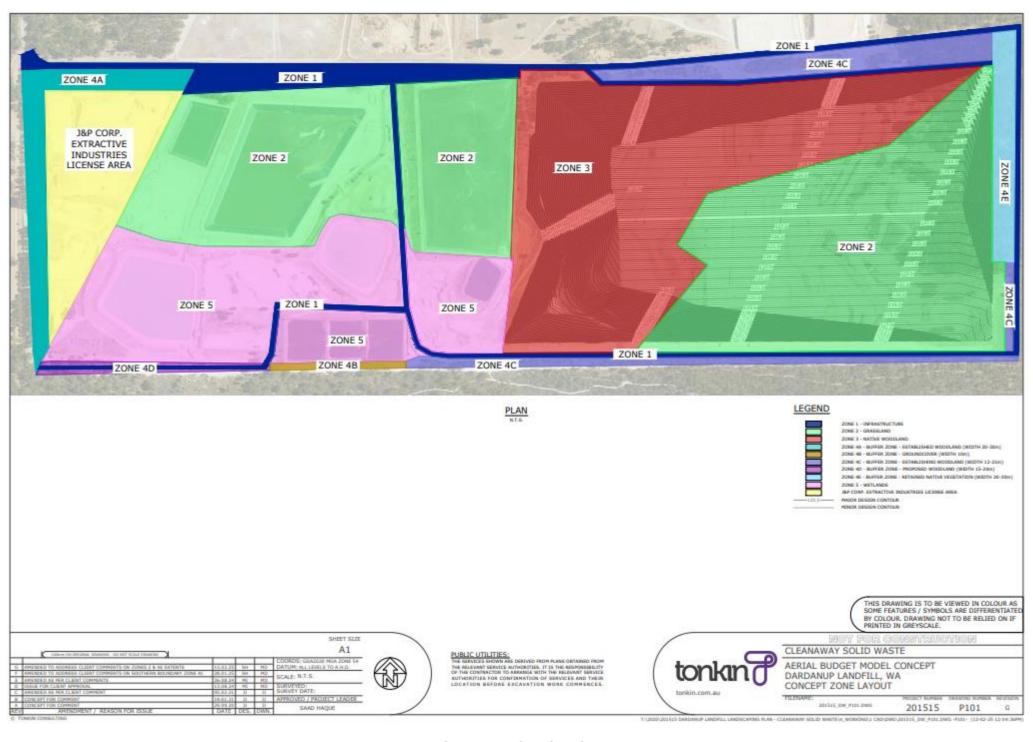


Figure 1 Landscaping Plan



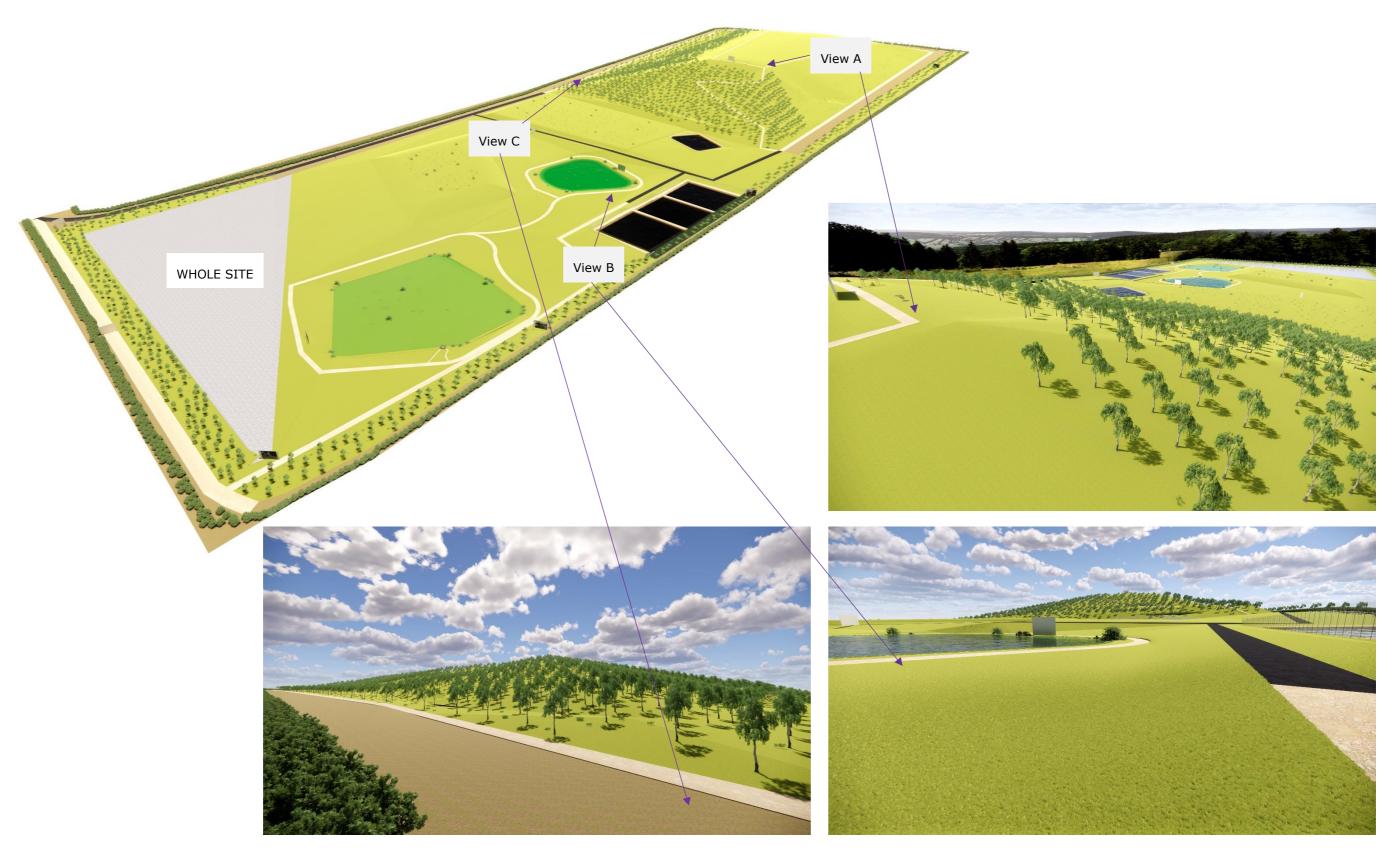


Figure 2 Isometric and Vantage Point Photos of Final Landscape



Appendix A – Standard Species List



It is expected that a selection of plants from the list following will be planted in the various zones. The selection of plants will be based on ensuring a variety of plants of different forms and Families are selected, with availability of supply expected to be the main limitation. Where appropriate, alternate species may be substituted to ensure variety. A current list of rare and threatened species is included as Appendix B and, where practical, some species should also be selected from this list, or as current at the time of planting.

Zone 2 Grassland – localised gardens may be created from any of the species listed below, depending on soil depth.

Zone 3 Native Woodland -a variety of native shrubs and grasses from the list below will be planted

Zone 4b Groundcovers –native grasses and forbs from the right-hand columns in the list below will be planted

Zone 4c Establishing –additional planting of native trees and shrubs from the left-hand column of the list below will be planted

Zone 4d Proposed – a variety of native trees, shrubs and grasses from the list below will be planted. **Zone 5 Wetland** - native grasses and forbs from the right-hand columns in the list below will be planted with a predominance of rushes and sedges.

Native Trees and S	hrubs	Zone	Native grasses and	forbs	Zone
Species	Common Name		Species	Common Name	
Corymbia calophylla	Marri – Red Gum	4c, 4d	Rytidosperma spp	Wallaby Grass	2,3,4,5
Eucalyptus decipiens	Redheart moit	4c, 4d	Austrostipa compressa	Compact needlegrass	2,3,4,5
Eucalyptus drummondii	Drummond's gum	4c, 4d	Austrostipa semibarbata	Bearded spear- grass	2,3,4,5
Corymbia haematoxylon	Mountain Marri	4c, 4d	Ficinia nodosa	Club rush	2,3,4,5
Eucalyptus marginata	Jarrah	4c, 4d	Hypolaena exsulca	Hypolaena	2,3,4,5
Eucalyptus megacarpa	Bullich	4c, 4d, poss. 5	Lomandra nutans	-	2,3,4,5
Eucalyptus patens	Blackbutt	4c, 4d	Lomandra sericea	Silky mat rush	2,3,4,5
Acacia flagelliformis	Wattle	3, 4c, 4d, 5	Lyginia barbata	-	2,3,4,5
Acacia lasiocarpa var lasiocarpa	Wattle	3, 4c, 4d, 5	Mesomelaena tetragona	Semaphore sedge	2,3,4,5
Acacia pulchella var glaberrima	Prickly moses	4c, 4d	Microalaena stipoides var stipoides	Weeping grass	2,3,4,5



Native Trees and S	hrubs	Zone	Native grasses and	forbs	Zone
Species	Common Name		Species	Common	
				Name	
Acacia saligna	Golden Wreath Wattle	4c, 4d	Patersonia occidentalis	Swamp flag	2,3,4,5
Allocasuarina fraseriana	Sheoak	4c, 4d	Patersonia umbrosa	Purple flag	2,3,4,5
Banksia attenuata	Candlestick banksia	4c, 4d	Themeda triandra	Kangaroo grass	2,3,4,5
Banksia grandis	Bull Banksia	4c, 4d			
Banksia littoralis	Swamp Banksia	4c, 4d, 5			
Bossiaea eriocarpa	Common brown pea	3,4c, 4d, 5			
Daviesia physodes	Prickly Bitter Pea	3, 4c, 4d			
Hakea cyclocarpa	Ramshorn	4c, 4d			
Hakea ruscifolia	Candle Hakea	3, 4c, 4d			
Hakea undulata	Way leaf Hakea	4c, 4d, poss. 3			
Hibbertia hypericoides	Yellow buttercups	3, 4c, 4d			
Hibbertia subvaginata	-	3, 4c, 4d, 5			
Jacksonia horrida	-	3, 4c, 4d, 5			
Kunzea glabrescens	Spearwood	4c, 4d			
Kunzea micrantha	-	3, 4c, 4d, 5			
Leucopogon glabellus	-	3, 4c, 4d, 5			
Melaleuca preissiana	Stout Paperback	4c, 4d			
Melaleuca viminea	Mohan	4c, 4d			
Persoonia longifolia	Long-leaf Persoonia	4c, 4d			
Hemiphora bartlingii	Woolly Dragon	3, 4c, 4d			



Native Trees and Shrubs		Zone	Native grasses and forbs		Zone
Species	Common Name		Species	Common Name	
Podocarpus drouynianus	Wild Plum	4c, 4d			
Pultenaea reticulata	Bush Pea	3, 4c, 4d, 5			

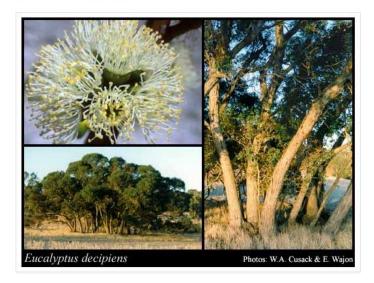
Picture Source: Florabase.dpaw.wa.gov.au

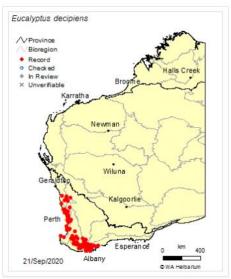
Eucalyptus decipiens Endl. Redheart

Endl., Fenzl, Benth. & Schott, Enum.Pl. 49 (1837)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







Eucalyptus marginata Sm. Jarrah

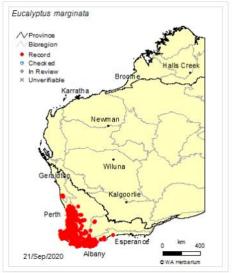
Trans.Linn.Soc.London 6:302 (1802)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia

Name Status: Current

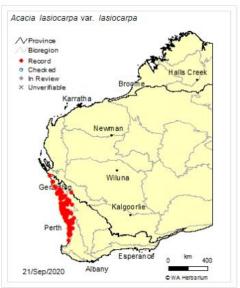




Acacia lasiocarpa Benth. var. lasiocarpa Conservation Code: Not threatened

Naturalised Status: Mixed (Native in Part of Range, Naturalised Elsewhere)







Acacia saligna (Labill.) H.L.Wendl. Orange Wattle

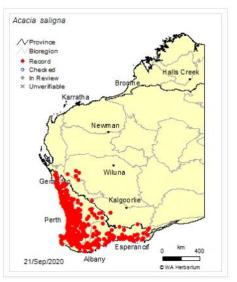
Comm.Acac.Aphyll. 26-27 (1820)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia

Name Status: Current



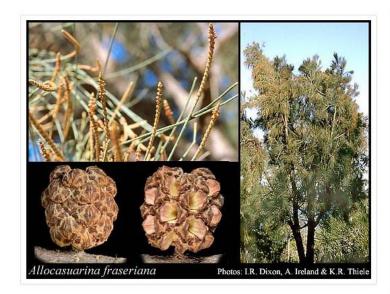


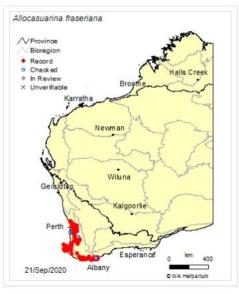
Allocasuarina fraseriana (Miq.) L.A.S.Johnson Sheoak

J.Adelaide Bot.Gard. 6:75 (1982)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







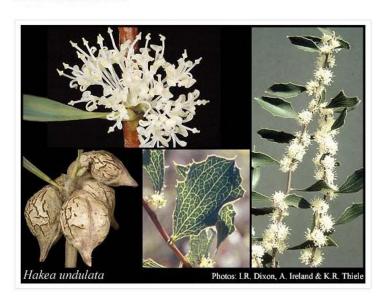
Hakea undulata R.Br. Wavy-leaved Hakea

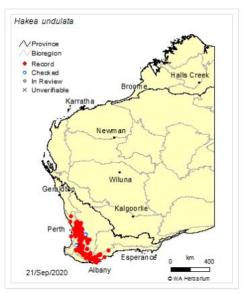
Trans.Linn.Soc.London 10:185 (1810)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia

Name Status: Current





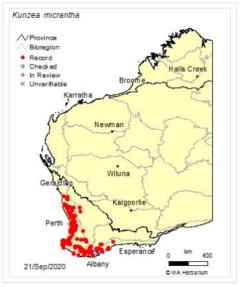
Kunzea micrantha Schauer

Lehm., Pl.Preiss. 1:125 (1844)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







Melaleuca preissiana Schauer Moonah

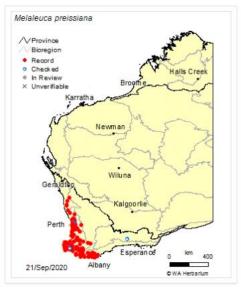
Lehm., Pl.Preiss. 1:143 (1844)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia

Name Status: Current





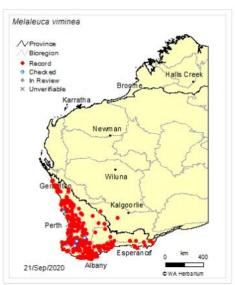
Melaleuca viminea Lindl. Mohan

Sketch Veg.Swan R. 8 (1839)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







Pultenaea reticulata (Sm.) Benth.

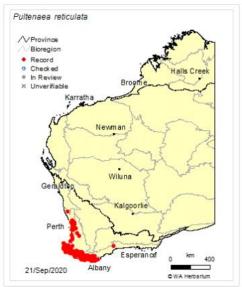
Fl.Austral. 2:119-120 (1864)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia

Name Status: Current





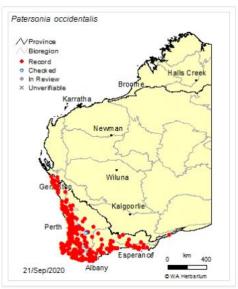
Patersonia occidentalis R.Br. Purple Flag

Prodr. 304 (1810)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







Ficinia nodosa (Rottb.) Goetgh., Muasya & D.A.Simpson Knotted Club Rush

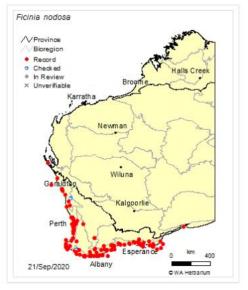
Novon 10:133 (2000)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia

Name Status: Current





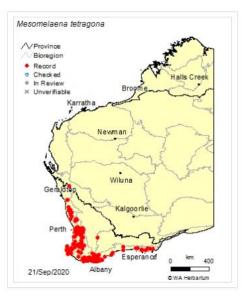
Mesomelaena tetragona (R.Br.) Benth. Semaphore Sedge

Fl.Austral. 7:379-380 (1878)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







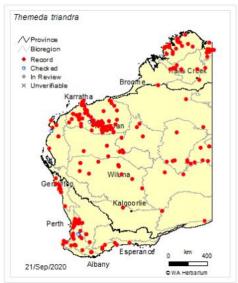
Themeda triandra Forssk.

Fl.Aegypt.-Arab. 178 (1775)

Conservation Code: Not threatened

Naturalised Status: Native to Western Australia







Appendix B – South West Region Threatened And Priority Flora List (5 December 2018) for Whicher Scarp and Dardanup

 $Source: \underline{https://www.dpaw.wa.gov.au/plants-and-animals/threatened-species-and-\underline{communities/threatened-plants}}\\$



NameID	Taxon	Status	Rank	IUCN Criteria	EPBC	DPaW Region	DPaW District	Distribution	Flowering Period	Recovery Plan
19258	Actinotus whicheranus	2				SWST	BLACKWOOD	Whicher Range		
4586	Amperea micrantha	2				SWAN, SWST	BLACKWOOD, PERTH HILLS	Mokine, Yoongarillup, Busselton, Capel, Whicher Range, Ruabon NR	Sep-Oct	
6303	Andersonia barbata	2				SWST, WARR	BLACKWOOD, DONNELLY	Busselton, Whicher Range, Nannup, Windy Harbour	Aug-Nov	
18102	Andersonia ferricola	1				SWST	BLACKWOOD	Whicher Range, Hithergreen		
6315	Andersonia longifolia	2				SWST	BLACKWOOD	Whicher Range, Blackwood River N.P.	Aug, Oct	
32211	Banksia mimica	Т	VU	D1	EN	MWST, SWAN, SWST, WHTB	BLACKWOOD, MOORA, PERTH HILLS, SWAN COASTAL, CENTRAL WHEATBELT	Whicher Range, Kalamunda, Mogumber, Gingin	Dec-Jan	
32204	Banksia nivea subsp. uliginosa	Т	EN	A2c	EN	SWST	BLACKWOOD	Whicher Range, Scott River, Tutunup	Aug-Sep	IRP
32046	Banksia squarrosa subsp. argillacea	Т	VU	B1ab(iii)+2ab(iii); C1	VU	SWST	BLACKWOOD	Ruabon, Tutunup, Whicher Range, Upper Capel	Jul-Aug	IRP
17804	Boronia tetragona	3				SWST	BLACKWOOD	Capel, Busselton, Whicher Range, Cowaramup	Oct-Dec	
35796	Calothamnus quadrifidus subsp. teretifolius	4				SWST	BLACKWOOD	Whicher Range		
759	Carex tereticaulis	3				SWAN, SWST, WARR	BLACKWOOD, DONNELLY, SWAN COASTAL, WELLINGTON	Dardanup, Bridgetown, Blackwood River, Guildford, (Harvey), Mungalip	Nov,Feb	
35657	Chamelaucium sp. Yoongarillup (G.J. Keighery 3635)	4				SWST	BLACKWOOD	Whicher Range, S of Busselton, Yoongarillup	Nov-Jan	
34765	Darwinia whicherensis	T	CR	A4ce; B1ab(iii)+2ab(iii); C2a(ii)	EN	SWST	BLACKWOOD, WELLINGTON	Williamson (below Whicher Range), Boyanup	Oct, Dec	IRP
19852	Dillwynia sp. Capel (P.A. Jurjevich 1771)	1				SWST, WARR	BLACKWOOD, DONNELLY	Whicher Range, Nannup, Donnybrook, Pemberton	Sept-Oct	
20852	Eucalyptus relicta	2				SWST	BLACKWOOD	Whicher Range, Sabina River, Busselton, Nannup	?Dec	
16915	Eucalyptus x mundijongensis	1				SWAN, SWST	SWAN COASTAL, WELLINGTON	Wilbinga, Matilda Bay, Dardanup		
20509	Gastrolobium papilio	Т	CR	B1ab(iii)+2ab(iii); C1+2a(ii)	EN	SWST	BLACKWOOD	Williamson (below Whicher Range), Busselton, Abba Block	Sep-Oct	IRP



NameID	Taxon	Status	Rank	IUCN Criteria	ЕРВС	DPaW Region	DPaW District	Distribution	Flowering Period	Recovery Plan
	Gastrolobium sp. Yoongarillup (S.Dilkes s.n. 1/9/1969)	1				SWST	BLACKWOOD	Dardanup, Yoongarillup	Oct	
20474	Gastrolobium whicherense	2				SWST	BLACKWOOD	Whicher Range, Dardanup	Oct	
	Grevillea brachystylis subsp. grandis	Т	CR	A4c; B1ab(iii)+B2ab(iii)	CR	SWST	BLACKWOOD	Busselton (Whicher Range), Jindong	Aug,Dec	IRP
12219	Grevillea bronwenae	3				SWST	BLACKWOOD	Whicher Range, Margaret River, Nannup	June-Nov	
14526	Grevillea elongata	Т	EN	C2a	VU	SWST	BLACKWOOD	Ruabon, Abba SF, Whicher Range, Butler SF	Oct	IRP
	Grevillea manglesioides subsp. ferricola	3				SWST	BLACKWOOD	Scott River, Whicher Range	Jul-Dec	
2190	Hakea oldfieldii	3				MWST, SCST, SWST, WHTB	BLACKWOOD, ALBANY, GERALDTON, GREAT SOUTHERN	Katanning, Champion Bay, Busselton, Stirling Range, Whicher Range, Woogenilup, Treeton	Sep	
	Lambertia echinata subsp. occidentalis	Т	CR	A3e; B1ab(iii,v)+2ab(iii,v); C1	EN	SWST	BLACKWOOD	Busselton, Whicher Range	Oct-Dec	IRP
16879	Lambertia rariflora subsp. rariflora	4				SWST	BLACKWOOD	Margaret River, Jarrahwood, Whicher Range	Jan-Mar	
45084	Lasiopetalum laxiflorum	3				SWST, WARR	BLACKWOOD, DONNELLY	Cowaramup, Whicher Range, Acton Park, Chapman Hill, Manjimup	Oct,Nov	
29492	Leucopogon sp. Busselton (D. Cooper 243)	2				SWST	BLACKWOOD	Capel, Ruabon N.R., Dardanup	Aug-Sep	
33298	Lomandra whicherensis	3				SWST	BLACKWOOD	Whicher Range, Dardanup	Dec	
	Loxocarya striata subsp. implexa	1				SWST	BLACKWOOD	Whicher Range		
46256	Orianthera wendyae	1				SWST	BLACKWOOD	Capel, Dardanup	Oct	
8163	Pithocarpa corymbulosa	3				SWAN, SWST	BLACKWOOD, PERTH HILLS	John Forrest NP, Lesmurdie NP, Helena Valley, Dardanup, Busselton	Apr	
4179	Pultenaea pinifolia	3				SWST, WARR	BLACKWOOD, DONNELLY	Busselton, Karridale, D'Entrecasteaux N.P., Lake Charley, Whicher Range, Margaret River, Mt Manypeaks	Oct	
4183	Pultenaea skinneri	4				SWST	BLACKWOOD, WELLINGTON	Collie, Binningup, Boyanup, Whicher Range, Jalbarragup, Nannup, Bunbury	Jul-Jan	



