SHIRE OF HARVEY

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF THE MEETING OF THE DEVELOPMENT SERVICES COMMITTEE HELD ON TUESDAY, 5TH APRIL 2016, IN THE COUNCIL CHAMBER, YOUNG STREET, HARVEY COMMENCING AT 4.05 P.M.

ATTENDANCE

Shire President Cr. T.G. Jackson
Deputy Shire President Cr. P.J. Beech
Cr. F. Burgoyne 4.05pm – 6.14pm,
6.16pm – 6.35pm
Cr. P. Giancono
Cr. A. Shortland
Cr. D. Simpson 4.05pm – 6.15pm
6.20pm – 6.35pm

STAFF

Chief Executive Officer Mr. M. Parker
Executive Manager Corporate Services Mr. S. Collie
Executive Manager Technical Services Mr. T. Naudé 4.05pm – 6.25pm
6.27pm – 6.35pm
Principal Building Surveyor Mr. M. Stewart
Senior Environmental Health Officer Mr. H. Jones
Manager Planning Services Mr. S. Hall

OBSERVERS

Cr. G Campbell 4.05pm – 6.04pm
Cr. P Monagle 4.50pm – 5.57pm
Cr B Adams 6.00pm – 6.24pm

GALLERY

Mr. Dennis Cullity
Mr. Clive Young
Mr. Oren White
Mr. Lindsay Stephens
Mr. Jorg Krone
Mr. Andrew Hammat
Mr. David F. Henderson
Mr. Graeme Humphryson
Mr. Syd Jackson
Mr. Les Wallam
Mr. Stephen Sharpe
Ms. Kylie Tame
Mr. Rob White
Ms. Kristy McGirr
Ms. Caroline Foster
Mr. Ross Fletcher
Ms. Lesley Ugle
Mr. Torben Soerensen
Mr. David Smith
Mr. Ronald Garlett
Ms. Jasmine Tonkin
1. OPENING

The Shire President opened the meeting at 4.05 p.m.

2. PUBLIC QUESTION TIME

ITEM 8.1.1 APPLICATION FOR PLANNING CONSENT – PROPOSED EXTRACTIVE INDUSTRY (GRANITE) – B & J CATALANO – LOT 501 (NO 820) COALFIELDS ROAD, ROELANDS (A004761/EX/001)

Question

Dr Jorg Krone sought clarification on whether there was intending to be 4 blasts per year or 1 per month.

Answer

Manager for Planning Services confirmed the proposal is for 4 blasts per year.

Question

Dr. Krone indicated that Council members do not appear to have correspondence recently sent to the Chief Executive Officer and could he be assured that Council members will receive this correspondence.

Answer

Chief Executive Officer advised the he will ensure that all Councillors receive a copy of the correspondence before the Council Meeting to be held on Tuesday, 19th April, 2016.

Question

Mr Steven Sharp questioned the delay in response to correspondence regarding notional buffer.

Answer

Manager for Planning Services advised that it was the responsibility of the applicant to leases with property owners in this regard and that this was no impediment for Council to be dealing with the application.

AUSTRALIND SKATEPARK - FUNDING

Question

Mr Rob White - Community Sporting and Recreation Facilities Funding – Australind Skatepark. Will the Park go ahead without any further support from the community?
Answer

The Chief Executive Officer advised that the community has more time to raise funds to meet the funding obligations. Council will be receiving another report addressing any funding shortfall, which may include scaling back the project. Council has not determined its final position on this matter and each case is dealt with on its merits.

The Shire President advised that it was likely the project will be “trimmed”. Mr. White expressed concern at lack of community interest in the project.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. COUNCILLORS' AND OFFICERS' DECLARATION OF PERSONAL INTEREST

• Impartiality Interest

Cr. Simpson declared an Impartiality Interest in Planning Item 8.1.2 – Application for Planning Consent – Proposed Piggery – GD Pork Holdings Pty Ltd – Lot 2 (No. 96) Rosamel Road, Parkfield (A004734).

Reason

Cr. Simpson advised that he resides within the 5km recommended minimum separation distance between a piggery and a sensitive land use. Cr. Simpson advised that he would leave the meeting for the duration of this item.

Cr. Monagle declared an Impartiality Interest in Planning Item 8.1.1 – Application for Planning Consent – Proposed Extractive Industry (Granite) – B & J Catalano – Lot 501 (No. 82) Coalfields Road, Roelands (A004761/EX/001).

Reason

Cr. Monagle advised that he resides on Coalfields Road, Roelands. Though not a member of the Development Services Committee and having no voting rights at the present meeting, Cr. Monagle advised that he would be declaring an impartiality interest at the Council Meeting as there may be some perception that his impartiality is affected. Cr. Monagle advised that he would deal with the matter on its merits.

Mr Michael Parker, Chief Executive Officer, declared an Impartiality Interest in Planning Item 8.1.2 – Application for Planning Consent – Proposed Piggery – GD Pork Holdings Pty Ltd – Lot 2 (No. 96) Rosamel Road, Parkfield (A004734).
Mr Parker advised that he resides within the 5km recommended minimum separation distance between a piggery and a sensitive land use. Mr Parker advised that though he was not the author of the report, if asked he would provide advice on the matter on its merits.

5. PETITIONS/DEPUTATIONS

5.1 ITEM 8.1.1 APPLICATION FOR PLANNING CONSENT – PROPOSED EXRACTIVE INDUSTRY (GRANITE) – B & J CATALANO – LOT 501 (NO 820) COALFIELDS ROAD, ROELANDS (A004761/EX/001)

The following deputations were received in relation to Item Planning Item 8.1.1 Application for Planning Consent – Proposed Extractive Industry (Granite) – B & J Catalano – Lot 501 (No 820) Coalfields Road, Roelands (A004761/EX/001).

Mr Dennis Cullity:
- Opposes the concept of the quarry. Queries that it is a “small” quarry. Concerned at lack of drilling model, geology and hydrology reports. Concerned at possible creek/stream impacts and believes there is insufficient subterranean geology analysis.
- Believes the impact of 2,000 tonnes per week, or 33 tonnes per hour, for 302 days per year, operating 10 hours per day is unacceptable. Objection relates to noise and amenity of the area.
- Disputes figures in the Herring Storer Acoustics Report.
- Summary of Reasons – Fundamentally invading common law rights and claims the quarry will create a nuisance on the land. Believes that his land would be used as a cost free buffer for Applicant’s quarry.

Mr Clive Young:
- Property owner on Collie River Road, opposite Dr. Krone’s property.
- States scientific reports being relied on have been produced by the Applicant and that only reports used have been those favourable to the Applicant. States water on the surface will disappear with fractured rock blasting.
- Fracture granite, it will be broken forever and there will be a subsequent loss of surface water.

Mr Oren White:
- Property owner on Collie River Road – 4 kilometres away. Chairman of the Leschenault Biosecurity Group, Dardanup.
- Has declared Pest Management concerns.
- Concerned at Applicant’s history with flora/weeds such as cottonbush.
- Concern at lack of genuine scientific reports, hydrology, including study of creeks and loss of fresh surface water for the Collie River. Asked why there was no Engineer’s report for potential house structural damage.
**Mr Lindsay Stevens (Representing B & J Catalano):**

- Available to answer questions.
- Prepared to work with landowners.
- Has been involved with many quarries before including other quarries on the Darling Scarp.
- The quarry will only operate intermittently.
- This is one of the smaller hard rock quarries proposed in Western Australia with its proposed tonnage being less than many others.
- Seeks the term “Production Blasts” included in the text in respect of number of blasts.
- Advised it is standard blast procedure to notify of every blast.

**Dr Jorg Krone:**

- Believes the application is misleading as there has not been a license for this quarry in the past.
- Does not want his private property to be used as a buffer zone as the 1,000m buffer goes onto his property.
- Believes $5,000 per hectare rehabilitation bond is inadequate.
- States that “General Farming” does not mean an Industrial zone and that he made decisions based on “General Farming”.

**Mr Syd Jackson:**

- Spoke as an ambassador for the Roelands Village and the Red Dust Healing Program and is opposing the application.

**Mr Les Wallam, CEO Roelands Village:**

- Emphasised good community relations and partnerships.
- Important to focus on healing and support for the Red Dust Healing Program.
- Concerned that the mine is only a “stone’s throw” away.
- Concerned at possible damage that could be caused to water reservoir.
- Concerned at the lack of consultation within Aboriginal community and that the Collie River is a registered site which includes its tributaries.

