



**SUSTAINABLE DEVELOPMENT
DIRECTORATE**

APPENDICES

BOOK 1

**Appendices: 12.2.1 – 12.2.3C
ORDINARY COUNCIL MEETING**

To Be Held

**Wednesday, 27th of October
2021 Commencing at 5.00pm**

At

**Shire of Dardanup
Administration Centre Eaton
1 Council Drive - EATON**

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

(Appendix ORD: 12.2.1)

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Bush Adventure Learning Camp Selection Panel

RISK THEME PROFILE:

6 - Engagement Practices

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	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	Council's reputation could be affected if they do not adhere to the recommendation of the Grants Awards and Scholarships Committee.	Insignificant (1)	Rare (1)	Low (1 - 4)	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.

(Appendix ORD: 12.2.2A)



Department of
Education

Your ref: Letter 9/7/2021
Our ref: D21/0448942
Enquiries Paul Hemmings

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

Dear Mr Schonfeldt

Thank you for your letter dated 9 July 2021 regarding the request for a contribution to the costs of the community library relocation from Eaton Community College.

The Department of Education understands that notice exercising the right to terminate the agreement between the Minister for Education and the Shire of Dardanup for the use of the facilities as a community library was sent from Ms Gail Allen (Principal of Eaton Community College) on 3 May 2021.

As identified in your letter, the Shire has advised that the community library will be vacated by 17 December 2021. Recognising the agreement specifies a 12-month notice period and a termination calculation in the agreement, the early termination contribution would be \$12,459.11. However, the Department will contribute \$25,000 including GST towards the relocation costs to both align with clause 12 of the agreement, *Reimbursement*, but also recognise the additional costs that the Shire will incur.

I would like to take this opportunity to wish the Shire all the best with the relocation and new community library facilities.

Should you require additional information, please contact the Property and Leasing team at propertyleasing@education.wa.edu.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Anna Brown', written over a horizontal line.

Anna Brown
**Executive Director
Infrastructure**

16 September 2021

(Appendix ORD: 12.2.2B)

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Eaton Community Library Relocation

RISK THEME PROFILE:

2 - Business and Community Disruption

6 - Engagement Practices

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

10 - Management of Facilities, Venues and Events

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Significant unbudgeted expenditure for relocation.	Moderate (3)	Almost Certain (5)	High (12 - 19)	Perform budget review and reallocate funds to major relocation expenses.	Minor (2)	Likely (4)	Moderate (5 - 11)
SERVICE INTERRUPTION	Library services will be interrupted for the moving process and renovations.	Major (4)	Likely (4)	High (12 - 19)	Develop a plan for relocation library and ensure that renovations are carried out before move. Ensure move is completed efficiently and limit impact on operation hours.	Moderate (3)	Possible (3)	Moderate (5 - 11)
LEGAL AND COMPLIANCE	Non-compliance with Library Board Act	Minor (2)	Likely (4)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Customer frustration at the change in venue, interruption to services, and additional expenditure.	Moderate (3)	Likely (4)	High (12 - 19)	Develop communications with key stakeholders and make announcements widely through the community about the relocation and interruption to services.	Moderate (3)	Possible (3)	Moderate (5 - 11)
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.

(Appendix ORD: 12.2.3A)

LOT 2 BANKSIA ROAD, CROOKED BROOK – LANDFILL WASTE CELLS

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Regional JDAP
Local Government Area:	Shire of Dardanup
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 <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)
Responsible Authority:	Shire of Dardanup
Authorising Officer:	Murray Connell
LG Reference:	DAP-F0211219
DAP File No:	DAP/21/02063
Application Received Date:	17 August 2021
Report Due Date:	15 November 2021
Application Statutory Process Timeframe:	90 Days
Attachment(s):	<ol style="list-style-type: none">1. Location Plan2. Development Application Report3. Development Application Plans:<ul style="list-style-type: none">• Cell 12A, Cell 9 and Cell 10 Development Site Plan (Drg No. BANK-421, Rev C)• Rehabilitation Area – Cell 12A/9/10 DA Overall Layout – Top of Waste RL 149m (Drawing No. DARD-621, Rev 1)• Cell 9 Top of Waste Surface Profile (Drg No. BANK-SK57, Rev B)• Cell 9 Top of Waste Section (Drg No. BANK-SK58, Rev B)• Cell 9 Layout Plan (Drg No. BANK- 306, Rev A)• Cell 10 Top of Waste Surface Profile (Drg No. BANK-SK59, Rev B)• Cell 10 Top of Waste Section (Drg No. BANK-SK60, Rev B)• Cell 10 Layout Plan (Drg No. BANK- 406, Rev A)• Cell 12A Top of Waste Surface Profile (Drg No. BANK-SK63, Rev B)• Cell 12A Top of Waste Section (Drg No. BANK-SK64, Rev B)• Cell 12A Layout Plan (Drg No. BANK- 506, Rev A)4. Public Submissions

(Appendix ORD: 12.2.3A)

	5. Agency Comments 6. Local Development Plan 7. EPA Notice of Decision to Assess Proposal	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

RESPONSIBLE AUTHORITY RECOMMENDATION:

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02063 is appropriate for consideration as a “Waste Disposal Facility” land use and compatible with the objectives of the zoning table in accordance with Clause 2.4.2 of the Shire of Dardanup Local Planning Scheme No. 3;
2. **Refuse** DAP Application reference DAP/21/02063 and accompanying plans:
 - Cell 12A, Cell 9 and Cell 10 Development Site Plan (Drg No. BANK-421, Rev C)
 - Rehabilitation Area – Cell 12A/9/10 DA Overall Layout – Top of Waste RL 149m (Drawing No. DARD-621, Rev 1)
 - Cell 9 Top of Waste Surface Profile (Drg No. BANK-SK57, Rev B)
 - Cell 9 Top of Waste Section (Drg No. BANK-SK58, Rev B)
 - Cell 9 Layout Plan (Drg No. BANK-306, Rev A)
 - Cell 10 Top of Waste Surface Profile (Drg No. BANK-SK59, Rev B)
 - Cell 10 Top of Waste Section (Drg No. BANK-SK60, Rev B)
 - Cell 10 Layout Plan (Drg No. BANK-406, Rev A)
 - Cell 12A Top of Waste Surface Profile (Drg No. BANK-SK63, Rev B)
 - Cell 12A Top of Waste Section (Drg No. BANK-SK64, Rev B)
 - Cell 12A Layout Plan (Drg No. BANK-506, Rev A)

in accordance with the Greater Bunbury Region Scheme, Clause 68 of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 7.3 of the Shire of Dardanup Local Planning Scheme No. 3, for the reasons detailed below.

REASONS FOR RESPONSIBLE AUTHORITY RECOMMENDATION:

1. As the decision-making authority, the JDAP is restricted from making a decision (under s41 of the Environmental Protection Act 1986) on this application which would cause or allow the proposal to be implemented, however may consider the proposal. Until the Environmental Protection Authority has concluded its assessment approval cannot be recommended and the application should be refused..

(Appendix ORD: 12.2.3A)

2. The application is inconsistent with the aims and provisions of the Scheme and would significantly impact on the rural character and appearance of the land.
3. It would be contrary to the principles of orderly and proper planning to approve the application in the absence of knowing the outcomes of the EPA's assessment of potential significant environmental effects.
4. The application is not considered to be consistent or sensitive to the character and quality of the landscape and is therefore inconsistent with State Planning Policy 2.0 – Environment and Natural Resources Policy.
5. The development would be visually dominant and is not considered to be visually compatible with surrounding land uses and is therefore inconsistent with State Planning Policy – 2.5 Rural Planning.
6. There are a number of matters outstanding with regard to groundwater that require full assessment in accordance with State Planning Policy 2.9 – Water Resources.
7. The current bushfire management plan does not comply with State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
8. The application proposes a significant departure from the Local Development Plan in terms of height that would result in development that would not be compatible with its setting or the character of the locality.
9. The waste cells will not be substantially landscaped for an extensive period of time and would therefore not be compatible with the desired future character of its setting and would have a detrimental impact on the amenity and character of the locality.
10. The impacts of heavy vehicle traffic on the public road network has not been adequately addressed.

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 - Zone/Reserve	General Farming
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Use not listed – “Waste Disposal Facility”
Lot Size:	121.6658 ha
Existing Land Use:	Waste disposal facility and extractive industry
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A
Design Review	<input checked="" type="checkbox"/> N/A

(Appendix ORD: 12.2.3A)

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.

Key aspects of the application are as follows:

- The area proposed for cells 9 and 10 is 2.45 hectares each and the area for cell 12A is 2.12 hectares (total area for all three cells is just over 7 hectares).
- The proposed timing for construction will be cell 12A completed by April 2023, cell 9 completed in March 2025 and cell 10 completed in March 2027.
- The ultimate finished top of waste height will be 149m AHD with a further 2m of capping.
- Other ancillary infrastructure (such as a workshop and generator) are proposed to be relocated to the south eastern corner of the site.
- Soil removed from the three cells will be stockpiled on-site and used for covering and capping.

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 development application report is included in Attachment 2 and the development application plans are included in Attachment 3.

The application contains several specialist reports addressing the following matters:

- Stormwater;
- Dust;
- Landscape and Visual Assessment;
- Rehabilitation and Closure;
- Bushfire Management; 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,

(Appendix ORD: 12.2.3A)

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.

Currently the site has approval to operate three landfill cells (6, 7 and 8). Associated infrastructure also includes stormwater and leachate ponds, tailings storage, a site office and weigh bridge. Gravel extraction also occurs in the in the north-west corner of the site.

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.

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 advertised in accordance with the cl. 64(1)(a) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council Policy *SDev CP505 – Public Consultation – Planning Matters*.

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

(Appendix ORD: 12.2.3A)

- 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 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.

In response to the advertising a total of 53 public submissions were received. All submissions objected to the application. The public submissions are included in Attachment 4.

The key issues raised in the submissions are summarised below along with Officer comments in response and further details are also provided in the 'Planning Assessment' section of this report.

Issue Raised	Officer comments
Increase in heavy vehicle traffic	Whilst it is acknowledged that the current tonnages of waste accepted at the site will not increase, it has been evident that vehicle numbers have increased that use the site and are placing pressure on the existing road network. Therefore a Traffic Impact Assessment or Traffic Impact Statement should be provided.
Visual impact and negative effect on tourism branding of the area	The application is accompanied by a 'Landscape and Visual Assessment'. The assessment contains images from key viewing locations of the existing landform and the proposed 149m AHD landform. From current observations it is apparent that the existing works are not considered to be discrete. The site is located at the entry to the Ferguson Valley which is a renowned tourism area. The increase to 149m AHD would be a noticeable hill that would break the strong horizontal panorama and adversely impact the broader landscape character. As the waste cells will not be substantially landscaped for extensive periods of time this could potentially have a negative impact on tourism in the Dardanup area and Ferguson Valley.
Noise impacts	The proponent has undertaken an environmental noise assessment of the site, including the contribution of the proposed construction activities. The results concluded that noise emissions from the facility will comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.
Dust and odour impacts	<p>The proponent has undertaken a Dust Management Plan which includes management actions consistent with the licence conditions related to dust. Detailed information relating to measures for managing odour have also been provided.</p> <p>It is noted that the EPA has identified dust, odour and gas emissions as potential significant effects that warrant assessment, which has yet to be concluded.</p>

(Appendix ORD: 12.2.3A)

	<p>DWER has responsibilities for the licensing of prescribed premises. Conditions contained within the current licence for the site relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.</p> <p>DWER has advised that it would not be progressing assessment of this proposal and therefore, in the absence of their professional comments it is not appropriate for Shire staff to make any assumptions on these issues.</p>
Litter	<p>The current DWER licence is prescriptive of the control of litter and includes the following key measures:</p> <ul style="list-style-type: none"> • All incoming vehicles to have covered loads. • Regular compaction and cover of waste. • Placement of a minimum of 10 portable litter control screens and large mobile litter screens. • Boundary fencing to 2m high. • Regular assigning of staff to collect litter. <p>The application proposes no increases in the landfill waste tonnages or any changes in the methodology and the existing management measures are considered acceptable in terms of minimising litter.</p>
Groundwater contamination	<p>It is noted that the EAP has identified groundwater as potential significant effect that warrants assessment, which has yet to be concluded.</p> <p>DWER has advised that it would not be progressing assessment of this proposal and therefore, in the absence of their professional comments it is not appropriate for Shire staff to make any assumptions on this issue.</p>
Close proximity to the Dardanup Conservation Park	<p>The closest waste cells are located 46m from the southern boundary. The minimum setback is 20m and the location complies with the setbacks.</p> <p>DBCA has advised that they have no objection to the application and have recently approved new stormwater works that have been co-located within the Conservation Park.</p>
Current location is inappropriate and the facility should be moved	<p>The existence of the facility is the result of the (then) Minister for Planning decision and this decision has been reinforced by the State Administrative Tribunal. The Shire has also granted development approvals over the site.</p> <p>The site is located within an area identified in the Local Planning Strategy as a 'Waste Disposal/Processing' area.</p>

(Appendix ORD: 12.2.3A)

The application should be considered a noxious or hazardous industry land use and not a 'use not listed' under the Scheme.	Although the land use class 'Waste Disposal Facility' does not appear in the Zoning Table of the Scheme it is defined in the land use definitions. The existing landfill facility (including the waste cells that are currently operational) have all been previously granted development approval under the 'use not listed' provisions. There is no reason to depart from this well-established determination given the application is for an extension to the existing facility.
Hours of operation should be restricted to 7am to 5pm weekdays, 8am to noon on Saturday and closed Sunday and public holidays.	The application does not propose to change the current operation hours of the facility which are from 6am to 6pm seven days a week. If there are issues that arise out of EPA's assessment of the application then restricting hours of operation could be a measure to mitigate those effects.

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

The period for comment was 42 days (concluding on Friday 1st October 2021). In response comments were received from all 8 agencies. The agency comments are included in Attachment 5. The key issues raised from the agencies are summarised below.

Department of Water and Environmental Regulation (DWER)

DWER advised that it would not be progressing assessment of this proposal until such time as the Environmental Protection Authority has finalised its assessment process.

Water Corporation

The Water Corporation advised that the development is within close proximity to the Dardanup Wastewater Treatment Plant and partially within the prescribed odour buffer. Only compatible land use should be developed within the buffer.