NameID	Taxon	Status	Rank	IUCN Criteria	ЕРВС	DPaW Region	DPaW District	Distribution	Flowering Period	Recovery Plan
31872	Stylidium ferricola	1				SWST	BLACKWOOD	Whicher Range	Oct-Nov	
25805	Stylidium hygrophilum	1				SWST	BLACKWOOD	Whicher Range		
25800	Stylidium paludicola	3				SWAN, SWST	BLACKWOOD, SWAN COASTAL, WELLINGTON	Bullsbrook, Ruabon, Mandogalup, Lake Clifton, Cookernup, Capel, Dardanup		
33381	Stylidium perplexum	1				SWST	WELLINGTON	Dardanup	Dec	
16769	Synaphea hians	3				SWST, WARR, WHTB	BLACKWOOD, DONNELLY, WELLINGTON, GREAT SOUTHERN	Busselton, Collie, Ludlow, Capel, Crooked Brook, Unicup, Elgin, Beaufort River	Sep-Oct	
31767	Synaphea polypodioides	3				SWST	BLACKWOOD, WELLINGTON	Dardanup, Boyanup, Donnybrook	Sep-Oct	
18590	Synaphea sp. Fairbridge Farm (D. Papenfus 696)	Т	CR	B1ab(iii)	CR	SWAN, SWST	SWAN COASTAL, WELLINGTON	Pinjarra, Dardanup, Serpentine, Kooljerrenup N.R., Dardanup	Oct	IRP

KEY TO CODES USED IN LIST

STATUS	Conservation status of taxon - refer to definitions.
Т	Threatened Flora (Declared Rare Flora - Extant)
Χ	Presumed Extinct (Declared Rare Flora - Extinct)
1	Priority One - Poorly known Species
2	Priority Two - Poorly known Species
3	Priority Three - Poorly known Species
4	Priority Four - Rare, Near Threatened and other species in need of monitoring

RANK The threat category the taxon is recognised as in Western Australia (see definitions)

CR Critically Endangered

EN Endangered

VU Vulnerable

EX Extinct

CRITERIA The criteria that the taxon meets to be listed under the category of threat. Categories and criteria follow IUCN guidelines.

https://www.iucnredlist.org/resources/categories-and-criteria

EPBC The category that the taxon is listed under the Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999. Note this list is maintained by the Commonwealth and the official list should be sourced at the Commonwealth's website



CR Critically Endangered

E Endangered

V Vulnerable

X Extinct

DBCA REGION

GOLD Goldfields

KIMB Kimberley

MWST Midwest

PILB Pilbara

SCST South Coast

SWST South West

SWAN Swan

WARR Warren

WHTB Wheatbelt

DISTRIBUTION Listed according to the nearest town/place name. Includes historical records. NP=National Park, NR=Nature Reserve, Stn=Station, Mt=Mount, Is=Island, Rg=Range

RECOVERY PLAN Whether the taxon has a Recovery Plan (RP), Interim Recovery Plan (IRP) or Multiple Species Plan (MSP).

CHANGE CODE Type of change that has occurred:

ADDITION Added to list – new entry to State (WCA or Priority) or Commonwealth list (EPBC). If already on one state list and needs to be changed to another see either upgrade or downgrade.

UPGRADED Species that is on the Priority list has been upgraded to Threatened or Presumed Extinct under the Wildlife Conservation Act.

CAT_CHG The category under which a species is listed (e.g. EPBC Act VU to EN or Priority 1 to P3) has been changed.

DOWNGRAD A Species has been downgraded from Threatened or Presumed Extinct under the Wildlife Conservation Act to the Priority list.

NAME_CHG Species has undergone a name change.

OTHER Records a change to other details not related to Conservation status (e.g. Location and Recovery Plan details).

DELISTED Species removed from the particular list it was on. Note that a taxon may be delisted from the "Priority" list and added to the "WCA" list or vice versa. Delistings should be reviewed in the context of other additions, upgrades or downgrades.

RELISTED Species has been added to the list which it was once previously listed on.

LIST CODE Priority Priority Flora List

WCA_1991 Wildlife Conservation Act 1950 DRF Schedule [1991 amendments]



CONSERVATION CODES FOR WESTERN AUSTRALIAN FLORA

T: Threatened Flora - Specially protected under the Wildlife Conservation Act 1950, listed under Schedules 1, 2 and 3 of the Wildlife Conservation (Rare Flora) Notice (which may also be referred to as Declared Rare Flora).

Taxa which have been adequately searched for and are deemed to be, in the wild, either rare, at risk of extinction, or otherwise in need of special protection, and have been gazetted as such.

The assessment of the conservation status of these species is based on their national extent.

Ranking

- CR · Schedule 1 taxa that are extant and considered likely to become extinct or rare, as critically endangered flora, and therefore in need of special protection.
- EN · Schedule 2 taxa that are extant and considered likely to become extinct or rare, as endangered flora, and therefore in need of special protection.
- VU · Schedule 3 taxa that are extant and considered likely to become extinct or rare, as vulnerable flora, and therefore in need of special protection.
- **EX: Presumed extinct Flora** Specially protected under the Wildlife Conservation Act 1950, listed under Schedule 4 of the Wildlife Conservation (Rare Flora) Notice (which may also be referred to as Declared Rare Flora). Taxa which have been adequately searched for and there is no reasonable doubt that the last individual has died, and have been gazetted as such. Threatened flora are ranked according to their level of threat using IUCN Red List categories and criteria. For example Acacia splendens is specially protected as Declared Rare Flora under the Wildlife Conservation Act 1950 and is a threatened species with a ranking of Critically Endangered.
- EX · Schedule 4 taxa that are presumed to be extinct in the wild and therefore in need of special protection.

A list of the current rankings can be downloaded from the Department of Biodiversity, Conservation and Attractions Threatened Species and Communities webpage at http://dpaw.wa.gov.au/plants-and-animals/threatened-species-and-communities/.

Taxa that may be threatened or near threatened, but are data deficient or have not yet been adequately surveyed to be listed under the Wildlife Conservation (Rare Flora) Notice, are added to the Priority Flora List under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status, so that consideration can be given to their declaration as threatened flora. Taxa that are adequately known and are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened list for other than taxonomic reasons, are placed in Priority 4. These taxa require regular monitoring.

Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiquous population extending into adjacent States, as defined by the known spread of locations.

1: Priority One: Poorly-known species

Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations, but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

2: Priority Two: Poorly-known species

Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations, but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

3: Priority Three: Poorly-known species

Species that are known from several locations, and the species do not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations, but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

4: Priority Four: Rare, Near Threatened and other species in need of monitoring

- (a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
- (b) Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
- (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

The conservation codes for Western Australian flora and fauna can be downloaded from the Department's website at:



https://www.dpaw.wa.gov.au/plants-and-animals/threatened-species-and-communities

*Species includes all taxa (plural of taxon - a classificatory group of any taxonomic rank, e.g. a family, genus, species or any infraspecific category i.e. subspecies, variety or forma).

Reference

Smith M.G. & Jones A. (2018) Threatened and Priority Flora List, 5 December 2018. Department of Biodiversity, Conservation and Attractions: Kensington, WA.

Phillips, Moshe

From:

Phillips, Moshe

Sent:

Thursday, 19 September 2024 9:45 AM

To:

Phillips, Moshe

Subject:

RE: Cleanaway - DAP/21/02063 Condition 4

Moshe Phillips | Senior Associate

Thomson Geer

T+61 8 9404 9111

Level 29, Central Park Tower, 152-158 St Georges Terrace, Perth WA 6000 Australia mphillips@tglaw.com.au | tglaw.com.au

Advice | Transactions | Disputes

From: Ashwin Nair < Ashwin.Nair@dardanup.wa.gov.au > Sent: Wednesday, September 18, 2024 12:37 PM
To: Andrew Doyle < Andrew.Doyle@cleanaway.com.au >

Cc: Patrick Hughes <Patrick.Hughes@dardanup.wa.gov.au>; Jan Strijdom <Jan.Strijdom@dardanup.wa.gov.au>;

Ashwin Nair < Ashwin.Nair@dardanup.wa.gov.au > Subject: RE: Cleanaway - DAP/21/02063 Condition 4

External Email: This email is originated from outside of Cleanaway. Please be cautious with links and attachments.

Mr Doyle,

Thank you for the email and my apologies for the delay in response.

In these instances, I am always careful when considering an amendment to a condition of approval through updating a plan where a condition expressly states as follows:

Condition 2

'All development must be carried out in accordance with the approved plans listed below, unless amended with the written consent of the Shire. In the event of an inconsistency between the approved plan(s) and <u>a requirement of the conditions of this development approval</u>, <u>the requirements of the conditions prevail'</u>.

To this end, as there is a condition of approval (condition 4) which expressly refers to 'Internal circulation of all vehicles must not encroach on the 20m landscaped boundary interface of the property', I don't consider that I can sign off the amended Landscape Plan you submitted. In my opinion, purely form a desktop observation of the submitted landscape plan dated Aug 2024, there appears to be an improvement from the 2022 iteration, however, I respectfully recommend that an application for planning approval be submitted to amend the condition of approval if the requirement cannot be achieved. This way we can also properly assess the merits of the proposal.

In terms of amending the existing approval, I can advise that a prospective application will have to demonstrate the merits of departing from the approved Local Development Plan (LDP). The LDP for the site went through a rigorous process prior to being adopted. The 20m landscaping areas within the LDP formed a key consideration when considering visual amenity impacts from the development on adjoining sites. The result of this application may likely also have implications on the landscaping plan requirements for the site

Once again, my apologies for the delay in response.

Please feel free to contact me on the undersigned for further information.

Regards,

Ashwin Nair

Director Sustainable Development



A: 1 Council Drive | PO Box 7016 | Eaton WA 6232 **T:** 08 9724 0349 | **E:** Ashwin.Nair@dardanup.wa.gov.au

W: www.dardanup.wa.gov.au





Attachment 3

Section	What's within 20m	Landscaping	Buffering
1 North Zone 1 Zone 4A	Zone 1 is 20m wide. It comprises the constructed sealed access to Lot 2 from Banksia Road, continuing along the boundary past the weighbridge, office, titanium dioxide storage cells and to the landfill.	Zone 4A is inside the road and exceeds 20m width.	The Zone 4A landscaping includes trees are established at a height that provides along this section an ample buffer against views further into Lot 2.
2 North Zone 1 Zone 2 West	As above. In addition, the gas flare infrastructure was relocated to within zone 1 in this section under the Approval.	Zone 2 is inside the road and will exceed 20m width.	The Zone 2 landscaping is limited to smaller shallow root plants due to the capping and liner to be used in the closure of the titanium dioxide storage cell making up this area. Taller plants will be used where possible and in addition to the elevated landscaping of the capped cell's embankment, an ample vegetation buffer along this section will be provided.
3 North Zone 1 Zone 2 Central	As above	As above.	As above.
4 North Zone 1 Zone 3	Zone 1 is 20m wide. It comprises the constructed sealed northern haul road continuing from the access to, and along the boundary of, Lot 2. Cell 12A footprint was approved at 24m from the boundary.	Zone 3 is inside the road and will exceed 20m width.	This Zone 3 landscaping will be planted to native shrubs and grasses over the batter slope facing this section. It will provide a visual screen of the landfill's development internal to the site, with the landscaping having been planned to blend into the surrounding Dardanup Conservation Park vegetation.
4 North Zone 1 Zone 4C	Zone 1 is 20m wide. It comprises the constructed sealed and unsealed haul road continuing along the remainder of the northern boundary of Lot 2.	Zone 4C is inside the road and will exceed 20m width.	This Zone 4C landscaping retains the existing remnant native vegetation and also provides for additional planting to provide an ample vegetation buffer along this section.

Attachment 3

5 East Zone 1 Zone 4E	Zone 1 is 4-10m wide, comprising the vehicle access track.	Zone 4E is inside the access track and exceeds 20m width.	This Zone 4E provides an ample buffer along this section.
6 South Zone 4C	Zone 4C is 12-21m wide.	Zone 4C is the maximum width obtainable within area available between the boundary and the southern haul road providing access along the perimeter of Lot 2. The small portions of the buffer narrower than 20 metres are where existing infrastructure is sited, including for stormwater management.	This Zone 4C landscaping has established native trees consistent with the 'Southern Boundary Native Vegetation Buffer Plan' approved as part of the development approval for the stormwater infrastructure by a decision of the Council on 24 February 2024. This landscaping provides an ample vegetation buffer along this section.
7 South Zone 4B Zone 5	Zone 4B is 10m wide.	Zone 4B comprises smaller shallow root plants due to the batter slope of leachate ponds. Inside Zone 4B is Zone 5, which comprises native shrubs, as part of the wetland landscaping.	The height of the vegetated battered embankment will provide an ample vegetation buffer along this section.
8 South Zone 1 Zone 4D	Zone 1 is 4m wide comprising a vehicle access track.	Zone 4D is inside the access track and is 15-20m wide comprises native vegetation to be consistent the adjacent Dardanup Conservation Park. Inside Zone 4D is Zone 5.	This Zone 4D landscaping provides an ample buffer along this section.
9 West Zone 4A	Zone 4A exceeds 20m. There is no access track within this area.	Zone 4A comprises native tall trees, consistent with the adjacent Dardanup Conservation Park.	The Zone 4A landscaping includes trees are established at a height that provides an ample buffer along this section.

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- (e) records and documents for the waste acceptance register system required under Condition 60 of this licence: and
- (f) complaints received under Condition 61 of this licence.
- **64.** The books specified under Condition 63 must:
 - (a) be legible;
 - (b) if amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;
 - (c) be retained by the licence holder for the duration of the licence or any subsequent licence; and
 - (d) be available to be produced to an inspector or the CEO as required.
- 65. The licence holder must submit to the CEO by no later than 90 days after the end of each annual period, an Annual Environmental Report for that annual period for the conditions listed in Table 22, and which provides information in accordance with the corresponding requirement set out in Table 22.

Table 22: Annual Environmental Report

Condition	Requirement	
Condition 5 & Condition 7	Summary of the Active Landfill Area, Special Waste Disposal Area and TDS Cells that includes: (a) Areas that have been subject to waste deposition for the Annual Period; (b) Remaining void capacity for waste deposition in each cell at the end of the Annual Period; and (c) Summary of any alterations to cell rehabilitation sequencing & timing	
Condition 12	Summary of leachate containment and collection infrastructure performance including: (a) Inputs; (b) Outputs; (c) Calculations: and (d) explanation of any changes that may indicate an issue with the leachate collection or management system or a failure of the landfill or leachate pond liner.	
Condition 14	 Summary of landfill gas collection and management system that includes: (a) Infrastructure installed during the Annual Period; (b) A map of the spatial coverage of the landfill gas collection and management system; (c) A summary of landfill gas infrastructure operational performance including an annual review of flare rate against landfill gas generation rate; (d) A review of gas generation rates to determine if sustained generation rates warrant gas utilisation; and (e) A description of changes to operational performance that may indicate an issue with the landfill gas management system and actions taken to investigation and mitigate issues. 	
Condition 47	Volume of wastes accepted/rejected for each waste type during the annual period in a table format.	
Condition 48	Process monitoring: data in a table format for the annual period.	
Condition 49 Condition 50 Condition 51	Leachate Monitoring: data in a table format for the annual period. A summary of action taken within the Annual Period to address leachate head levels which exceeded the leachate head management levels	

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Condition 52	
Condition 53 Condition 54	Landfill gas monitoring: a summary of the landfill gas monitoring results. A summary of notifications provided to the CEO following landfill gas trigger level exceedances, causes of trigger level exceedances and actions taken to mitigate a reoccurrence of the exceedances.
Condition 55 & Condition 56	A summary of all dust monitoring undertaken as part of this licence that includes: (a) data in a table format for the annual period; and (b) data in table format for trend analysis to include at least the last five years data where available.
Condition 57 Condition 66	Groundwater Monitoring Report
Condition 60	Plan of disposal locations for Special Waste Type 1 and Special Waste Type 2 and for the Annual Period
Condition 61	Complaints summary for the annual period

- 66. The licence holder must submit with the Annual Environmental Report required by Condition 65, a groundwater monitoring report demonstrating their compliance with Conditions 57 for the preceding annual period, and must include:
 - (a) a clear statement of the scope of work carried out;
 - (b) a description of the field methodologies employed;
 - (c) a summary of the field and laboratory quality assurance / quality control (QA/QC) program;
 - (d) copies of the field monitoring records and field QA/QC documentation;
 - (e) an assessment of reliability of field procedures and laboratory results;
 - (f) a tabulated summary of results, as well as all raw data provided in an accompanying Microsoft Excel spreadsheet digital document/file (or a compatible equivalent digital document/file), with all results being clearly referenced to laboratory certificates of analysis;
 - (g) a diagram with aerial image overlay showing all monitoring locations and depicting groundwater level contours, flow direction and hydraulic gradient (relevant site features including discharge points and other potential sources of contamination must also be shown);
 - (h) an interpretive summary and assessment of the results against relevant assessment levels for water, as published in the Guideline Assessment and management of contaminated sites;
 - (i) an interpretive summary and assessment of results against previous monitoring results;
 - (j) an interpretive summary and assessment of the results against relevant assessment levels for water, as published in the Guideline Assessment and management of contaminated sites; and
 - (k) trend graphs to provide a graphical representation of historical results for at least the last 10 years where available and comparison against relevant assessment levels for water to support the interpretive summary.

Note 1: General guidance on report presentation can be found in the Department's Guideline: Assessment and management of contaminated sites.

12.2 <u>Title: Amended Development Approval – Stormwater Infrastructure Works – Lot 2 Banksia</u> Road, Crooked Brook

Reporting Department: Sustainable Development Directorate

Reporting Officer: Mr Murray Connell - Manager Development Services

Legislation: Local Government Act 1995

DECLARATION OF INTEREST

Cr. J Dow declared an Impartiality Interest in this item as she signed a petition in support of closing the waste site previously.

DECLARATION OF INTEREST

Cr. M T Bennett declared an Indirect Financial Interest in this item as the person who rents a property he owns, is employed by Cleanaway.

Note: Cr. M T Bennett remained outside the room.

Overview

The purpose of this report is for Council to consider amending the development approval for the stormwater infrastructure works on Lot 2 Banksia Road, Crooked Brook.

Shire officers do not have delegation for determining applications for Development Approval within the 'Waste Disposal/Processing' area as identified in the Local Planning Strategy, and therefore this application is presented to Council for determination.

Background

In April 2016 the Shire granted Development Approval for the construction of a comprehensive stormwater management system at the Cleanaway waste management facility on Lot 2 Banksia Road, Crooked Brook. As part of the approval and subsequent construction works, Cleanaway developed a stormwater drain on the southern boundary of the site to prevent stormwater from the site entering the adjacent Dardanup Conservation Park.

In recent times, portions of the southern drain have failed, resulting in some surface water flowing from the site into the adjacent Conservation Park. In May 2020 it was determined that the actual property boundary was not on the fence line, but approximately 1.5m and 2.5m to the south of the existing fence line. This discovery provided more flexibility for drain infrastructure to be developed on the Cleanaway property than previously allowed. Subsequently, (December 2020), it was determined that due to a surveying error, the site boundary was on the existing property fence line. In May 2020 discussions between Cleanaway and the Department of Biodiversity, Conservation and Attractions (DBCA) resulted in agreement for a communal stormwater drain that is proposed to span across the common boundary with the site and adjacent conservation park that manages surface water from both properties. Cleanaway have subsequently developed an improved drain design solution to better control stormwater on the southern boundary of the site.

Please refer to (Appendix ORD: 12.2A – Part 1 - Page 63) for details of the application.

Legal Implications

Part 9 cl. 77 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes Regulations) 2015* allows for amending development approval as follows:

- 77. Amending or cancelling development approval
 - (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following:
 - (c) to amend an aspect of the development approval which, if amended would not substantially change the development approved;

Should Council refuse the application the applicant has the right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

Strategic Community Plan

Strategy 2.3.1 - Delivery of a high level of Development & Regulatory Services that considers the environmental, social and land use planning requirements which meets the diverse community needs. (Service Priority: Flagship)

Environment

The Department of Biodiversity Conservation and Attractions (DBCA) has agreed in-principle to the application and has advised that:

There has been considerable consultation and on-site investigation involving DBCA, Cleanaway and Project Engineer Ian Watson, resulting in a modification of an earlier design of the drain and firebreak, to eliminate the need to clear any trees greater than 2m tall in the Conservation Park or on the boundary of the Cleanaway southern boundary, with a possible exception of a few borderline trees (not more than five but hopefully none) with every effort to be made to avoid the need for any tree removal and the final decisions to be made onsite by DBCA when the design has been pegged on the ground.

As part of the original Development Approval, there was a requirement to establish a native vegetation buffer along the southern boundary of the site and the Shire approved a 'Southern Boundary Native Vegetation Buffer Plan' in August 2016. Some portions of the vegetation buffer were established; however, the western portion was not completed.

As part of this application it is proposed to update the vegetation buffer plan to detail additional works required to fulfil native vegetation buffer requirements. Please refer to (Appendix ORD: 12.2B – Part 1 - Page 84) for details of the updated 'Southern Boundary Native Vegetation Buffer Plan'.