**Mr Steven Sharp, Operations Manager, Indigenous Land Corporation:**

- Advised that the Indigenous Land Corporation owns the Roelands Mission site and liaises to Wookabunong Kiaka.
- Expressed concerns about the proposal, suggesting further studies were required.
- Concerned about the timing pressure placed on the Council to make a decision by the State Administrative Tribunal.
- States that due to the lack of sufficient Hydrological studies that Council cannot make an informal decision.
Mr David Smith:

- Attending as a citizen regarding environmental and heritage damage if the proposal is approved.
- Made reference to District Planning Scheme No. 1 stating that mining “shall be discouraged” not should be discouraged. He noted that water catchments and landscape value should be protected, with natural views spared.
- Other concerns included Cockatoo protection and increased fire risk that would result with increased vehicle movements and activity such as that proposal.
- In respect to the Greater Bunbury region he urged Council to exercise its discretion and refuse the application.

Response

Manager for Planning Services responded to the above delegations as follows:-

- Extractive Industry is a permitted use in the “General “Farming” zone.
- Transitional and sequential land use enables the land to be returned to its prior state in this case a general farming use.
- Concerns over unbiased reports prepared by Consultants are addressed by them being referred to other agencies for scrutiny.
- Hydrology modelling and water quality – The Department of Water and Department of Environmental are of the opinion that sufficient information has been provided both through the recent appeal process and the referral process to allow the proposal to proceed. However, additional modelling is recommended prior to licences being granted.
- Approval will not result in a mandatory or statutory buffer being placed over adjoining properties.
- The size of the application is considered small compared to others within the State.
- The Bond of $5,000 per hectare does not account for the total cost of rehabilitation which is to be undertaken by the applicant.
- Mr Hall was unaware of the letter provided to Councillors by Dr. Krone, however, did advise that the Department of Environmental Protection received and took into account all information in the determination of the EPA Appeal.
- Within 2.5 km there are no sensitive land uses and based on independent legal advice, approval would be difficult to withhold based on the issue of a buffer.
- A number of the issues raised by the submitters in regard to visual amenity and non-compliance with the general objectives of the Scheme have previously been challenged within SAT with limited success.

5.2 APPLICATION FOR PLANNING CONSENT – PLANNING ITEM – 8.1.2 PROPOSED PIGGERY – GD PORK HOLDINGS PTY LTD – LOT 2 (NO 96) ROSAMEL ROAD, PARKFIELD (A004734)

The following deputations were received by the Committee in relation to Planning Item 8.1.2 – Application for Planning Consent – Proposed Piggery – GD Pork Holdings Pty Ltd – Lot 2 (No. 96) Roamed Road, Park field (A004734).
Mr Graham Humphreys:

- Supports Council’s recommendation.
- The site is only 1,200 metres from the Australind Township and 1700m – 1800m away from his front door.
- There are around 681 houses within 5000m of the site; including Westgarth which is under 2,000 metres from the piggery.
- Has first hand experience with a piggery of 4000SPU and within 4km of that site, flies and smell were unbearable.
- Opposed to the proposal and a piggery of this size should not be allowed in the Kemerton Buffer Zone.
- Concerned at the impact on property values.

Mr Torben Soerensen – Managing Director GD Pork:

- Requests Council approve the proposal, therefore not in support of the officer’s recommendation.
- Still have the option to move forward with the larger piggery project but wanted to put the smaller one up as a good option.
- Disputed 5,000 metres as the guiding distance from the piggery as specific odour modelling confirms that 280 metres is an acceptable standard given the new technology proposed.
- Pigs are all inside and the site has had an existing piggery since 1976.

7. CONFIRMATION OF PREVIOUS MINUTES

7.1 DEVELOPMENT SERVICES COMMITTEE MEETING – Tuesday, 15th March 2016.

That the Minutes of the meeting held on Tuesday, 15th March 2016, be confirmed.

RECOMMENDATION

That the Minutes of the Meeting, held on Tuesday, 15th March 2016, as printed be confirmed as a true and correct record.

DS–16/035. Burgoyne/Beech

“That the Minutes of the meeting held on Tuesday, 15th March 2016, as printed be confirmed as a true and correct record.”

CARRIED 6-0
8. REPORTS OF OFFICERS

8.1 PLANNING REPORT

<table>
<thead>
<tr>
<th>Item No. 8.1.1</th>
<th>Subject: Application for Planning Consent – Proposed Extractive Industry (Granite)</th>
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<tr>
<td>Proponent:</td>
<td>B &amp; J Catalano</td>
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<tr>
<td>Location:</td>
<td>Lot 501 (No. 820) Coalfields Road, Roelands</td>
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<tr>
<td>Reporting Officer:</td>
<td>Planning Officer (ND)/Manager of Planning Services</td>
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<tr>
<td>File No.:</td>
<td>A004761/EX/001 Attachment Reg. No. 13/29601 and 14/11545</td>
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**Summary**

On the 16\(^{th}\) October 2013, Council received an Application for Planning Consent proposing to extract granite from Lot 501 Coalfields Road, Roelands (refer Attachment 1 – Location Plan and Attachment 2 - Summary and Contents of the Application. Due to the size of the Application a complete copy has been provided within Councillors Dropbox. Relevant extracts will also be attached throughout this report). Processing of this application has been delayed due to extended liaison with the Environmental Protection Authority (EPA), including an appeal period, the Department of Water (DoW) and the Department of Environment Regulation (DER). Delays have also arisen from a Staff request (March 2014) for the Applicant to liaise with adjoining landowners in regard to the issue of creating a notional ‘buffer’ over their land should approval be contemplated.

The above delays have resulted in the Applicant no longer being supportive of the Shire having an extended time frame within which to determine the application (despite written approval being previously provided) and as a result has sought a review of the application through the State Administrative Tribunal (SAT). A reason why Staff had not referred the proposal to Council before now is the absence of information from the DoW and as the EPA process was required to be completed prior to a Council consideration.

The EPA appeal process has been completed and during the SAT mediation process Staff received the outstanding advice from the DoW and to this effect there is no longer an impediment for the matter to be considered by Council.

During the above process an application for a single dwelling on an adjoining lot has been received which complicates the consideration of this application. However, its lodgement does not preclude this Application from being determined (a copy of the proposed site plan is contained within Attachment 3).

**Background**

Lot 501 Coalfields Road, Roelands has an area of 407.71 hectares and is located on the Darling Scarp about 23 kms east of the Bunbury CBD and 22kms south of Harvey townsite. It is currently used for gravel extraction and is zoned ‘General Farming’ by District Planning Scheme No. 1. Surrounding land uses include extractive industries and grazing. Access is proposed to be via the same gravel road as for the gravel quarry operating on Lot 501.

The Applicant seek to re-open a ‘small’ granite quarry. The granite provides an alternative resource to the existing basalt/granite supplies within the greater Bunbury area. The extraction of granite has recently recommenced at the quarry to the east of Roelands which is located on Crown Land however no approval of Council is required for this operation.
The proposal is to extract 50,000 – 100,000 tonnes of hard rock per year. The total hard rock (which includes granite) mined in WA in the 2014-15 financial year was 1.75 million tonnes.

The quarry and processing area have been selected in relatively low lying areas of the landscape, below the ridge line to provide screening from the closest dwellings. At the time the application was received the closest dwelling was 2.4 kilometres from the proposed processing plant and 2.5 kilometres from the proposed granite quarry. A dwelling to the north of the site is 2.4km from the processing area and 2.9km from the proposed granite quarry. Recently Council has received an application for a dwelling on Lot 500 which is to be approximately 800m from the proposed extraction location.

Planning approval is sought for 20 years with a planning consent and extractive industry licence to be renewed every 5 years. The process involves rock extraction by drill and blast with an excavator. A 35 tonne haulage truck will take the resource to the processing area where a mobile crushing plant will be used to produce a range of products on a number of stockpiles (refer Attachment 4 for plans showing quarry and processing areas in relation to the site and surrounding areas).

Submissions from Advertising

The proposal was advertised for public comment for a 21 day period up to 6th December 2013. Nearby landowners were notified of the proposal in writing and advertisements appeared in the Harvey Reporter and South Western Times newspapers. At the close of advertising, ten (10) submissions were received from nearby landowners (or their representatives) (refer Attachment 5).

Landowner Submissions

In general the landowner submissions raised the following concerns:

- Negative impacts of blasting relating to:
  - groundwater (aquifers, soaks, wells and springs)
  - stability of nearby buildings
  - nearby granite outcrops (fracturing)
  - tranquility of Collie River Valley (noise)
  - safety
  - contamination of forest from flyrock and dust
  - future land uses on adjoining land
  - tourist activity
  - nearest residential sites to consistently experience blasting noise
  - devaluation of nearby land
  - possible ‘air blasting’ effects
  - Noise Level Investigation by Herring Storer indicates that the blasting will “most likely cause a routine exceedance of acceptable noise levels

- Loss of amenity (other than blasting) in relation to:
  - Increased truck movements
  - ongoing noise associated with processing (crushing), vehicle movement and drone of large machinery
  - visibility from Coalfields Highway

- Perceived inappropriateness of site in regard to:
- The site is identified in the Scheme as within a place of landscape value.
- Alternative sites should be investigated.
- Little evidence of the need for granite quarrying
- The land use being at variance to the general farming zone
- Possible better option to reopen the existing granite quarry in the foothills east of Roelands townsite.
- On-site buffer and non-compliance with SPP4.1 – State Industrial Buffer Policy.