The proposed landfill waste cells are considered to be a compatible land use.

Department of Fire and Emergency Services (DFES)

(Appendix ORD: 12.2.3A)

DFES has not supported the application and has requested further clarification and modifications to the bushfire management plan.

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA notes the new waste cells are located within existing cleared areas and has no comments provided the proposal development complies with the endorsed LDP and associated landscaping, fencing and environmental management provisions.

PLANNING ASSESSMENT:

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
- Local Development Plan
- Environmental Protection Act 1986
- Environmental Impacts
- Visual Amenity
- Bushfire Management

The application has been assessed in accordance with the cl. 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* with those matters relevant to the application detailed below.

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.

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;*

The Scheme places considerable emphasis on the amenity and health of the community and the preservation of landscape values. As detailed throughout this report, the environmental impacts of the application are still outstanding and the

(Appendix ORD: 12.2.3A)

development at the height proposed would significantly impact on the rural character and appearance of the land. The application is therefore considered to be inconsistent with the aims and objects of the Scheme and should be refused.

2.3 Zones and Uses

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*
- c) *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.

However as outlined further in this report the potential impact on the amenity and the scale of the proposal is beyond what is considered appropriate and therefore, whilst the land use could be considered within the zone the impact of the proposal is not considered to be consistent with the objectives of the zone to allow for compatible use and protection of the rural and tourism values of the areas. The proposal is therefore considered to be inconsistent with the provisions of the Scheme and should be refused.

- (b) **the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving.**

Without knowing the outcomes of the EPA's assessment of potential significant environmental effects a precautionary principle approach has to be adopted. It would be contrary to the principles of orderly or proper planning to recommend approval of the application in the absence of these matters being assessed.

Council has adopted a draft new Scheme – LPS No 9 however this is yet to be advertised as it is still awaiting EPA guidance particularly in regards to the subject site area. As such the draft scheme is not considered a seriously entertained document at this point in time.

- (c) **any approved State planning policy.**

State Planning Policy 2.0 – Environment and natural resources policy

The policy advocates that there is a clear an 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 place 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 application on the landscape is considered significant and this has also been acknowledged by the EPA who have identified the interference with amenity values as one of the factors that requires further assessment. The proposed height would result in the waste mound being significantly higher than the surrounding hills, effectively creating a new hill within the surrounding landscape. As detailed further in this report and evidenced by the submissions received the aesthetic value to the community of the rolling green hills and the rural/tourism landscape should be safeguarded as per SPP 2.0. The proposal is therefore not considered to be consistent with SPP 2.0, and should be refused.

State Planning Policy 2.5 – Rural planning

The purpose of the policy is to protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.

(Appendix ORD: 12.2.3A)

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. The proposed height of 149m AHD is therefore not considered consistent with this aspect of the policy, and should therefore be refused.

State Planning Policy 2.9 – Water resources

The policy provides guidance in the planning, protection and management of surface and groundwater catchments. It is noted that the EAP has identified groundwater as potential significant effect that warrants assessment, which has yet to be concluded.

DWER has advised that it would not be progressing assessment of this proposal and therefore, in the absence of their professional comments it is not appropriate for Shire staff to make any assumptions on this issue. As per the precautionary principle and due to further information not being available at this point in time, it is recommend that the application be refused.

State Planning Policy 3.7 – Planning in bushfire prone areas

DFES has recommended modifications to the bushfire management plan to ensure it is accurate and can be implemented to reduce the vulnerability of the development to bushfire.

Should the JDAP intend to approve the application the bushfire management plan should be modified in accordance with DFES recommendations and further comment sought from DFES in regard to those modifications.

(d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d).

In April 2021 the proponent self-referred this application to the EPA. Pursuant to s39A(1) of the *Environmental Protection Act 1986* the EPA has decided to assess the proposal. The level of assessment is 'Referral Information with Additional Information' regarding inland waters, social surroundings and greenhouse gas emissions. EPA's notice of decision to assess proposal is included in Attachment 7.

As the decision-making authority, the JDAP is restricted from making a decision (under s41 of the *Environmental Protection Act 1986*) on this proposal until the EPA has concluded its assessment.

Given the above the local government sought an extension of time for this Responsible Authority Report to be completed from the applicant. Unfortunately the applicant did not agree to an extension of time. As a result this puts the local government in an unenviable position of having to make a recommendation to the JDAP on the application without knowing the outcomes of the EPA's assessment of potential significant environmental effects which include:

- Inland Waters from stormwater runoff and leachate seepage into groundwater;
- Social Surroundings from interference with amenity values;
- generation of Greenhouse Gas emissions from flaring; and
- Air Quality from dust and odour.

(Appendix ORD: 12.2.3A)

It is recommended that if JDAP is intending to determine the application, that the application be refused based on the precautionary principle and the restrictions from the EPA. Further due to a lack of information in relation to the potential environmental impacts, the inconsistency with Scheme and policy provisions and the proposed impacts on amenity the JDAP should refuse the application.

As the decision-making authority, the JDAP cannot make a decision which would cause or allow the proposal to be implemented, but may consider the proposal. In considering the proposal the JDAP may refuse the application as this would not cause or allow the proposal to be implemented.

(fa) any local planning strategy for this Scheme endorsed by the Commission.

The Shire of Dardanup 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. The proposed land use is consistent with the Strategy's future intentions for the site however the merits of the application as detailed in this report is not considered to aligned with the broader intention of the LPS to encourage tourism and protect the rural character of the Ferguson Valley Area.

(h) any structure plan or local development plan that relates to the development.

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 local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application.

In this instance a local development plan (LDP) was approved by the local government on 26 May 2021. The LDP is included in Attachment 6 and its objectives 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 an circulation, landscaping and fencing aspects of the application are considered to be consistent with the LDP.

(Appendix ORD: 12.2.3A)

The application proposes a significant departure from the 114m AHD maximum height recommended by the LDP and there are a number of outstanding environmental management matters that have yet to be assessed. The application is considered to be inconsistent with the LDP and should therefore be refused.

- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve.**

Under the Greater Bunbury Region Scheme (GBRS) the site is zoned 'Rural' and as the site is located adjacent to a 'Regional Open Space' reserve, 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.

This report recommends refusal of the application under the GBRS.

- (m) the compatibility of the development with its setting, including –**
- (i) the compatibility of the development with the desired future character of its setting; and**
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.**
- (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.**

The Local Development Plan for the site contains a provision that any proposed variation to the height limit (of 114m AHD) will require consideration of the visual impact and a visual impact assessment may be required. The application is accompanied by a 'Landscape and Visual Assessment' based on the proposed height of 149m AHD waste cell height with an additional 2m for capping.

It is important to note that the current DWER licence has a condition that the landfill cells must be constructed to ensure that the maximum height of waste placed within the cells will be no greater than 128m AHD. The landscape and visual assessment has included (for key view locations 15 and 20 only) a comparison of the existing landform with the 128m AHD and 149m AHD heights.

It is considered that the 128m AHD landform could be viewed as a low broad hill and therefore reflect a natural undulation in the skyline that would not be inconsistent with the broader panorama.

With regard to the application which proposes a 149m AHD height, the landscape and visual assessment suggests:

that the existing works at the subject site are discrete. The surrounding vegetation and landforms combine to restrict views and the works do not

(Appendix ORD: 12.2.3A)

currently adversely impact the broader landscape character. In the long term, the proposed 149m AHD top of cell height (excluding capping) will form a slightly higher skyline from some views. With the modelling suggesting this takes the form of a localised variation in topography which will be observed as an integral part of the rural landscape.

The landscape and visual assessment (section 3.4) contains images from key viewing locations of the existing landform and the proposed 149m AHD landform. From current observations and the information for key view locations 6, 11, 14, 17 and 19, it is apparent that the existing works are not considered to be *discrete*. The increase to 149m AHD is not considered to take the form of a slightly higher skyline but rather a noticeable hill that would break the strong horizontal panorama and adversely impact the broader landscape character.

The site is located at the entry to the Ferguson Valley which is a renowned tourism area well known for its rolling hills and clean/green produce including food and wine. The waste cell heights of 149m AHD will not be substantially landscaped for extensive periods of time and therefore will significantly impact the valued landscapes and views of the Dardanup area and Ferguson Valley. As such the impacts of the proposal is considered to be contrary to the orderly and proper planning of the area and should therefore be refused.

- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.**
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.**
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.**
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety.**

Key aspects of this application predominantly involve environmental matters which is evidenced by both the submissions received and the fact that the EPA is currently assessing the application under the EP Act.

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.

In the absence of the environmental matters being fully assessed by State agencies it is extremely difficult for the local government to realistically make any informed judgment on the environmental impacts of the application. On this basis it is recommended that the application be refused.

- (s) the adequacy of –**
 - (i) the proposed means of access to and egress from the site; and**

(Appendix ORD: 12.2.3A)

- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The Local Development Plan for the site contains a provision that a Traffic Impact Assessment or Traffic Impact Statement should be provided to assess the suitability of the public road network, any upgrades required and potentially any ongoing maintenance costs.

Whilst it is acknowledged that the current tonnages of waste accepted at the site will not increase, it has been evident that vehicle numbers have increased that use the site and are placing pressure on the existing road network. Therefore a Traffic Impact Assessment or Traffic Impact Statement should be provided prior to considering the application.

- (w) the history of the site where the development is to be located.

It should be noted that the site was originally approved as a waste landfill facility by the (then) Minister for Planning as a result of an appeal. Both the Shire and DWER have previously taken action against the operator for failing to comply with operational conditions. A large number of minor additional approvals have been sought and granted on the site. This resulted in the development incrementally increasing in size with significant difficulty in ensuring compliance with the relevant conditions. The Shire has encouraged the proponents to prepare one overall plan or application to provide clear guidance of what has been approved and how the site will be used in future.

- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.
- (y) any submissions received on the application.

The submissions received are discussed in the 'Consultation' section of this report. Given the number and issues raised it is considered that the development would have an impact on the community as a whole.

- (za) the comments or submissions received from any authority consulted under clause 66.

The comments received are discussed in the 'Consultation' section of this report.

CONCLUSION:

Without knowing the outcomes of the EPA's assessment of potential significant environmental effects a conservative approach has to be adopted. It would be contrary to the principles of orderly or proper planning to recommend approval of the application in the absence of these matters being assessed. The application is considered to be inconsistent with the objects and provisions of the Scheme, State Planning Policies, Local Development Plan and the orderly and proper planning of the area.

The landscape and visual assessment contains images from key viewing locations of the proposed 149m AHD landform. From current observations it is apparent that the existing works are not considered to be *discrete*. The substantial increase to 149m

(Appendix ORD: 12.2.3A)

AHD is considered to take the form of a noticeable hill that would break the strong horizontal panorama and adversely impact the broader landscape character.

The application is therefore recommended for refusal.

DEVELOPMENT APPLICATION

Lot 2 Banksia Road
CROOKED BROOK



Harley Dykstra[®]

PLANNING & SURVEY SOLUTIONS

DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	12/02/2021	Draft	HD	For QA
B	08/03/2021	Draft	Client	For review
C	01/04/2021	Final	Shire/ JDAP	Lodgement
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Prepared for: Cleanaway Solid Waste Pty Ltd
Prepared by: MK
Reviewed by: LB

Date: 3 August 2021
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BUNBURY

21 Spencer Street, Bunbury
PO Box 778, Bunbury WA 6231

T: 08 9792 6000
E: bunbury@harleydykstra.com.au

ABN 77 503 764 248

Albany

Bunbury

Busselton

Forrestdale

Perth

www.harleydykstra.com.au



FS 536019

TABLE OF CONTENTS

DOCUMENT CONTROL	II
DISCLAIMER	II
APPENDICES INDEX	IV
1 INTRODUCTION	5
2 BACKGROUND AND SITE CONTEXT	6
2.1 SITE LOCATION	6
2.2 OWNERSHIP	6
2.3 EXISTING LAND USE	7
3 PROPOSED DEVELOPMENT	8
3.1 GENERAL INFORMATION	8
3.1.1 <i>Siting</i>	8
3.1.2 <i>Use</i>	8
3.1.3 <i>Design</i>	8
3.1.4 <i>Other infrastructure changes</i>	12
3.2 ENVIRONMENTAL MANAGEMENT STRATEGIES	13
3.2.1 <i>Hours of operation</i>	13
3.2.2 <i>Stormwater</i>	13
3.2.3 <i>Separation to Groundwater</i>	14
3.2.4 <i>Traffic</i>	14
3.2.5 <i>Dust Management</i>	14
3.2.6 <i>Odour</i>	14
3.2.7 <i>Noise</i>	14
3.2.8 <i>Litter</i>	15
3.2.9 <i>Vegetation</i>	15
3.2.10 <i>Cell Completion and Rehabilitation</i>	15
4 PLANNING CONSIDERATIONS	16
4.1 GREATER BUNBURY REGION SCHEME	16
4.2 SHIRE OF DARDANUP LOCAL PLANNING STRATEGY	16
4.3 SHIRE OF DARDANUP LOCAL PLANNING SCHEME NO. 3	16
4.4 LOCAL DEVELOPMENT PLAN	17
4.5 VISUAL AMENITY	17
4.6 STATE PLANNING POLICY 3.7 – PLANING IN BUSHFIRE PRONE AREAS	18
5 CONCLUSION	19

APPENDICIES INDEX

APPENDIX NO.	NATURE OF DOCUMENT
A	Certificate of Title (Lot 2)
B	Development Plans
C	IW Projects Works Approval Application Supporting Documentation
D	Stormwater Management Plan
E	Strategen JBS&G Banksia Road Landfill Dust Management Plan
F	EPCAD Landscape and Visual Assessment
G	Banksia Road Landfill Rehabilitation and Closure Plan
H	Tonkin Banksia Road Landscaping Plan
I	Bushfire Prone Planning Bushfire Management Plan
J	Herring Storer Environmental Acoustic Assessment

1 INTRODUCTION

This report forms the basis of a development application which reflects the future use by Cleanaway at Lot 2 Banksia Road, Crooked Brook ('the site').