The Department of Water and Environment (DWER) have advised that the replacement of stormwater infrastructure proposed in the application requires approval under Part V of the *Environmental Protection Act 1986* and they have advised the proponent of this requirement. DWER's view is that the works should help to minimise stormwater impacts on the southern boundary.

Precedents

Council has previously consider a number of development applications relating to the waste management facility and other related operations in the area.

<u>Budget Implications</u> - None.

<u>Budget – Whole of Life Cost</u> - None.

<u>Council Policy Compliance</u> - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.2C – Part 1 - Page 96) for the full assessment document.

Tier 2 – 'Low' or 'Moderate' Inherent Risk.				
Risk Event	Amended Development Approval – Stormwater Infrastructure Works – Lot 2 Banksia Road, Crooked Brook			
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)			
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating	is below 12, this is not applicable.		
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.			
Diela Cata annua Anna and Anna in at	Financial	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.		
Risk Category Assessed Against	Legal and Compliance	Conditions of the development approval are not complied with.		
	Environment	Inadequate management of the development could pose a risk to the environment.		

Officer Comment

In order to develop a comprehensive stormwater solution on the southern boundary, Cleanaway have engaged with the Department of Biodiversity, Conservation and Attractions (DBCA). Ultimately, it was agreed between the parties to develop a combined drain that traversed the property boundary while maintaining a fire track access along the northern boundary of the Dardanup Conservation Park. The new drain has the capacity to receive the surface water runoff from both the Cleanaway site and also the portions of the Dardanup Conservation Park that fall towards the Cleanaway site. In addition, as part of the application it is proposed to extend the current 2m high chain mesh fencing the entire length of the southern boundary.

The drain design incorporates a 'V' shaped rock lined drain that varies in width from 2.5m to 3m. Additionally a 3.1m wide gravel fire track will be constructed and acts as an overflow component to the adjacent rock-lined drain. The total width of the alignment of the drain and fire track varies from 5.5m to 10m which allows for the preservation of the vast majority of vegetation and trees within the

Dardanup Conservation Park. It is envisaged that only one larger tree will need to be removed from Lot 2 and only 5 larger trees removed from the conservation park lot.

During most rainfall events, the surface water flow will be contained within the rock lined portion of the drain however, in peak storm events, the overflow will flow down the fire track. The vast majority of the drain flow will occur within the rock lined portion of the drain. This is where the greatest flow velocity will occur and hence the potential for the greatest erosion. As the overflow down the fire track will be relatively shallow, surface friction will slow down the flow velocity and hence greatly reduce any erosion risk.

• Greater Bunbury Region Scheme (GBRS)

The subject land is zoned 'Rural' and the Department of Planning Lands and Heritage (DPLH) has advised that the upgrade of the failed stormwater drainage and the native vegetation buffer will not be inconsistent with the purpose of the 'Rural' zone.

Part of the works will also be located on the adjacent Lot 192 (Reserve 46403) which is reserved as 'Regional Open Space'. DPLH has advised that the proposed stormwater drainage is regarded as ancillary and incidental works (infrastructure) on the 'Regional Open Space' reserve and the works are not in conflict with the reserve purpose.

It is recommended that Council approve the amended application as the new drain design incorporates efficient use of available space without negatively impacting on the adjacent Dardanup Conservation Park and is considered a far more desirable method of controlling stormwater along the southern boundary. The new design incorporates a constructed compacted gravel fire track that will be can also be used to access the drain for maintenance purposes.

The Planning and Development (Local Planning Schemes) Regulations 2015 states that the local government is to be taken to have refused to grant the development approval if it has not made a determination within 90 days of receipt of the application (in this instance being 10 February 2021). However the applicant has agreed to an extension until the February 2021 Council meeting and therefore deferring the matter is not recommended. Additionally the applicant is seeking to establish the stormwater and vegetation works so that they are functional for the winter rain period.

<u>Council Role</u> - Quasi-Judicial.

<u>Voting Requirements</u> - Simple Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council:

Approves the amendment to the Development Approval for Stormwater Infrastructure Works on Lot 2 Banksia Road, Crooked Brook subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans and drawings listed below which form part of this approval, including any amendments to those plans and drawings as shown in red, unless with the written consent of the Shire:
 - a) Site Plan (Drawing No. Bank SK310, Rev D);

- b) Concept Layout Plan 1 of 2 (Drawing No. Bank SK311, Rev D);
- c) Concept Layout Plan 2 of 2 (Drawing No. Bank SK312, Rev D);
- d) Cross Sections Sheet 1 of 4 (Drawing No. Bank SK313, Rev D);
- e) Cross Sections Sheet 2 of 4 (Drawing No. Bank SK314, Rev D);
- f) Cross Sections Sheet 3 of 4 (Drawing No. Bank SK315, Rev D);
- g) Cross Sections Sheet 4 of 4 (Drawing No. Bank SK316, Rev D);
- h) Typical Cross Sections (Drawing No. Bank SK317, Rev D); and
- i) Miscellaneous Details (Drawing No. Bank SK318, Rev D).

except that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions prevail.

- 2. The 'Southern Boundary Native Vegetation Buffer Plan (version 3, 1 February 2021)' must be fully implemented within nine (9) months unless otherwise agreed to in writing by the Shire of Dardanup, and must be maintained thereafter to the satisfaction of the Shire of Dardanup. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Shire of Dardanup.
- 3. The southern boundary is to be fenced with 2m high chain mesh fencing.

Note: Cr. T G Gardiner advised that he would like to move the Officer Recommended Resolution with additions to Part 3 of the resolution (additions highlighted in red below). Cr. Patricia Perks seconded the motion.

3. The southern and eastern boundaryies are to be fenced with 2m high chain mesh fencing with wildlife egress points.

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

• To amend part 3 of the Officer Recommended Resolution to ensure that the eastern boundary of the property is fenced and that there are wildlife egress points.

ELECTED MEMBER ALTERNATIVE RESOLUTION & COUNCIL RESOLUTION

22-21 MOVED - Cr. T G Gardiner SECONDED - Cr. P R Perks

THAT Council approves the amendment to the Development Approval for Stormwater Infrastructure Works on Lot 2 Banksia Road, Crooked Brook subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans and drawings listed below which form part of this approval, including any amendments to those plans and drawings as shown in red, unless with the written consent of the Shire:
 - a) Site Plan (Drawing No. Bank SK310, Rev D);
 - b) Concept Layout Plan 1 of 2 (Drawing No. Bank SK311, Rev D);
 - c) Concept Layout Plan 2 of 2 (Drawing No. Bank SK312, Rev D);
 - d) Cross Sections Sheet 1 of 4 (Drawing No. Bank SK313, Rev D);
 - e) Cross Sections Sheet 2 of 4 (Drawing No. Bank SK314, Rev D);
 - f) Cross Sections Sheet 3 of 4 (Drawing No. Bank SK315, Rev D);
 - g) Cross Sections Sheet 4 of 4 (Drawing No. Bank SK316, Rev D);
 - h) Typical Cross Sections (Drawing No. Bank SK317, Rev D); and
 - i) Miscellaneous Details (Drawing No. Bank SK318, Rev D).

except that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions prevail.

- 2. The 'Southern Boundary Native Vegetation Buffer Plan (version 3, 1 February 2021)' must be fully implemented within nine (9) months unless otherwise agreed to in writing by the Shire of Dardanup, and must be maintained thereafter to the satisfaction of the Shire of Dardanup. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Shire of Dardanup.
- 3. The southern and eastern boundaries are to be fenced with 2m high chain mesh fencing with wildlife egress points.

CARRIED

7/0

Note: Cr. M T Bennett returned to the room and assumed the Chair [6.00pm].

Note: Cr. J Dow returned to the room [6.01pm]. Cr. P S Robinson advised Cr. M T Bennett and Cr. J Dow of the Council Resolutions for Items 12.1 and 12.2.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT:

RDAP Development Application for Landfill Waste Cells – Lot 2 Banksia Road, Crooked Brook – Section 31 Reconsideration Request – State

Administrative Tribunal

RISK THEME PROFILE:

2 - Business and Community Disruption

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE		PRIOR TO TREATMENT OR CONTROL		- RISK ACTION PLAN	AFTER TREATEMENT OR CONTROL			
CATEGORY	RISK EVENT	CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING	(Treatment or controls proposed)	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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	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	Amenity impacts resulting from an inadequate landscaping plan or unsatisfactory implementation of approved landscaping plan.	Minor (2)	Unlikely (2)	Low (1 - 4)	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.

State Administrative Tribunal Reconsideration: Responsible Authority Report

(Regulation 12)

Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) where the Development Assessment Panel (DAP) has been invited by the State Administrative Tribunal (SAT) to reconsider a previous decision.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either "not relevant" or "not applicable" under those headings.

Where the RAR template is submitted to a **Council meeting**, please note:

- The officer's recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading "Responsible Authority Recommendation" <u>must</u> contain the Council's recommendation.
- If the officer recommendation is <u>different</u> from the Council recommendation, this should be shown under the heading "Officer Recommendation".
- The "Reasons for Responsible Authority Recommendation" section should be completed <u>after</u> the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the "Responsible Authority Recommendation" should be completed and the "Officer Recommendation" section can be deleted.

(ITEM XX – to be entered by DAP Secretariat) - LOT 2 BANKSIA ROAD, CROOKED BROOK – LANDFILL WASTE CELLS

State Administrative Tribunal Reconsideration – Responsible Authority Report

(Regulation 12)

DAP Name:	Regional Development Assessment Panel (RDAP)		
Local Government Area:	Shire of Dardanup		
Summary of Modifications:	tions: • Revised Landscaping Plan		
	 Modifications of Conditions 2, 4 and 10 		
Applicant:	Harley Dykstra Pty Ltd on behalf of		
	Cleanaway Solid Waste Pty Ltd		
Owner:	J & P Corporation Pty Ltd		
Value of Development:	\$10.5 million		
Responsible Authority:	Shire of Dardanup		
Authorising Officer:	Ashwin Nair – Director Sustainable		
	Development		
LG Reference:	TBA		
DAP File No:	DAP/21/02063		
SAT File No (DR reference):	DR 241/2021		
Date of Decision under Review:	27 November 2021		
Application for Review	5 November 2021		
Lodgement Date:	Date:		
Attachment(s):	Applicant's Additional Information		
	Council Minutes (extract)		
	3. Previous Determination Notice		

Responsible Authority Recommendation

That the Regional Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 241 of 2021, resolves to:

Reconsider its decision dated 9 February 2024 and **VARY** its decision for DAP Application reference DAP/21/02063 and accompanying in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Dardanup Local Planning Scheme No. 3 as follows:

- 1. Approving the updated landscaping plan, being Landscaping plan dated 31/01/25 (Rev 9) prepared by Tonkin, replacing the pre-existing version noted in the last bullet point of Condition 2, being Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin.
- 2. Amending Condition 4 to delete the second sentence which reads "Internal circulation of all vehicles must not encroach on the 20m landscaped boundary interface of the property".

The amended condition would therefore read:

"Access to and egress from the site for all heavy haulage vehicles associated with the approved landfill cells and related works are restricted to using the sealed road north of Lot 2 Banksia Road."

3. Amending Condition 10 to remove the requirement for annual reporting with respect to items (a) through to (d).

The amended condition would therefore read:

"The operator is required to submit an annual "Progress Report" detailing outcomes of monitoring of planted vegetation buffers over the previous 12-month period."

Reasons for Responsible Authority Recommendation

To complete this section should the Council determination differ from the Officer's Recommendation.

Details: outline of development application

Region Scheme	Greater Bunbury Region Scheme		
Region Scheme Zone/Reserve	Rural		
Local Planning Scheme	Shire of Dardanup Local Planning Scheme		
	No. 3		
Local Planning Scheme	General Farming		
Zone/Reserve			
Structure Plan/Precinct Plan	N/A		
Structure Plan/Precinct Plan	N/A		
Land Use Designation			
Use Class (proposed) and	Use Not Listed – Waste Disposal Facility		
permissibility:	101.00701		
Lot Size:	121.6658 hectares		
Net Lettable Area (NLA):	N/A		
Number of Dwellings:	N/A		
Existing Land Use:	Waste disposal facility and extractive		
0	industry		
State Heritage Register	No		
Local Heritage	⊠ N/A		
	☐ Heritage List		
	☐ Heritage Area		
Design Review	⊠ N/A		
	□ Local Design Review Panel		
	□ State Design Review Panel		
	□ Other		
Bushfire Prone Area	Yes		
Swan River Trust Area	No		

Proposal:

The Applicant seeks reconsideration of three (3) of the 12 conditions of approval granted by the Regional Development Assessment Panel (**RDAP**) on 9 February 2024 in relation to the construction of three (3) new landfill waste cells (Cells 9, 10 and 12A) at the existing Cleanaway landfill facility located on Lot 2 Banksia Road, Crooked Brook.

Specifically, the Applicant seeks the following:

- Approval of an updated landscaping plan, being Landscaping plan dated 31/01/25 (Rev 9) prepared by Tonkin, as an amendment replacing the preexisting version noted in Condition 2, being Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin.
- Amend Condition 4 to delete the second sentence which reads "Internal circulation of all vehicles must not encroach on the 20m landscaped boundary interface of the property".
- Delete Condition 10 in its entirety which requires an annual progress report detailing the progress of the pit over the previous 12-month period.

Background:

History of Application

The subject site is located approximately 4km southeast of the Dardanup townsite and abuts the Dardanup Conservation Park to the east and south. To the immediate north, the land contains the Shire of Dardanup waste transfer station, green waste facility and the Water Corporation's Dardanup Wastewater Treatment Plant. Beyond the immediate site the landscape consists of predominantly rural farmland with the closest residence being some 500m from the subject site's boundary.

The site currently operates a waste landfill facility that was originally given approval from the (then) Minister for Planning in 1999 and is subject to a Department of Water and Environmental Regulation (**DWER**) licence issued under Part V of the *Environmental Protection Act 1986* (**EP Act**). This licence allows for the disposal of 353,000 tonnes of liquid waste per annum and 350,000 tonnes of Class II or Class III putrescible waste.

The site currently contains a weigh bridge, office, nine waste cells, two stormwater ponds, four leachate ponds, two tailings storage facilities, a portion of gravel extraction and internal sealed and unsealed access road. Waste cells are developed in stages as needed, depending on the remaining capacity of existing cells.

Access is via Banksia Road which is sealed only from the northern boundary of the site heading north. Current development approval conditions restrict access to the site only from the northern sealed portion of Banksia Road and prohibits heavy vehicle access to the site from the unsealed southern section.

History of Application

The original RDAP development application for the three (3) new waste cells was lodged with the Shire of Dardanup on 17th August 2021.

Prior to this, in April 2021 the proponent self-referred this application to the Environmental Protection Authority (**EPA**). Pursuant to section 39A(1) of the EP Act, in August 2021 the EPA decided to assess the proposal. The level of assessment was 'Referral Information with Additional Information required under section 40(2)(a) of the Environmental Protection Act 1986'. The EPA required the following additional information be provided:

- Hydrogeological assessment and water management plan;
- Visual impact assessment;
- · Greenhouse gas emission estimates;
- · Air Quality Impact Assessment for Odour and particulates; and
- · Geotechnical stability of cell construction.

As the decision-making authority, the RDAP was restricted from making a decision (under section 41 of the EP Act) on this proposal which would cause or allow the proposal to be implemented, until the EPA had concluded its assessment.

On 5 October 2023, the EPA's assessment report on the application was published (EPA Report 1747). The report recommends the proposal may be implemented subject to appropriate conditions. No appeals were lodged against the EPA's recommendation through the Office of the Appeals Convenor, and Ministerial Statement 1213 reflecting the recommended conditions of EPA Report 1747 was ultimately published on 21 November 2023.

Concurrently, a Local Development Plan (**LDP**) applicable to the subject site was prepared and approved by Council in May 2021. The LDP was subsequently amended by order of the SAT made in October 2022.

Application to the State Administrative Tribunal

In accordance with the required timeframes for deciding an application for development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*, a decision on the original application was to be made by the RDAP by 27 November 2021. However, due to the RDAP's inability to determine the application (under section 41 of the EP Act), the application was never put forward for consideration by the RDAP.

In anticipation of the development application being deemed refused, the Applicant lodged an application seeking review of the RDAP's deemed refusal of the application with the SAT on 5 November 2021.

Following the release of Ministerial Statement 1213 on 21 November 2023, and a directions hearing was held on 8 December 2023, the SAT made orders inviting the decision-maker, under section 31 of the *State Administrative Tribunal Act 2004* (**SAT Act**) to reconsider its decision.

The RDAP subsequently resolved to set aside the previous decision (deemed refusal) and substitute it with a new decision for approval, subject to twelve (12) conditions. Refer to **Attachment 3**.

On 22 February 2024, the Applicant filed notice that it was dissatisfied with the determination and disputed Conditions 4, 5, 10, 11 and 12 of the approval.

The management plans required under Conditions 5, 11 and 12 were subsequently addressed with the Shire, which resolved the Applicant's dispute regarding those conditions.

The Applicant subsequently requested Shire officers to accept a replacement landscaping plan for Condition 2, which Shire officers declined on 18 September 2024 on the basis that a formal application was deemed necessary to amend the condition, so that the merits of the proposal could be properly assessed.

The SAT made orders on 11 November 2024 allowing the Applicant to provide additional information, which it did on 17 February 2025 (refer to **Attachment 1**) and inviting the decision-maker, under Section 31 of the SAT Act to reconsider its decision on or before 16 May 2025. The decision-maker may:

- affirm the previous decision,
- · vary the decision, or
- set aside the decision and substitute a new decision.

Legislation and Policy:

Legislation

Planning and Development Act 2005
Planning and Development (Development Assessment Panels) Regulations 2011
Planning and Development (Local Planning Schemes) Regulations 2015
State Administrative Tribunal Act 2004
Environmental Protection Act 1986
Greater Bunbury Region Scheme
Shire of Dardanup Local Planning Scheme No. 3

State Government Policies

State Planning Policy 2.0 – Environment and natural resources policy State Planning Policy 2.5 – Rural planning State Planning Policy 2.9 – Water resources State Planning Policy 3.7 – Bushfire

Local Development Plans

Local Development Plan - Lot 2 Banksia Road, Crooked Brook

Consultation:

Public Consultation

Public consultation was undertaken in 2021 and again in 2023 prior to the RDAP's decision to approve the development on 9 February 2024.

No further public consultation has been undertaken for the reconsideration subject of this report as it has been considered that the proposal:

- (a) is determined as having no predictable detrimental impact on the character or amenity of the immediate or general locality, and is not required under Clause 64 of the Deemed Provisions; and
- (b) has previously been subject to public consultation(s) and only minor modifications are proposed.

Referrals/consultation with Government/Service Agencies

Referrals to State government departments and agencies were undertaken in 2021 and again in 2023 prior to the RDAP's decision to approve the development on 9 February 2024. This involved referrals to:

- Department of Biodiversity, Conservation and Attractions
- Department of Energy, Mines, Industry Regulation and Safety
- Department of Fire and Emergency Services
- Department of Planning, Lands and Heritage
- Department of Primary Industries and Regional Development
- Department of Water and Environmental Regulation
- Main Roads WA
- Water Corporation

In 2023, the proposal was also referred to the Dardanup Environmental Action Group (DEAG).

Further consultation with the abovementioned departments and agencies has not been deemed necessary for the purposes of this reconsideration.

Design Review Panel Advice

Not applicable.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and the Local Development Plan outlined in the Legislation and Policy Section of this report. The following matters have been identified as key considerations for the determination of this application:

Condition 4

The Applicant seeks the following modification to Condition 4:

Access to and egress from the site for all heavy haulage vehicles associated with the approved landfill cells and related works are restricted to using the sealed road north of Lot 2 Banksia Road. Internal circulation of all vehicles must not encreach on the 20m landscaped boundary interface of the property.

The wording of the condition, as it stands, aligns with the 'Site Access and Circulation' provisions of Local Development Plan – Lot 2 Banksia Road, Crooked Brook (**LDP**). The 'Landscaping Requirements' of the LDP also states:

Development is to be appropriately screened from key viewpoints via the installation of a minimum 20m landscaping strip adjacent the subject site boundary which includes:

- Native tree plantings as per any endorsed landscaping plan for the relevant portions of the site.
- A variety of smaller shrubs and plantings to provide greater density of foliage to the understory of any trees.

Applications for development approval are to be supported by a landscaping plan outlining the proposed landscape design and its effectiveness to screen the development proposed.

Pursuant to clause 56 of the Deemed Provisions, a decision-maker is to have due regard to, but is not bound by, the LDP when deciding the application.

As a result of previous approvals for, and subsequent development of, the site, internal vehicle tracks are currently within 20m of the subject site's boundaries. Furthermore, the current approval includes a landscaping plan (as required by the LDP) which shows 'Zone 1 Infrastructure' within 20m of the subject site's boundaries, with section 3.2 Restoration Zones noting that no vegetation would be required in this area.

Based on the LDP provision, the intent of the 20m landscaping strip is to screen the landfill development and the resultant changes in landform, as addressed in the Visual Impact Assessment prepared for the LDP; individual vehicle movements were not the focus of assessment. As outlined in the section below, the Applicant has provided a table to supplement the updated landscaping plan which demonstrates that Zone 4 vegetation buffer areas which abut Cells 9, 10 and 12A (subject of the previous determination) achieve a minimum width of 20m 'inside' the internal access track, except for portions of Zone 4C where existing approved infrastructure is located. It is therefore considered that the objective of the LDP to provide 20m vegetated buffers is still achieved.

Updated Landscaping Plan and Condition 2

Condition 2 currently makes reference to 'Landscaping plan dated 29/08/22 (Rev 7) prepared by Tonkin'. As part of the additional information, the Applicant has submitted a Landscaping Plan dated 31 January 2025 (Rev 9) prepared by Tonkin.

The updated landscaping plan provides clarity that the intent of Zone 4 is to provide a visual screen around the landfill, whilst also confirming the width of each zone section. The Applicant has also provided an additional table (not included within the landscaping plan) which clarifies what is existing and proposed within 20m of Lot 2's boundaries and the adjacent landscaping, noting that for the main, Zone 4 vegetation buffers achieve 20m (except where existing approved infrastructure is located) when measured from 'inside' the internal access track.