- Perception that the application is lacking in terms of:
  - Expert evaluation of geotechnical and seismic experts
  - Being vague and misleading and poor quality
  - Lack of opportunity for nearby landowner comment
  - Failure of proposal to address clause 2.4.2 of DPS No.1 (i.e. matters which Council are to have regard for)

- The issue of precedent is raised in that if this granite quarry is approved many more may be approved in the locality and generally within the hills areas.

Government Agency Submissions

Attachment 6 contains in full the submissions from government departments and relevant comments from the Shire of Harvey’s Planning Department. For the most part, with the exception of Main Roads WA, the comments received from government departments were generally neither in opposition or in support of the proposal but in some cases required more information being provide by the Applicant. This is especially in relation to the Department of Water in two submissions regarding surface and ground water management (13/39812 & 16/02969).

Submissions from the government departments also necessitate the inclusion of conditions to be included if the proposal receives planning approval. Text is shown in bold in Attachment 6 to highlight advice given by the government agencies that results in conditions being applied to the development approval.

Submissions following the close of advertising

The time that has elapsed and the Environmental Appeal Processes has promoted some of the submitters to reaffirm their previous objections and to provide additional supporting justification as to why the proposal should not proceed. Specifically additional correspondence has been provided by:

- Glen McLeod Legal representing Denis M. Cullity (Dropbox Attachment - McLeod); and
Environmental Protection Authority Assessment

The proposal was referred to the Environmental Protection Authority (EPA) for consideration of its environmental impact. In its response dated 12th March 2015, the EPA indicated that the proposal raises a number of environmental issues but the overall environmental impact of the proposal was not considered so significant as to require assessment by the EPA. Accordingly the EPA determined “not to assess the proposal”, however, public advice was given on the proposal (Refer Attachment 7). In summary the EPA advised that their objectives for Flora and Vegetation, Hydrological Processes, Inland Waters, Environmental Quality and Amenity can be met. This is primarily on the basis that the proposal is on largely cleared land, is relatively small in scale and the proposal can be designed to minimise impacts from storm water and dust. The proposal is also expected to meet Noise Regulations. As a result, the EPA considers the potential impacts can be effectively dealt with through other statutory decision making processes. These include works approval and licensing requirements of the Department of Environment Regulation (DER) to ensure the management of noise and dust and the Shire of Harvey’s Extractive Industry licence which can give effect to the advice provided by the DoW with respect to management of stormwater.

Appeal against the EPA’s Decision Not to Assess

The Minister for Environment received an appeal that objected to the decision of the Environmental Protection Authority (EPA) “not to assess” the Granite (Hard Rock) Quarry. The response was issued by the Office of the Appeals Convenor on the 3rd August 2015 (15/23170). A copy of the Minister’s determination and the EPA’s report is contained within Attachment 8.

In the report to the Minister stated as follows:

“EPA advised that it was satisfied that the potential impacts associated with the proposal were not so significant to warrant formal assessment.”

Comment

To assist Council in its assessment of the application the following key components of the application are described below.

Natural Environment:

Vegetation

At present the quarry area is devoid of native vegetation however approval would require, over time, the removal of a minor amount of vegetation which includes, Lemon Scented Myrtle, Grass Trees, Grevillea and clumps of Marri tree. The drainage lines adjoining the quarry area are to be retained and are presently colonised by Swamp Peppermint regrowth.

Wetlands

The nearest wetland to the proposed quarry area is approximately 500m which is unlikely to be affected by this proposal.

Fauna

The amount of fauna is limited because of the majority of the site has been utilised for grazing however frogs and other wetland species will likely be present within the drainage lines which are to be conserved and replanted by the Applicant.
Staff note that the proposed development is unlikely to have a negative impact on the natural environment within the confines of the quarry, however concern is raised with regard to the likely off-site impact particularly in regard to hydrology. However, as evidenced by Attachment 6 both the Department of Water and the Department of Parks and Wildlife have assessed these issues and are of the opinion that, subject to the inclusion of specific conditions, the likely impacts can be appropriately managed.

**Excavation Management:**

The location of the hard rock quarry has been selected because of the occurrence of the hard rock and the existing quarry on that location, in addition to the buffers available to the nearest dwellings.

The proposed processing and stockpile will be located on pasture. The drainage lines are being colonised by Swamp Peppermint regrowth and will be retained. Local native trees will be planted as buffers and screening vegetation.

Gravel extraction has been taking place on Lot 501 for a number of years. The proposed hard rock operations will be linked in with the gravel production and the same mobile crushing and processing plants will be used. At times some of the products from the two operations may be blended to make different construction materials.

Impact is considered to have been minimised by the selection of a site whereby hard rock had been previously extracted and also that is low in the landscape and therefore not visible to nearby landowners, refer to Attachment 9. Extraction and processing involves stripping topsoils and through a process of blasting and use of a front end loader or excavator a series of benches within the quarry will be created. The active quarry faces could be in the order of 5 – 10m high. Extracted rock will then be hauled to the crushing plant for further processing.

Excavation Management, if approved will be the responsibility of the DER to monitor and ensure compliance with all regulatory requirements. Whilst the concerns of adjoining neighbours are clearly acknowledged it is understood that Excavation Management was duly considered during the Environmental Appeals Process and the Office of the Appeals Convenor is satisfied that appropriate conditions can be imposed to ensure Excavation Management does not have any off-site or adverse impact.

**Hours of Operation:**

Crushing, drilling and blasting is proposed to be limited to between 7.00 am to 5.00 pm Monday to Saturday exclusive of Public Holidays.

The proposed hours of operation are not inconsistent with another Extractive Industries approved by Council.

**Stockpiles:**

The stockpiles and processing are proposed to be located in a dedicated area to the north of the quarry. Dust suppression of the stockpiles is proposed to be controlled by sprinklers and water canon during the drier months (refer Attachment 10).

Staff understand that the location and management of stockpiles also formed part of the assessment process by the Office of Appeals Convenor.

**Access and Transport:**
The application suggests that on average four truck movements per day are anticipated. While this is generally considered a low amount as evidenced by Attachment 6, Main Roads WA (MRWA) is concerned with regard to the appropriateness of the access to the property. In response MRWA has requested that should the application be approved upgrading of the crossover will be required. Staff understand that the applicant is in discussions with MRWA in regard to a design of the necessary upgrade.

Water Use

Water is proposed to be sourced from the farm dams in the north of Lot 501 and from the proposed detention basins. When used on the hardstand areas water will be drained to the central drain along the access road to the sump on the northern side of the access road and then return to the detention dams as part of the recycling process to reduce total volumes of water required.

The use of water within the proposed operation and its management has been raised by the Department of Water and should approval be contemplated the management conditions requested by the Department of Water (refer Attachment 6) are considered appropriate.

As evidenced by the submissions received and the issues considered during the Environmental Assessment Appeal, the issue of impacting on groundwater and the general hydrology of the area is of significant concern to adjoining landowners. Notwithstanding it is understood the Office of Appeals Convenor is satisfied that through appropriate conditions groundwater hydrology will not be affected should the application proceed.

The Water Management Plan (16/00863) was referred to the Department of Water (DoW) as part of the application process. A summary of DoW’s submission is listed in Attachment 6 – Government Agency Submissions (13/39802 and 16/02969). The requested conditions from the DoW are considered appropriate and recommended for inclusion should approval be contemplated.

Visual Management:

The Applicant states that:

“The quarry is designed to take into account visual impacts on adjoining properties. It is therefore placed as low as possible in the landscape which helps in shielding blast noise and dust as well.”

The quarry site is situated such that there is no visibility from the north around to the west. Potential views have also been modelled to see if the closest dwellings can see the mine site (refer Attachment 9).

The Applicant also indicates that screening bunds will be used to minimise visibility of the quarry and reduce noise. Also it is proposed to plant trees and shrubs in strategic locations. The highest visibility risk is to the dwelling located to the south of the quarry. The Applicant believes that this is the only dwelling where the operations may be visible. It is 2.8km from the proposed quarry and 3.5km from the proposed crusher location and in Lot 28 just east of the Collie River. At present the nearest dwelling to the west is 2.53km but will not have a sight line of the quarry operations. It is acknowledge that the owner of Lot 500 has recently made application for a single dwelling on the adjoining property however it is understood that visually this dwelling is unlikely to be impacted upon from the proposed quarry area.

The Applicant has recently provided cross section plans detailing the likely visual impact from the proposed dwelling if the quarry is approved (refer Attachment 11).
The project has been considered against the WAPC 2007, *Visual Landscape Planning in Western Australia* guidelines (relevant section – Part 3, pages 144 to 152). The Potential visual impacts have been identified and relate only to the dwelling to the south. Other sites for which the quarry and operations may be visible are rural land with no dwellings.