The purpose of this report is to provide planning justification for the construction/ development and filling of three new waste cells (identified as Cells 9, 10 and 12A) at Lot 2 and serves to assist decision-makers and service authorities to consider this application in detail, as well as to provide the Regional Joint Development Assessment Panel (JDAP) a clear understanding of the proposal and to facilitate a positive determination.

This Development Application has been formulated by Harley Dykstra in collaboration with specialist consultants, who have provided input in relation to various environmental matters as follows:

- IW Projects** - Works Approval Application
- Golder Associates** - Stormwater Management Plan
- Strategen JBS&G** - Dust Management Plan
- EPCAD** - Landscape and Visual Assessment
- Tonkin** - Rehabilitation & Closure Plan and Landscaping Plan
- Bushfire Prone Planning** - Bushfire Management Plan
- Herring Storer** - Environmental Acoustic Assessment

Copies of the relevant consultant reports and drawings are attached to this submission, with key findings incorporated within the body of this report.

2 BACKGROUND AND SITE CONTEXT

2.1 SITE LOCATION

The subject site is located approximately 3.8km south east of the Dardanup townsite, abutting the Dardanup Conservation Park along its eastern and southern boundaries. Similar waste disposal and processing occurs at the Depiazzi Depot, approximately 1.9km north of the subject site. Lot 4580 Panizza Road is located approximately 600m north and is also approved for waste disposal and processing to occur. Therefore, the existing waste disposal operations within Lot 2 are appropriately located within the surrounding local context.

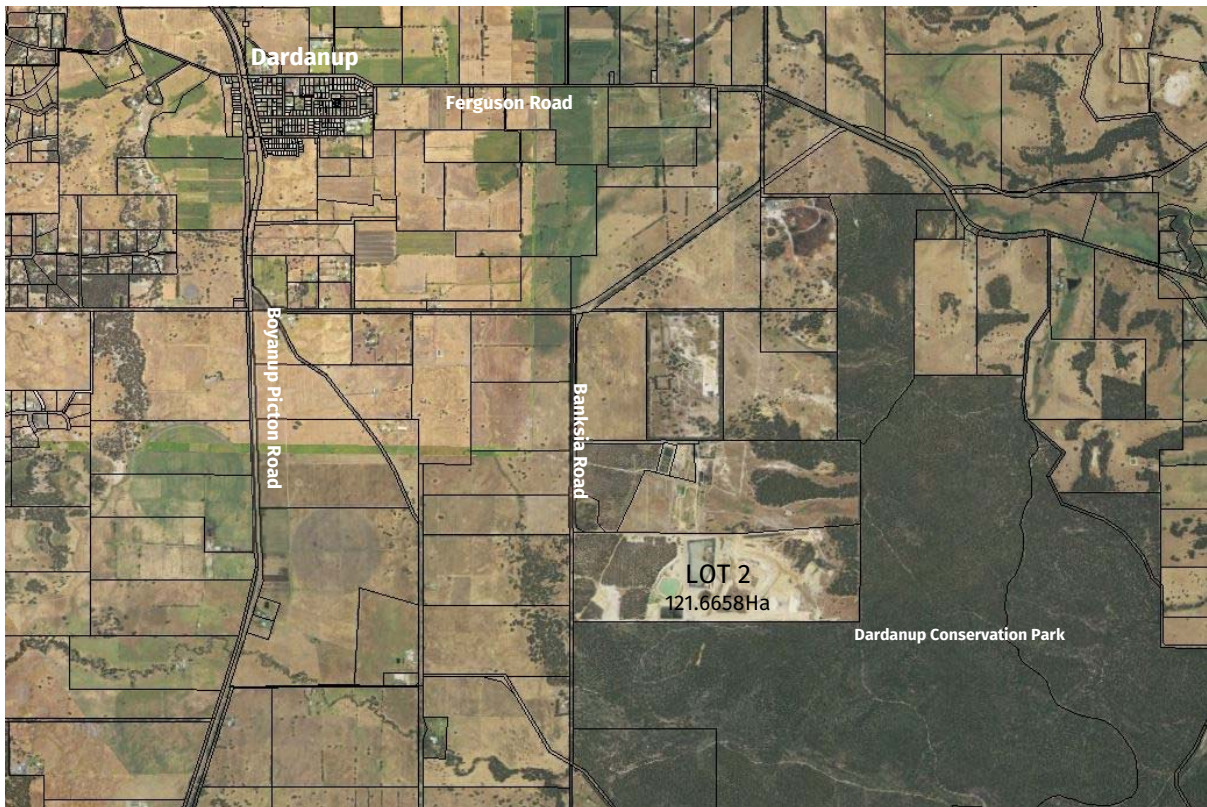


Figure 1 – Local Site Context

2.2 OWNERSHIP

The property details for Lot 2 Banksia Road, Crooked Brook are as follows:

LOT NUMBER:	DIAGRAM:	VOLUME/FOLIO:	LOT AREA:	REGISTERED PROPRIETOR:
2	65861	1670/568	121.6658 Ha	J&P Corporation Pty Ltd

A copy of the Certificate of Title is attached at **Appendix A** of this report. Cleanaway has occupied Lot 2 since 2006, under a lease agreement with J&P Corporation Pty Ltd.

2.3 EXISTING LAND USE

The subject site is approved to operate as a waste disposal facility, pursuant to licence L8904/2015/1 (including 3 amendments) issued under the Environmental Protection Act 1986 (WA) (EP Act) and pursuant to a number of development approvals, including the approval (PA 112/16) for the construction of landfill cells 6, 7 and 8. Cells are developed in stages as needed dependent on the remaining capacity of existing cells. The licence allows for the disposal of 353,000 tonnes of liquid waste per annum and 350,000 tonnes of Class 2 or 3 putrescible landfill waste per annum. This licence will expire 2 August 2035.

The site currently hosts 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.

3 PROPOSED DEVELOPMENT

Three additional waste cells are proposed in this Development Application. The cells are subject to the existing licence under the EP Act for the landfill operation on Lot 2. The proposed cells are to be identified as: 9, 10 and 12A. It is anticipated that cells 9, 10 and 12A will be constructed within the coming number of years. Detail of the staging of works and other information can be found in the IW Projects report at **Appendix C**. The IW Projects report specifically addresses the Works Approval application for the proposal, as submitted to the Department of Water and Environment Regulation (DWER), concurrently with this Development Application. However, material from that application is included as part of the Appendix of this document, as it contains details also relevant to the Development Application.

3.1 GENERAL INFORMATION

3.1.1 Siting

The proposed additional waste cells are located within the bounds of Lot 2. A full set of development plans is included at **Appendix B**.

3.1.2 Use

Currently the site is used for waste-disposal purposes. The site currently hosts 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 roads. This Development Application is for three proposed waste cells to replace the corresponding existing cells in a staged manner, which are reaching their capacity.

The proposed waste-cells are consistent with the current use of the site and ensure the continued use of the site as per the licence under the EP Act. The three cells proposed will conform as part of the existing Class III landfill site.

Construction of proposed Cell 12A is projected to be completed by April 2023. Construction of proposed Cell 9 is expected to begin in January 2024 and be completed in March 2025. Construction of proposed Cell 10 is expected to begin in January 2026 and be completed in March 2027.

3.1.3 Design

Proposed cells have been designed in accordance with the EPA Victoria, BPEM, Siting, Design, Operation and Rehabilitation of Landfill, August 2016 landfill development guidelines. These guidelines have been applied as they provide for consistency with the DWER's benchmark for landfill development in Western Australia.

The proposed siting and design of the waste cells is considered to demonstrate a logical progression for the development of the site. The siting of the proposed cells consider the layout of existing waste cells and the potential for development of future waste cells. Other considerations incorporated into the design process include internal road design and the relocation of existing infrastructure to facilitate the development of the proposed waste cells. The design details are outlined further within the IW Projects report at **Appendix C**.

The soil removed from the three cells will incrementally be stockpiled and used on Lot 2 for covering/capping as the cells progress.

When stockpiled, the soil will be located towards the rear (east) of the site where existing stockpiles have already been established (to the north and east of proposed Cells 9 and 10). Soil surplus to

what is required onsite (for capping etc) is being considered for other offsite uses such as supplying material to Main Roads WA for the Bunbury Outer Ring Road (BORR) project.

In terms of the filling of the cells with waste, once processed over the weighbridge, landfill waste is to be delivered directly to the tipping area by the waste delivery vehicles, from where the waste is then pushed up and incorporated into the landfill waste mass. Waste is progressively placed and compacted into initial thin layers of approximately 500 mm thick and built up into 'lifts' of approximately 3m in height (refer to Figure 2 below as an example waste lift plan and Figure 3 as an example waste lift section). The waste is placed and compacted by driving over it approximately 5 times. At the end of each day (or sooner if required for special waste types), the waste placement area is covered with daily cover (150mm of soil). Each landfill cell has a projected design life of approximately two to three years, which will be dependent on the annual waste tonnage received at the facility.

It should be noted that the individual waste cells are not filled and completed in full prior to commencing the next cell. Instead the individual cells are filled up to a certain point within their development footprint prior to relying on the next adjacent cell to be commenced and there being overlap between the cells to complete the ultimate top of waste. This is shown in more detail in Figure 3 below.

More details in relation to the individual cells are outlined below, including the filling of the cells and the proposed finished top of waste details.

Cell 9

The area of proposed Cell 9 is 25,400m². Cell 9 is to be setback 47m from the southern boundary of Lot 2 while maintaining setbacks of over 300m from all other boundaries.

The Cell 9 area currently ranges in height from approximately 85m AHD to approximately 105m AHD. The initial proposed volume of soil extraction for the cell is 153,827m³. The initial proposed finished top of waste height for Cell 9 (within the cell development footprint) will be 105m AHD until subsequent cells are developed after which the ultimate finished top of waste height proposed is 149m AHD.

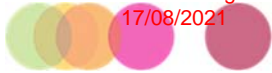
Cell 10

The area of proposed Cell 10 is 25,400m². Cell 10 is to be setback 47m from the southern boundary of Lot 2 while maintaining setbacks of over 300m from all other boundaries.

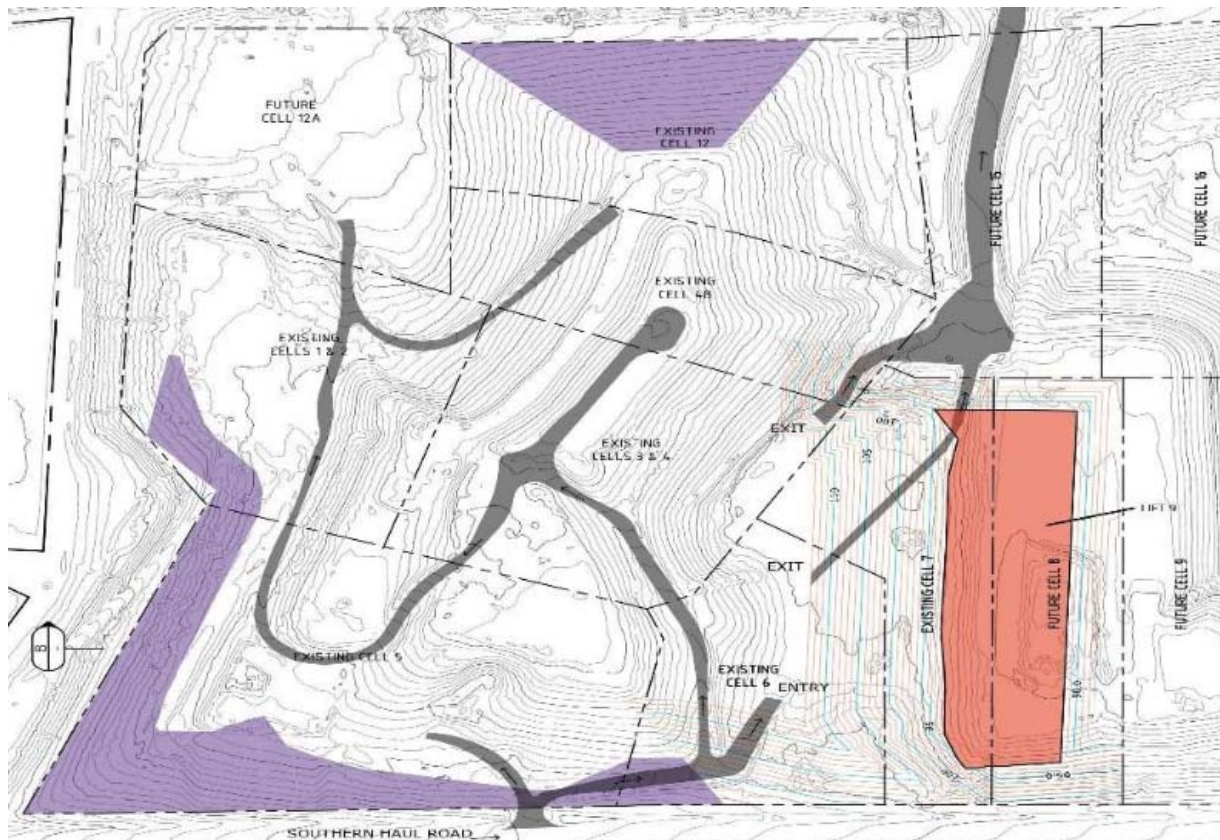
The Cell 10 area currently ranges in height from approximately 95m AHD to approximately 107m AHD. The initial proposed volume of soil extraction for the cell is 399,174m³. The initial proposed finished top of waste height for Cell 10 (within the cell development footprint) will be 120m AHD until subsequent cells are developed after which the ultimate finished top of waste height proposed is 149m AHD.

Cell 12A

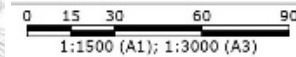
The area of proposed Cell 12A is 21,205m². Cell 12A is to be setback 25m from the northern boundary of Lot 2 while maintaining setbacks of over 300m from all other boundaries.