As the updated landscaping plan otherwise includes no material differences to that which was previously approved, it is considered that the updated landscaping plan should be supported, and Condition 2 modified accordingly, owing to its greater clarity.

Condition 10

Condition 10 currently states as follows:

The operator is required to submit an annual "Progress Report" detailing progress of the pit over the previous 12-month period. The report should provide details of the following:

- a. Extent of extraction undertaken (volume and area);
- b. Extent of filling of the cells (volume and area);
- c. Completion of stages;
- d. Rehabilitation of completed stages;
- e. Outcomes of monitoring of planted vegetation buffers.

The Applicant is seeking the deletion of Condition 10 in its entirety for reasons which can be summarised as follows:

- The condition, particularly the required reporting for items (a) to (d), are a
 duplication of the annual reporting requirements for the site under DWER
 Licence L8904/2015/1. Notably, then Condition 65 (now Condition 71) of the
 DWER Licence requires an annual environmental report which includes:
 - Summary of the Active Landfill Area, Special Waste Disposal Area and Titanium Dioxide Slurry (TDS) Cells, including areas that have been subject to waste deposition for the annual period, remaining void capacity in each cell, and a summary on any alterations to cell rehabilitation sequence and timing;
 - Volume of wastes arriving, leaving or rejected from the premises, for each waste type during the annual period; and
 - Summary of landfill at the premises.
- With respect to Condition 10(e), the maintenance of landscaping is addressed through the enforceable requirement to implement the approved landscaping plan under Condition 2. Furthermore, Council granted development approval for 'Stormwater Infrastructure Works' at the subject land on 24 February 2021 which requires implementation of the Southern Boundary Native Vegetation Buffer Plan.

It is agreed with the Applicant that Condition 10(a) to (d) effectively duplicates the annual environmental reporting requirements under the DWER Licence and that retaining such components of the condition would be inconsistent with established case law. Specifically, in SITA Australia Pty Ltd and Wheatbelt Joint Development Assessment Panel [2016] WASAT 22, at [127] the SAT accepted a general principle that "where it is likely that a DER condition will operate in parallel with a Shire condition, 'it is unnecessary to duplicate such requirements in the [Shire's] conditions".

In applying the 'Newbury' test of validity of a condition of development approval, it is also considered that Condition 10(a) to (d) would not satisfy Limb 1: Must have a planning purpose. This is supported by the Development Assessment Panel Practice Notes: Making Good Planning Decisions (March 2021) which states at section 4.2.1.2:

"It is clear from the body of case law generated by courts and tribunals around Australia over the years that conditions that seek to require compliance with a separate and distinct statutory regime are not imposed for a planning purpose." However, in relation to Condition 10(e), there is currently no requirement under the DWER Licence for annual reporting regarding the planted vegetation buffers. In previous determinations for both the development and the LDP, visual impact was a key consideration. Specifically, it is noted that the *Lot 2 Banksia Road, Dardanup – Cleanaway Waste Facility Visual Impact Assessment Review* dated August 2022 noted that the staged rehabilitation of the site did not appear to be progressing together with the landfill in order to sufficiently screen the landfill progress.

As a means of ensuring that potential visual impacts are being mitigated through the vegetation buffers as proposed, annual reporting on these vegetation buffers is considered important and would satisfy Limb 1 of the *Newbury* test, being for a planning purpose. The requirement would also relate to the development, satisfying Limb 2, and is not considered unreasonable owing to the nature and scale of the proposal and potential visual impacts, therefore satisfying Limb 3. The landscaping plan currently requires a landscaping plan after three (3) years; however, the Shire considers that more regular monitoring and reporting is appropriate to identify and take action on any shortcomings, particularly as replacement and/or additional vegetation may need to mature over time to be of impact.

For these reasons, it is recommended that the retention of the annual reporting on the monitoring of planted vegetation buffers, currently required by Condition 10(e).

Conclusion:

This report considers the Applicant's updated landscaping plan and requested modifications to conditions of approval previously issued by the RDAP.

The updated landscaping plan provides greater clarity on each landscaping zone, particularly with respect to Zone 4's purpose to provide visual screening of the landfill areas. As there are otherwise no material changes to the previously approved landscaping plan, the updated plan is being supported.

As for the proposed modifications to Conditions 4 and 10, these have been considered in light of clause 56 of the Deemed Provisions as they relate to LDPs, as well as established case law, including the *Newbury* test. On balance, the modifications are supported, however with the retention of annual reporting in relation to the planted vegetation buffers.

<u>Alternatives</u>

In accordance with section 31(2) of the SAT Act, the RDAP may:

- (a) affirm the decision; or
- (b) vary the decision; or
- (c) set aside the decision and substitute its new decision.

The recommendation to the RDAP is to vary the decision pursuant to subclause (b).

The RDAP may resolve not to support the updated landscaping plan and modifications to the conditions and could therefore affirm the previous decision/conditions of approval pursuant to subclause (a). In doing so, the Applicant may pursue their requested modifications through a final (substantive) Tribunal hearing.

OFFICIAL

As this reconsideration relates to modifications of conditions on an approval previously granted by RDAP and that no substantial modifications have been made to the development itself, a decision in line with subclause (c) is not recommended.

Officer Recommendation

To complete this section should the Council determination differ from the Officer's Recommendation.

Reasons for Officer Recommendation

To complete this section should the Council determination differ from the Officer's Recommendation.



File Ref: PF 1147

14 February 2025

André Schönfeldt Chief Executive Officer Shire Dardanup

Via email: Andre.Schonfeldt@dardanup.wa.gov.au

c.c <u>councillors@dardanup.wa.gov.au</u>

records@dardanup.wa.gov.au

To Andre,

Retrospective Development Approval for x2 Shipping Containers 111 (Lot 24) Gardincourt Drive, Henty

I act for the landowners Peter Breese and Gerri Short.

Development Approval is sought for 2 existing sea containers. The first, smaller sea container was on the property when the current owners purchased approximately 2.5 years ago, whilst the second, larger container was relocated onto the property by the current landowner after they purchased.

Neither container is visible from outside of the property.

The sea containers are used for residential storage as part of residential occupation of the land.

The sea containers are not associated with the Home Business that also operates under separate approval.

Under the Shire of Dardanup Planning Scheme, the land is within the Small Holdings Zone. The object of this zone is to "provide for residential development within a rural settling, where the predominant land use is residential". The use aligns with this objective.

Although the Scheme set out provisions relative to the zone and the Henty Brook Estate the subject land is within, it is arguable whether development approval to use and place the sea containers on the land, where no construction, earthworks or vegetation removal is proposed, is required.

As the existence of the sea containers however is presently subject to a Notice under section 214 (2) and (3) of the Planning Development Act, and the landowner has exercised their right of review of this Notice through the State Administrative Tribunal (SAT), this application is made as attempt to resolve the matter.



In hand with lodging this application and under separate, confidential correspondence, the landowner will be seeking orders from the SAT.

Due to these circumstances, the landowner trusts the Shire will endeavour to expedite this matter to a decision with priority, as soon as possible.

Evaluation

The Shire's desire to limit visual impact of sea containers is acknowledged, as reflected in the Shire's local planning policy concerning this.

The sea containers are consistent with the Shire's policy, and Shire precedence to approve sea containers on lots with these same characteristics as follows:

- Neither sea container is visible from outside of the property.
- The landowner agrees to paint both sea containers in a colour suitable to the bushland environment. This would be a green colour, or alternatively, Colourbond blue to match the existing shed that is also not visible from outside of the subject land.
- The sea containers are for residential purposes, ancillary to the permitted dwelling on the subject land.
- The sea containers are located centrally within the site, not within the front, side or rear setback areas.

Overall, this is a minor matter. Were the site open and the containers visible outside of the subject land, there may be basis for a different approach however this is not the circumstance here. As neither container is visible, plus when there is necessity not to delay the SAT, there is sufficient justification not to advertise the application. There is also no basis not to support the application.

Further, in the interests of creating a perception of improved privacy and barrier to the neighbour to the south at 24 The Dress Circle, who I understand have expressed concern about separate matters unrelated to the sea containers on this property, the larger of the 2 containers is proposed to be relocated at the landowners cost to run perpendicular to the southern boundary.

There is thick vegetation along this boundary that fully screens views between the 2 properties. The new location is setback a minimum 20 metres from the shared boundary. In this new location, plus painted, the container will continue to remain not visible outside of the property, including when viewed from 24 The Dress Circle.

Attached are a basic site layout plan showing the location of the sea containers, and photographs of them in situ. There is no planning purpose and it is costly to have drafted plans prepared. This material sufficiently demonstrates the proposal.

Sea container 1

12m long x 2.4m wide x 2.5 m high, currently positioned perpendicular to the shed. This is to be relocated onto the flat area a minimum 20m setback from the southern boundary.



Sea container 2 6m long x 2.4m wide x 2.5m high, to remain where it is presently sited.



View from Gardincourt Drive towards existing sea containers, that are not visible.



Conclusion

On basis of a suitable decision to approve under Delegation or ideally at the upcoming March Council meeting, which should include revocation of the s214 Notice, there may be no necessity to advance the SAT review in this matter.

Please contact me should you require anything further. I can be contacted on 0401 046 852 or email kanella@plannedfocus.com.au

Kind regards,

Kanella Hope

Director + Principal Planner

Enc.

Application form Certificate of Title Layout plan



111 Gardincourt Drive, Henty

X2 Sea Containers (outbuildings for residential use)

Legend

Large Shipping container (relocated from near shed) 12m long x 2.4m wide x 2.5m high, setback min.10m to southern boundary



Small Shipping container (existing) 6m long x 2.4m wide x 2.5m high, setback approx. 20m to southern boundary



20 ft



Schedule of Submissions – Retrospective Two (2) Sea Containers and Modified Building Envelope - Lot 24 (No. 111) Gardincourt Drive, Henty

Public

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
1		I'm responding to the letter I received regarding "Application for development approval two existing sea containers and the amend building envelope to suit lot 24 (111) Gardincourt Drive Henty". We approve of the existing location of the sea containers and the amendment of the building envelope to accommodate them. However we don't consent if they are required to be moved in the future, we would like to be notified if the	Noted. Any future relocation of the sea containers on site will require development approval as there is no exemption applicable. However, subject to the variation sought, the application might not be advertised
		location is to change.	and is subject to the discretion of the Shire.
2		Please find our strong objections to the above development application as follows: <u>Two Existing Sea Containers</u>	The history is noted. However, this application is to address the retrospective proposal for the two (2) remaining sea containers.
		We object to the permanent placement of the sea containers in the proposed location.	
		Our property at 24 The Dress Circle is located directly next door to 111 Gardincourt Drive, Henty. We have been in our home which we built for 28 years now so we know the locality well and are familiar with the property in question.	The proposed sea containers are to be located behind existing vegetation where it will be screened from view, subject to conditions.
		During December 2011, five sea containers were on placed on the property at 111 Gardincourt Drive, Henty by the previous owners and kept on the property for a significant period of time. Two of these sea containers were eventually moved to the properties building envelope and out of view of surrounding neighbours and the remaining three sea containers were finally removed from the property during June 2015. The photo below (taken facing north from the front verandah of our house at 24 the Dress Circle, Henty) shows how highly visible these sea containers were and what an adverse impact they had on the amenity of our property.	

required.

	(Appendix ORD 12.2.3B)				
No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT		
			Variation to the policy provisions have been considered to allow for two (2) secontainers on site in lieu of one (subject to proper vegetation screening and maintenance of vegetation perpetuity.		
		In this regard, we strongly object to the current development application which will see the permanent placement of two sea containers on the property, very close to and in full view of our house. With reference to the Shire's Local Planning Policy Dev21 'Sea Containers' 4 SDev CP096 we note that: "On a lo	the submission. This can be conditioned for a colour to blend into the		
		zoned 'small holding' there must be an existing habitable dwelling on the lot and only one sea container will be supported"	The location of sea containers at a high		
		The Shire of Dardanup Sea Container policy also states in order to regulate the use of sea containers for storage within the Shire of Dardanup to ensure that the sea containers:	proper screening.		
		a) The sea container/s are located, screened and or colour treated to appear visually integrated with the surrounding area	The proposed sea container is to setback 10m from the south boundary which will meet the setback.		
		The sea containers are very large, in poor condition and painted bright red and maroon in colour. The sea containers are located on top of a steep hill (not on flat terrain) and so are visible from streets and properties on Gardincourt Drive and The Dress Circle which are situated on much lower ground than where the sea containers are situated.	have an impact to the amenity of the		

containers are situated.

	(Appendix OND 12.2.)					
No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT			
		b) The Sea container/s do not result in an adverse impact on amenity or streetscape. The proposed sea container placement on the amended building envelope will be located much too close to our boundary fence and will be in full view of our house and living areas, surrounding streets and homes. The sea containers remaining in the current position will adversely affect the enjoyment of our home and property (illustrated in the photograph on page 1), the rural/residential character of the area and our properties' amenity. Ironically, if the sea containers are placed in the position indicated on the current proposal, by the current owners of the land at 111 Gardincourt Drive, Henty, they won't be able to see their own sea containers from their house but we will clearly see them from our house. Please see aerial photo below which illustrates that the sea containers will be very close to and in full view of our house and property and nowhere near and not at all visible from the owner's residence at 111 Gardincourt Drive, Henty.	Noted on the hardstand. It is considered that whilst it impacts the vantage/overall height of the proposed sea container, subject to proper screening, this can be mitigated. Noted. Existing development has been considered in its context to the development application.			
		The sea containers will be located on an owner-built hardstand that is only metres from our northern boundary fence. The hardstand has raised the natural ground level by approximately 1.5 metres from the original ground level in parts and is looking over into our property. During 2014 the previous owners of 111 Gardincourt Drive applied for and received previous development approval from the Shire of Dardanup for the permanent placement of two sea containers on the property. The Council approved the storage of one of sea containers in the very large 200 metre square shed on the property and the other sea container stored between the shed and the house. We had no objection to the placement of	The speculation on items stored within a proposed outbuilding is outside of a planning consideration. However, it is considered that the use can be conditioned (i.e. not for habitable, commercial or industrial purposes).			

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
		the sea containers as approved by the Council as we could not see them at all from our property or house and the sea containers were not visible from any streets or surrounding properties.	
		Other Considerations The proposed position of the sea containers may represent a fire hazard as if used for residential storage if they are used to store lithium batteries, flammable liquids such as mower fuel, oil, petrol, diesel, paint thinners, kerosene, methylated spirits, insecticides and other flammable items generally kept in storage for the maintenance of small properties. If this is the case it would be better for the sea containers to be located well away from the properties' fire break and from our home and property.	
		Amend Building Envelope to Suit	
		We strongly <u>object</u> to modifying the existing building envelope by shifting the eastern portion southward to accommodate the permanent location of the sea containers. We request that the Shire of Dardanup do not approve the amendment of the building envelope in this way.	The restrictive covenant can be varied by the Scheme pursuant to Clause 4.9.1 and subject to Clause 4.9.2 of the Scheme.
		Prior to purchasing our block of land at 24 The Dress Circle, Henty in June 1995 we were advised by the local real estate agent - Barr & Standley Real Estate that there were restrictive covenants, building envelopes and small holdings requirements (Shire of Dardanup) in place in the Henty Brook Estate subdivision. The building envelopes in particular, serve to protect the privacy of each landowner and preserve the rural residential integrity of the area. We chose to purchase our block at 24 The Dress Circle because it was located in a quiet cul de sac and the adjoining blocks of land for sale were advertised as having building envelopes located within sufficient distance from the building envelope on our block to allow us sufficient distance from other houses	Consideration is given to whether such variation is not out of character or will not prejudice on the amenity of the locality, by reasons of appearance, design height, materials or finish of the building.
		and peace and quiet and privacy. During 2012, we were asked to submit comments on a development proposal lodged with The Shire of Dardanup by the previous owners of 111 Gardincourt Drive, Henty who applied to move their building envelope further to the North of the property. We had no objection to this as the building envelope was being moved further away from our building envelope which would, as the developer intended, protect our privacy, our quiet enjoyment of our property and also the rural residential character of the area.	It is noted that, upon amended plans, the Applicant has modified their current proposal and no longer requires the modification of the building envelope. Subsequently, the proposed sea containers will need to be considered as proposal outside of building envelope.
		We have no objection to the building envelope at 111 Gardincourt Drive remaining in its current position and the sea containers being moved to a suitable position on the current building envelope so that we cannot see the sea containers at all from our property, house or streetscape.	It is considered that the proposal is capable of meeting the requirements of Clause 3.14.1 (j) of LPS3, which includes:
		This section of Henty (Henty Brook Estate) is a 'high end' rural lifestyle market typically associated with above average quality housing with recent property prices in the Henty Brook Estate reaching the high \$2 millions and as high as \$2,750,000 which was the sale price of 55 Seaview Heights, Henty which sold in November 2024 and was the same sized block of land as ours. It is generally expected that quality housing will be built in the locality and so we consider it reasonable to conclude that our property value would be detrimentally affected whilst the neighbouring lot, 111 Gardincourt Drive is occupied with highly visible sea containers onsite and as a result creating a visual blight. The effect on value to our property at 24 The Dress Circle could be a reduction of value	

No	SUBMITTER	SUBMITTER COMMENT	OFFICER COMMENT
		in the order of 5% to 10%. The marketability of our property would also be reduced whilst the sea containers remain visible on the lot. Thank you for your consideration of our objections to this development application.	

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Development Application – Retrospective Two (2) Sea Containers Outside of Building Envelope- Lot 24 (111) Gardincourt, Henty

RISK THEME PROFILE:

Choose an item.

7 - Environment Management

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			DICK ACTION DIANI	AFTER TREATEMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING	RISK ACTION PLAN (Treatment or controls proposed)	CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category. Not Required - No Risk Identified No Risk N/A N/A N/A N/A		Not required.	Not required.	Not required.	Not required.		
FINANCIAL IMPACT	No risk event identified for this category. Not Required - No Risk Identified No Risk N/A		Not required.	Not required.	Not required.			
SERVICE INTERRUPTION	No risk event identified for this category. Not Required - No Risk Identified No Risk N/A		Not required.	Not required.	Not required.			
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	isk 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	If the development is approved without screening being in place to the south in perpetuity the sea containers may have an impact on the amneityof the adjoining neighbours	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Insignificant (1)	Unlikely (2)	Low (1 - 4)
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.



Planning Assessment for Development Approval – Delegated Retrospective Application for Two (2) Sea Containers Outside Building Envelope

Date of Assessment	24/3/2025
Property Address	Lot 24 (No. 111) Gardincourt Drive, Henty
Planning Officer	Lilian Yek (Altus Planning)
Application Complete	DATE OF ACKNOWLEDGEMENT LETTER

		Comments				
		•				
	Does the assessing or delegated	No				
	officer have a conflict of interest?					
	Have all landowners signed the form?					
	Application for marketing the iteration of					
	Application fee received and correct?					
	Referral to Internal Divisions done?	Yes				
	Referrar to internal projects done.	163				
	Lot size: 3.3629ha					
Cl.67(a)	The aims and provisions of this Scheme and any other local planning scheme operating within the					
CI.07(a)	Scheme area					
	PART II - Zones					
	TPS3 Zoning: Small Holding					
	Land Use classification in TPS3: Single House (Outbuildings – Sea Containers)					
	Description of proposal: Two (2) Sea Con	tainers with variation for development outside existing Building				
	Envelope					
	Permissibility:	P 🗆 Exempt D 🖾 D 🗆 A				
	Relevant Scheme Provisions: (delete					
	rows as necessary)					
	PART III – Control of Development and					
	Use					
	3.1 Division 1 – Development	It is noted that the site has a restrictive covenant which requires				
	Table	a building envelope. The proposal does not seek modification to				
	20m primary & secondary	the existing building envelope.				
	10m from rear and side					

		(Appendix ORD 12.2.3D)
		Comments
		The proposed sea containers are to be setback at a minimum of 10m from the southern (side) boundary and approximately 110m to the primary setback (Gardincourt Drive).
3.13	Division 4 – Non Urban Zones	(a) The proposal will not have an adverse impact on the economic viability of the existing use of the land. Furthermore, the proposed development are structures that are easily relocatable should the need arise.
		(b) Whilst sea containers are not encouraged within rural areas and generally do not align with the rural character or appearance, subject to the proposal being painted, sufficiently screened and properly maintained, the additional sea containers can be considered.
		(c) The proposal is unlikely to result in demand for additional infrastructure and services.
		(d) The proposed sea containers are setback approximately 110m from the primary street (Gardincourt Drive) with thick vegetation acing as a visual buffer from the street. It is not likely to have any impact for the streetscape.
3.14	Small Holding Zones	(a) No native vegetation is proposed to be removed, however if the building envelope was to be modified, as initially proposed, then there would be grounds for the Applicant to clear excessive vegetation. Determining the sea containers as development outside of the building envelope is therefore the preference to preserve existing vegetation.
		(e) The proposed sea containers are to be painted in green or blue. It is considered that the colour blue would not blend with the natural landscape and green is therefore preferred.
		(j) The site has an existing building envelope which exists as part of the restrictive covenant on the title. Clause 4.9.1 gave rise to the modification to a restrictive covenant which then allows for the consideration of outbuildings outside of building envelope as per Clause 3.14.1 (j). This is contingent on that it does not result in further clearing of land, is consistent with the objectives of the zone and does not result in reduction in amenity.
		In consideration of the above, no clearing of land is proposed as part of this application. The objective of the zone is:
		To provide for residential development within a rural settling, where the predominant land use is residential.
		The proposed use is considered to be incidental to the existing residential use (single dwelling) on site, therefore, consistent

	(Appendix ORD 12.2.3D)
	Comments
	with the objectives of the zone. A condition is recommended to limit other uses that will be inconsistent with the intended use.
	Given the setback of sea containers (approx. 110m from the street frontage), it is unlikely to cause an amenity impact to the streetscape.
	However, consideration has been given to the adjoining southern neighbour who could potentially be impacted by the presence of two (2) sea containers. Whilst it is noted that the Applicant provided justification by the presence of existing vegetation, an aerial imagery indicates that they can be quite sparse. A condition is therefore recommended to sufficient vegetation screening be provided and maintained in perpetuity as long as the development is on site.
	(k) The proposed development is of two (2) sea containers which are to be repainted green or blue. It is considered that the colour blue would not blend with the natural landscape and green is therefore preferred. A condition for the repainting is recommended.
	(I) Maintenance of the lot can be conditioned.
PART IV – Miscellaneous	
4.8 General Appearance of Buildings	The sea containers do not match the style with rural outbuildings. However, it is considered that existing and additional revegetation can be utilised to screen the sea containers. A condition is recommended that no clearing is allowed without approval from the Shire and that vegetation has to be sufficient to fully screen the proposed development on site.
	A condition is also recommended for the sea container to be maintained to a standard that does not impact the amenity of the locality.
4.9 Restrictive Covenants	There is an existing restrictive covenant on the title for building envelope onsite. The proposal is for variation to the requirement to allow for development outside of building envelope.
	Subject to clause 3.14 (j) as discussed above, the proposal can be considered outside of the building envelope.
PART V – Preservation and Conservation of Places of Natural Beauty and Historic Buildings and Objects of Historical or Scientific Interest	
5.2 Division 2 – Landscape Protection Areas	The property is within the mapped Landscape Protection Areas and planning approval is required for any development on the land, including the permanent placement of sea containers.