For areas to the north and west, the location of the quarry is such that the natural landscape provides a screen. Also revegetation and tree belts will be used and completed areas be rehabilitated as soon as possible after excavation.

The main visual impacts will be the faces of the quarry which will be grey in the landscape and most notably from the dwelling in the south which is at a distance of 2.8 km and 3.5km from the proposed location of the crusher. As the quarry moves north it will not be possible to rehabilitate the northern face however it will be possible to rehabilitate the eastern and western faces progressively. It is proposed to use brown coloured overburden to hide the grey rock and then use tree planting and revegetation.

**Noise Management**

Staff note that the “The Environmental Protection (Noise) Regulations 1997” (Noise Regulations) require (among other items) that sensitive premises including dwellings in non-industrial and rural areas, are not subjected to general noise levels (*excluding blasting*), during the hours 7.00 am to 7.00 pm Monday to Saturday that exceed 45 dBA.

Given that blasting is not an exclusion from the Noise Regulations the Applicant has undertaken an acoustic report which the Applicant indicates has a consistency with “a recent decision of the State Administrative Tribunal determined that where an extractive industry is located on land the premises boundary is taken as the lot boundary. This can alter the influencing factors and the allowable noise limits at sensitive premises. (See Bushbeach Holdings Pty Ltd and City of Mandurah {2013} WASAT 139”).

More specifically the applicant advises that there are a number of management actions that can be taken in regard to quarries to minimise noise generation. It is stated that:

“these actions are routinely used by Catalano where applicable and as the opportunity presents to minimise noise on all their operational sites. In addition to using the noise management techniques listed above, wherever practicable, Catalano will have site specific management procedures that are outlined below” (table on pages 39 & 40). “Herring Storer Acoustics considered operational and processing noise and found that the operations comply with the Environmental Protection (Noise) Regulations. Catalano will comply with the Environmental Protection (Noise) Regulations 1997.”

It is noted that the environmental appeal makes no reference to the impact or consideration of noise and moreover staff generally have limited roles with regard to the implementation of the Noise Regulations. To this effect, staff consider that issues associated with noise will be adequately addressed through the conditions of a Works Approval if approval as contemplated.

With the support of the adjoining landowner the recently submitted application for a single dwelling on Lot 500 has been referred to the Applicant to allow for further acoustic report is being prepared to determine if both land uses can coexist in compliance with the Noise Regulations. At the time of writing this report a further acoustic report has not been provided by the Applicant, however, cross section plans have been as evidenced by *Attachment 11*.

**Drilling and Blasting**

A Blast Management Plan is attached as Appendix 2 of the Applicants report (Refer *Attachment 2* within Councillors Dropbox) and as evidenced by the outcome of environmental
appeal the Blast Management Plan has been assessed as being acceptable to the Office of Appeals Convenor.

Staff have not assessed a Blast Management Plan previously and to this effect must rely on the outcome of the recent environmental appeal. It is noted however that a maximum of 4 blasts per year are proposed.

Crushing and Screening Rock

The application proposes that the crusher used will be a mobile plant with three stages. Stage 1 will be likely to create noise and therefore bunding and screening are to be provided to minimise noise. It is necessary that the processing has to operate under the *Environmental Protection (Noise) Regulations 1997*. The Applicant states that: “Herring Storer Acoustics considered operational and processing noise and found that the operations comply with the *Environmental Protection (Noise) Regulations 1997* (refer Appendix 3 of Attachment 2 within Councillors Dropbox).

Dust Management

The main dust generation is from crushing and tipping processes and vehicle movements in the summer. There is likely to be one off dust produced from blasting approximately once per month. Dust may impact on onsite workers and has the potential to be visually intrusive and travel to adjoining properties if not managed. The Applicant indicates that Dust management has been an integral part of the extraction and processing of gravel from the existing approved quarry on Lot 501 and will be an essential part of the proposed hard rock quarry. Refer to section 5.3, p41 – 51 of the Applicant’s report in Attachment 2 within Councillors Dropbox for more information on dust control measures.

Dieback Management

The Applicant indicates that Catalanos will use the general principles that are used on gravel operations for this site. It is however acknowledged that granite is not a known source in the transference of Dieback and to this effect the need for Dieback notification to purchasers is not considered necessary.

Weed Management

General management actions are detailed with Excavation and Rehabilitation Management Plan which is supported by Staff.

Buffer

As evidenced by the submissions received from a nearby landowner concern is raised that if the Application is approved a portion of their land will be ‘sterilised’ and no approvals can be granted within that portion of their property.
Legal advice provided to the Shire confirms that the 1000m separation distance between the quarry and the nearest sensitive receptor (as recommended by the EPA Guidance Statement No 3) will not be converted to a mandatory or statutory ‘buffer’. To this effect, there is no opportunity for that landowner to seek compensation from Council. Further, there is nothing precluding Council from granting approval to the Application. There is also no statutory reason precluding the granting of an approval to a land use within a 1,000m distance of the quarry.

Should the neighbour choose to locate a sensitive landuse within 1,000m of the quarry, the onus would be on the quarry operator to comply with relevant legislation, for example the Noise Regulations.

In light of the above, the issue of a ‘buffer’ being imposed of neighbouring land has limited relevance in the determination of this Application. The assessment should concentrate on whether the proposal meets the relevant planning and environmental legislative framework and that no unacceptable off-site impacts will result from the activities proposed.

The Shire of Harvey District Planning Scheme No 1 provides the opportunity for the proposal to be considered. The proposed quarry is physically located to avoid adverse visual and amenity impact on the locality and as such approval would not be at odds with “Place of Landscape Value Areas” provisions within the Scheme. At present all suggested separation distances have been achieved.

Based on the advice from relevant government agencies and the outcome of the EPA appeal process, Staff are of the opinion that appropriate environmental conditions, which are to be administered by those agencies, can be imposed to mitigate likely off-site impacts.

Duration of Planning Consent

Staff note that the Applicant has requested an approval period of 20 years. While Council has the capacity to issue an approval for that period of time, it is considered appropriate that the current practice of a 5 year approval with annual licencing be maintained.

Conclusion

The proposed granite quarry raises a number of issues that need special attention. The primary issues in summary:

1. **Appropriate and safe access to Coalfields Highway**

   Main Roads WA has provided a condition to upgrade the intersection with Coalfields Highway including the provision of a separate right turn lane.

2. **Possible negative impacts on groundwater**

   The Department of Water has provided a number of conditions (see DoW list of conditions) to assist in reducing the likely off-site impact on groundwater. This is on the provision that there is regular, thorough and consistent monitoring of the water related activities relating to the quarry and processing area.
3. Possible impacts of blasting in relation to vibration

The occurrence of blasting is to be conditioned not to occur more than four times per year and is subject to the conditions listed in the Drilling & Blasting section of this report. Providing strict adherence to the conditions it is considered that blasting impacts will be manageable and as commented by the EPA that “the potential impacts can be effectively dealt with through the statutory decision making process”.

4. Possible Loss of amenity on adjoining/nearby land from impacts of:

a) Noise

Operation of the quarry and processing area is confined to between 7am and 5pm Monday to Saturday only. The Herring Storer Report (refer Appendix 3 of the Applicant’s report) indicates that the operational and processing noise comply with the Environmental Protection (Noise) Regulations 1997. Noise assessment will also need to be an ongoing process to ensure compliance.

b) Dust

Can be appropriately managed by the dust management plan and relevant conditions that are applied to the planning consent and Extractive Industry Licence.

c) Visual Amenity

The proposed quarry and processing areas, due to the terrain are not visible from the north around to the west. There is no visibility to Coalfields Highway as all the proposed operations are on the opposite side of a ridge. There is some visibility likely from properties to the south and east but not directly from any dwellings in the area on.

5. Possible 'Downstream' Water Contamination

Downstream water contamination is not acceptable at any level. The conditions imposed by the Department of Water will seek to ensure that this does not occur (refer section on Water management & Hydrology. It is anticipated that no water from either the quarry or the processing area will infiltrate the local stream system either in overland flow or through underground contamination.

4. Buffer

Based on legal advice no mandatory or statutory buffer will be established if approval is granted. To this effect the proposal must be assessed against the relevant planning and environmental legislative framework. Staff consider the proposal complies with the provisions of the Scheme and external agencies such as DoW, DPaW and the EPA consider that appropriate conditions can be imposed to avoid an unacceptable environmental outcome.

6. Proposed dwelling on Lot 500

Legal advice to the Shire indicates that approval could be granted and that the onus will be on the quarry operator to ensure all relevant legislation is complied with, for example: Noise Regulations.

Statutory/Policy Environment
District Planning Scheme (DPS) No. 1

District Planning Scheme (DPS) No. 1 zones the property as “General Farming”. An Extractive Industry is listed as a ‘SA’ land use in Table 28 of the Scheme.