(Appendix ORD: 12.2.3B)



LEGEND



18 MONTH FILL LIFTS				
LIFT No.	CELL	TOP LIFT ELEVATION	INCREMENTAL FILL (m ³)	ACCUMULATIVE FILL (m ³)
LIFT 9	CELL 8	EL. 92.0	39607.9	502403.5

LIFTS MODELED FOR CELL 8 HAVE BEEN PROVIDED BY IW PROJECTS DATED 18.03.21

NOTES

1. TOPOGRAPHIC INFORMATION BASED UPON AERIAL DRONE SURVEYS CONDUCTED BY AUSTRALIAN UAV ON 04.11.2020
2. TOP OF WASTE SURFACE FROM IW PROJECTS DATED 24.04.2020 LIMITED AT EL128
3. REFER PACKAGE 2 SHEET P208 FOR CONSTRUCTED AIRSPACE SURFACE
4. 18m FILL PLAN HAS BEEN CALCULATED BASED ON CLEANAWAY APPROXIMATE OF 350,000T OF WASTE PER ANNUM, AND A DENSITY OF 1.0T/m³, FOR A TARGET VALUE OF 525,000m³ OF AIRSPACE REQUIRED
5. WASTE LIFTS OF 3M AS DIRECTED BY CLEANAWAY



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FOR INFORMATION

CLEANAWAY SOLID WASTE
 18 MONTH OPERATIONAL WASTE FILL PLANS
 DARDANUP LANDFILL, WA
 LIFT 9 - CELL 8

FILENAME:	PROJECT NUMBER:	DRAWING NUMBER:	REVISION:
20201020_NOV 2020 P401 - LIFT 9.DWG	201020	P409	A

Figure 2 – Waste lift plan

Currently the majority of the Cell 12A area is at a height of approximately 84m AHD. The initial proposed volume of soil extraction for the cell is 179,455m³. The proposed finished top of waste height for Cell 12A will be 123m AHD.

3.1.4 Other infrastructure changes

Within the existing footprint of Cell 12A there is currently infrastructure which needs to be relocated. This includes a workshop, a landfill gas flare (with associated generator) and tailings discharge point. Photos of these elements are included below (refer to Figures 4, 5 and 6).



Figure 4 – Existing workshop



Figure 5 – Existing landfill gas flare and generator



Figure 6 – Existing tailings disposal point

The proposed new location for both of these elements are shown on the development plans. The piped landfill gas extraction infrastructure will be extended as required and the gas flare will be relocated immediately to the west of Cell 12A. The workshop is proposed to be relocated to the south east corner of the property as indicated on the Development Site Plan. The tailings discharge point will be relocated immediately to the north of Cell 12A (as indicated on the Development Site Plan) so that the delivery vehicles can access the new discharge point directly off the northern access road.

3.2 ENVIRONMENTAL MANAGEMENT STRATEGIES

3.2.1 Hours of operation

Operation at Lot 2 is currently carried out from 6:00am to 6:00pm daily, per previous consents. This Development Application does not propose any amendments to the existing operating hours.

3.2.2 Stormwater

Stormwater will continue to be managed as per the Stormwater Management Plan prepared by Golder Associates together with WML Consultants. This Stormwater Management Plan is compliant with the 2019 Australian Rainfall & Runoff Guidelines. Rainfall estimates and peak flow discharges in the Stormwater Management Plan have been updated to comply with the Australian Rainfall & Runoff 2019 Guidelines. Please see **Appendix D** for the complete Stormwater Management Plan.

It is to be noted that the development of the three new waste cells will not impact on the stormwater upgrade work along the southern boundary of Lot 2 approved by the Shire in March 2021 (DAP-Fo174854).

The IW Projects report at **Appendix C** also includes further details on stormwater and surface water management.

3.2.3 Separation to Groundwater

For more than a decade, numerous specialist consultants have been engaged to monitor and model the groundwater below the subject site. This ongoing monitoring has determined the highest seasonal level of the groundwater. Based on this information, in the vicinity of the proposed three landfill cells, there is in excess of 27 m separation distance between the underside of the landfill base liner and the highest groundwater table. This is significantly greater than the minimum 2m required separation.

3.2.4 Traffic

The proposed cells will not have any material impact to the traffic generation onsite or offsite (i.e. no increase), since the three cells are proposed in a staged 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.

As outlined in the Environmental Acoustic Assessment (see Section 3.2.7 of this report), the construction equipment fleet includes 2 excavators, 4 dump trucks, 1 dozer, 1 loader, 1 grader and 1 skid steer. These construction vehicles will stay on site.

3.2.5 Dust Management

Dust will be managed per the Dust Management Plan (DMP) prepared by Strategen JBS&G in accordance with the Shire's Dust Control Local Law 2011.

A copy of the DMP is attached at **Appendix E**. The DMP outlines the site operations and the associated management practices that are to be implemented in relation to dust.

3.2.6 Odour

It is noted that the proposed additional three waste cells are proposed in a staged manner to replace the existing cells which are reaching their capacity. In that regard the odour associated with the usage of the new cells will be the same as is currently occurring onsite and no increase in overall odour generation will occur.

More details in relation to odour are included in the IW Projects report at **Appendix C**.

3.2.7 Noise

Noise generation is not proposed to increase as a result of this proposal. The proposed three waste cells will not increase noise generation since the three cells are proposed in a staged manner to replace the existing cells which are reaching their capacity.

In any case, it is noted that in order to demonstrate compliance with the applicable Noise Regulations, an environmental noise assessment of the site has been undertaken, including the contribution of the proposed construction activities. A copy of the Environmental Acoustic Assessment is included at **Appendix J**.

The summary of the Environmental Acoustic Assessment states:

"Assessment of the current operations and the inclusion of anticipated construction noise emissions for the Cleanaway Waste Transfer Facility shows that compliance with the criteria stipulated in the Environmental Protection (Noise) Regulations 1997, is achieved at all times."

3.2.8 Litter

It is noted that the proposed additional three waste cells are proposed in a staged manner to replace the existing cells which are reaching their capacity. In that regard the litter emissions associated with the usage of the new cells will be the same as is currently occurring onsite and no increase in overall litter emissions generation will occur.

More details in relation to odour are included in the IW Projects report at **Appendix C**.

3.2.9 Vegetation

This Development Application involves a cleared area of Lot 2 only, associated with the historical farming activity on the site and so does not include any vegetation clearing.

3.2.10 Cell Completion and Rehabilitation

The cells are proposed to be completed in the order of Cell 12A, Cell 9 and Cell 10. When the proposed cells are filled to capacity, the waste surface within the landfill cell will be capped and rehabilitated. Further details are outlined in the **Appendix G**, Banksia Road Rehabilitation and Closure Plan. However, a summary is also provided below.

Cleanaway has developed a model in light of future landfill cell construction and landfill cap staging plan. In terms of the three proposed cells, capping for each of these is proposed to commence in January to March 2025 for Cell 12A and December 2031 to March 2032 for Cells 9 and 10.

Cell 12A is to be prioritised in order that the front (western) face of the landfill is finalised within the coming years and the associated capping and rehabilitation of the cells along this front face (Cells 1, 2, 5 and 12A) can be completed by approximately early 2025.

4 PLANNING CONSIDERATIONS

4.1 GREATER BUNBURY REGION SCHEME

The subject site is zoned 'Rural' under the Greater Bunbury Regional Scheme (GBRS).

The Dardanup Conservation Park is reserved for 'Regional Open Space' under the GBRS which abuts the subject site on its eastern and southern boundaries.

4.2 SHIRE OF DARDANUP LOCAL PLANNING STRATEGY

The Shire of Dardanup's Local Planning Strategy designates the subject site to be within the Waste Disposal/Processing land use designation. Section 3.6 of the strategy outlines the intent of the strategy with this Waste Disposal/Processing designation reflecting the existing operations within the precinct. A copy of an extract from the Shire of Dardanup's Local Planning Strategy is included within Figure 7 below.



Figure 7 – Shire of Dardanup Local Planning Strategy

The proposed development application seeks to reflect the Shire's Local Planning Strategy by proposing further development relating to the existing waste disposal operations onsite in accordance with the strategy objectives.

4.3 SHIRE OF DARDANUP LOCAL PLANNING SCHEME NO. 3

The Shire of Dardanup's Local Planning Scheme No. 3 (LPS 3) zones the subject site as 'General Farming', as is indicated in the copy of the existing TPS 3 zoning that is provided within Figure 8 below.

Within the land use table of LPS No. 3, no land use classification reflects the existing waste disposal operations onsite and therefore, in accordance with clause 2.4.2 of TPS 3 the proposed operations are to be considered as a "Use Not Listed".

Given the Development Application relates to the landfill operation on Lot 2, it is ancillary to the existing waste disposal facility use and consistent with the approved use not listed under TPS 3.

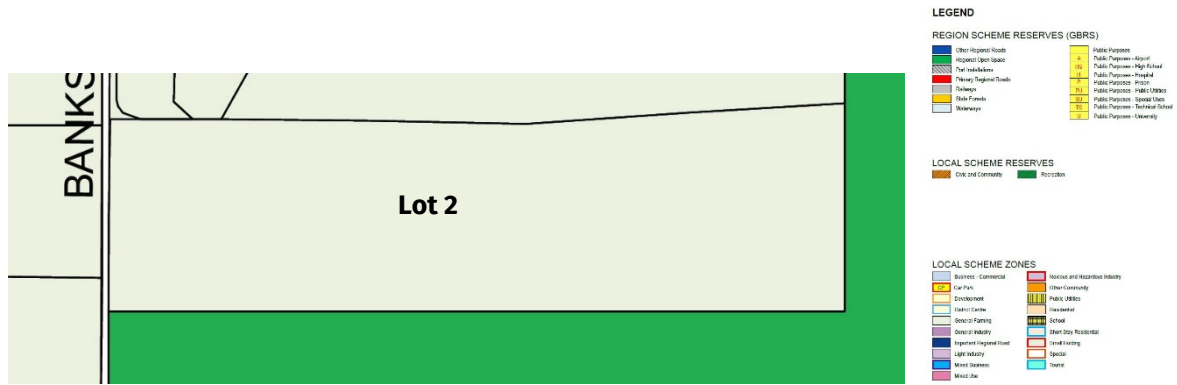


Figure 8 – Shire of Dardanup's Local Planning Scheme No. 3

4.4 LOCAL DEVELOPMENT PLAN

A Local Development Plan (LDP) was approved by the Council of the Shire of Dardanup on 26 May 2021.

The proposed cells 9, 10 and 12A are generally in accordance with the LDP. All the relevant technical and specialist consultant reports have been prepared and included, as detailed in and attached to this report.

It is noted that while the LDP stipulates a general height limit of 114m AHD for development, cells 9, 10 and 12A are proposed to be above this height limit (being 149m AHD, 149m AHD and 123m AHD respectively). At the same time it is noted that the LDP allows for variations to the height limit to be considered subject to consideration of the visual impact of the surrounding locality. As a result of the variation in height proposed, a Landscape and Visual Assessment was also undertaken as part of this proposal and this is outlined in more detail in the next section (4.5) below.

4.5 VISUAL AMENITY

EPCAD were engaged to undertake a Landscape and Visual Assessment in which they considered the visual effects of the construction and operation of the waste disposal facility at Lot 2 Banksia Road.

The EPCAD assessment has taken into consideration the intent to create a series of waste cells accommodating waste to a finished height of 149m AHD. The proposed cells 9, 10 and 12A are therefore included within the scope of this Landscape and Visual Assessment. This Visual Assessment was done based on the vegetation as per the Landscaping Plan at **Appendix H**.

The EPCAD report is attached in full at **Appendix F**. The conclusions reached by the EPCAD report include the following:

- Existing works at the subject site are discrete. The surrounding vegetation and landforms combine to restrict views. These works do not currently adversely impact the broader landscape character.
- The incremental implementation of the landfill includes the staged delivery of landscape rehabilitation works. As filling progresses, the planting will mature. As the scale and height of the new landform increases the landscape planting will ameliorate any initial prominence.
- In the long term, the proposed top of cell height, 149 AHD (including capping) will form a slightly higher skyline from some views. This will be observed as an integral part of the rural landscape.

- In 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.

The EPCAD report therefore concludes that the filling and completion of the waste cells will have limited and manageable impacts on the visual amenity of the public realm around the waste disposal site.

4.6 STATE PLANNING POLICY 3.7 – PLANING IN BUSHFIRE PRONE AREAS

Lot 2 is partially designated to be bushfire prone by the Department of Fire and Emergency Services Commissioner. A copy of the bushfire mapping applicable to the subject site is included within Figure 9 below.

A Bushfire Management Plan (BMP) has been prepared by Bushfire Prone Planning and a copy is attached in full at **Appendix I**. Appendices to the BMP include a Risk Management Plan and Bushfire Emergency Plan.

In summary the BMP confirms the following:

- All buildings onsite are able to establish a BAL-29 dimensioned Asset Protection Zone (APZ) wholly within the lot boundary;
- The current and proposed location of cells allow for a minimum BAL-29 dimensioned APZ to be established;
- The site is accessed from Banksia Road, which provides two directions of continuous travel and meets the standards of public roads. The internal road network of the site is also sufficient for the standards of public roads;
- The site has an ample firefighting water supply provided by the two Stormwater Ponds, bore pump, and two 15,000L water carts;
- The bushfire risk to the site is considered to be acceptable where Asset Protection Zones are implemented and maintained, and the onsite bushfire procedures are effectively actioned.

As mentioned earlier, the BMP is accompanied by a Bushfire Emergency Plan and Risk Management Plan which have been developed to provide procedures to minimise bushfire risks and impacts.