Comments

Clause 5.2.3 when considering an application in the LPA, the Council should have regard to the following:

- (a) It is noted that LPAs are considered to be areas of significant landscape beauty and therefore a higher level of amenity is expected.
- (b) Proposed development should not be permitted in visually exposed areas. The existing building envelope is located on the highest point of the property's topography.

Given this and consistent with the assessment previously, it is considered that sufficient vegetation screening has to be provided and maintained in perpetuity.

Vegetation screening to the southern neighbour is recommended which has the closest proximity to the proposed development.



- (c) The proposed sea containers are located approximately 110m from the primary street with vegetation screening.
- (d) Whilst the proposed development is not considered to be farm outbuildings, it is a type of outbuilding for all intents and purposes of its use. It is therefore preferred if they are to be clustered within the existing development.

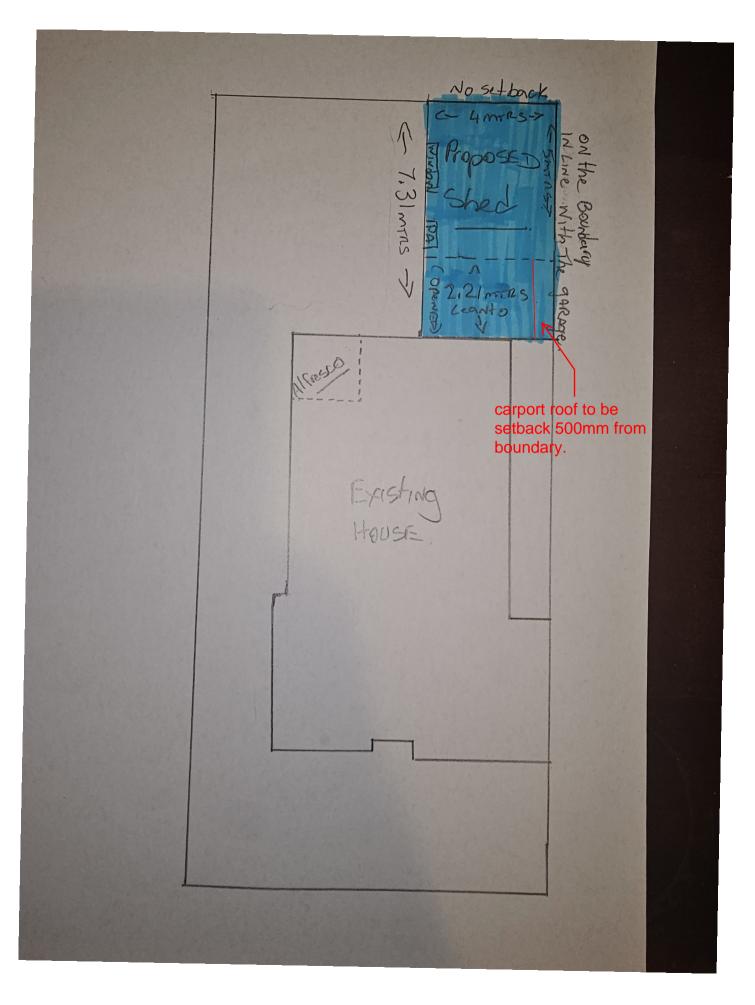
However, in this instance, it is considered that should there be appropriate screening and setbacks, the proposal can be considered due to its relatively minor bulk and scale. Furthermore, the proposed sea containers are relocatable where required.

		(Appendix ORD 12.2.3D)					
		Comments					
	Building Envelope/Building Exclusion	Yes					
	Area						
	If yes does it comply?	Variation is sought.					
	Appendix VIII – Additional						
	Requirements – Small Holding Zones						
	Area 4 – Henty Brook Estate	Most of the provisions relate to subdivision. N/A					
Cl.67(b)	The requirements of orderly and proper	r planning including:					
	 proposed local planning scheme that has been 	Draft LPS9 provides specific provisions for building envelopes.					
	advertised under P&D Regs	Clause 15 indicates that all development, including outbuildings					
	2015	will need to be located within an approved building envelope,					
		with some exception.					
		It is considered that the proposed sea containers (outbuildings)					
		will not fall under such exception. Due regard is being given to					
		the draft scheme, where clustering of existing an proposed					
		development is preferred.					
		development is preferred.					
		However, having considered the scale of the proposal, it is					
		considered that the variation can be considered subject to					
		sufficient screening.					
Cl.67(c)	Any approved State planning policy: (de	elete rows as necessary)					
	SPP 3.7 - Planning in bushfire prone						
	<u>areas</u>						
	Relevant exemption under	Yes. Proposed development is of non-habitable use.					
	SPP3.7?If not exempted, has a BAL	N/A					
	been received?	N/A					
	Is a BMP required?	No					
	Has a BMP been received?	N/A					
	DFES referral:	N/A					
	DFES response:	N/A					
Cl.67(g)	Any local planning policy for the Schem	e area: 2020 Council Policy Manual (delete rows as necessary)					
	SDev CP096 - Sea Containers	The intention of the policy is to regulate the use of sea					
		containers within the Shire.					
		Development approval is required for sea containers. The					
		proposed containers are ancillary to the existing single house on					
		site and is not located within any setback area.					
		A condition can be included to ensure that the sea containers are					
		not to be used for human habitation or any other use including					
		commercial or industrial except for storage of personal items.					

		(Appendix OND 12.2.00)
		Comments
		The sea containers are to be completely screened from view from roads and adjoining properties. A condition of approval is recommended to ensure sufficient vegetation screening. Vegetation of various sizes are to be included a minimum of 2m deep and planted within 3 months of development approval, and
		Two (2) sea containers are proposed in lieu of the limitation of one (1) sea container within the small holding zone.
		 Any application for sea containers will need to include: Location of any vegetation screening – this was not included in the current site plan. No plans of the sea container are provided.
		Whilst the policy is worded to ensure that the requirements are followed, policies are considered documents to be given due regard only. Variation to the policy can be considered, however, only in the context where it aligns with the objectives of the zone and does not impact the amenity of the locality.
		Given the above, it is considered that the application for 2 sea containers can be supported subject to it being properly screened and maintained.
Cl.67(m)	The compatibility of the development with its setting, including —	
	the compatibility of the development with the desired future character of its setting; and	Subject to the proposed sea containers being properly screened and maintained, it is considered that the development is acceptable in its locality.
	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;	Given the setback of approximately 10m and building bulk, it is unlikely to impact on the adjoining land. Vegetation screening however, is recommended to be maintained in perpetuity. Whilst the sea containers are not of a typical occurrence within the locality, it is considered that should it be sufficiently screened, it should have limited impact to its setting. Furthermore, the proposed sea containers are only at 2.5m high.
Cl.67(n)	The amenity of the locality including the following — (i)environmental impacts of the development; (ii) the character of the locality; (iii)social impacts of the development;	No clearing of land is proposed and unlikely to have any environmental impact. There is also no foreseen social impact from the development. The character of the locality can be maintained subject to proper vegetation screening.
Cl.67(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	There is no likely impact from the development on the natural environment or water resources.

			(Appendix ORD 12.2.3D)		
			Comments		
	impacts on the natural environment or				
	the water resource;				
Cl.67(p)	Whether adequate provision has been	Conditio	n to be included that no clearing of land is allowed as		
	made for the landscaping of the land	part of th	nis approval.		
	to which the application relates and				
	whether any trees or other vegetation				
-1 ()	on the land should be preserved;				
Cl.67(w)	The history of the site where the	Existing	Single House and Outbuildings		
	development is to be located; Previous approvals:				
Cl.67(y)	Any submissions received on the	Yes			
C1.07(y)	application (number):	163			
	Advertising: Not complex				
	Newspaper Notice		N/A		
	Due Date: Click or tap to enter a date.				
	·		N/A		
	Website Notice		N/A		
	Due Date: Click or tap to enter a date.				
	Sign on Site		N/A		
	Due Date: Click or tap to enter a date.				
	Postal notices (200m radius/500m radius	<mark>s)</mark>			
	Due Date: 21/03/2025				
	Any objections received on the	Tv	vo (2) submissions received. One objection raised.		
	application (number):				
	Issues raised:		esponse:		
	Historical compliance issue	It is noted that the timeline stated is prior to the current			
	(unapproved placement of sea containers).	ownership.			
	Concern with amenity impact and	It is considered that if properly screened, the sea containers will			
	reduced enjoyment of property.	not present itself to be detrimental. However, no such measures			
	reduced enjoyment of property.	,	are proposed by the Applicant.		
		are prop	osed by the Applicant.		
		Conditio	Condition recommended.		
	Concern with colour and visibility of	As per above.			
	sea container, due to the location	V2 her ar	Jove.		
	being on a higher topography				
	Alleged sea container on raised	As per above.			
	hardstand.				
	Existing sea container approved on site	Not a consideration as it was approved previously. The			
		cumulati	cumulative impact can be considered on the other hand but in		
		this insta	ance, given that it is shielded in another roof (i.e. will		
			o have a different built form), it is unlikely to present		
			enity impact.		
	Storage of flammable or dangerous	Whilst th	nere is no specific capacity to limit the types of items		
	items		aced in storage, the proposed use can be conditioned to		
			personal use (i.e, not industrial).		
	Reduced property value		lid planning consideration.		
	readeca property value	1 val	na pianiming considerationi		

INTERNAL DEPARTI	MENT COMMENTS	PLANNING OFFICER COMMENT							
DEPT.	OFFICER	COMMENTS/CONDITIONS							
BUILDING	Peter Jackson 25/02/2025	No comment	Noted.						
ENGINEERING	Andrew Coulson 27/02/2025	No comment, but declare applicant is known to me on a personal level.	Noted.						
HEALTH	Caitlyn Roberts 27/02/2025	Health no comment.	Noted.						
ENVIRONMENTAL SERVICES	Eliza-Jane Jacques 04/03/2025	Veg 1	Noted. Condition required.						
PLANNING OFFICER	RESPONSE AND RECOMN	MENDATION (Letter and notic	e attached)						
Summary of Officer Assessment: The proposed development is for the modification of the existing building envelope and two (2) sea containers. The subject site has an existing development including a 'Single Dwelling', outbuilding and two (2) water tanks. The proposed sea container is to be located outside of the building envelope with a setback of approximately 10m from the southern boundary, which warranted the modification to building envelope. Considering the context of the site, and the scale of the proposed development, it is considered that subject to conditions, the sea container can be considered in its location given that it meets all setback requirements.									
Recommendation: 🗵 Approval 🗆 Refusal									





2512

All Dimensions shown are measured from outside of frame (including purlins and girts). Dimensions shown are for illustrative page 12.2.44 used for assembly. Please refer to the relevant installation guides or detailed drawings provided for site preparation, portal frame layout and slab dimensions.

Please refer to current Stratco Gable Homeshed certification referenced 50098 by FYFE Pty Ltd for 15° Homeshed range or certification referenced 2011-628 by RSA for 10° Homeshed range. Certifications are applicable to standard shed designs only.

*Please note Header Beam Height shown is an approximation only and does not represent final Daylight Opening Height (DLOH) of the Roller Door.

Elevations

Job Reference Sales Person Client Name

Left Elevation

Mr Leon Woods Troy Hunt

Site Address

10 mcRae Lane Millbridge

2512

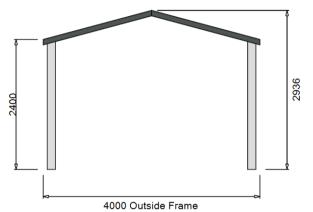
Design Number Date

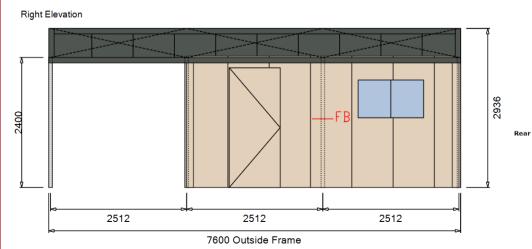
SQ322922 21/10/2024 **Customer Signature**

2512 7600 Outside Frame

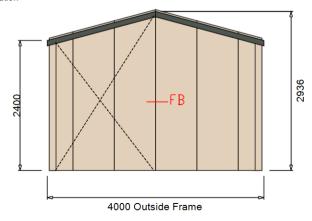
Front External Elevation

Front





Rear External Elevation

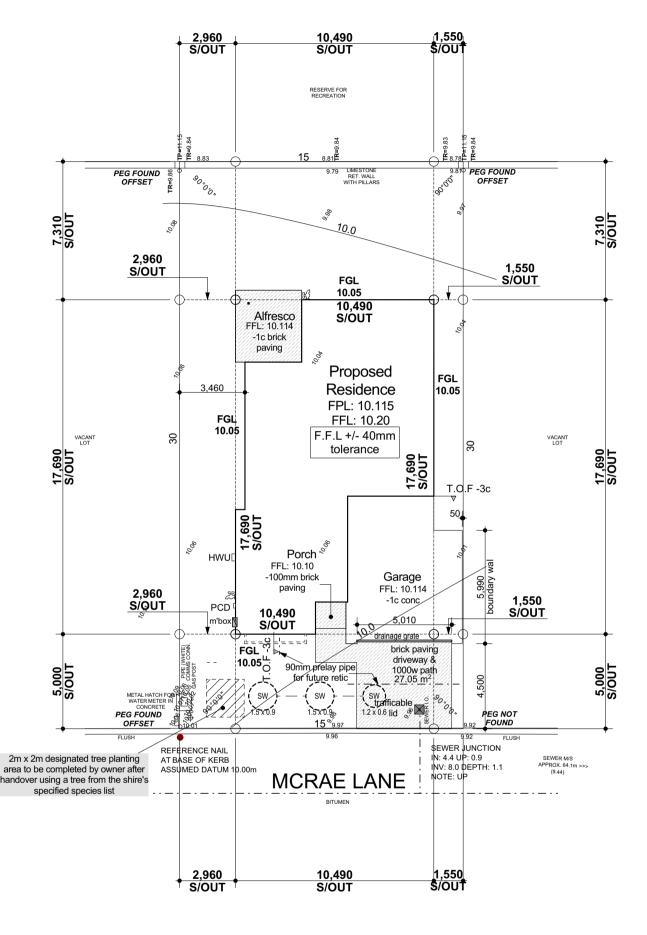






Zero Damage - Zero Harm





Stormwater Calculations									
Impervious Area		Calc'd Storage	Soakwell Design Volume	with grate	Qty	Total vol' provided			
Roof Area	209.3m ²	1m³/65m²	Ø1500x900d (1.58m³)	N	2				
Driveway Area 27.0m²		11117/00111	Ø1200x600d (0.67m³)	N	1	3.83m³			
Total Area	236.3m ²	3.63m ³							

Site Cover / Open Space

Zoning: R30 Min total % of site: 45% Site Lot Area: 450m² **Building Area:** 180.9m² **Open Space Provided:** 59.8%

Street Setback Impervious Area

Max total % of Front Setback. 50% Front Setback Area: 60.0m² Impervious Area: 21.2m² Impervious Area Percentage: 35%

⚠ NOTE: RESTRICTIVE COVENANT. REFER TO SEC 136D T.L.A. 1893 SEE DOCUMENT P269067 BUILDING CONTROLS

LOT MISCLOSE 0.000 m

▲ DISCLAIMER:

Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property

DISCLAIMER: Survey does not include verification of cadastral

boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment
Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

DISCLAIMER: Survey shows visible features only and will not

show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

ÆDISCLAIMER:

Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

Site Plan - Proposed

87-89 Guthrie Street Osborne Park, WA 6017

PO Box 1611 Business Centre WA 6917

P: (08) 9446 7361 E: perth@cottage.com.au W: www.cottage.com.au

JOB# 558799 **CLIENT**

Mr. T. R. Hunt **ADDRESS** #10 Mcrae Lane Millbridge **SUBURB** LGA

SHIRE OF DARDANUP J. Genovese

LOT Lot 2 (DP 423808) 450m² **VOL.** 4024 **FOL.** 915 AREA DATE SSA No 03 Nov 23

ORDER# 24950

GPS Lat: -33.307429 Long: 115.738248

KERBS Flush **FOOTPATH** Nil Sand DRAINAGE Good

VEGETATION Light Grass Cover

Bitumen

ROADS

ELEC. U/Ground COMMS. Yes WATER Yes GAS Yes SEWER Yes COASTAL No (Approximate Only Confirm With Shire)

CLIENT: **SHEET**:9 of 9 CLIENT BUILDER: The copyright of this design is the sole property of ABN Residential WAPty. Ltd. and there is no implied licence for its use for any purpose. BC 5409

AMENDMENTS:

2/02/2024 TDB 22/02/2024 Eng's Cert TDB

DRAWN

CLIENT: Mr. Troy R. Hunt

ADDRESS: JOB NUMBER: Lot 2 Mcrae Lane, 24950 **MILLBRIDGE**



(Appendix ORD: 12.2.4B)

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Development Application – Outbuilding -Lot 2 (10) Mcrae Lane, Millbridge

RISK THEME PROFILE:

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

Choose an item.

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE		PRIOR TO T	REATMENT OR	CONTROL	RISK ACTION PLAN	AFTER TREATEMENT OR CONTROL		
CATEGORY	RISK EVENT	CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING	(Treatment or controls proposed)	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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	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	If Council refuses the application and a review is lodged with the State Administrative Tribunal, reasons for the refusal based on sound planning principles must be provided.	Minor (2)	Possible (3)	Low (1 - 4)	Not required.	Insignificant (1)	Unlikely (2)	Low (1 - 4)
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.







Residential Design Codes

Volume 1 2024

PART BASSESSMENT TEMPLATE

Quick reference:

Part B applies to all single houses R40 and below, grouped dwellings R25 and below, and multiple dwellings in areas coded R10-R25



R-CODES VOLUME 1, PART B - ASSESSMENT TEMPLATE

April 2024

General						
Local government:	Shire of Dardanup					
Assessing officer:	Trent Bulman					
Development description: Varying LDP requirement for a 3m setback						
Reference number:	DAP-F0410291					

Property Details	
Address:	Lot 2 10 MCRAE LANE MILLBRIDGE 6232
Lot Area:	450m²
Title Information: (lot type and easements)	

Planning Framework	
Region Scheme Zoning:	
Local Planning Scheme zoning/R-code:	Residential Development Area
Land Use permissibility:	Permitted
Special Control area:	N/A
Structure Plan Area:	Garden-of-Eaton-Structure-Plan-Map.pdf
Local Development Plan Area:	S:\Plans Maps\MillBridge\MillBridge Lot 2054\Planning\LDP\LDP rev 20220609 Model (1)
Local Planning Policies:	CP091 exempted development policy
Development Contributions:	N/A
Planning Control Area:	N/A
Referrals required: (Main Roads, WAPC, Heritage etc)	N/A

Site inspection	
Date of Site Inspection:	10/2/2025
Verge Infrastructure: (lighting, Power, water, side entry pit etc)	
Street Trees:	N/A
Summary of site inspection findings:	Eastern Fence, which divides lot 2 and lot 3 Mcrea Lane was found in great condition, which sloped from the northern boundary intersection starting at 1.43m high grading to 1.93m high over the span of 2m. Open style fencing compliant with the LDP requirements.
Photos:	Photo located looking at shed from outdoor living space.