SCHEDULE 2 – POLICIES FOR PLACES OF LANDSCAPE VALUE - AREA 2 – DARLING SCARP

SCHEDULE 14 – PLANNING PRECINCT POLICY AREA STATEMENTS
PRECINCT AREA 23 – COALFIELDS ROAD LANDSCAPE UNIT AND SOUTHERN COLLIE RIVER SPUR

Shire of Harvey Extractive Industry Local Laws 2007

Shire of Harvey Extractive Industry Local Laws 2007 provides the framework to guide the use and management of an Extractive Industry.

Greater Bunbury Region Scheme

Lot 501 is zoned ‘Rural’ by the Greater Bunbury Region Scheme. It is located within the ‘Strategic Agricultural Policy Area’ and adjacent to land designated ‘Regional Open Space’ reserve.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 – 2023, Strategies 2.3.1 and 2.3.2 state:

2.3.1 “Continue to implement integrated environmental, social and land use planning which will:
• Minimise land use conflict; and
• Protect significant vegetation, where possible.”

2.3.2 “Ensure compliance of rehabilitation plans for extractive industry areas.”

Risk Management

The Risk Theme Profiles identified as part of this report are Providing Inaccurate Advice/information. The Consequences could be “Financial”, “Reputational” or “Compliance” if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, external legal advice obtained and being prepared by qualified Council officer(s), resulting in LOW risk being present.

Given the complexity and number of recommended conditions, there is a likelihood that further appeals or objections will result regardless if an approval or refusal decision is made. This is unavoidable and does not impact the officer’s considered recommendation.

There is an additional Risk Theme Profile present being Inadequate Environmental Management. The Risk Assessment table below details the considered Risk associated outcomes in relation to this report.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Consequence (In this case the criteria is)</th>
<th>Risk Likelihood (with existing)</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Risk Theme Profile</th>
<th>Risk Action Plan (Controls or Mitigation Treatment)</th>
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5th April 2016
Page 18
**Budget Implications**

The approval (if granted) seeks the impost of conditions with a financial implication for Council in relation to the collections of rehabilitation bonds.

**Officer’s Recommendation**

That Council:

1. Approves the proposed Extraction of Granite from Lot 501 Coalfields Highway in accord with Application 14/11545 submitted by Landform Research, subject to the following conditions:

   a. A person shall not without the written approval of Council, undertake a land use in respect of which Council has granted planning consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;

   b. No extraction activities should occur within 15m of any native tree crown drip zones and a suitable temporary demarcation barrier be erected at 15m from the crown drip zone to protect the remnant vegetation and root systems from accidental machinery damage to the satisfaction of the Manager of Planning Services;

   c. All extraction to achieve compliance with:

      i) The Shire of Harvey Extractive Industry Local Law 2007, including the holding of a valid licence for all periods of operation;

      ii) The Department of Industry and Resources (DoIR) “Environmental Management of Quarries: Development, Operation and Rehabilitation Guidelines”; and

      iii) The Department of Water’s “Water Resource Considerations for Extractive Industries 2014”;

   d. All dust management is to comply with the relevant provisions contained within Application 14/11545 to the satisfaction of the Executive Manager Technical Services;

   e. All weed and pest management is to comply with the relevant provisions contained within Application 14/11545 the satisfaction of the Department of Agriculture and Food;
f. All surface water and groundwater management is to comply with the Water Management Plan (16/00863) to the satisfaction of the Executive Manager of Technical Services and the Department of Water and is subject to (but not limited to) the following conditions (as requested by the Department of Water):

i. A “Beds and Banks” permit being required from the Department of Water if any interference with the bed or banks of a watercourse in this proclaimed area occurs, unless fed by a spring that originates within the same lot boundary;

ii. A “Ground Water Extraction” licence being required from the Department of Water as the subject property is located within a ‘non-proclaimed’ area for groundwater under the Rights in Water and Irrigation Act 1914;

iii. A best practice Storm Water Management plan is to be compiled to the satisfaction of the Department of Water and the Executive Manager of Technical Services, Shire of Harvey prior to any granite extraction occurring on the site. Any release offsite will need to achieve pre-extraction (or better) water quality and also maintain pre-extraction water quantity release. This release may need to be controlled, prior to overland flow and before exiting the property;

iv. Provision of appropriate buffers to all internal waterways and natural drainage lines that feed the major tributaries of the Collie River and the Collie River itself;

v. A minimum setback of 100 metres is required between the extractive industry operation and any waterway tributaries;

vi. All soil and overburden being used within Lot 501 and not offsite, nor should activities lead to the need to import fill;

vii. Demonstration that the proposed detention basin can provide sufficient capacity for collection and storage of stormwater and seepage, to provide sufficient time for treatment, prior to controlled release or overflow;

viii. Provision of details of the expected volume of water that will be captured within the quarry and the expected volume of water that will be required to be treated to a suitable standard for its next use (e.g. dust suppression, release to environment);

ix. Provision of details of the capacity of the treatment basins (sediment trapping facilities) and outline how they will provide suitable treatment and treatment time before next use;

x. Water quality is to be consistent with ANZACC Guidelines, prior to any release from the property;

xi. An internal access road to be constructed between the operation and the processing area to the satisfaction of the Executive Manager of Technical Services and with consideration for the DoW ‘Water Quality Protection Note 44 – Roads near sensitive water resources’ (WQPN 44);

xii. Water monitoring parameters to the satisfaction of the Department of Water;
xiii. Site drainage is to aim to separate natural runoff from water generated in active areas of quarrying and processing operations;

xiv. Stormwater management at the quarry site is to provide for the collection, storage and disposal of water;

xv. Stormwater may be diverted from the site if it is not contaminated, to minimise the amount of water that needs to be treated or retained; and

xvi. The project site is to be considered as a number of individual ‘catchments’, with each catchment having design criteria that reflect the level of risk.

g. If clearing native vegetation is required for the proposed extractive industry operations, then the application may require a clearing permit from the Department of Environment Regulation’s (DER) Native Vegetation Conservation Branch;

h. All rehabilitation is to comply with the Closure and Rehabilitation Program (14/11545) to the satisfaction of the Manager of Planning Services and compliance with the following requirements:

i. Revegetation of the steep slopes is to be at least at a density of at least 10 trees per 100m², in addition to 20 local provenance shrubs;

ii. Revegetation is to be undertaken annually and continue for 3 years or until signed off as having met establishment and sustainability criteria and to be of a standard that achieves similar vegetation coverage to the pre-disturbance native vegetation or better;

iii. Rehabilitation / revegetation is to be of a standard that achieves similar vegetation coverage to the pre-disturbance native vegetation or better;

iv. A copy of the revegetation monitoring results and annual reports be forwarded to DPaW for assessment; and

v. Rehabilitation of each stage is to be monitored for a period of three years, or until signed off as having met establishment and sustainability criteria.

i. Blast Management is to be in accordance with the Blast Management Plan (14/11545) and subject to the following conditions:

i. All drilling equipment is to be fitted with noise suppression features and is regularly checked to ensure compliance with all safety standards;

ii. No explosives are to be kept on site;

iii. Consultants will monitor each blast and provide written documentation to the company;

iv. The blast holes are to be located in the patterns and spacings combined with blast design using various combinations of airdecks, charging and stemming to produce the best outcome with the least impact;

v. At the time of each blast the weather conditions are to be carried out when weather conditions are suitable, wherever possible, around midday, when temperature inversions have broken up and when the wind is most
commonly from the south west, blowing away from the main settled areas to the west of the quarry;

vi. Drilling, blasting and excavation will be below natural ground level, with the perimeter bund walls adding to the shielding of adjoining properties;

vii. Written notification being provided to all adjoining landowners and Council at least 7 days prior to each blast as a matter of courtesy; and

viii. Blasts shall occur not more than four times per year.

j. A reinstatement bond of $5,000 per hectare is to be received prior to the issue of an Extractive Industry Licence, and retained for up to three (3) years beyond the completion of rehabilitation works, to ensure success of planting;

k. Stockpiles are to be located within the approved areas and kept to a maximum height of nine (9) metres to avoid visual impact and/or material wind drift;

l. A Dieback Management Plan (prepared by a suitably qualified consultant), is to be prepared and approved for the site, to the satisfaction of the Manager of Planning Services, prior to the issue of an Extractive Industry Licence;

m. The Applicant is to have the approved quarry boundaries surveyed and pegged by a suitably qualified surveyor, with the location of such pegs being confirmed by Council Staff prior to the issue of an Extractive Industry Licence. The pegs are to remain in place for the duration of the operation;

n. Operating hours are restricted to 7am - 5pm Monday to Saturday with no extraction to take place on Sunday or public holidays;

o. The Applicant is to engage a suitably qualified independent expert to carry out an annual audit of compliance of the conditions of planning consent and extractive industry license. Such an audit must be submitted prior to an annual renewal licence being issued by Council;

p. Activities such as screening and crushing, may be prescribed and as such, require a Works Approval, License or Registration under Part V of the Environmental Protection Act 1986. The Department of Environment Regulation is the lead agency in relation to proposals;
q. Any refuelling activities must be undertaken in accordance with the Department’s Water Quality Protection Note – Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;

r. The Proponent to make arrangements with Main Roads Western Australia to ensure the access/driveway to Coalfields Highway is upgraded to the satisfaction of Main Roads Western Australia including provision of a separate right turn lane and widening on the highway which is to be designed and constructed to the specifications of Main Roads at the full cost of the proponent and prior to the issue of an Extractive Industry Licence. The upgrading to be completed prior to the issue of an Extractive Industry Licence.; and

s. This approval is valid for a period of five (5) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

2. In accordance with its delegation under Clause 27 Notice and Delegations Instruments advises the Applicant that Application 14/11545 shall be deemed to be approved under the Greater Bunbury Region Scheme.