Figure 9 – SPP 3.7 Bushfire Prone Mapping

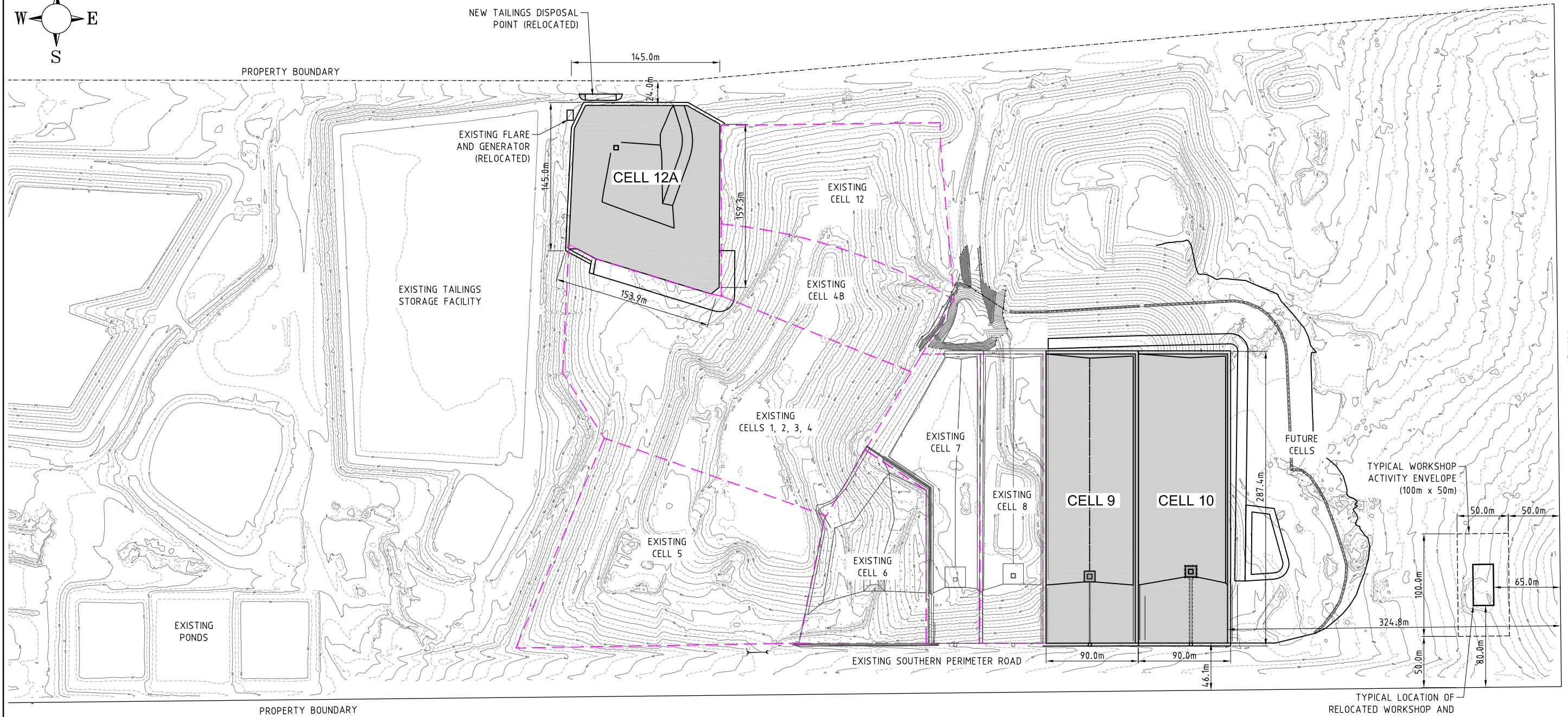
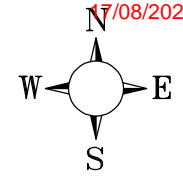
5 CONCLUSION

Development approval is respectfully sought for three waste cells at the existing waste disposal site at Lot 2 Banksia Road, Crooked Brook, as detailed within this report.

In summary, the proposed application is justified as follows:

- the proposed three waste cells are associated with the continued operation of the waste disposal facility, and therefore may be considered as ancillary to the existing approved use onsite; and
- this development application represents an application for the appropriately managed operations to continue onsite which is providing an essential service for the community.

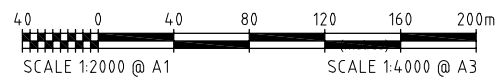
On the basis of the description and rationale provided within this report, it is therefore respectfully requested that the Regional JDAP review this application and approve the proposed waste cells at Lot 2 Banksia Road, Crooked Brook.



SITE PLAN
SCALE 1 : 2,000 (A1)

FOR APPROVAL

30 JULY 2021



REVISIONS	No.	BY	DATE	DESCRIPTION	DRG. FILE	DATE	TECHNICALLY APPROVED:
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	A	S.B.Y.	26/10/20	FOR APPROVAL	DES. CHK.		I.W.
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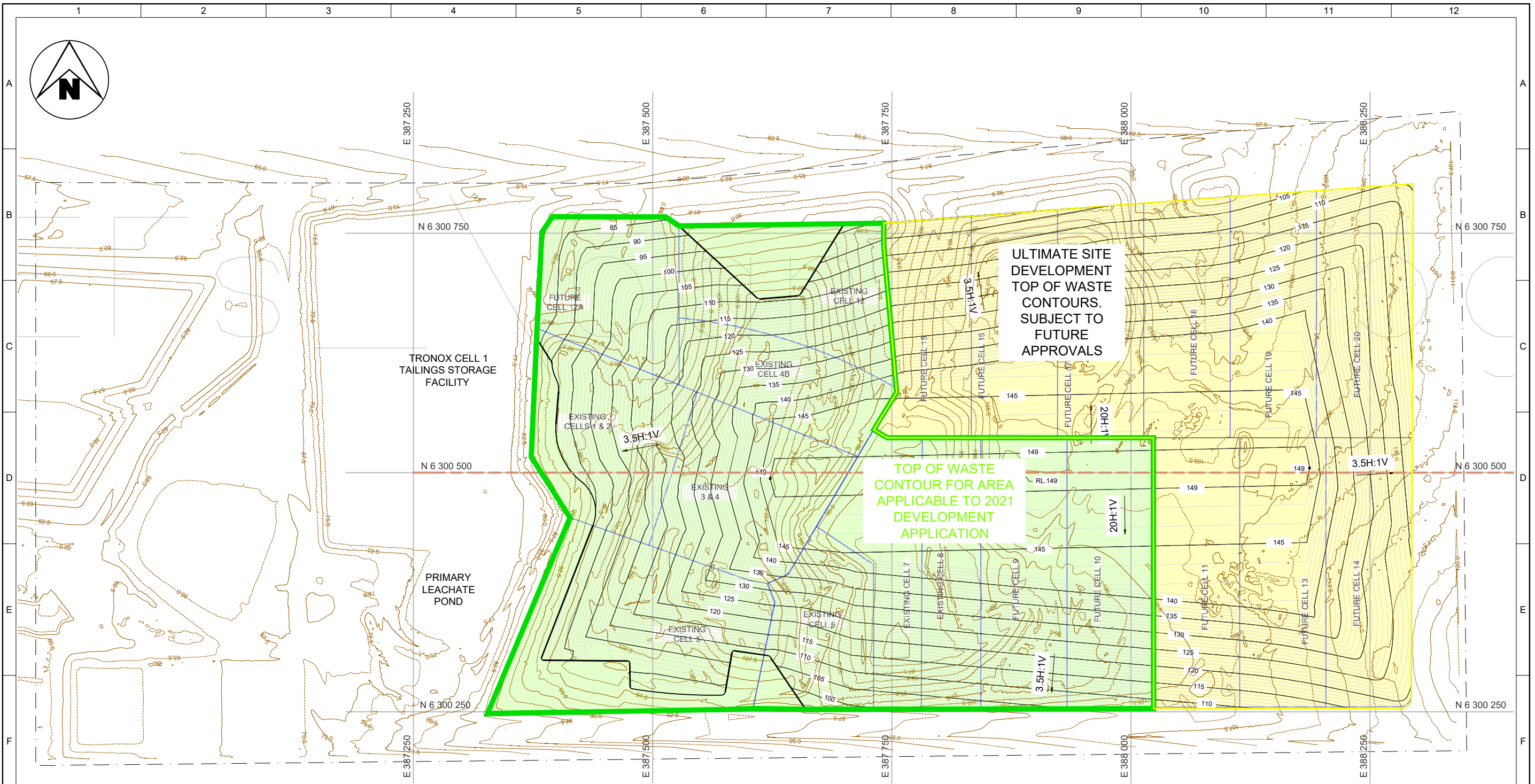
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CLEANAWAY SOLID WASTE
BANKSIA ROAD LANDFILL FACILITY, DARDANUP WA
CELL 12A, CELL 9 AND CELL 10
DEVELOPMENT SITE PLAN

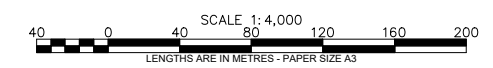
SCALE	AS SHOWN
SHEET	
DRG No.	BANK-421
REVISION	C



Legend

- TOP OF WASTE CONTOUR FOR AREA APPLICABLE TO 2021 DEVELOPMENT APPLICATION CURRENT APPROVED CELLS AND NEW CELLS 12A / 9 / 10
- AREA OF FUTURE CELLS PLANNED TOP OF WASTE CONTOUR
- 115 CAPPING CONTOUR LEVEL
- 105.0 EXISTING SURFACE CONTOUR - AUAV NOVEMBER 2019
- LOT 2 SITE BOUNDARY

NOTE:
THE SURFACE SHOWN ON THIS PLAN IS THE TOP OF WASTE RL149m CONTOUR. (UNDERSIDE OF CAP DESIGN) LEVELS AS PER F001 REV2 .DRAWING 2016.



DATE: 08/03/21 11:24:46 AM, LOGIN NAME: FRANK, LOCATION: I:\Cleanaway_L\DARDANUP\621.DRD\DWG\621.DWG FOR CAD Drawing\DARD-621.DEVELOPMENT APPLICATION 2021.dwg

REV	DATE	DRAWN	REV'D	APP'D	REVISION
1	28.03.21	F.A.	S.C.	B.G.	LOCAL DEVELOPMENT PLAN

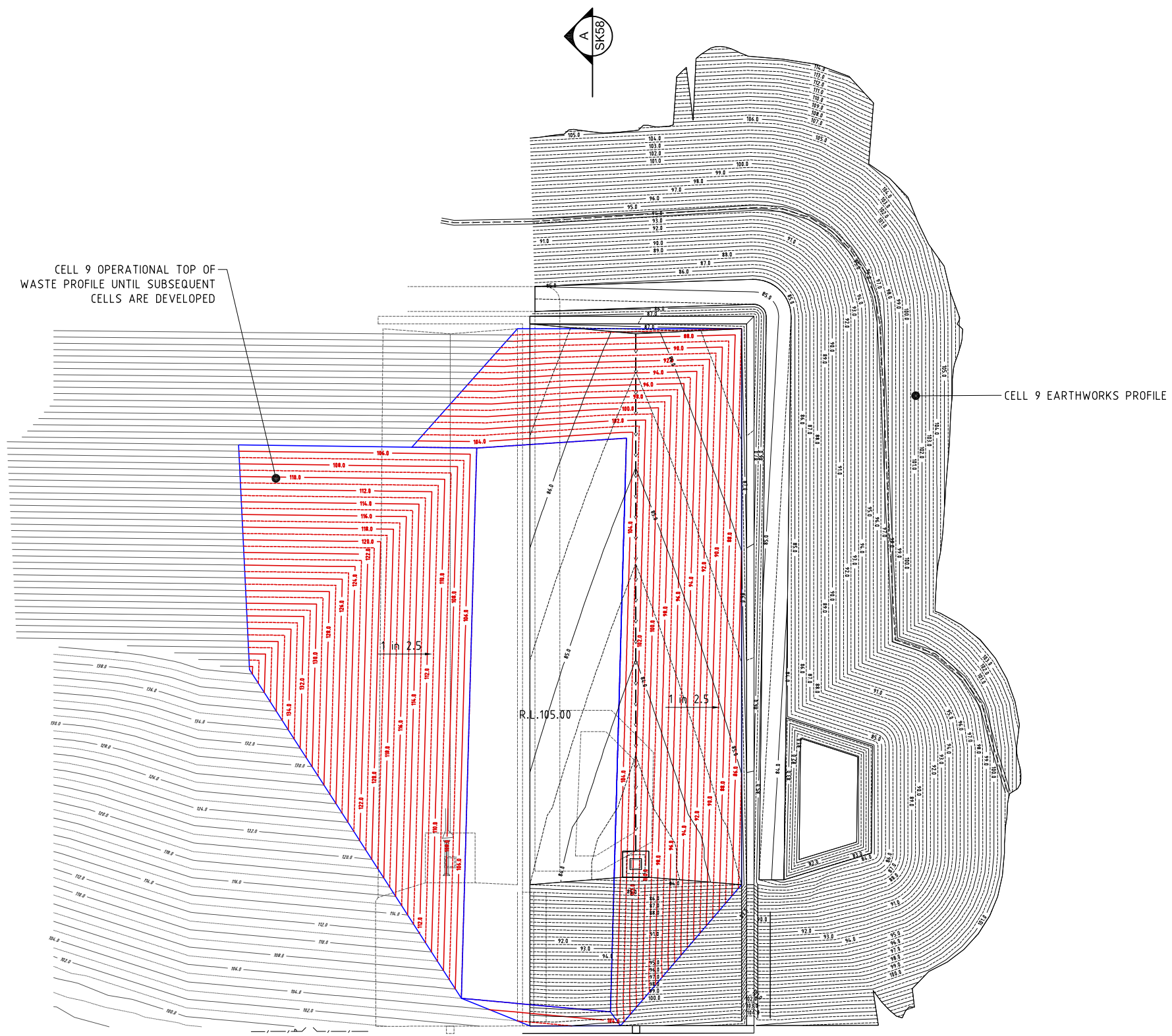
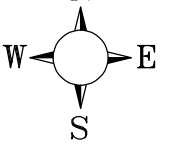
REVISION NOTES
SOURCED FROM DARD-620-C5



Banksia Road Landfill
Dardanup WA
Lot 2 Banksia Road,
Dardanup WA 6236
Australia

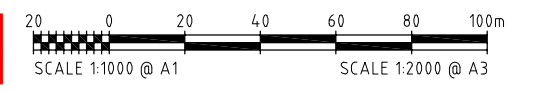
PROJECT BANKSIA ROAD LANDFILL DEVELOPMENT PLAN			
DRAWN F.ABATE	DRAWING CHECK SALLY CARLTON	REVIEWED S.CARLTON	APPROVED B.GRIFFIN
DESIGNED F.ABATE	DESIGN REVIEW SALLY CARLTON	DATE 28.03.21	DATE 29.03.21

TITLE REHABILITATION AREA- CELL 12A/9/10 DA OVERALL LAYOUT - TOP OF WASTE RL149m CONTOUR PLAN as per DRAWING F001		
SCALE AS SHOWN	DRAWING NO DARD-621	REV 1



LAYOUT PLAN - CELL 9
SCALE 1 : 1,000 (A1)