Photo from window looking at POS



View from neighbouring side (Lot 3)



PART D - LAND

1.1 SITE AREA

	DEEMED-TO-COMPLY		NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C1.1.1	Average & Minimum site area in accordance with Table D			×				N/A to the application
C1.1.2	Minimum site area calculated as required for a single house or grouped dwelling			×				N/A to the application
C1.1.3	Corner Truncation to a public street, up to a maximum of 20m2 to be added			×				N/A to the application
	Battle-axe access leg no more than 20% of required site area in Table D			\boxtimes				N/A to the application
	Variation approved by the WAPC			\boxtimes				N/A to the application
C1.1.4	Existing lot with permanent legal access to a public road			×				N/A to the application
C1.1.5 R25 &	Reduced by up to one third for an aged or dependent persons' dwelling or a single bedroom dwelling.			×				N/A to the application
below								N/A to the application
C1.1.6	Reduced by up to 35% for an accessible dwelling to gold level universal design or a small dwelling			×				N/A to the application
R30 -	Site not less than 100m2			X				N/A to the application
R40 only	Where 4 or more dwellings or sites proposed, reduction applied to a maximum 50% of total lots			X				N/A to the application
								N/A to the application
C1.1.7	R50 and above only			×				N/A to the application
C1.1.8	Multiple dwellings R30 to R60 only							N/A to the application

5.1 CONTEXT

5.1.2 STREET SETBACK

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Primary Street Setbacks in accordance with Table B			\boxtimes				N/A to the application
C2.1	50% reduction averaged with compensating area			\boxtimes				
	2.5m setback to communal street, secondary street or right of way, 1.5m to a porch, balcony, verandah			×				
C2.2	Secondary Street Setbacks in accordance with Table B			×				N/A to the application
C2.3	Corner Truncation Setbacks in accordance with Table B			\boxtimes				N/A to the application
C2.4	Porches, Verandahs and Balconies may project forward of the primary street setback line up to half the required primary street setback.			×				N/A to the application

5.1.3 LOT BOUNDARY SETBACK

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Buildings set back from lot boundaries in accordance with Table B and Tables 2a and 2b			×				
	Carports, patios, verandahs reduced to nil to the posts where maximum 10m long, maximum 2.7m high and located behind the street setback			×				
C3.1	Unenclosed outdoor living areas 0.5m above natural ground setback as 2.4m high wall			X				N/A to the application
	Minor projections not more than 0.75m into setback			\boxtimes				
	Reduced by half the width of adjoining right-of-way, pedestrian access way, communal street or battleaxe access leg, to a maximum reduction of 2m			×				
	BOUNDARY WALLS							
	Boundary walls, up to two site boundaries,			\boxtimes				
C3.2	abutting existing boundary wall of similar/greater dimension							
	Behind the street setback line							
C3.3	Length and height of boundary wall determined by reference to the lower density of two adjoining lots.			×				
C3.4	Where a boundary wall located immediately above a concurrently proposed retaining wall, wall height is to include the height of the retaining wall.			×				

Setback calculation table

Boundary	Wall/Section description	Major Opening	Length	Height	Setback Required	Setback Provided	Compliance
North, South, East, West		□ Yes □ No	m	m	m	m	☐ Yes ☐ No
North, South, East, West		□ Yes □ No	m	m	m	m	☐ Yes ☐ No
North, South, East, West		☐ Yes ☐ No	m	m	m	m	□ Yes □ No
North, South, East, West		☐ Yes ☐ No	m	m	m	m	☐ Yes ☐ No

5.1.4 OPEN SPACE

DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C4 Open space provided in accordance with Table B (The site area for a grouped dwelling includes the area allocated for the exclusive use of that dwelling and the proportionate share of common property.)	×			50% site 450m² 225m² of structures	180.9m² dwlling 20m² enclosed shed 55% open space		complies

5.1.5 COMMUNAL OPEN SPACE (Grouped Dwellings Only)

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C5	Required open space for a grouped dwelling with direct physical access to the communal open space may be reduced by up to 20 per cent. i. the aggregate of deducted area does not exceed the area of communal open space; and ii. the outdoor living area for any dwelling is not reduced in area.			⊠				N/A to this application

5.1.6 BUILDING HEIGHT

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C6	Building height in accordance with Table 3	×			CP091 varies the shed height to be 3m with a wall height of 4.2m	2.4m wall shed height Ridge height of 2.936m		Complies with CP091

5.2 STREETSCAPE

5.2.1 SETBACK OF CARPORTS AND GARAGES

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C1.1	Garages set back 4.5m from the primary street or at least 0.5m behind the dwelling alignment			×				N/A to this application
	3m where parallel to the street			×				
	Carports set back in accordance with Table B or,							
	Reduced by up to 50 per cent where:							N/A to this application
C1.2	width does not exceed 60% of lot frontage			\boxtimes				
	allows unobstructed view between the dwelling and the street							
	is compatible in materials and roof pitch							
C1.3	Garages and carports setback from a communal street or right-of-way with manoeuvring space of at least 6m permanently available			×				N/A to this application
C1.4	Setback 1.5m from a secondary street.			\boxtimes				N/A to this application

5.2.2 GARAGE WIDTH

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C	Maximum garage width no more than 50 per cent of the lot frontage. Increased up to 60 per cent where an upper floor or balcony extends for more than half the garage width.			×				N/A to this application

5.2.3 STREET SURVEILANCE

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C3.1	Clearly definable entry points visible and accessible from the street			\boxtimes				N/A to this application
C3.2	At least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling			×				N/A to this application
C3.3	At least one major opening from a habitable room of the dwelling faces the approach of the dwelling battleaxe lots or lots with internal/common property driveway access.			×				N/A to this application

5.2.4 STREET WALLS AND FENCES

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C4.1	Fencing (excluding pillars) within front setback visually permeable above 1.2m (Figure 12)			\boxtimes				N/A to this application
C4.2	Front fences Maximum solid pillar height of 1.8m, Maximum pillar dimensions 400mm by 400mm			×				N/A to this application

5.2.5 SIGHTLINES

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin those outlined in C5 i – iii			×				N/A to this application

5.2.6 APPEARANCE OF RETAINED DWELLING

DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
Appearance of retained dwelling upgraded to similar maintenance standard of new development.			\boxtimes				N/A to this application

5.3 SITE PLANNING AND DESIGN

5.3.1 OUTDOOR LIVING AREAS

DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY	PROVIDED	DESIGN PRINCIPLE	COMMENTS / CONDITION OF
DELINED TO COM ET			14/74	REQUIREMENT	TROTIBLE	(IF APPLIED)	APPROVAL

	Outdoor living area to be provided in accordance with Table B				N/A to this application
	Behind front setback line				
C1.1	Accessible from primary living space		⊠		
	Minimum dimension 4m either direction				
	Two thirds of the required area without permanent roof cover				
	Multiple dwelling balcony Minimum 10m2,				N/A to this application
C1.2	Minimum dimension 2.4m		⊠		
	Opening directly from primary living space				

5.3.2 LANDSCAPING

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	caping of Grouped dwelling and multiple dwelling commound open spaces;	on prop	erty and	i				N/A to this application
А3	Landscaping plan required for Multiple dwelling or grouped dwellings (10 or more) or mixed proposals			×				
	Street setback area without car-parking (except visitor bays)							
	Pedestrian access (wheelchair accessible) connecting ground floor entries with public footpath and car parking areas	ath						
	One tree for every four uncovered car bays (rounded to the nearest whole number)							
60.4	Lighting to pathways, communal open space and parking			- ⊠ -			- - -	
C2.1	Bin areas conveniently located and screened							
	Trees <3m in height retained in communal open space							
	Adequate sightlines for pedestrians and vehicles							
	Line of sight between communal open space and at least two major openings							
	clothes drying areas which are secure and screened from view							
	Single houses, grouped and multiple dwellings; Minimum number of trees							N/A to this application
C2.2	2m x 2m tree planting area per tree, free of impervious surfaces and roof cover				_			
	Landscaping of Street Setback area not more than 50% impervious surface							

5.3.3 PARKING

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C3.1	Resident parking bays as per table			×				N/A to this application
C3.2	Visitor parking bays as per relevant table			\boxtimes				N/A to this application

5.3.4 DESIGN OF CAR PARKING SPACES

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C4.1	Car space and manoeuvring area as per AS 2890.1			×				N/A to this application
	Visitor parking marked and signposted			×				N/A to this application
C4.2	Visible to development entrance and located outside security barrier			×				
	With an accessible path of travel for people with disabilities			X				
C4.3	Landscaping provided between each six consecutive bays			×				N/A to this application

5.3.5 VEHICULAR ACCESS

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Access from communal street or right-of-way							N/A to this application
C5.1	Access from secondary street where above N/A							
	Access from primary street where above N/A			×				
C5.2	Driveways serving four dwellings or less not narrower than 3m at the street boundary			×				N/A to this application
C5.2	Maximum driveway width of 6m and 9m aggregate driveway per property							
	Driveway's setback of 0.5m from side lot boundary							N/A to this application
	No closer than 6m to a street corner							
C5.3	Aligned at right angle to the street							
	Avoids street trees							
	Adequately paved and drained							
	Driveway design for two-way access and for vehicles to enter the street in a forward gear where;			×				N/A to this application
C5.4	Driveway serves five or more dwellings			⊠				
	Distance from a car space to the street 15m or more			×				
	The street a primary distributor or integrator arterial							
C5.5	Driveways for grouped dwellings (five or more) Minimum width of 4m			\boxtimes				N/A to this application
55.5	Designed for two-way access			\boxtimes				N/A to this application
C5.6	Driveways where retaining an existing dwelling and servicing a grouped dwelling, minimum width 3m							N/A to this application
C5.7	Driveways for 20 or more grouped dwellings, minimum width 12m.							N/A to this application

5.3.6 PEDESTRIAN ACCESS

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C6.1	Separate path (to a minimum width of 1.2m) where communal street serves more than 10 dwellings							N/A to this application
	Communal street serving more than two dwellings to be provided with clear sight lines							N/A to this application
C6.2	Adequate lighting							
	Paving surfaces to slow traffic							
C6.3	A communal street or pedestrian path is no closer than 2.5m to any wall with a major opening unless privacy screening is provided.							N/A to this application

5.3.7 SITE WORKS

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C7.1	Site works and retaining walls between the street boundary and the street setback are to be 0.5m in height or less except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.			×				N/A to this application
C7.2	Site works and retaining walls behind front setback line, setback in accordance with Table 4			\boxtimes				N/A to this application

CLAUSE 5.3.8 RETAINING WALLS – Deleted by amendment dated 02/07/2021

5.3.9 STORMWATER MANAGEMENT

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C9.1	Stormwater contained on site	×			Contained on site			Complies as stormwater to be contained on property.

5.4 BUILDING DESIGN

5.4.1 VISUAL PRIVACY

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
Habitable spaces 0.5m or more above natural ground level setback in accordance with the table. (Reference lower density code where the subject site and affected adjoining site have different R-Code)								N/A to this application
C1.1	Bedrooms and studies							
	Other indoor habitable rooms							
	Outdoor active habitable spaces			×				
C1.2	Screening devices at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property			×				N/A to this application

5.4.2 SOLAR ACCESS

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Maximum overshadowing on adjoining properties;				25% 450m²	House 50m ² Shed 18.07m ² Total 68.07m ²		Complies.
60.4	coded R25 and lower – 25 per cent of the site area;	\boxtimes			Allowed 112.5m³ of overshadowing.			
C2.1	coded R30 to R40 – 35 per cent of the site area					10101 00.07111		
	coded higher than R40 – 50 per cent of the site area.							
C2.2	Shading to a southern adjoining lot reduced proportionate to the percentage of the affected property's northern boundary the development abuts							

5.4.3 OUTBUILDINGS

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	no more than one outbuilding per dwelling site							
	no more than two boundary walls;							
	does not exceed 10m2 in area							
C3A	Maximum wall height 2.7m			\boxtimes				
	not located within the primary or secondary street setback area; and							
	does not reduce open space and outdoor living area requirements in Table B.							
	Individually or collectively no more than 60m2 or 10 percent of the site area, whichever is the lesser,	X			45m² outbuilding max size.	2.4m wall height 2.936m ridge height.		Complies.
	setback in accordance with Table 2a	X			Max 2.4m wall height.	20m² outbuilding size.		
	Maximum wall height of 2.4m	X			Max 4.2m ridge height.			
C3B	Maximum ridge height of 4.2m	\boxtimes						
	not located within the primary or secondary street setback area; and	×						
	does not reduce open space and outdoor living area requirements in Table B.	×						

5.4.4 EXTERNAL FIXTURES, UTILITIES AND FACILITIES

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C4.1	Solar collectors proposed			\boxtimes				N/A to this application
C4.2	Television aerials, essential plumbing and down pipes permitted			×				

	Other external utilities/fixtures not visible from the primary street		\boxtimes		
C4.3	Designed to integrate with the building				N/A to this application
	Located so as not to be visually obtrusive				
C4.4	Antennas, satellite dishes and the like not visible from the primary and secondary street				
C4.5	Min 4m2 enclosed lockable storeroom for each grouped dwelling with a minimum dimension of 1.5m or 1m when provided within a garage		×		
C4.6	Communal bin store area provided if necessary				
C4.7	Clothes drying areas screened from street				

5.5 SPECIAL PURPOSE DWELLING

5.5.1 ANCILLARY DWELLINGS

DEEMED-TO-COMPLY		YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Maximum internal floor area of 70m2			×				N/A to this application
	Parking provided in accordance with 5.3.3 C3.1							
C1	Located behind the street setback line			×			1	
	Does not preclude single house from meeting open space and OLA requirements			×				
	Compliance with the R-Codes with the exception of site area, street surveillance and outdoor living areas			×				

5.5.2 AGED AND DEPENDANT PERSONS DWELLINGS - R25 and below

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Maximum internal floor area of 100m2, or 80m2 for multiple dwellings			\boxtimes				N/A to this application
	Minimum of five dwellings in the development			\boxtimes				
C2.1	Visitor's car parking spaces at the rate of one per four dwellings, with a minimum of one space			×				
G2.1	The first visitor's car space is wheelchair accessible in accordance with AS4299			\boxtimes				
	Outdoor living area in accordance with Table B, but may be reduced by one-third;			\boxtimes]	
	Complies with all other provisions of the R-codes							
C2.2	Continuous path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299			×				N/A to this application
	Level entry to the front entry door, and preferably all external doors having level entries							
	all external and internal doors to provide a minimum 820mm clear opening							N/A to this application
	internal corridors a minimum 1,000mm wide, increased to 1,200mm where openings on side walls							
C2.3	A visitable toilet (AS4299, clause 1.4.12), preferably located within a bathroom; and			×				
	toilet and toilet approach doors have a minimum 250mm nib wall on door handle side of the door and provision for grab rails in accordance with AS4299,			×				
C2.4	Section 70A notification on the certificate title requiring occupancy restriction to be maintained.							N/A to this application

5.5.3 SINGLE BEDROOM DWELLINGS - R25 and below

	DEEMED-TO-COMPLY		YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
		Maximum internal floor area of 70m2							N/A to this application
		Open space and landscaping in accordance with the requirements of clause 5.1.4 and 5.3.2			×				
(23	parking provided in accordance with clause 5.3.3 C3.1 and C3.2			×				
		Outdoor living area in accordance with Table B, but may be reduced by one-third;							
		Complies with all other provisions of the R-Codes			\boxtimes				

5.5.4 ACCESSIBLE DWELLINGS - R30 to R40

DEEMED-TO-COMPLY		YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
C4	Designed and constructed in accordance with the gold level universal design requirements of A4 Universal design requirements, or are certified Liveable Housing Australia to a minimum gold level of performance; and			×				N/A to this application
	Maximum internal floor area of 110m2							
	Complies with all other provisions of the R-codes							

5.5.5 SMALL DWELLINGS - R30 and above

	DEEMED-TO-COMPLY	YES	NO	N/A	DEEMED-TO-COMPLY REQUIREMENT	PROVIDED	DESIGN PRINCIPLE (IF APPLIED)	COMMENTS / CONDITION OF APPROVAL
	Maximum internal floor area of 70m2			×				N/A to this application
C5	parking provided in accordance with the table in 5.3.3 Parking C3.1; and			×				
	Complies with all other provisions of the R-Codes							

CONSULTATION

CONSULTATION						
ADVERTISING AND NEIGHBO	UR CONSULTATION					
Advertising Required?	⊠ Yes □ No					
Reasons for advertising?	SDev CP0505 - Public Consultation	– Planning M	atters			
Justification if not required:						
Start Date	2/12/2024	Finish Date	16/12/2024			
Were any submissions received?	⊠ Yes □ No					
	Summary of Submission		Officer Response			
Name: Address:	 Our common fence Lot 2 / Lot 3 is provided by the developer and will be erected soon. Will the fence be erected between the proposed shed and my property, or is their shed wall in fact part of the boundary fencing Will the colour of the shed be the same colour as the fence provided by the developer? In my land purchase contract, the colour states Dulux Colorbond® Harvest® (or equivalent). How high is the proposed shed? Will the proposed shed block our view of the park area from our backyard? I'm guessing the 'minimum setback' rule was put in place for a reason:what is the reason? Is it normal for this rule to be broken for the purposes of a shed? 		Address concerns with owner, stated that his main concern was the Shed would form part of the fence. Now that the fence has been erected his not worried about the shed location.			
ADVERTISING AND NEIGHBO						
Advertising Required?	⊠ Yes □ No					
Reasons for advertising?	SDev CP0505 - Public Consultation	– Planning M	atters			
Justification if not required:	6/2/2025	F	40/0/2025 4			
Start Date	6/3/2025 ☐ Yes ☒ No	Finish Date	19/3/2025 4pm			
Were any submissions received?						
	Summary of Submission		Officer Response			
Name: Address:			didn't provide a secondary response after sending the re-advertising to him for further comments. I called on 26/3/2025 @ 11:37am, to ensure if he had any submissions that we can still act upon. He noted that his concerns are not relevant as the fence has been erected, and that the shed will not impact replacing of this. also stated that the sheds new location helps with privacy to his outdoor entertaining space and doesn't impact his view of the POS.			

FURTHER COMMENTS AND RECOMMENDATION

CLAUSE 67 OF PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

It is considered that the matters listed within Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 have been adequately address through the assessment of this application against the applicable Scheme and LPP requirements in the report above.

OFFICER RECOMMENDATION

Summary of Officer Assessment:

The shire of Dardanup will support the location of the shed positioned with a north/south orientation and located on the eastern boundary, as per the Re-advertised Plans.

The Shed complies with all r-codes requirements, however doesn't met the setback & surveillance requirements of the Local Development Plan. The LDP states "Outbuilding are located such that the view from major openings to habitable rooms of dwellings overlooking the public open space is not obstructed." & "All building on lots 1,2,3,4,5 and 6 shall have a minimum rear setback of 3.0m from the boundary with the public open space and drainage reserve."

The proposed shed is obstructing the Public Open Space/ Drain Reserve by 26% which is considered minimal, as the outdoor living area and bed 4 window can ensure Surveillance of this space of 74% which is still considered to meet the overall intent of the LDP.

In regard to the Setback requirement of the LDP, this is to avoid building bulk on the boundary line adjoining the POS. However in this instance the open drain screens the view of the building from the public open space removing any perceived impacts from the development.

R-Codes Volume 1 Part B - Assessment Template

The shire considers the location of the outbuilding optimal for the owner, as it doesn't impact the outdoor living space required by the r-codes or screen the outdoor living area from the Northern Vistas. In regard to the neighbouring property the shed will act as a larger screening agent to provide additional privacy from one neighbour to another. The location does not impact the neighbour's northern vistas, as it is positioned along their western boundary. This placement ensures that no shadow is cast on the neighbour at midday on June 21st.
☑ Approval ☐ Refusal
\mathbf{I}



APPLICATION FOR DEVELOPMENT APPROVAL

Town Planning Scheme No. 3

FORM 110

Date stamp

Part 1 Owner Details	
Full Name	
ADM (C. F. H.)	
ABN (if applicable)	
Postal Address	
Phone	Mobile
Phone A/H	Fax
Email	
Contact person for correspondence	
Contact person for correspondence	
Signature	Date
	Date
Mine	
	22/11/2024
Cignoture	
Signature	Date
T : 1	
The signature of the owner(s) is required on all applications. This app	lication will not proceed without that signature. For the purposes of signing
The signature of the owner(s) is required on all applications. This application an owner includes the persons referred to in the F	lication will not proceed without that signature. For the purposes of signing
The signature of the owner(s) is required on all applications. This application an owner includes the persons referred to in the F-Schedule 2 clause 62(2).	lication will not proceed without that signature. For the purposes of signing Planning and Development (Local Planning Schemes) Regulations 2015
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Schedule 2 clause 62(2). art 2 Applicant Details (if different from owner)	lication will not proceed without that signature. For the purposes of signing Planning and Development (Local Planning Schemes) Regulations 2015
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		OLENIU I IONI DOLII EVADD	
200	1	GLENHUON BOULEVARD	D 10.1
Suburb			Post Code
EATON			6232
Nearest street	t intersection		
Plan or Diagra	am Number		Certificate of Title - Vol/Fol
428688			4061/76
	ances (e.g. easen	nents, restrictive covenants)	4001/10
	\ \	,	
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If yes, is the e	exemption for:		Works Use
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CHILDCAF	RE CENTRE		
Approximate of	cost of proposed o	levelopment	Estimated time of completion
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Is the develop	ment within a des	ignated bushfire prone area?	Yes No
If you nlosed	identify and addre	see the hushfire risk (ea by including a R	AL assessment(s) or BAL Contour Map and a Bushfire Management Plan
with the applic	cation). Alternativ	ely, a short statement justifying why SPI	2 3.7 does not apply should be included with the application.
Part 5 OFFICE USE			Determined
Acceptance O	micer's initials		Date received
Local Governr	ment Reference N	lo	
Part 6 Return form	ı to		
			f Dardanup
			Department ve/PO Box 7016
		EATON	WA 6232
		Phone: (08) 9724 03	00 Fax: (08) 9724 0091
			00 Fax: (08) 9724 0091 Idardanub wa.gov.au
		Email: records@	dardanup wa gov.au
		Email: records@	



APPLICATION CHECKLIST

APPLICATION CHECKS	СНЕСК	OFFICE USE ONLY	OFFICER COMMENTS
Plans submitted must contain the following:			
Application signed by landowner and applicant			
Site plan containing:			
Existing and proposed buildings			
Setbacks of all buildings from boundaries			
Driveways and crossovers			
Car parking bay location and dimensions			
Contours or spot levels			
Retaining walls – bottom and top of wall heights			
Existing and proposed fencing			
Existing vegetation to be retained and removed			
Bin storage and collection			
Screened clothes drying areas			
Floor plan(s) or proposed buildings(s)			
Elevation plans containing:			
 Materials, colours and finishes 			
 A plan for each building elevation 			
Drainage plan containing:			
Method of stormwater disposal			
Stormwater calculations			
Location and level of soakwells			
Pipe sizes			
Location and size of swale/basin			
Cross section of swale/basin			
Landscaping Plan			
 Landscaping Plan for landscaping on the Lot, with a list of plant species, size and location of plants 			
Verge Landscaping Plan			
verge Landscaping Flan			
Other:			
Waste management			
Staffing levels			
Hours/days of operation			
Justification for setback reduction			
Justification for oversized building			
Certificate of title for the Lot under application,			
and information regarding easements			

	(Appendix ORD 12.2.5A)			
 BAL assessment, if the Lot is in a Bushfire Prone Area 			Haix OND 12.2.3A)	
 If Form 87 (neighbours consent) is submitted with the proposal, it needs to be signed by all relevant landowners; and the proposal and all plans are also to be signed by neighbours 				

Site Plan = a legible, neatly drawn and scaled plan no bigger than A3 size (Plans larger than A3 size are requested to be provided in electronic .PDF format).

Development Plans = professionally drawn plans and elevations of buildings no bigger than A3 printed size (Plans larger than A3 size are requested to be provided in electronic .PDF format).

Text = a comprehensive written submission which address issues relevant to the proposal that cannot be described on the plan.



File Ref: PF 1058

2 April 2025

Ashwin Nair Director Sustainable Development Shire of Dardanup

Via email: <u>ashwin.nair@dardanup.wa.gov.au</u> c.c <u>Patrick.Hughes@dardanup.wa.gov.au</u>

To Ashwin,

1 Glenhuon Boulevard, Eaton Amend maximum number of children from 50 to 83, Little Explorers Childcare

I refer to the above matter and to our recent meeting on 25 March 2025 concerning the provision of more information.

Our understanding is that upon provision of this information, the application can be approved under Delegation.

As discussed, there is urgency in this matter because the extension has already been built under a prior DA and Building Permit, and the extension has already received licencing approval from the WA Government Education and Care Regulatory Unit.