Cr. Monagle left the Chambers at 6.04 p.m.

DS-16/036. Beech/Burgoyne

“That Council refuses the proposed extraction of granite from Lot 501 Coalfields Highway as presented in Application 14/11545 as submitted by Landform Research.”

TIED 3-3

MOTION WAS CARRIED 4-3 ON THE CASTING VOTE OF THE SHIRE PRESIDENT

The reasons for the difference from the Officer’s Recommendation were stated as follows:-

a. The proposal is inconsistent with Shire of Harvey Town Planning Mining or industrial development on the western escarpment of the Darling Range shall be discouraged.

b. The proposal is inconsistent with Objective 1.6.1 (b) of the Shire of Harvey District Planning Scheme No. 1 which states “to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community”.

c. The proposal is inconsistent with the State Industrial Buffer Policy which requires an on-site buffer with a presumptive separation distance of 1,000 metres.

d. Will cause a landuse conflict should a neighbour build a proposed residence in a location previously identified contrary to the State Industrial Buffer Policy (SPP4.1).
Item No. 8.1.2

Subject: Application for Planning Consent – Proposed Piggery
Proponent: GD Pork Holdings Pty Ltd
Location: Lot 2 (No. 96) Rosamel Road, Parkfield
Reporting Officer: Manager Planning Services
File No.: A004734

Summary

Council has received a second application from GD Pork Holdings Pty Ltd which proposes to reopen and expand the scale of the piggery at Lot 2 (No. 96) Rosamel Road, Parkfield (refer Attachment 1 – Location Plan).

As evidenced by Attachments 2a and 2b (due to the size of the report, Annexure 2 – Environmental Management Plan has been provided via Councillors Dropbox) the application proposes to accommodate 11,800 Standard Pig Units (SPU’s) which is reduced from 28,000 SPU’s and will now be a ‘breeder’ facility not a ‘grow out’ facility. Additionally the proposal includes a new and fully contained Waste Water Treatment system replacing the previous covered anaerobic effluent pond system. A comparison between the two proposals is contained within Attachment 3.

At its meeting held 19th August 2014, Council resolved to refuse the application for a 28,000 SPU piggery from Lot 2, that application was also refused by the Western Australian Planning Commission and both determinations have been referred to the State Administrative Tribunal (SAT) by the Applicant for reconsideration. That appeal is presently on hold and will be further considered following the determination of this recently submitted proposal.

Of note, Council was a determining authority for the original proposal, however the Applicant has chosen to refer the application to the South West Joint Development Assessment Panel (SWJDAP) for determination. To this effect, Council is simply a referral authority for this application.

For the reasons stated in this report it is recommended that Council advises the South West Joint Development Assessment Panel that it does not support the Application.

Background

Lot 2 (No. 96) Rosamel Road, Parkfield is located 750m north of Marriott Road and 1.2km east of Old Coast Road, within the buffer to the Kemerton Industrial Park. The site is located approximately 1.6km north east of the gazetted Australind town site boundary, 1.3km north east of the nearest lot zoned Residential and 1.3km east from the nearest lot zoned Special Rural.
The Land is zoned “Kemerton Buffer” and a “Piggery” is an “SA” use under the Shire of Harvey District Planning Scheme No 1 (Scheme), which means it may be considered by Council at its discretion following a public submission period. The Scheme also includes this site within Schedule 8 – “Restricted Uses” which provides for an “Extension to Piggery” (refer Statutory/Policy Environment below for greater detail). A Scheme Amendment is presently being considered by Council in regard to the Kemerton Industrial Park which seeks to remove the landuse “piggery” from the Kemerton Buffer, however this will have no effect on the ability for Council to consider this proposal given the “Restricted Use” zoning of this lot.

The proposal was advertised for public comment from 1st January 2016, to 22nd February 2016, and 681 landowners within a 5,000m radius of Lot 2 were notified of the proposal in writing. 5,000m was considered the appropriate distance within which referral should be undertaken given the generic distances required by the ‘Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses’. The proposal was also sent to relevant government agencies and providers of public utilities. At the close of advertising a total of 50 submissions were received (refer Attachment 4 - Submissions). As evidenced by the submissions received there is ongoing concern from residents that regardless of the size of the proposed piggery, its proximity to residents remains unacceptable and the proposal should not be supported.

Government Agencies are however, more of the opinion that the proposal, at its reduced capacity can be effectively managed through appropriate conditions.

Comment

Staff acknowledge that the application is reduced in scale from the previous proposal (which still remains undetermined by the SAT). However, the planning and environmental framework for this site are unchanged and Staff, as evidenced by previous reports (refer Attachment 5), maintain concern that the environmental sensitivity of the site, its location on the Swan Coastal Plain and proximity to nearby sensitive land uses (residents) should preclude the proposal from occurring.

Staff, recognise that DER, which is the State’s leading environmental authority, has issued a Draft Works Approval (refer Attachment 6) for the original proposal and it could be argued that this proposal is likely to have less environmental impact and is also likely to be supported by DER.

Given that the original proposal remains within the SAT, the reality is that Council is being requested to choose between the two proposals. One which has already been refused, but has received environmental support from the DER and is thus likely to be supported by the Department of Planning or one which is half the scale and as suggested by the applicant will have far less environmental impact and through appropriate management will meet all necessary regulations.

A simplistic view could be taken that the smaller proposal should be supported. However, based on the concerns raised during the public submission period and those of staff as to the appropriateness of the site to accommodate such an application and the relevant statutory/policy environment (refer Attachment 5 – previous planning report) it is recommended that the application not be supported for reasons consistent with the previous proposal.
Staff advise that a determination by Council on this application is a recommendation only to the SWJDAP and that the SWJDAP will be the determining authority for this application. To this effect, the option that an approval may be granted does exist. Staff also advise, that the Department of Planning will be making a recommendation to the SWJDAP.

In the event that this application is refused by the SWJDAP, the opportunity for the original proposal (28,000 SPU's) to be determined by the SAT also remains.

**Statutory/Policy Environment**

Shire of Harvey District Planning Scheme No. 1

Lot 2 is zoned ‘Kemerton Buffer’ by the Scheme. The Policy Statement pertaining to the zone states:

“The primary purpose of this zone is to serve as a low intensity use area between the Kemerton heavy and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged.”

A Piggery appears in Table 33 of the Scheme as an ‘SA’ land use in the Kemerton Buffer zone. An ‘SA’ land use is defined in Clause 4.2 of the Scheme as a use which Council may permit at its discretion following advertising.

The Scheme also includes this site within Schedule 8 – “Restricted Uses” which provides for an "Extension to Piggery."

<table>
<thead>
<tr>
<th>STREET LOCALITY</th>
<th>PARTICULARS OF LAND</th>
<th>ONLY USE PERMITTED</th>
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</thead>
<tbody>
<tr>
<td>R3 1</td>
<td>Rosamel Road, Parkfield</td>
<td>Lot 2</td>
</tr>
</tbody>
</table>

Clause 4.7.4 of the Scheme for “Restricted Uses” states as follows:

“4.7.4 A person shall not use any land, any building or any structure thereon in a Restricted Use Area except for the use or purpose set against such land in Schedule 8.”

Staff acknowledge that Schedule 8 provides for an extension of the piggery and that only a piggery can be considered. However, these provisions need to be read in conjunction with other Scheme provisions, specifically the purpose of the Kemerton Buffer (refer above) and other regional planning framework and balanced against the amenity expectations of the wider community.

The extension proposed is considered at odds with the objective of the Kemerton Buffer Zone and the intent of Amendment 93 to the Scheme should not be supported.
In 2001, Amendment No.93 to the Scheme introduced additional provisions for Kemerton. Specifically Clause 7.3 which states in part:

Kemerton Park Industrial Area and Buffer

(a) ........development and subdivision shall be subject to those provisions as set out in Schedule 5 – Additional Requirements Industrial Zone [Area 2] Kemerton Industry Area and Buffer – Statement of Policy.