FOR APPROVAL
28 APRIL 2021



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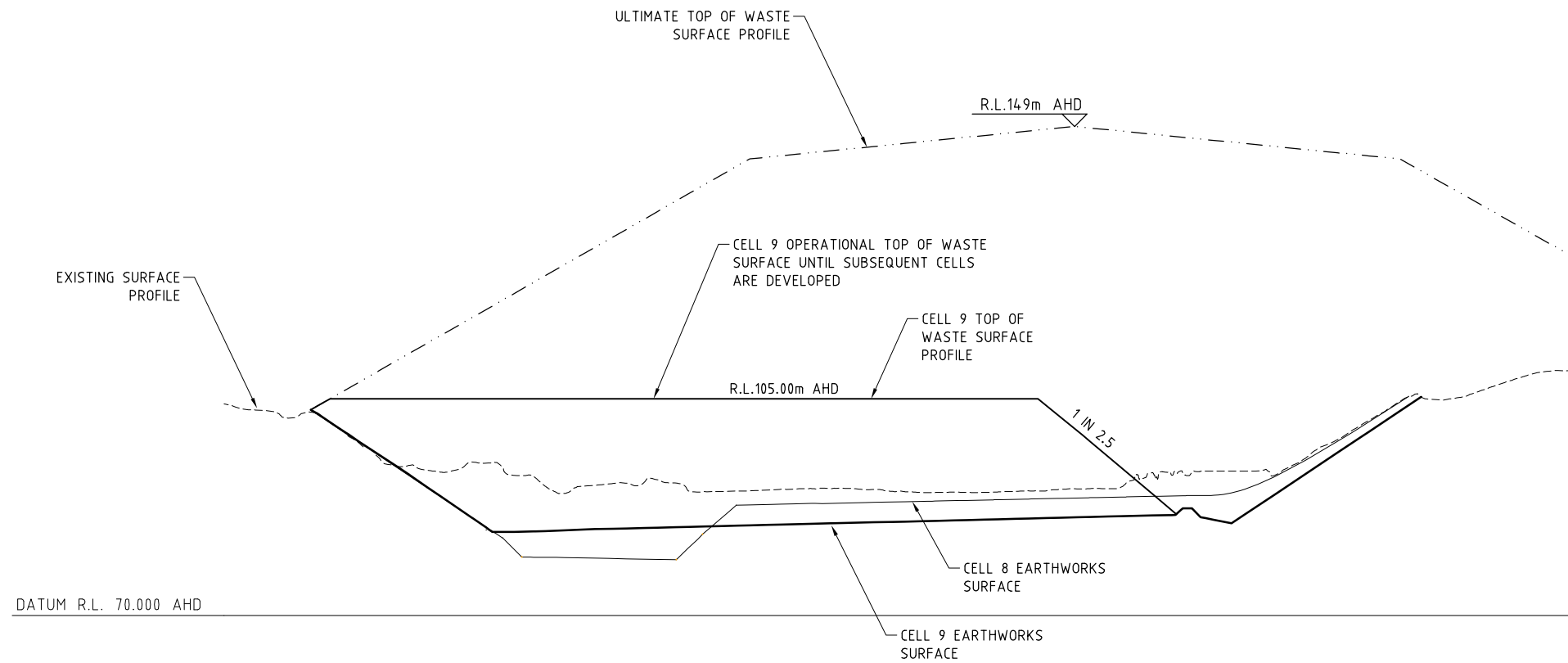
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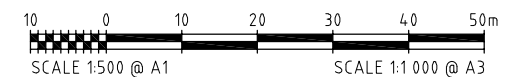
CLEANAWAY SOLID WASTE
BANKSIA ROAD LANDFILL, DARDANUP
CELL 9 DEVELOPMENT
TOP OF WASTE SURFACE PROFILE

SCALE	AS SHOWN
SHEET	01 of
DRG No.	BANK-SK57

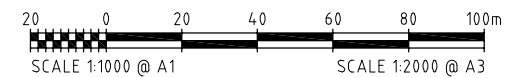
NOTE:
TOP OF WASTE HEIGHT AS PER SITE
MASTERPLAN DRAWING DARD 620.



CELL 9 SECTION (A)
SCALE H 1 : 1,000 (A1) SK57
V 1 : 500



FOR APPROVAL
28 APRIL 2021



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CLEANAWAY SOLID WASTE
 BANKSIA ROAD LANDFILL, DARDANUP
 CELL 9 DEVELOPMENT
 TOP OF WASTE SECTION

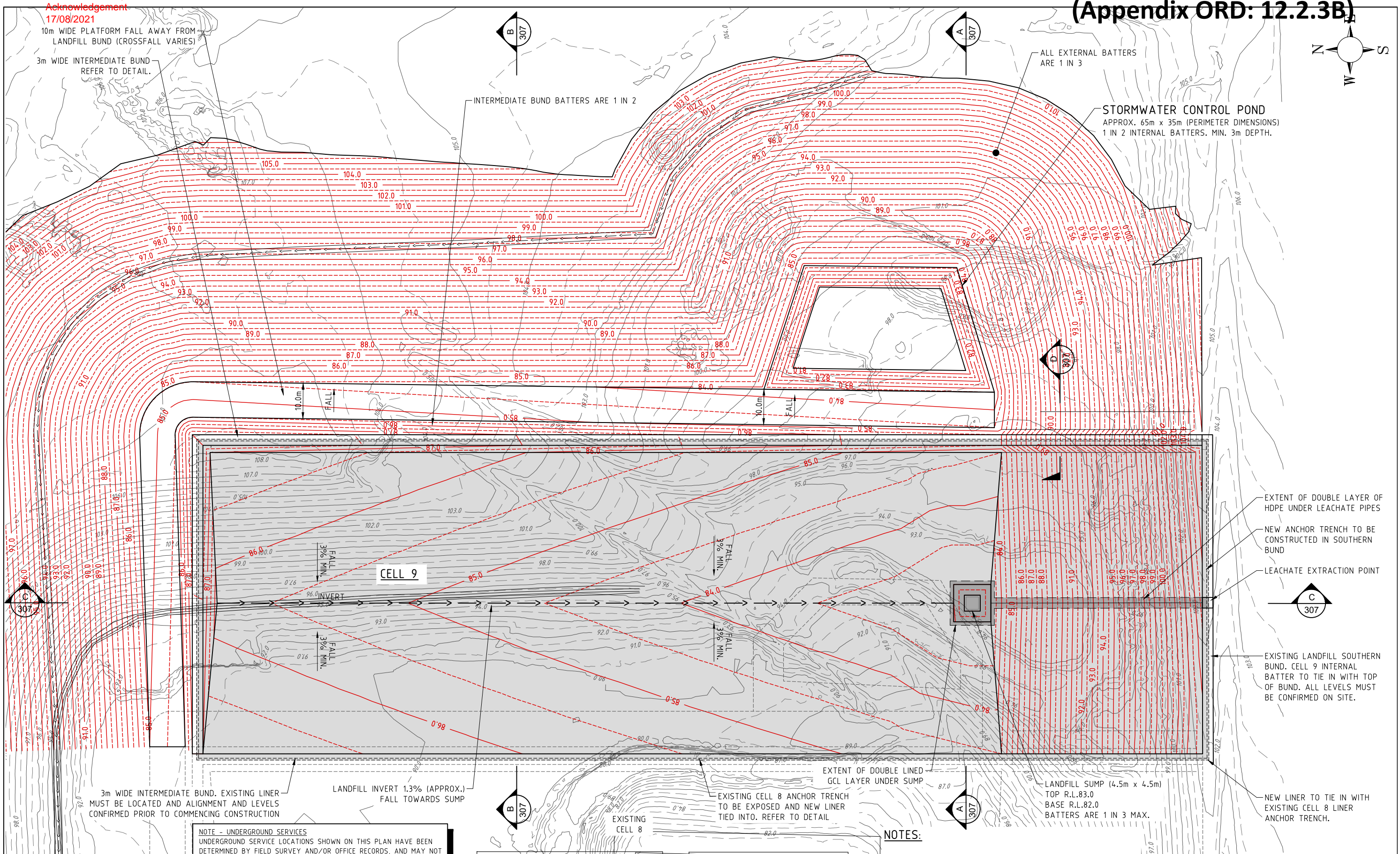
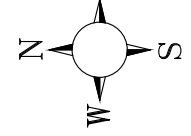
SCALE	AS SHOWN
SHEET	01 of
DRG No.	BANK-SK58

Shire of Dardanup
Acknowledgement
17/08/2021

10m WIDE PLATFORM FALL AWAY FROM
LANDFILL BUND (CROSSFALL VARIES)

3m WIDE INTERMEDIATE BUND
REFER TO DETAIL.

(Appendix ORD: 12.2.3B)



ALL EXTERNAL BATTERS
ARE 1 IN 3

STORMWATER CONTROL POND
APPROX. 65m x 35m (PERIMETER DIMENSIONS)
1 IN 2 INTERNAL BATTERS. MIN. 3m DEPTH.

INTERMEDIATE BUND BATTERS ARE 1 IN 2

EXTENT OF DOUBLE LAYER OF
HDPE UNDER LEACHATE PIPES

NEW ANCHOR TRENCH TO BE
CONSTRUCTED IN SOUTHERN
BUND

LEACHATE EXTRACTION POINT

EXISTING LANDFILL SOUTHERN
BUND. CELL 9 INTERNAL
BATTER TO TIE IN WITH TOP
OF BUND. ALL LEVELS MUST
BE CONFIRMED ON SITE.

NEW LINER TO TIE IN WITH
EXISTING CELL 8 LINER
ANCHOR TRENCH.

3m WIDE INTERMEDIATE BUND. EXISTING LINER
MUST BE LOCATED AND ALIGNMENT AND LEVELS
CONFIRMED PRIOR TO COMMENCING CONSTRUCTION

LANDFILL INVERT 1.3% (APPROX.)
FALL TOWARDS SUMP

EXISTING CELL 8 ANCHOR TRENCH
TO BE EXPOSED AND NEW LINER
TIED INTO. REFER TO DETAIL

LANDFILL SUMP (4.5m x 4.5m)
TOP R.L.83.0
BASE R.L.82.0
BATTERS ARE 1 IN 3 MAX.

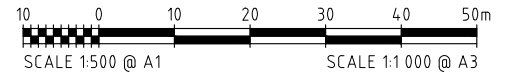
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CAUTION:
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NOTES:

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2. LANDFILL SETOUT LEVELS ARE FINISHED SURFACE LEVELS. LANDFILL LINER TO BE PLACED ON TOP OF THIS SURFACE.
3. 3D ELECTRONIC DATA AVAILABLE TO ASSIST WITH SETOUT



FOR APPROVAL
28 OCTOBER 2020

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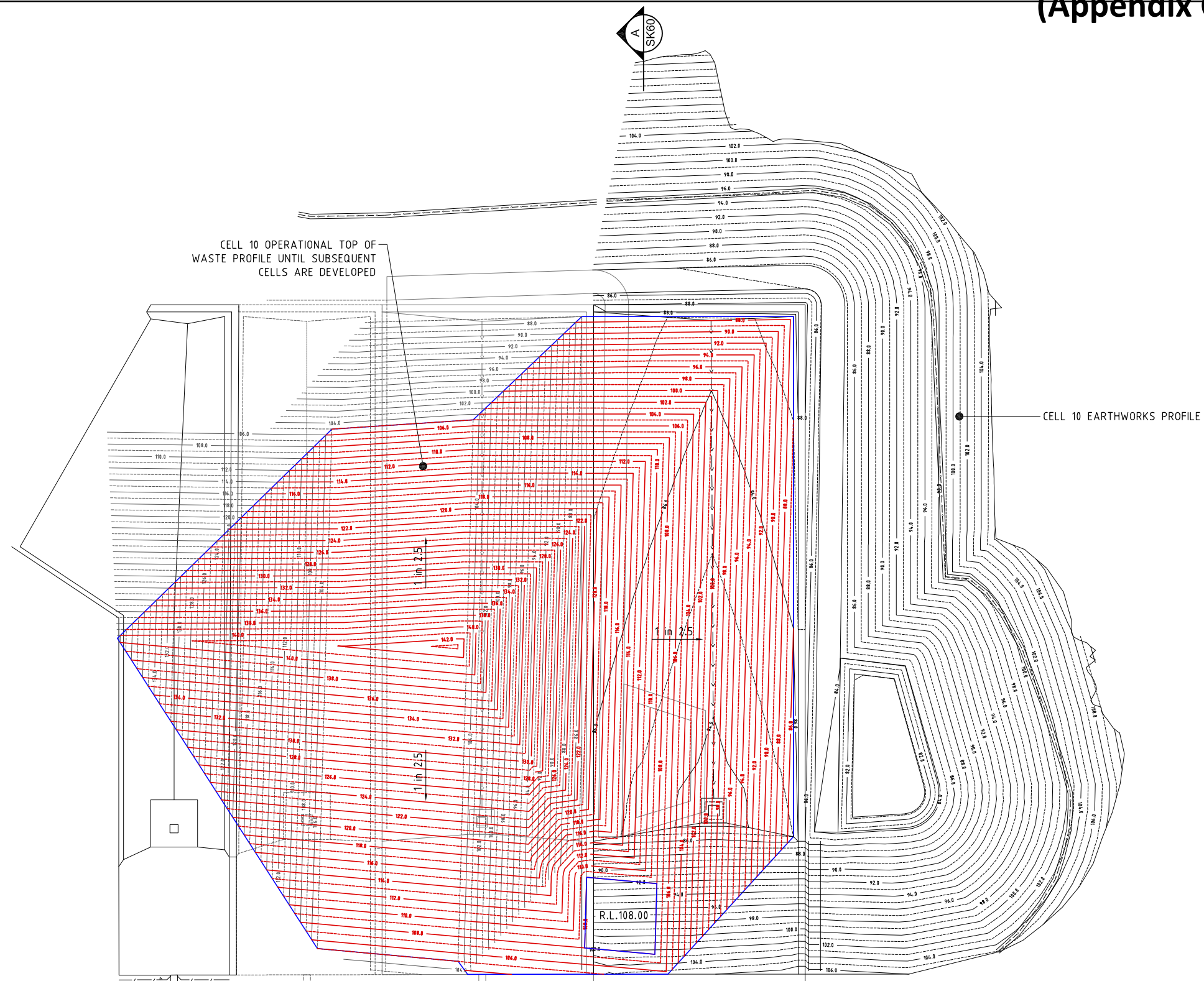
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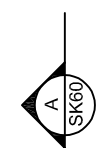
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CLEANAWAY SOLID WASTE
BANKSIA ROAD LANDFILL FACILITY, DARDANUP WA
CELL 9 DEVELOPMENT
LANDFILL CELL 9 LAYOUT PLAN