There is also a shortfall of childcare places available locally, and the owners have a long wait list of parents to use the service.

In terms of potential impacts of this increase, the subject land is within the 'Other Community' zone under the Shire of Dardanup Planning Scheme. In this zone, childcare is a P, permitted use. The only development requirement specified in the Scheme is the number of parking bays, which is satisfied. Although there is limited ability on this basis to regulate the use, the nature of the operation continues to be self-contained and off site impacts minimised.

In relation to the matters sought to be addressed:

1. Waste Management Plan

Summarised from our earlier correspondence, the increase from 50 to 83 children, 33 additional children, caters to children aged 3-5 years. The extended building under the prior DA issued in July 2024 labels this as new 'Child Care D'. The increase in number of children is based upon the floor area available within this approved expanded area.



Compared to current waste generation, the operator expects:

- An increase of up to approximately 1/3 bin in General Waste weekly, when presently around 1/2 bin is used.
- An increase of approximately 1/3 bin in Recycling weekly, when presently less than 1/2 bin is used.
- An increase of approximately 1/2 bin in FOGO weekly, when presently less than 1/2 bin is used.
- The centre has an agreement with the Shire concerning waste collection. General Waste and FOGO Bins are collected weekly on a Friday from Glenhuon Boulevard, whilst Recycling is collected fortnightly on a Friday, also from Glenhuon Boulevard. This arrangement will continue.
- No additional bins are required because there is capacity to absorb the increase in our current bin allocation. If waste generation exceeds bin capacity, which is unlikely, there is scope to amend the bin collection arrangement with the Shire to include more bins.
- These existing bins all fit in the 'bin storage area' which is located along the Eaton Drive fence
 line behind the new ablutions. This area has a washdown area that goes to sewerage as per
 the original Development Application. There is also ample room in this storage area for
 additional bins should these be required.
- The main contributor to general waste is nappies. The new intake of children will be in children aged 3-5 who are generally toilet trained and will not contribute additional nappies to our general waste. The number of children aged 0-3 (nappy users) remains unchanged from the current capacity.
- Other than nappies, the next largest waste generation is food. The centre has its own vegetable garden, composting system and worm farm which are utilised for most food scraps.
- Bins are placed on the verge on Thursday evening and returned to the bin storage area on Friday after the bins have been collected.

In summary, there are no changes required to the current bin arrangements for waste management.

2. Acoustic Measures

No submissions have been received concerning noise.

There was no prior requirement to carry out acoustic testing, or conditions relative to noise for the existing operation. This includes under prior DA's to expand the playground and extend the building.

The outdoor play area abuts a single dwelling and Eaton Drive, a busy arterial road. Eaton Drive is the main noise contributor here, this is far louder and frequent than the childcare can generate.



This most impacted neighbour has provided their written consent.

The childcare is presently approved for 50 children, with no restrictions on where they play or numbers of children in any of the outdoor areas at any one time.

In the new application, up to 55 children at a time may use the approved rear playground. This total number outside at the same time will be infrequent if at all. Most times there are far less as the children are supervised and occupied in smaller groups rotating through activities indoors as well as outdoors.

Previously, before the building and playground was extended, there were up to 50 children using the small area that used to back onto the neighbouring land at 21 and 23 Morgan Court. The difference from 50 to 55, and now in a much larger area than before, is minor and not discernible.

The applicant, Little Explorers, accept a condition in the approval that limits use of the enlarged rear outdoor playground to a maximum of 55 children at any one time, which effectively retains the status quo of how it can be used now.

Further:

- As per the approved DA and Building plans there is a large brick wall, 2.572m high along the (north / south) boundary between the new extension and the neighbour at 21 Morgan Court.
- The Colourbond fence that runs along the new playground (Outdoor Area A) and the neighbour at 21 Morgan Court (east/west) was upgraded when the playground was extended and this is 2.1m high.
- A 2.5m high brick wall and a 2.1m high Colourbond fence are typical in a childcare and accepted as an acoustic intervention when childcares abut residential properties. This includes on sites where neighbouring homes are positioned much closer to the outdoor play area than here.
- Since the amalgamation of 1 Glenhuon and 23 Morgan Court, the childcare now has larger and more defined outdoor playing areas for the children. Children aged 0-3 use Outdoor Area B along Glenhuon Boulevard/Eaton Drive and now children ages 3-5 will be using Outdoor Area A, the approved enlarged playground on Morgan Court/Eaton Drive side of the building.
- Based on the way the service is now laid out children from Childcare A and Childcare D will
 use the new outdoor area. The capacity of these 2 rooms is 55 children, aged 3-5 years. This
 is the maximum amount of children that will ever utilise this new playground at any one time.
 The outdoor area on the other side of the building will have a maximum of 28 children using
 it at any given time (83 across the whole service).
- The approved playground at the rear comprises primarily synthetic turf which has a soft fall mat underneath. There are woodchips, sand and some limited concrete paths. Many trees have been installed in the outdoor area, these have since matured and like the surfaces, they also assist in absorbing the noise generated by children.

In summary, and when the circumstances of the site are examined, there are no acoustic concerns. As a safeguard, the applicant accepts a condition that limits the rear playground to a maximum of 55 children at any one time.



3. Traffic

In relation to traffic matters, the development satisfies the Scheme requirements for the number of parking bays on site.

In terms of access from Glenhuon Boulevard, as requested, the applicant has engaged a Traffic Engineer to undertake a desktop assessment. This has included with regards to the proposed signalisation upgrade of the Glenhuon Boulevard / Eaton Drive intersection.

This advice confirms the arrangements are considered suitable, highlighting:

- The new signalised intersection improves ability to walk to and from the childcare. It is not presently easy for pedestrians or cyclists to navigate across Eaton Drive and from the opposite side of Glenhoun Boulevard.
- Although volumes may not strictly compel it, there is also potential as part of the intersection upgrade to paint a keep clear area over Glenhuon Boulevard at the childcare driveway entrance.

In summary, the parking and traffic arrangements have been reviewed by a traffic engineer and there are no concerns raised.

Once the upgrade occurs, the applicant agrees to encourage their staff and families to walk or cycle to the centre.

Conclusion

As discussed, childcares operate on fixed numbers of children relative to floor area available. We maintain it was reasonable to expect an increase in the number of children when this prior DA was lodged and granted last year for the extension. This said, childcare is a P, permitted land use.

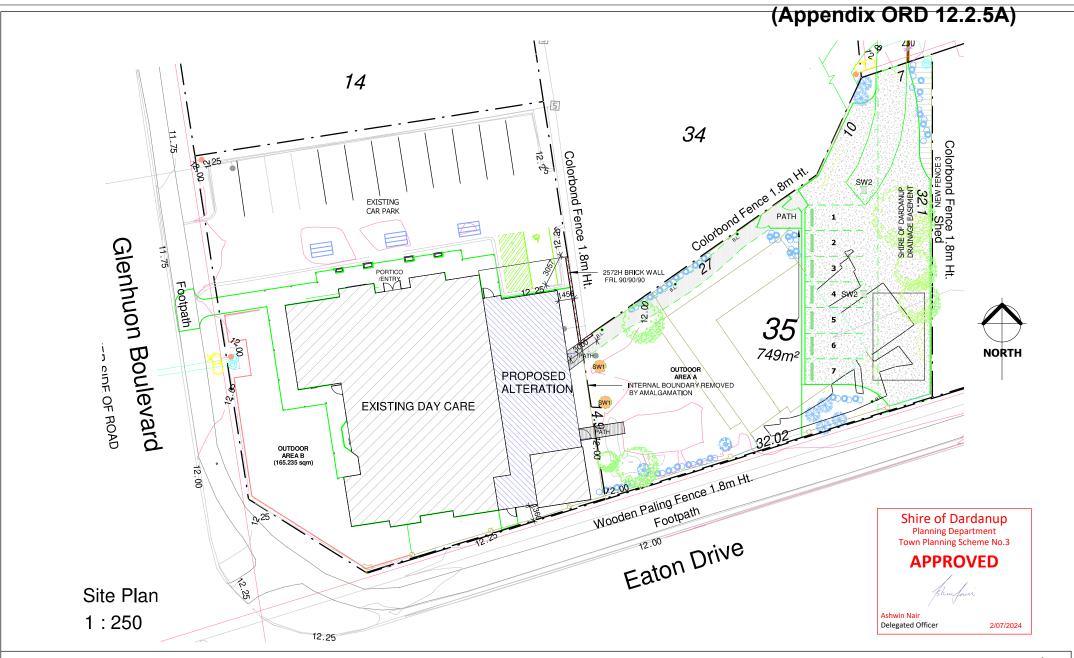
This application was made several months ago and there is urgency for the service to commence operating within the space that has already been approved. Can this decision please be made as soon as possible.

Please contact me should you require anything further. I can be contacted on 0401 046 852 or email kanella@plannedfocus.com.au

Kind regards,

Kanella Hope

Director + Principal Planner



General Notes

All materials and work practices shall comply with the Building Code of Australia 2019 and all relevant current Australian Standards.

All dimensions and levels are to be checked and verified by owner/builder and any discrepancies in the documents must be resolved before ordering or commencement of any works. The contractor/builder is responsible for setting out and checking all levels and measurements onsite.

Proposed Alterations to Day Care Centre

Lot 13 (#1) Glen Huon Boulevard Eaton For Yrag Pty Ltd as Trustee for Retlaw Trust

		REVISION SCHEDULE	Site Plan		
REV	DATE	DESCRIPTION	Sheet number:		A01
1	26/4/24	ISSUED FOR CLIENT REVIEW	Project number:		423-1
2	13/5/24	ISSUED FOR D/A	Date:		23/4/24
3	5/6/24	ABLUTIONS ADDED	Drawn by:		GG
			Scale:	1:250	A3 SHEET SIZE



Phone: 97217471 Fax: 97217471 Mobile: 0418945793 Email: ghasseb@westnet.com.au



Engineering a better future for over 20 years!

Technical Note: No 1 **Date:** 31/03/2025

Project No: t25.083

Project: Lot 13 (#1) Glenhuon Boulevard, Eaton Drive, Bunbury

Subject: Increasing the number of children at the existing Child Care

Centre

1 Introduction

According to the information provided to Transcore, the proposed alterations to the existing building of the childcare centre at the above location have received approval from the Shire of Dardanup and has been constructed. The completed alterations will facilitate an increase in capacity from 50 to 83 children. A copy of the approved alterations to the existing building can be found in **Appendix A**.

However, it is important to note that while the Shire approved the proposed changes, it did so without specifying the increase in the number of children. As a result, the Shire is seeking independent traffic advice regarding the current access arrangements for the childcare centre. This evaluation aims to determine whether the existing access will function effectively in relation to the current priority-controlled T-intersection at Glenhuon Boulevard and Eaton Drive, as well as its future upgrading to a traffic signal. Design drawings for the planned signalised intersection are included in **Appendix B**.

The existing child care centre is located at the north-east corner of the intersection of Eaton Drive/ Glenhuon Blvd as shown in **Figure 1**. This figure also depicts the current crossovers for the childcare centre. The full movement crossover on Glenhuon Boulevard is located approximately 35 meters north of the Eaton Drive intersection, providing access to the existing visitor parking lot. Additionally, the childcare centre features another full movement crossover on Morgan Court, which grants access to the staff parking area.

This technical note documents the outcome of the Transcore's review and investigations.

Address: 61 York Street, Subiaco WA 6008. P.O.Box 42 Subiaco WA 6904

Phone: +61 (08) 9382 4199
Fax: +61 (08) 9382 4177
Email: admin@transcore.net.au

Transcore Pty Ltd ACN 094 951 318 ABN 19 094 951 318



Figure 1: Site location

2 Existing Counts

The existing daily and peak hour traffic counts at the intersection was sourced from Main roads WA traffic map and provided in **Figure 2** and **Figure 3**. It should be noted that the child care centre is not open on Saturday, therefore, the peak hour counts for Saturday were not reported. Review of the Tuesday (9 June 2022) traffic counts indicate that the AM and PM road network peak hour occurs at 8:00-9:00 in AM and 4:00-5:00 in PM.

The Shire has also undertaken traffic counts at the full movement crossover on Glenhuon Boulevard on Monday, March 24, 2025. The Shire traffic counts indicated that the child care centre currently generates about:

- AM peak hour: 8:00AM 9:00AM: 53 trips generated (25 in / 28 out);
- ♣ PM peak hour: 04:00PM 05:00PM: 25 trips generated (13 in / 12 out);

3 Trip Generation

To establish the traffic generation as a result of the increase in capacity at the child care centre, traffic count surveys conducted by Transcore at similar centres within the Perth metropolitan area were obtained and compared with the traffic counts undertaken by the Shire at the subject site.

Discussions with the respective centre managers revealed that the peak drop-offs and pick-ups for these centres occur between the hours of 7:30 AM – 9:30 AM and 3:00 PM – 5:00 PM.

From the total number of children at each of the centres on the surveyed days, the following average generation rates were established for the morning and afternoon surveyed periods:

- 3:00PM-5:00PM: 1.10 trips per child (49% in / 51% out).

From this information, the traffic generation rate for the combined period of 07:30AM-09:30AM and 3:00PM-05:00PM was calculated as 2.36 trips per child. To convert this figure to a daily generation rate, this figure was increased to 3.5 trips per child to account for any trips outside of the surveyed times. It was assumed that the daily in and out split for vehicle trips was 50/50.

Furthermore, the following peak hour generation rates were established from the surveys for the childcare centres:

- ★ AM peak hour: 8:00AM 9:00AM: 0.87 trips per child (57% in / 43% out); and,
- ♣ PM peak hour: 04:00PM 05:00PM: 0.71 trips per child (47% in/ 53% out).

A comparison of the four-hour generation rates and the peak-hour generation rates confirms that the distribution of traffic from these centres is spread over the peak periods and that the full concentration of traffic does not occur in one peak hour.

Accordingly, the following number of trips was estimated for the existing (50 children) and future expansion of the child care centre with an additional 33 children.

Existing (50 children):

- AM peak hour: 44 trips generated (25 in / 19 out);
- PM peak hour: 35 trips generated (17 in / 18 out); and,
- **♣** Daily traffic generation: 290 trips generated (145 in / 145 out).

When comparing the traffic generated from the trip rates mentioned above with the traffic survey conducted by the Shire in March 2025, it was found that the existing childcare centre produced slightly more traffic on that particular day (Monday, March 24th). However, on a typical weekday, it is anticipated that the trip generation for the childcare centre would align more closely with the figures derived from the Transcore's established trip rates.

Future (83 children):

- AM peak hour: 72 trips generated (41 in / 31 out);
- ¥ PM peak hour: 59 trips generated (28 in / 31 out); and,
- ♣ Daily traffic generation: 175 trips generated (88 in / 87 out).

Table 1 summarises the trip generation of the existing child care centre and the proposed expansion. This table also provides the total trips that would be generated from the child care centre after expansion.

AM peak hour PM peak hour **Current Usage OUT OUT** IN IN Existing child care centre (50 children) 25 19 17 18 **Expansion (33 children)** 16 12 11 13 Total (83 children) 41 31 28 31

Table 1: Trip generation changes after expansion

4 Parking

The existing childcare centre offers 13 on-site parking spaces, which include one designated ACROD bay for visitors accessed from Glenhuon Boulevard and an additional 8 parking bays for staff accessed from Morgan Court. The traffic survey conducted by the Shire revealed that during AM and PM peak hours, only 6 or 7 of the visitor parking bays are usually in use, representing approximately 50% of the total capacity.

As a result, there are sufficient available parking bays to accommodate the increased parking demand resulting from the proposed expansion of the centre from 50 to 83 children.

5 Proximity to the intersection at Eaton Drive

The proximity of the childcare centre crossover to the intersection of Glenhuon Boulevard and Eaton Drive is not considered problematic for several reasons.

A review of queue data collected at the intersection (from Main Roads WA on Thursday, June 9, 2022) indicates that there are times when the queue from the intersection can extend back to the childcare centre crossover on Glenhuon Boulevard. This occurrence primarily happens due to insufficient gaps in traffic for vehicles making left and right turns across Eaton Drive. However, the planned construction of traffic lights at this intersection is expected to create more regular gaps in the traffic flow on Eaton Drive, thereby reducing queues on Glenhuon Boulevard.

Importantly, even when queues extend back to the childcare centre crossover, this situation does not adversely affect the overall traffic operations at either the intersection or the crossover itself. The occasional queues tend to dissipate quickly, and while there may be delays for visitors trying to exit the childcare centre, these delays do not disrupt the flow of traffic on Glenhuon Boulevard or Eaton Drive.

The primary concern arises with the right-turn movement from Glenhuon Boulevard into the childcare centre, which is facilitated by a short right-turn lane, as illustrated in **Figure 2**. This right-turn lane would be able to accommodate at least three B85-sized vehicles before any potential queue extends back onto Glenhuon Boulevard. Observations from Neamap images taken at various times confirm that there are typically minimal queues in this right-turn pocket, indicating a low volume of right-turn movements from Glenhuon Boulevard to the childcare centre.

Overall, we believe that the risk of queues from right-turn movements on Glenhuon Boulevard disrupting traffic flow is minimal. To further mitigate any concerns, one potential solution could be to establish a "Clear Zone" at the childcare centre crossover, ensuring that the access point remains unobstructed at all times.



Figure 2: Existing capacity of the right turn lane

6 Active Transport

The site of the childcare centre is currently well-served by public transport, with bus stops located on both Glenhuon Boulevard and Eaton Drive. Additionally, there are shared paths and footpaths available along these roads, enhancing accessibility for pedestrians. Figure 3 illustrates the 400-meter walking catchment area of the childcare centre, which encompasses some residential dwellings situated to the south of Eaton Drive.

However, it is important to note that crossing Eaton Drive is not convenient under the existing conditions, which may deter parents, staff, and visitors residing in the vicinity from utilising active transport options to reach the childcare centre.

The planned construction of traffic lights at the intersection will significantly improve pedestrian crossing across Eaton Drive. This enhancement is expected to

make it easier and safer for individuals to cross the road, thereby encouraging more staff and visitors who live nearby to choose walking or biking as their preferred means of transportation to the childcare centre. Overall, this initiative aims to promote active transport and contribute to a more accessible environment for the community. In order to further improve the active transport usage for the child care centre the following principles/strategies should put in place:

- The child care centre operator will support local employment and will ensure proper consideration is given to local job applicants where possible over those residing further away from the child care centre. This is of direct benefit as it secures flexibility in staff commute via alternative modes of transport (walking, cycling and public transport) and their ability to attend the site on short notice if/when required. This would reduce the demand for staff parking and staff car mode share; and,
- The child care centre operator will also encourage car-pooling as additional means of reducing car mode share strategy.

It is proposed that all staff and visitors/parents be introduced to the above principles. This should be done at the time of children enrolment/staff hire.

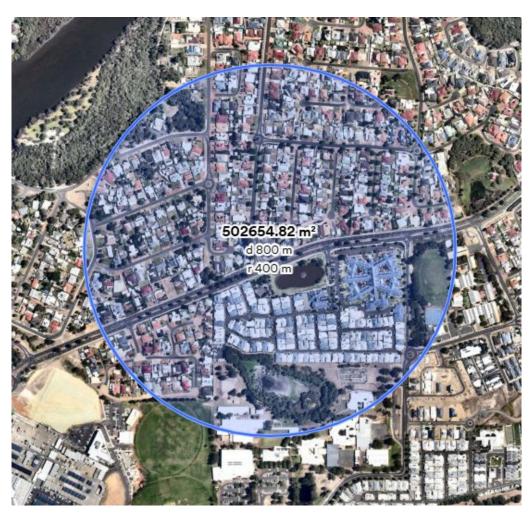


Figure 3: 400m walking catchment area

7 Conclusion

The Shire of Dardanup has approved the suggested alterations to the existing childcare centre. The alterations have been completed, which will facilitate the child care centre capacity to increase from 50 to 83 children. However, the Shire did not specify the number of children in the approval.

Consequently, the Shire is requesting independent traffic advice to assess the effectiveness of the current access arrangements for the childcare centre, particularly in relation to the existing priority-controlled T-intersection at Glenhuon Boulevard and Eaton Drive, as well as its planned upgrade to a traffic signal.

The traffic analysis undertaken in this technical note shows that the traffic generation of the proposed expansion is relatively low and would not have any significant impact on the surrounding road network.

The proximity of the childcare centre crossover to the intersection of Glenhuon Boulevard and Eaton Drive is not deemed problematic for several reasons. Queue data from June 9, 2022, shows that while queues from the intersection can occasionally extend back to the crossover due to limited gaps for turning vehicles, the upcoming installation of traffic lights is expected to improve traffic flow and reduce such queues.

Even when queues do back up, they do not significantly impact traffic operations at the intersection or the crossover, as they quickly dissipate. Delays for visitors exiting the childcare centre are expected but do not disrupt overall traffic flow on Glenhuon Boulevard.

The main concern involves right turns from Glenhuon Boulevard into the childcare centre, which are facilitated by a short right-turn lane capable of accommodating at least three vehicles. Nearmap observations show minimal queues in this lane, due to the low right-turn volumes.

Overall, the risk of disruption from right-turn movements is considered minimal. To further alleviate concerns, implementing a "Clear Zone" at the crossover could help keep the access point clear at all times.

The 400-meter walking catchment area of the childcare centre includes several residential dwellings located to the south of Eaton Drive. However, the current conditions make crossing Eaton Drive inconvenient, which may discourage parents, staff, and visitors from using active transport options to access the centre.

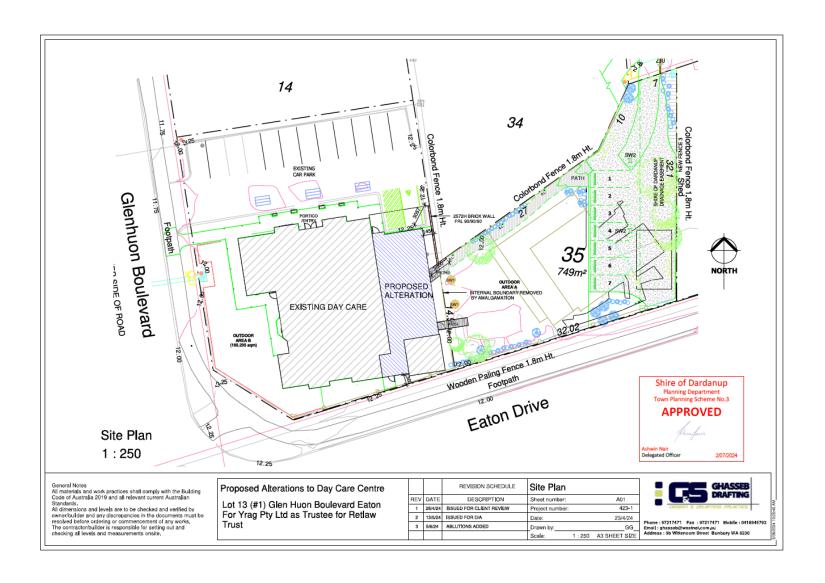
The planned installation of traffic lights at the intersection is expected to improve pedestrian crossing safety and convenience, encouraging more nearby staff and visitors to walk or bike to the childcare centre. This initiative aims to enhance active transport and foster a more accessible community environment.