Within Schedule 5, SUB-AREA 4: Kemerton Buffer, the Statement of Policy states, in part:

“1. The predominant purpose for land within this area shall be to serve as a low intensity use zone between the industry contained within the Kemerton Park Industry Zone and the surrounding land uses. In accordance with this primary purpose, provision shall be made to protect the native woodlands, parklands and wetlands and to encourage where possible the conservation of flora and fauna, landscape amenity and passive public recreation.

2. Industrial use shall not be permitted, other than rural industry where appropriate;

4. Rural uses may be permitted, provided they are consistent with the primary purpose of the Area and do not constrain industrial development in the Kemerton Park Industry Area or the Ancillary Industry Area.

6. …Further intensification of land uses should not be permitted.

7. Residential development is not permitted. New residential development is contrary to the intent of the zone.”

Section 1.6 – Scheme Objectives. The relevant extracts from section 1.6.1 of the Scheme include:

(a) to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community; and

(g) to protect and preserve the more important natural flora and fauna habitats (ecosystem, biodiversity and essential ecological processes), and other environmentally sensitive areas that are prone to degradation on the principle that the extent and manner of use of these areas should be kept within their capabilities of being sustained without degradation in the long term.

Planning and Development Act 2005

Section 124 of the Planning & Development Act 2005 (PD Act) states:

(1) If a region planning scheme is inconsistent with a local planning scheme, the region planning scheme prevails over the local planning scheme to the extent of the inconsistency.

Greater Bunbury Region Scheme

The site is zoned Rural, is within the Special Control Area No. 2 (SCA) – Kemerton Industrial Zone Buffer Area and abuts a Public Purposes – Special Use reservation.

Clause 5 of the GBRS states:
“Purpose of the Scheme
(e) provide a mechanism for certain development of regional significance and
development in areas of regional significance, to be considered and approved by
the Commission; and
(f) identify and protect land having strategic importance for industrial and future
urban use.”

The Kemerton Industrial Park is of state and regional significance as a planned industrial
estate.

Clause 18 of the GBRS states:

“Purposes – SCA No. 2
(1) The purposes of SCA No. 2 are –
(a) To identify land likely to be subject to significant levels of noise, odour, dust, risk
or any other off-site impacts from the Kemerton Industrial Zone; and
(b) To ensure that the use and development of land in the area is compatible with
any existing or proposed future use or development within the Kemerton
Industrial Zone.”

The revised extension to the piggery to allow for 11,800 SPU’s, is likely to have less impact
than the previous proposal in regard to the functioning of the buffer, despite the management
provisions proposed by the Applicant within Attachment 2. To this effect an approval under
the Scheme would result in an inconsistency with the GBRS which cannot be contemplated
under Section 127 of the PD Act.

EPA Publication ‘Guidance for the Assessment of Environmental Factors: Separation Distances
between Industrial and Sensitive Land Uses’

An intensive piggery is described as premises on which pigs are fed, watered and housed in
indoor pens. Noise and odour are identified as the main potential impacts associated with a
piggery. The recommended buffer in metres for a piggery with 5,000 or more pigs is 5,000m.

Health Act 1911

A piggery is listed as an Offensive Trade in Schedule 2 of the Health Act 1911. A Certificate of
Registration of Premises for Offensive Trade was issued to the Applicant on 12th September
2013.

Environmental Guidelines for New and Existing Piggeries

The guidelines were prepared by the Department of Agriculture and apply to the management
of piggeries in Western Australia. The guidelines outline a process for preparation of odour
assessments for piggeries. Specifically the site is located within an area as being “most
vulnerable to environmental damage from piggeries”, based on criteria including:

- Climate;
- Proximity to environmentally sensitive areas;
- Relationship to residential areas (such as built-up, semi-rural and special rural areas);
- Water supply (suitability and availability);
- Adequate land for necessary waste treatment and disposal;
- Topography;
- Soils; and
- Vegetation.
Based on the site being identified as being “most vulnerable” and the concerns of Staff in regard to odour modelling it is recommended the proposed development be refused.

National Environmental Guidelines for Piggeries

The guidelines outline national environmental standards for piggeries. In regard to determining separation distances in Western Australia the NEGP make specific reference to the EPA Publication ‘Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses’ and Environmental Guidelines for New and Existing Piggeries.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategies 2.3.1, 2.6.2 and 4.3.4 state:

2.3.1 “Continue to implement integrated environmental, social and land use planning which will:
- Minimise land use conflict;
- Protect valuable agricultural land for food production;
- Allow for a diverse range of agricultural, horticultural, viticultural and aquaculture pursuits;
- Provide an awareness of the potential adverse impact of traditional uses on new industries;
- Ensure the use of valuable irrigated land reflects the key principle of sustainable development; and
- Protect significant vegetation, where possible.”

2.6.2 “Ensure government and relevant agencies adequately monitor and inform the community on adverse changes to the local environment resulting from industrial and other development.”

4.3.4 “Monitor and ensure compliance with the regulatory framework for local government business”.

Risk Management

The Risk Theme Profile identified as part of this report is Providing Inaccurate Advice/information. There is no Consequence associated with the determination of this application as Council is providing referral advice only to the SWJDAP which is the decision making authority.

There is an additional Risk Theme Profile present being Inadequate Environmental Management. The Risk Assessment table below details the considered Risk associated outcomes in relation to this report.
### Risk

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<td>That a negative environmental impact results from the non-imposition or an inadequate approval condition by the SWJDAP</td>
<td>Major (4)</td>
<td>Possible (3)</td>
<td>High (10-16)</td>
<td>Inadequate Environment Management</td>
<td>That Council supports the Officer’s recommendations in particular reason for refusal points 3, 4 and 5.</td>
</tr>
</tbody>
</table>

### Budget Implications

Nil.

### Officer’s Recommendation

That Council advises the South West Joint Development Assessment Panel that it does not support the proposed Piggery at Lot 2 (No. 96) Rosamel Road, Parkfield for the following reasons:

1. The proposal is inconsistent with the purpose of the Kemerton Industrial Park Buffer of which “The primary purpose of this zone is to serve as a low intensity use area between the Kemerton heavy and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged”;

2. The proposal is inconsistent with Objective 1.6.1 (b) of the Shire of Harvey District Planning Scheme No 1 which states “to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community”;

3. The proposal is inconsistent with Objective 1.6.1 (g) of the Shire of Harvey District Planning Scheme No 1 which states “to protect and preserve the more important natural flora and fauna habitats (ecosystem, biodiversity and essential ecological processes), and other environmentally sensitive areas that are prone to degradation on the principle that the extent and manner of use of these areas should be kept within their capabilities of being sustained without degradation in the long term”;

That Council supports the Officer’s recommendations in particular reason for refusal points 3, 4 and 5.
4. The proposal is not compliant with the recommended minimum separation distance of 5,000m between a piggery and a sensitive land use, required by the *Environmental Guidelines for New and Existing Piggeries – Agriculture Western Australia, 2000*; and

5. The proposal represents an unacceptable environmental risk given its identification as being “most vulnerable to environmental damage from piggeries” within the *Environmental Guidelines for New and Existing Piggeries – Agriculture Western Australia, 2000*.

DS-16/037. Beech/Giancono

“That the Officer’s Recommendation contained within the above report be adopted.”

CARRIED 5-0

Cr. Simpson returned to the Chambers at 6.20 p.m.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>8.1.3</th>
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</thead>
<tbody>
<tr>
<td>Subject:</td>
<td>Reconsideration – Proposed Shed</td>
</tr>
<tr>
<td>Proponent:</td>
<td>Mr. Preston Brett</td>
</tr>
<tr>
<td>Location:</td>
<td>Lot 816 Burney Road, Yarloop</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Manager Planning Services</td>
</tr>
<tr>
<td>File No.:</td>
<td>A13291</td>
</tr>
</tbody>
</table>

Attachment Reg. No.16/0848

**Summary**

Staff, under delegated authority refused an application for the construction of a shed on Lot 816 Burney Road, Yarloop (refer *Attachments 1 and 2*), for the principal reason that the property is located within the recognised safety zone of the Murray Districts Rifles Clubs Association Inc. (governing body of the Yarloop Rifle Range (YRR)) (refer *Attachment 3*). Approval for the shed had the potential to place the Applicant at risk and to this effect refusal was considered appropriate to achieve proper and orderly planning.

The Applicant subsequently appealed the decision to the State Administrative Tribunal (SAT). During mediation the Applicant removed his support for his land to be included within the safety zone. To this effect there is no planning reason why an approval can’t be issued.

This application is referred to Council under Section 31 of the SAT Act 2004, to not only endorse the proposal but for Council to acknowledge that approval has been granted and that use of the Yarloop Rifle Range cannot occur until such time as the range is modified and an appropriate licence is issued by the WA Police Licensing Services (Firearms) section.