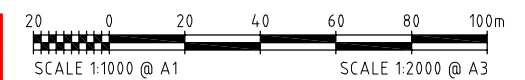
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DRG No.	BANK-306



LAYOUT PLAN - CELL 10
SCALE 1 : 1,000 (A1)



FOR APPROVAL
28 APRIL 2021



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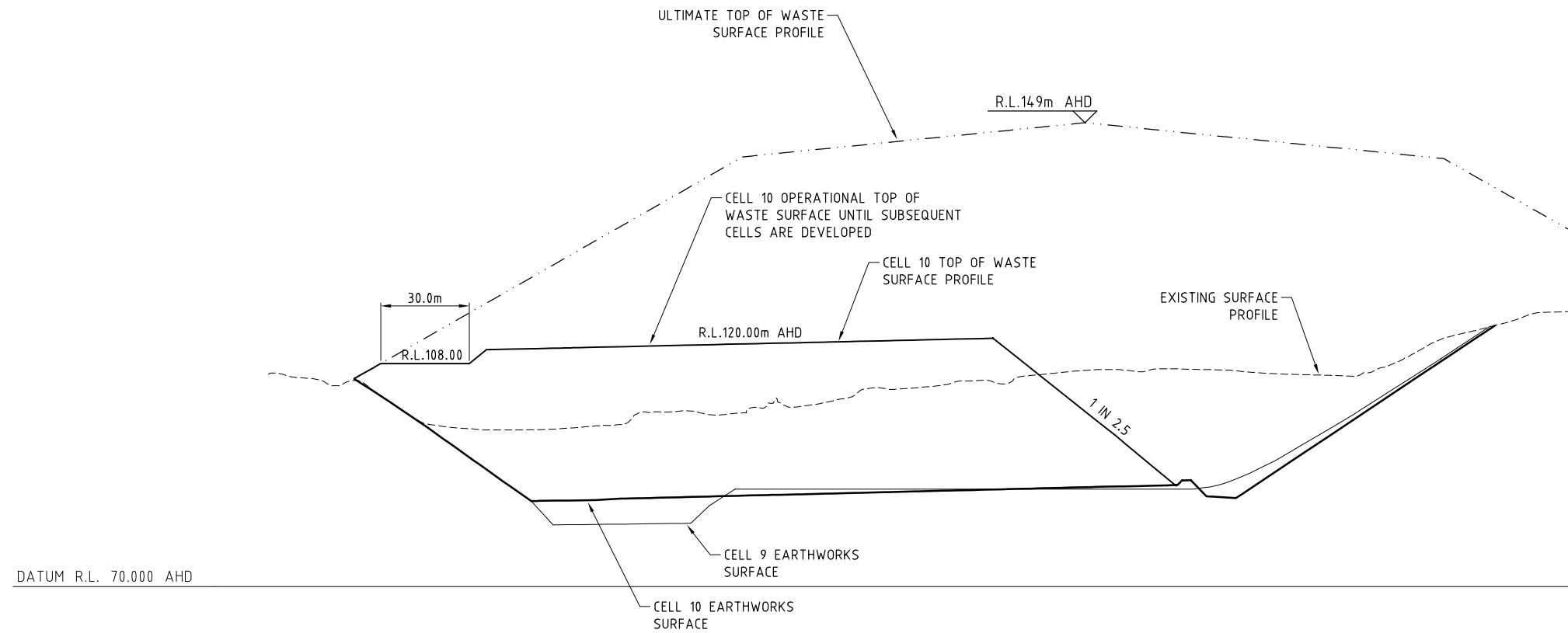
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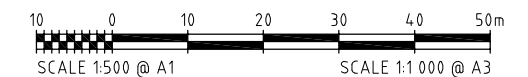
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BANKSIA ROAD LANDFILL, DARDANUP
CELL 10 DEVELOPMENT
TOP OF WASTE SURFACE PROFILE

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SHEET	01 of
DRG No.	REVISION B BANK-SK59

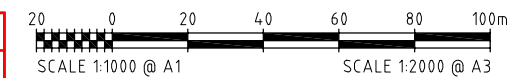
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CELL 10 SECTION A
SCALE H 1 : 1,000 (A1) SK59
V 1 : 500



FOR APPROVAL
28 APRIL 2021



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CLEANAWAY SOLID WASTE

BANKSIA ROAD LANDFILL, DARDANUP
CELL 10 DEVELOPMENT
TOP OF WASTE SECTION

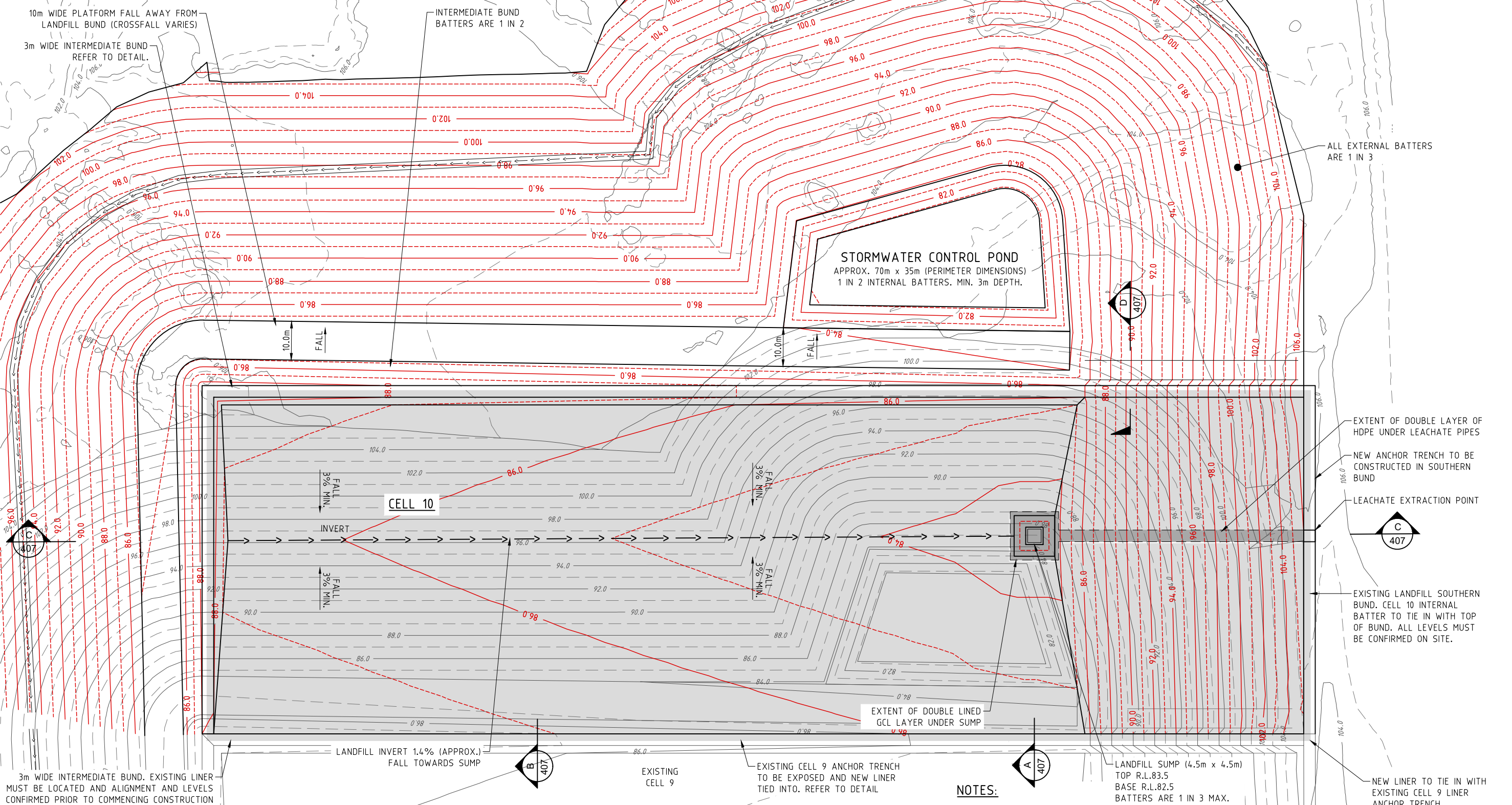
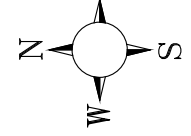
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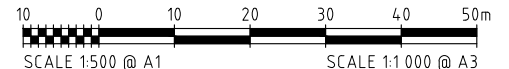
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FOR APPROVAL
26 OCTOBER 2020

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 - LANDFILL SETOUT LEVELS ARE FINISHED SURFACE LEVELS. LANDFILL LINER TO BE PLACED ON TOP OF THIS SURFACE.
 - 3D ELECTRONIC DATA AVAILABLE TO ASSIST WITH SETOUT



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DWG. CHK.		I.W.

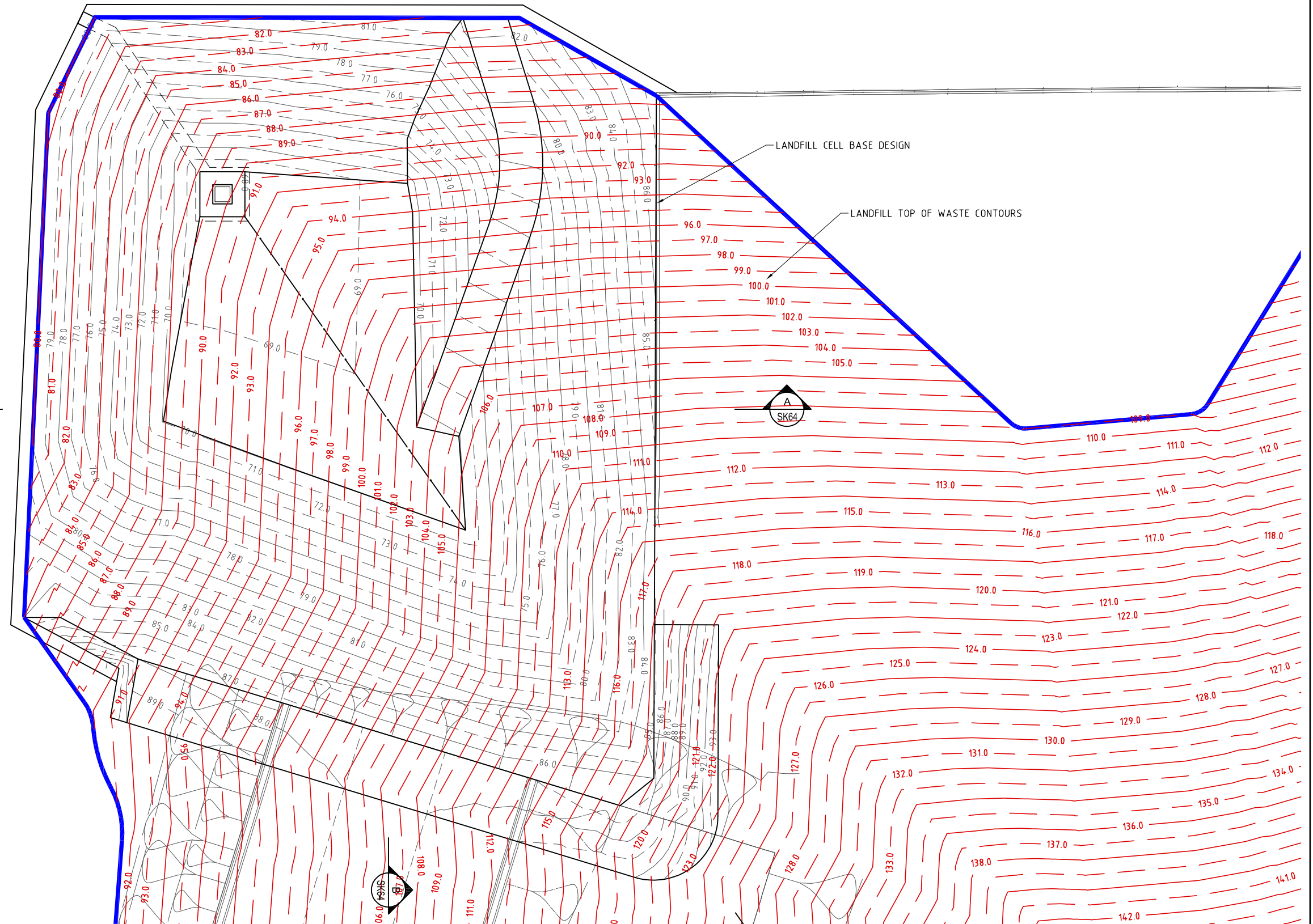
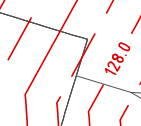
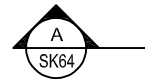
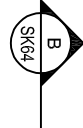
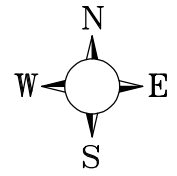
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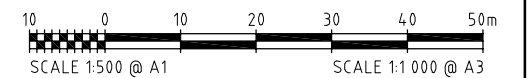
CLEANAWAY SOLID WASTE
BANKSIA ROAD LANDFILL FACILITY, DARDANUP WA
CELL 10 DEVELOPMENT
LANDFILL CELL 10 LAYOUT PLAN

SCALE	AS SHOWN
SHEET	
DRG No.	BANK-406



FOR APPROVAL

28 APRIL 2021



REVISIONS	No.	BY	DATE	DESCRIPTION	DRG. FILE	DATE
					DRG. FILE	DATE
					DESIGN	I.W.
B	S.B.Y.	28/04/21	PLAN UPDATED	DRAWN	S.B.Y.	10/20
A	S.B.Y.	28/10/20	ISSUE FOR APPROVAL	DES. CHK.	I.W.	
				DWG. CHK.	I.W.	