To further promote active transport usage at the childcare centre, the following strategies are proposed:

- **Support Local Employment:** The childcare centre operator will prioritize hiring local job applicants over those from farther away. This will facilitate staff commuting via alternative transport modes (walking, cycling, and public transport) and enhance their ability to respond quickly to staffing needs, ultimately reducing the demand for parking.
- **Encourage Carpooling**: The centre will promote carpooling among staff and families as an additional strategy to decrease car usage.

Appendix A

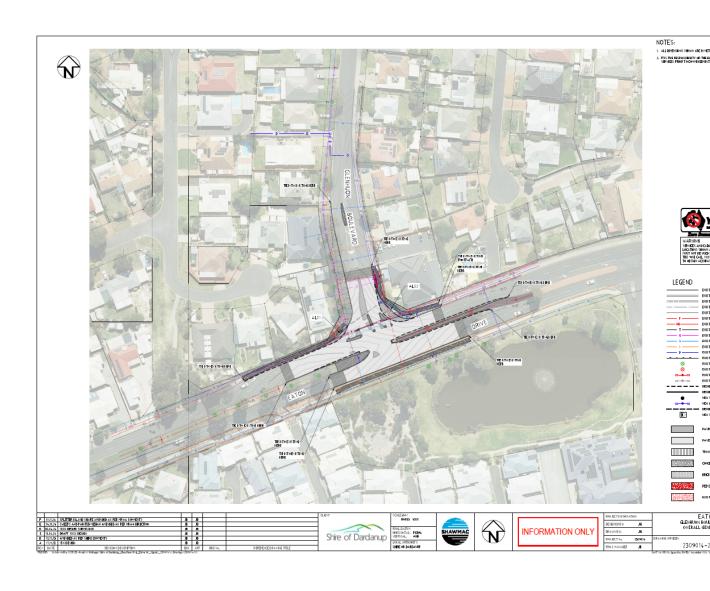
APPROVED ALTERATIONS TO DAY CARE CENTRE



Appendix B

DESIGN DRAWING FOR SIGNALISED INTERSECTION

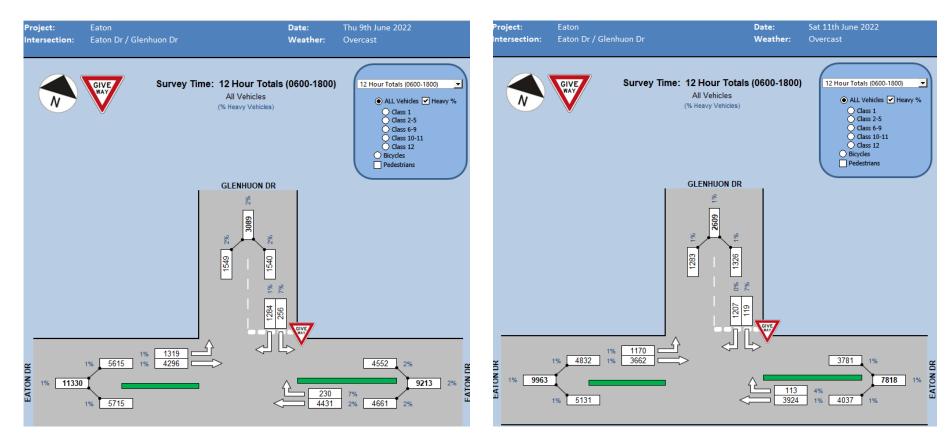




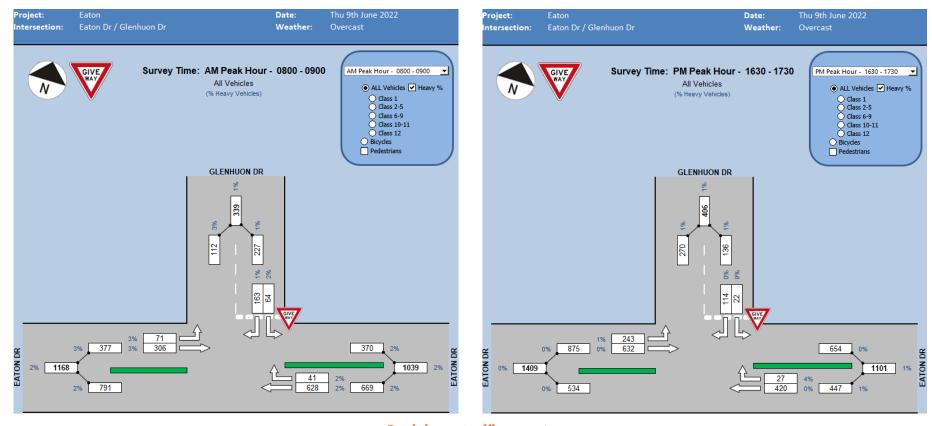
Appendix C

EXISTING TRAFFIC COUNTS





Existing daily traffic counts



Peak hour traffic counts

t24.083.mr.tn01.docx Page 16

I have reviewed the proposed Development Application DAP-F0410860 for an increase in the number of children in the existing child care and advise I do not object, including with regard to noise.

Signed: Janus Borton

Name: James D. Buxton

Address: 21 Morgan & Eaton

SUBMISSION FORM

PLANNING PROPOSAL

(OFFICE USE ONLY)		
PROPOSED		
RESPONSIBLE OFFICER		
FILE REFERENCE		
(SUBMITTER TO COMPLETE)		
SUBMITTER (full name required)		
POSTAL ADDRESS	MORGAN COUR	ET EATON
PROPERTY ADDRESS	MORGAN COUR	T EATON
PHONE NUMBER		
EMAIL ADDRESS	AND THE STATE OF T	
· EITHER A POSTAL ADDRES	SS OF EMAIL ADDRESS MUST BE INCLU	JDED.
Your comment (tick one b	ox only)	
Support	Object Commo	ent Only
Comments: In regards to proposed expansion against it but on Morgan Cour their intake of If necessary add additional page	children is going to	why only. Doubling out a stan on A
report which is available to	r name and address details may be the public. Please also note the access under the Freedom of Inf	at submissions may be
Post to: Chief Executive Officer Shire of Dardanup PO Box 7016	Deliver to: Eaton Office – Front Counter 1 Council Drive EATON WA 6232	Email to: records@dardanup.wa.gov.au

From:

Sent: Sunday, 5 January 2025 10:21 PM

To: Submissions Planning

Subject: ATTENTION!! Application for development- 1 glenhoun boulavard Eaton

Follow Up Flag: Follow up Flag Status: Flagged

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.

To whom it may Concern,

I am writing to you to let you know that we DO NOT agree with the approval of Little Explorers extending their licence from 50 to 83 children and these are some of our concerns-

- 1. It is stressful enough having the extra traffic coming into Morgan court with the extra " staff " carpark and putting in mind they are exceeding the 50-speed zone on the street with children walking to and from school
- 2. Adding the number of close encounters we have had with cars coming in and going out of the entrance to Little Explorers on Glenhoun Boulevard as parents are in a rush to get in and out especially at school drop off times with the heavy traffic going onto Eaton Drive which makes it extra crazy during the week days.
- 3. Also adding parents parking on footpaths and across the road- grass/dirt area as there is not enough car bays for every parent to park in which prevents traffic from using the footpath
- 4. In having not enough car parking for parents to use, I am afraid they will use the "staff" carpark for extra parking in which we were guaranteed this would not happen!!
- 5. Extending their licence to 83 will mean adding more staff which then will also again affect traffic onto Morgan court, adding more children would mean a certain square meter per ratio, it's a small centre as it is where are they putting all these children if lifting their licence to 83?

I hope our voices will be heard before any final decisions have been made and would like to hear back regarding the results please.

Please don't hesitate to contact Thanking you

Sent from Outlook for Android

Schedule of Submissions – Child Care Premises (Increase from 50 to 83 Children) – Lot 200 (No. 1) Glenhuon Boulevard, Eaton

Public

No	SUBMITTER COMMENT	OFFICER COMMENT
1	In regards to Little Explorers on 1 Glenhuon Blvd proposed expansion from 50 to 80 children. I'm not against it but they need to be reminded the carpark on Morgan Court is for staff parking only. Doubling their intake of children is going to put a strain on their already small carpark.	Noted. A previous condition of approval was for the staff carpark to be signposted to advise this carpark is for staff parking only. Should there be ongoing compliance concerns, the submitter is advised to contact the Shire directly.
2	 I am writing to you to let you know that we DO NOT agree with the approval of Little Explorers extending their licence from 50 to 83 children and these are some of our concerns- It is stressful enough having the extra traffic coming into Morgan court with the extra " staff " carpark and putting in mind they are exceeding the 50-speed zone on the street with children walking to and from school Adding the number of close encounters we have had with cars coming in and going out of the entrance to Little Explorers on Glenhoun Boulevard as parents are in a rush to get in and out especially at school drop off times with the heavy traffic going onto Eaton Drive which makes it extra crazy during the week days. Also adding parents parking on footpaths and across the road- grass/dirt area as there is not enough car bays for every parent to park in which prevents traffic from using the footpath In having not enough car parking for parents to use, I am afraid they will use the " staff " carpark for extra parking in which we were guaranteed this would not happen!! Extending their licence to 83 will mean adding more staff which then will also again affect traffic onto Morgan court, adding more children would mean a certain square meter per ratio, it's a small centre as it is where are they putting all these children if lifting their licence to 83? I hope our voices will be heard before any final decisions have been made and would like to hear back regarding the results please. 	While the speeding of vehicles would be a police matter, the increase in traffic, from an amenity standpoint, is a relevant planning consideration. Reference should be made to the OCM report for further comment for the traffic increase to Morgan Court. A traffic technical note has been provided by the Applicant, which was prepared by an independent traffic consultant. The technical note was reviewed by the Shire's engineering department, and it was deemed acceptable for access safety. While the development appears to meet the Scheme requirement for parking, it is noted that from its history, there is a parkin concern. An operational management plan has therefore been recommended as a condition of approval, which would require the plan to capture parking management. Should there be any non-compliance from this determination, the submitter is advised to contact the Shire directly. A previous condition of approval was for the staff carpark to be signposted to advise this carpark is for staff parking only. Should there be ongoing compliance concerns, the

No	SUBMITTER COMMENT	OFFICER COMMENT	
		The increase to staff numbers will be approximately four (4) staff members. This has been calculated by the increase of children and against the staffing requirements under clause 123(1)(c) of the <i>Education and Care Services National Regulations 2012</i> . This increase to parking has been considered in parking calculations.	

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Amendment to a Child Care Premises (Increase from 50 to 83 Children)- Lot 200 (No.1) Glenhuon Boulevard, Eaton

RISK THEME PROFILE:

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

Choose an item.

RISK ASSESSMENT CONTEXT: Strategic

CONSEQUENCE		PRIOR TO T	REATMENT OR	CONTROL	RISK ACTION PLAN	AFTER TREATEMENT OR CONTROL		
CATEGORY	RISK EVENT	CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING	(Treatment or controls proposed)	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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	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	If Council refuses the application and a review is lodged with the State Administrative Tribunal, reasons for the refusal based on sound planning principles must be provided.	Minor (2)	Possible (3)	Low (1 - 4)	Not required.	Insignificant (1)	Unlikely (2)	Low (1 - 4)
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.



Planning Assessment for Development Approval – Delegated Amendment to DA (Child Care)

Date of Assessment	5 February 2025
Property Address	Lot 200 (No. 1) Glenhuon Boulevard, Eaton
Planning Officer	Altus Planning

				Co	omments		
	Does the assessing or delegated officer have a co	onflict of intere	st?		No		
	Have all landowners signed the form?				Yes		
	Application fee received and correct?			compar	on behalf of ny, however,		
				Compa	an ASIC ny Extract to ine authority		
				to sign.			
	Referral to Internal Divisions done?				Yes		
	Lot size: 2,020m ²						
Cl.67(a)	The aims and provisions of this Scheme and any of Scheme area	other local plai	nning scheme op	erating v	vithin the		
	PART II - Zones						
	TPS3 Zoning: Other Community and Residential						
	Land Use classification in TPS3: Child Care Premises						
	Description of proposal: Amendment to existing D	evelopment A _l	oproval (P141/18	3) dated 2	28 February		
	2019. Amending Condition 8 of P141/18 to increase	se the number	of children (50 t	o 83) care	ed for within		
	the Child Care Premises at any one time. Increase	in number of c	hildren will requ	ire more	staff from 8		
	currently, to a maximum of 10.						
	Permissibility (Other Community zone):	⊠ P	☐ Exempt D	□D	□ A		
	Permissibility (Residential zone):	□ P	☐ Exempt D	\Box D	⊠ A		
	Relevant Scheme Provisions: (delete rows as nece			,			

	(Appendix ORD 12.2.5E)		
		Comments	
PA	RT III – Control of Development and Use		
3.1	Division 1 – Development Table	N/A – no changes to	
3.2	2 Division 2 – Residential Zones	existing built form, as approved previously.	
3.3	Special Application of Residential Planning Codes		
PA	RT IV – Miscellaneous		
4.1	L Car Parking	No changes to existing provision of car parking bays. Appendix IIA – Car	
		Parking Child Care Premises 1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee. Minimum 4 spaces.	
		Required 9 bays for 83 children 10 bays for 10 employees Existing provision 13 bays provided in main car park 7 bays in staff car park	
		19 bays required, 20 provided. Additional staff can be accommodated by main car park.	
4.2	2 Landscaping	No changes to existing landscaping as part of the application.	
		Landscaping to be conditioned to ensure implementation and maintenance in	

	(Appendix OR	RD 12.2.5E)
		Comments
		perpetuity as per
	4.9 Conord Annographs of Buildings	previous approvals.
	4.8 General Appearance of Buildings	No changes to existing built form nor
		is any changes
		considered necessary.
	PART V – Preservation and Conservation of Places of Natural Beauty and	,
a. a=#. \	Historic Buildings and Objects of Historical or Scientific Interest	
Cl.67(b)	The requirements of orderly and proper planning including:	l n (i i i i i i i i i i i i i i i i i i
	proposed local planning scheme that has been advertised under P&D Page 2015	Draft Local Planning
	Regs 2015	Scheme No. 9
		As it stands under
		draft LPS9, the 'Other
		Community' zone will
		be replaced by the
		'Private Community
		Purposes' zone.
		In relation to land use
		permissibility, child
		care premises will be
		a 'D' or discretionary use in the Private
		Community Purposes
		zone and remains an
		'A' use in the
		residential zone.
		Therefore, the
		proposal would
		require approval
		under draft LPS9.
	 amendment to this Scheme that has been advertised under P&D Regs 2015 	N/A
	 any other proposed planning instrument that the local government is seriously considering adopting or approving 	N/A
Cl.67(fa)	Any local planning strategy for this Scheme endorsed by the Commission -	Proposal is generally
	Shire of Dardanup Local Planning Strategy: Does the proposal comply? Any	consistent with the
	changes to zoning?	Strategy.
Cl.67(g)	Any local planning policy for the Scheme area: 2020 Council Policy Manual	
	SDev CP091 - Exempted Development and Land Use	N/A – no works
		proposed.
	SDev CP504 - Amendments and Extensions to Existing Approvals	Amendment to
		existing Development
		Approval (P141/18)

	(Appendix ORD 12.2.5E)				
		Comments			
		dated 28 February 2019.			
		Amending Condition 8 of P141/18 to			
		increase the number of children (50 to 83)			
		cared for within the			
		Child Care Premises at			
		any one time.			
	SDev CP0505 - Public Consultation – Planning Matters	Consultation was			
		undertaken in accordance with SDev			
		CP505. Two (2)			
		submissions were			
		received. Details of			
		these submissions have been provided			
		further in this report.			
Cl.67(m)	The compatibility of the development with its setting, including —				
i	the compatibility of the development with the desired future character of its	In principle, the land			
	setting; and	use will remain			
		compatible with the			
		desired future			
		character of the			
		setting, as it is a			
		discretionary land use			
		under Draft LPS9.			
ii	the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to,	No works are			
	the likely effect of the height, bulk, scale, orientation and appearance of the	proposed as part of			
	development;	the application.			
Cl.67(n)	The amenity of the locality including the following —	There are no			
	(i)environmental impacts of the development;	discernible			
	(ii) the character of the locality;	environmental			
	(iii)social impacts of the development;	impacts of the			
		development.			
		The child care			
		premises has existed			
		on site for 5 years.			
		Therefore in principle,			
		the land use remains			
		compatible with the			
		locality.			

	(Appendix ORD 12.2.5E)			
		Comments		
		With respect to social		
		impacts, the traffic		
		impacts are deemed		
		acceptable as per the		
		technical note		
		prepared by		
		Transcore and		
		assessed by the		
		Shire's engineers.		
		Noise and waste		
		impacts can be		
		appropriately		
		managed in		
		perpetuity by way of		
		conditions requiring		
		an overarching		
		operational		
		management plan		
		pertaining to the		
		premises.		
Cl 67(n)	Whather adequate provision has been made for the landscaping of the land to	·		
Cl.67(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	No works, nor		
	the land should be preserved;	vegetation, is		
	,	proposed as part of		
CL C7/a\	The adequate	the application.		
Cl.67(s)	The adequacy of —	Main carpark caters		
	(i) the proposed means of access to and egress from the site; and	for parents and		
	(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	guardians to drop off		
	venicies,	and collect children.		
		Rear carpark is for the		
		exclusive use of staff,		
		as advised by the		
		Applicant.		
		дрисант.		
		The means of access		
		to and egress from		
		the site sufficiently		
		support the increased		
		numbers as per the		
		technical note		
		prepared by Transcore and		
		assessed by the		
		Shire's engineers.		

	(Appendix OR	
		Comments
		Existing delivery
		arrangements (ad-
		hoc) will remain in
		place and coordinated
		by the proprietor.
Cl.67(t)	The amount of traffic likely to be generated by the development, particularly	The increase in
	in relation to the capacity of the road system in the locality and the probable	children will generate
	effect on traffic flow and safety;	more traffic; the net
		increase in traffic is
		estimated to be 28
		trips in the AM peak
		hour and 24 trips in
		the PM peak hour.
		The transport
		technical note
		prepared by an
		independent traffic
		consultant has
		outlined that the
		increased numbers
		can be
		accommodated by
		the existing road
		network.
Cl.67(u)	The availability and adequacy for the development of the following —	Public transport
	(i) public transport services;	available in the
	(ii) public utility services;	walkable catchment,
	(iii) storage, management and collection of waste;	north of the site on
	(iv) access for pedestrians and cyclists (including end of trip storage, toilet and	Glenhuon Boulevard.
	shower facilities);	Bus stops also
	(v) access by older people and people with disability	available 265m to the
		east on Eaton Drive.
		There are no changes
		to services as no
		works are proposed.
		The increase in
		number of children
		will generate more
		waste.
	I .	<u> </u>

	(Appendix ORD 12.2.5E)				
		Comments			
		To ascertain whether the development can support the waste generated, a condition is placed on the determination requiring the proprietor to outline waste management in an Operational Management Plan.			
Cl.67(v)	The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	The child care premises is existing, albeit an increase in scale of operations.			
Cl.67(w)	The history of the site where the development is to be located; Previous approvals: 28/02/19 – Original Development Approval for Child Care Premises – Use and Works (P141/18). Works completed in 2020. 11/03/20 – Development approval for signage (P11/20). 22/11/22 – Development approval for patio addition (DAP-F0313202). 30/05/23 – Development approval for outdoor play area and staff park (DAP-F0318309). 10/10/23 – Development approval for storage shed and patio (DAP-F0344559). 02/07/24 – Development approval (DAP-F0393761) to amend previous approval (DAP-F0344559). Amendment comprised alterations to patio and additional ablutions.	The previous approvals and history of the site have been acknowledged. Notwithstanding the original Development Approval in 2019, the following five (5) development approvals have related to works, and not use or changes to operations (emphasis added). The appropriate land use classification of the site has remained Child Care Premises, commencing in 2020 at the completion of the initial works. In principle, the land use has not intensified over time, as the child care premises has been restricted to a			

	(Appendix ORD 12.2.5E)	
		Comments
		maximum of 50 children at any one time, stipulated at Condition 8 of the original Development Approval (P141/18).
		This application relates to an intensification of the use and differs from the previous five (5) development approvals.
		While due regard has been given to the previous approvals, the matters to be considered as part of this application differ from those previously, with respect to traffic, amenity, waste, parking, noise etc.
Cl.67(y)	Any submissions received on the application (number): 2	Two submissions received, as detailed
		below.
	Any objections received on the application (number): 1 objection. 1 comments.	
	 Use of staff carpark. Use of customer carpark. Morgan Court traffic impacts. Access and egress to site on Glenhuon Boulevard. Parent/guarding parking external to site. 	Officer Response: The issues raised by submitters are valid planning considerations, relevant under the matters for consideration that local government is to have due regard to. The 65% increase in
		capacity will result in more vehicle trips to and from the site as parents/guardians

(Ap	(Appendix ORD 12.2.5E)	
	Comments	
	drop off and pick up their children.	
	The transport technical note prepared by an independent traffic consultant has outlined that the increased numbers can be accommodated by the existing road network. A condition for the rear parking area to be strictly for staff is	
	recommended.	
PLANNING OFFICER RESPONSE AND RECOMMENDATION (Letter and n	otice attached)	
Summary of Officer Assessment:		
The application relates to an amendment of Condition 8 of P141/18 to inccared for within the Child Care Premises at any one time.	crease the number of children (50 to 83)	
The increased capacity of the Child Care Premises is an intensification of noise, and waste. Traffic impacts have been outlined by the Transport N supported by the Shire. Waste and noise management can be ensured by Plan to be prepared by the proprietor and implemented in perpetuity.	ote prepared by Transcore. This is	
Recommendation: 🛛 Approval 🔲 Refusal		