TECHNICALLY APPROVED:

iw Projects

Email - iwatkins@iwprojects.com.au
Mobile - 0402 909 291
Address - 6 Anembo Close Duncraig 6023

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CLEANAWAY SOLID WASTE

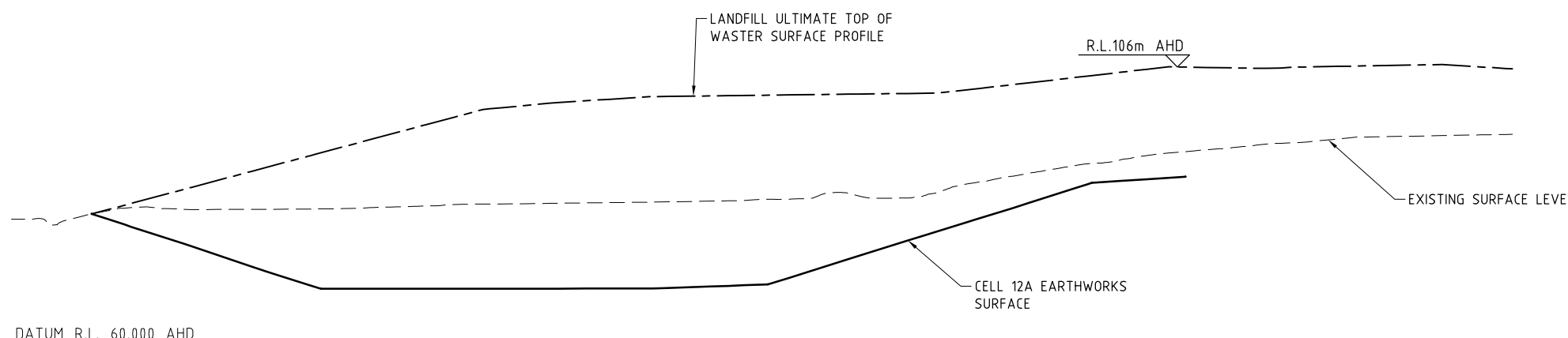
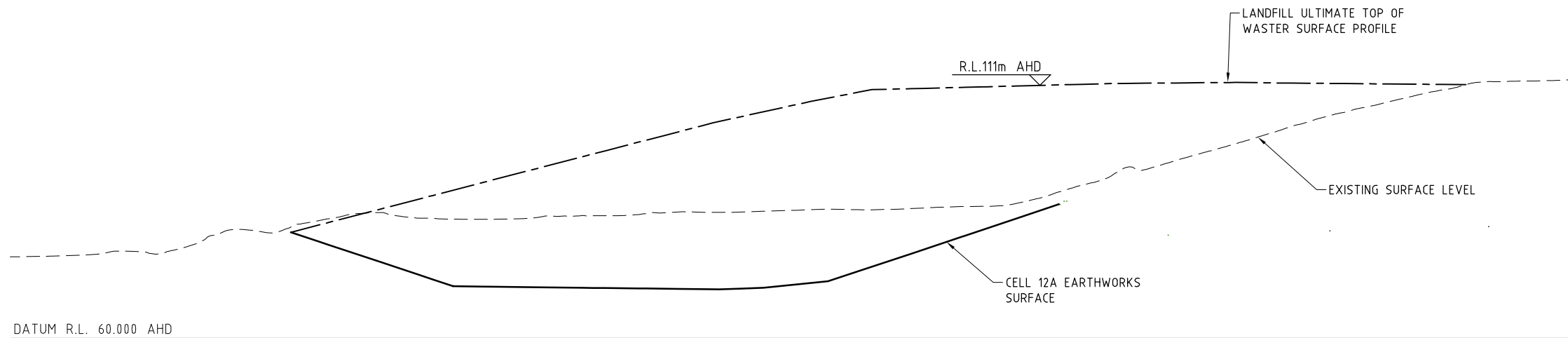
BANKSIA ROAD LANDFILL FACILITY, DARDANUP WA
CELL 12A DEVELOPMENT
TOP OF WASTE SURFACE PROFILE

SCALE AS SHOWN

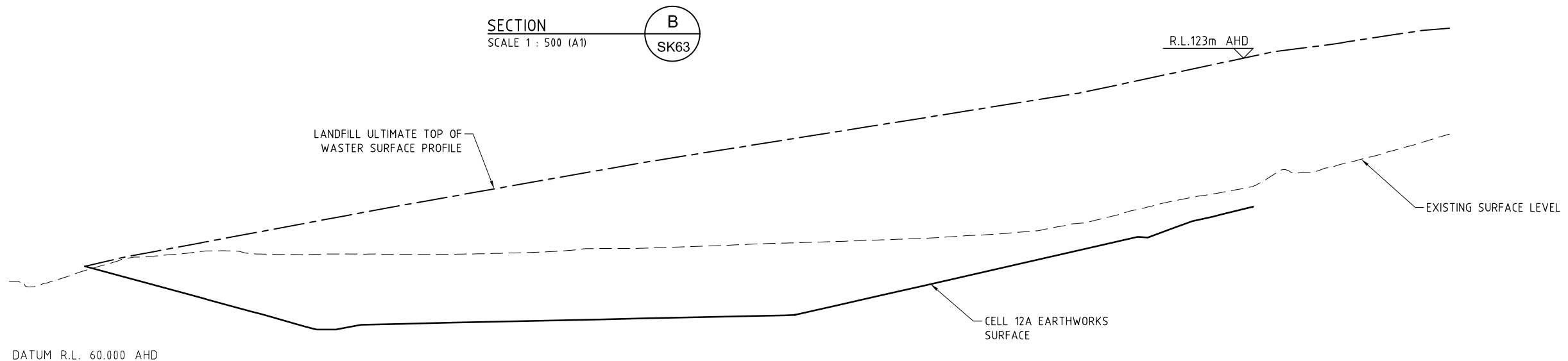
SHEET

DRG No. BANK-SK63

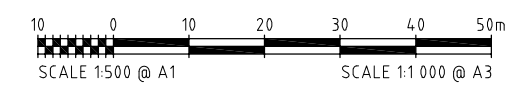
REVISION B



NOTE:
TOP OF WASTE HEIGHT AS PER SITE
MASTERPLAN DRAWING DARD 620.



FOR APPROVAL
28 APRIL 2021



REVISIONS	No.	BY	DATE	DESCRIPTION	DWG. CHK.	I.W.
	B	S.B.Y.	28/04/21	PLAN UPDATED	DRAWN	S.B.Y.
	A	S.B.Y.	26/10/20	ISSUE FOR APPROVAL	DES. CHK.	I.W.

TECHNICALLY APPROVED:

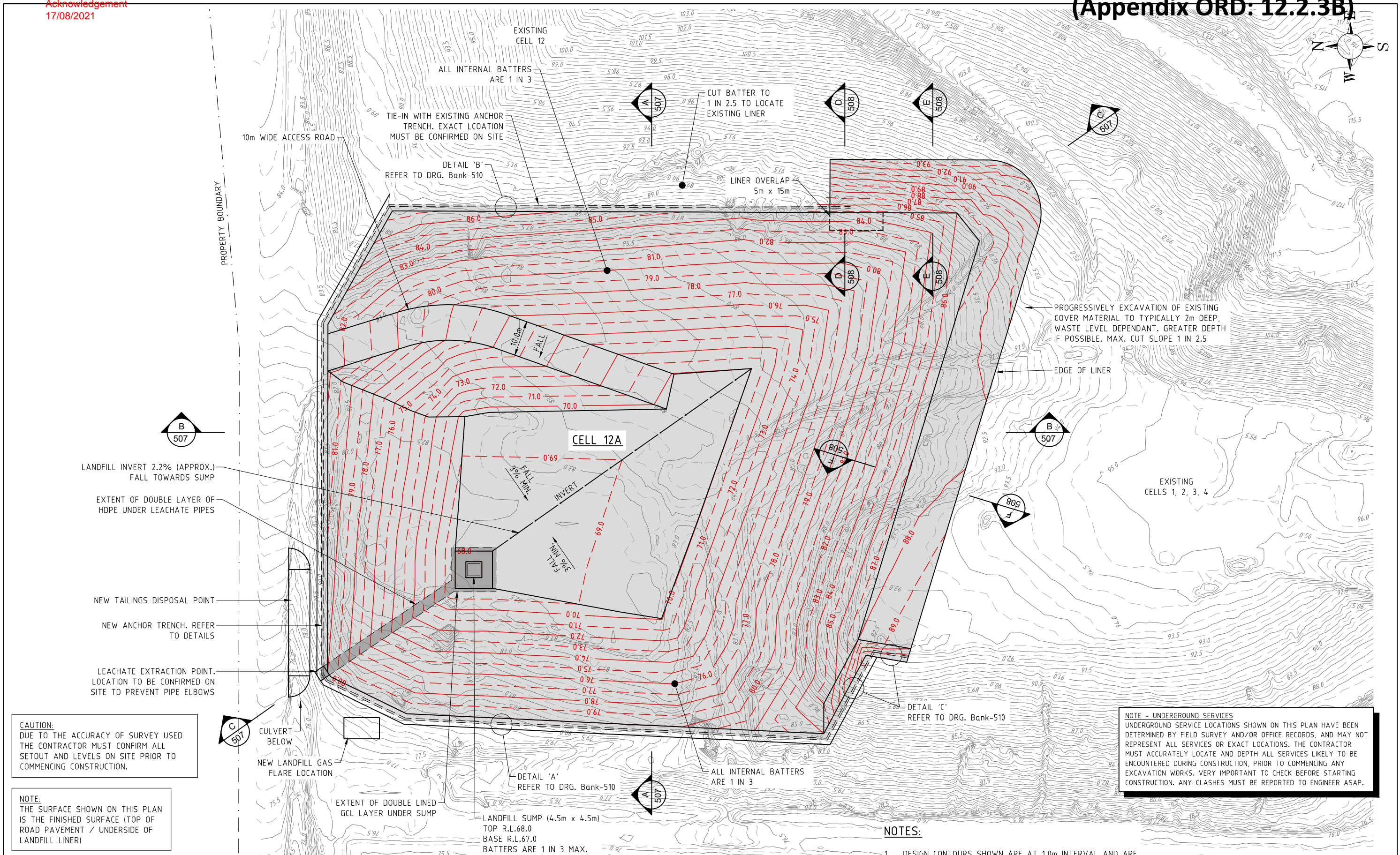
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Mobile - 0402 909 291
Address - 6 Anembo Close Duncraig 6023

CLEANAWAY SOLID WASTE
BANKSIA ROAD LANDFILL FACILITY, DARDANUP WA
CELL 12A DEVELOPMENT
TOP OF WASTE SECTIONS

SCALE	AS SHOWN
SHEET	
DRG No.	REVISION B BANK-SK64



FOR APPROVAL
11 NOVEMBER 2020

REVISIONS	No.	BY	DATE	DESCRIPTION
	A	S.B.Y.	11/11/20	ISSUED FOR APPROVAL

DRG. FILE	DATE	TECHNICALLY APPROVED:
DESIGN	I.W.	11/20
DRAWN	S.B.Y.	11/20
DES. CHK.	I.W.	
DWG. CHK.	I.W.	

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CLEANAWAY SOLID WASTE

BANKSIA ROAD LANDFILL FACILITY, DARDANUP WA

CELL 12A DEVELOPMENT

LANDFILL CELL 12A LAYOUT PLAN

SCALE	AS SHOWN
SHEET	
DRG No.	BANK-506

Environmental Protection Act 1986

Section 39A (3)

NOTICE OF DECISION TO ASSESS PROPOSAL

PERSON TO WHOM THIS NOTICE IS GIVEN:

Cleanaway Solid Waste Pty Ltd (ACN 120 175 635)
Level 4, 441 St Kilda Road
MELBOURNE VIC 3004

Relevant Decision-Making Authorities:

- Minister for Environment
- Minister for Planning
- Chief Executive Officer, Department of Water and Environmental Regulation
- Chief Executive Officer, Shire of Dardanup

PROPOSAL TO WHICH THIS NOTICE RELATES:

Banksia Road Landfill, Dardanup. Construction and Operation of Landfill Cells 9, 10 and 12A

Pursuant to s39A(1) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) has decided to assess the proposal.

The level of assessment is Referral Information with Additional Information (s40(2)(a)) regarding inland waters, social surroundings and greenhouse gas emissions.

Other details

- Public review period (4 weeks) for updated referral document and additional assessment information.

EFFECT OF THIS NOTICE:

1. The proposal is not to be implemented by any person until a statement is published under s 45(5)(b) of the EP Act, or notification is given under s 45(8) of the EP Act, unless the EPA has consented to minor or preliminary work (s 41A of the EP Act).
2. Decision-making authorities cannot make a decision which would cause or allow the proposal to be implemented (but may consider the proposal) unless the decision is in relation to minor or preliminary work consented to by the EPA (s 41 of the EP Act).

Public record pursuant to s39(1) of the *Environmental Protection Act 1986*

Proposal Title: Cleanaway Banksia Road Landfill – New Storage Cells 9, 10 and 12A

Proposal Location: Lot 2 Banksia Rd, Crooked Brook

Case Number: CMS 17973

Date referral received: 1-04-2021

Date more information received: 20-05-2021

Referrer: Shire of Dardanup

Proponent: Cleanaway Solid Waste Pty Ltd

Potential significant effects:

There is potential to impact on: **Inland Waters** from stormwater runoff and leachate seepage into groundwater; **Social Surroundings** from interference with amenity values; generation of **Greenhouse Gas** emissions from flaring; and **Air Quality** from dust and odour.

Public comment on referral information:

Do not assess:

1

(Given the nature of the comment, this submission appeared to be opposed to the proposal)

Assess: a) Referral information

0

b) Environmental review - no public review

0

c) Public environmental review

16

Total submissions: 17

Decision: s. 39A – Assess

Level of assessment:

Referral Information with additional information required under section 40(2)(a) of the *Environmental Protection Act 1986* (4 weeks public review).

Other details

The additional information will include the following:

- 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

Explanation of decision:

Assessment is required to determine how the environmental impacts as a result of implementation of the proposal would be managed. The EPA considers that the proponent has provided sufficient information to undertake the assessment on Referral Information with additional information required as detailed above. This additional information will be subject to a four-week public review.

Appeals: Decision not appealable.



Professor Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

Date: 5 August 2021