**Background**

On 20th October 2015, Council received an application for a shed on Lot 816 Burney Road, Yarloop (refer *Attachment 2*). Prior to lodgement Staff had been liaising extensively with Mr. Brett, the Yarloop Rifle Range and the WA Police Licensing Services (Firearms) to determine the extent and validity of a safety zone which extended over the Applicant’s property.
During the assessment of the application, the Applicant maintained they were unaware of the safety zone and that approval could not be reasonably withheld as it was his land and there is nothing on his certificate of title precluding him from developing it. However, there was correspondence on file to suggest the existence of the safety zone and in the opinion of Staff, approval could be withheld if safety concerns existed.

The proposal was referred to the WA Police Licensing Services (Firearms) as licensing authority however no response was received.

During the assessment of the proposal the Applicant contacted Council advising that a projectile had entered his property, which raised concern as to whether approval was appropriate. Staff exercised not only delegation, but an appropriate level of “duty of care” and refused the application. Despite the near miss incident, the applicant sought review of the decision through the State Administrative Tribunal (SAT).

In February 2016, Staff meet on-site with members from the Yarloop Rifle Range, who confirmed that modifications to the range could be carried out to avoid the need for the safety zone to be over the Applicant’s property.

**Comment**

During the SAT proceedings it was determined that the Applicant had previously supported the existence of the safety zone and thus refusal was justified. The Applicant has subsequently withdrawn support for the Murray Districts Rifles Clubs Association Inc. to utilise his land as a safety zone and to this effect there is no planning ground as to why approval can not be granted.

Approval will however preclude the Yarloop Rifle Range from operating until such time as the range is modified and re-licenced confirming that all projectiles can be contained within the land occupied by the club.

Staff have meet with members from the Yarloop Rifle Range and can advise there is willingness and design solution which can be undertaken to allow the club to continue operating. While this is not a determining factor for Council it demonstrates that approval for the shed will not jeopardise the ongoing activities of a long established landuse within Yarloop.

In light of the above, it is recommended that Council grant planning consent to the proposed shed on Lot 816 Burney Road, Yarloop and advise the YRR and WA Police Licensing Services (Firearms) that approval has been granted and that modifications are required to be undertaken to the range prior to any further events (shoots) being carried out and that all relevant licences associated with a revised design for the range are to be obtained and provided to Council.

**Statutory/Policy Environment**

**State Administrative Tribunal Act 2004**

Section 31 of the State Administrative Tribunal Act 2004, provides the State Administrative Tribunal the opportunity to invite Council to reconsider its original decision.
Strategic Framework

Within the Shire’s Strategic Community Plan 2013 – 2023, Strategies 2.3.1 and 4.3.4 states:

2.3.1 “Continue to implement integrated environmental, social and land use planning which will:
• Minimise land use conflict.

4.3.4 “Monitor and ensure compliance with the regulatory framework for local government business.”

Risk Management

The Risk Theme Profile identified as part of this report is Providing Inaccurate Advice/information. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil

Officer’s Recommendation

That Council:

1. Acknowledges that Mr Preston has removed the right for his land (Lot 816 Burney Road, Yarloop) to be included within the safety zone associated with the Yarloop Rifle Range.

2. Grants Planning Consent for the construction of a shed on Lot 816 Burney Road in accordance with Application 15/32727 subject to the following conditions:

   a. A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Planning Consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;

   b. The layout of the site and the size, design and location of the fence and works permitted must be in accordance with the endorsed plan and must not be altered or modified without the further written consent of Council;

   c. A Building Permit is obtained from Council’s Principal Building Surveyor prior to the commencement of any works onsite; and

   d. This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.
3. Advises the Murray Districts Rifles Clubs Association Inc. that the above approval has been granted and that no further shooting is permitted to be undertaken at the Yarloop Rifle Range until the range is modified to comply with Western Australian Police Licensing Services (Firearms) standards;

3. Advises the Western Australian Police Licensing Services (Firearms) that the above approval has been granted and that no further shooting can occur at the Yarloop Rifle Range until the range has been modified and complies with all necessary standards; and

4. Requests the Murray Districts Rifles Clubs Association Inc. to provide a copy of the revised Licence confirming necessary works have been undertaken.

DS-16/038. Giancono/Burgoyne

“That the Officer’s Recommendation contained within the above report be adopted.”

CARRIED 6-0

Cr. Adams left the Chambers at 6.24 pm.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>8.1.4</th>
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<tbody>
<tr>
<td>Subject:</td>
<td>Application for Planning Consent – Proposed Short Stay Accommodation</td>
</tr>
<tr>
<td>Proponent:</td>
<td>Mr R. Scott</td>
</tr>
<tr>
<td>Location:</td>
<td>Lot 1 Coalfields Highway, Roelands</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Senior Planning Officer</td>
</tr>
<tr>
<td>File No.:</td>
<td>A006341</td>
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</table>

 Attachment Reg. No. 15/33654

Summary

Council has received an Application for Planning Consent proposing short stay accommodation at Lot 1 Coalfields Highway, Roelands. It is recommended that Council refuse to grant Planning Consent for short stay accommodation given concerns raised by Main Roads WA (MRWA) regarding access to and from the property, but grants Planning Consent for the use of the proposed units for ancillary accommodation and storage.

Background

Lot 1 Coalfields Highway, Roelands is located 2.3km south east of the Roelands townsite (refer Attachment 1). It has an area of 7.3ha and accommodates a single dwelling, outbuilding and rainwater tanks. The property enjoys panoramic views from its location on the western face of the Darling Escarpment.

The Applicant seeks approval to locate two decommissioned carriages from the Western Australian Government Railways (WAGR) on the property to be used initially for ancillary accommodation and storage and eventually for short stay accommodation. The Applicant advises that the carriages require a considerable amount of restoration work before they can be used for short stay accommodation, which is likely to take 12 months (refer Attachments 2a and 2b).
Access to South Western Highway is via an existing crossover constructed at the eastern end of the property. The crossover is constructed to a gravel standard. Refer to Attachment 3 for images depicting Coalfields Highway looking east and west, in the vicinity of the existing crossover.

Comment

The application is an ‘SA’ land use in Table 29 of the Scheme meaning that the application requires advertising for public comment. On this occasion, the application was not advertised to neighbours given that the Applicant obtained signatures from adjoining landowners confirming that they raise no objection to the proposal.

The application was, however, referred to MRWA for comment given that access is from Coalfields Highway which is under the care and control of that agency. A response from MRWA was received on 15th February 2016 (refer Attachment 4). Main Roads WA advises that it does not support the application for short stay accommodation given concerns with access and potential for traffic conflicts which will undermine the safety and function of the highway. Specific concerns relate to:

- Right turning vehicles travelling east towards Collie stopping in the uphill overtaking lane to access the driveway; and

- Vehicles turning right out of the driveway (east towards Collie) need to cross two lanes on the highway including the slow moving truck lane and overtaking lane. Sightlines at the existing driveway and on the highway are also restricted by a crest in the highway which partially obscures sightlines for right turning vehicles.

MRWA advises that it would not object to the use of one of the carriages for ancillary accommodation and the other for storage purposes.

The potential for vehicle conflicts is the primary concern held by Staff in relation to the proposal for short stay accommodation. The potential for vehicle conflicts is exacerbated with road users who are trying to find the property for the first time and maybe unfamiliar with the area.

Of particular concern are vehicles travelling east towards Collie who need to turn right using the right overtaking lane which is intended for faster moving vehicles. There is the potential for vehicles turning right to be rear ended at high speed. In the absence of support from MRWA, it is recommended that the short stay component of the proposal be refused.

There is scope for Council to support the relocation of the two railway carriages to Lot 1 provided that one of the units is used for ancillary accommodation and the other as an outbuilding. Furthermore, Staff support a relaxation of the 100m setback from Coalfields Highway required by Clause 8.1 given that the proposed development will not be visible from the Highway.

Statutory/Policy Environment

Shire of Harvey District Planning Scheme No. 1

Lot 1 is zoned ‘General Farming’ by District Planning Scheme No. 1. The land use category ‘Short Stay Accommodation’ is listed as an ‘SA’ use in Table 29 of the Scheme.

Objective 1.6.1 (c) of the Scheme states “to promote economic development and tourism within the Shire and increase local employment opportunities.”
Clause 8.1 of the Scheme states that an 80m building setback applies on both sides of Coalfields Highway, in addition to the 20 metre boundary setback.

Clause 9.1.2 of the Scheme states that all development in a Place of Landscape Value requires Planning Consent.

Clause 4.4.1 of the Scheme allows Council to vary a standard or requirement of the Scheme.

Council Policy 15.21 ‘Setbacks for all Structures within the ‘Intensive Farming’ and ‘General Farming’ zones

A 20m setback from all property boundaries is required by the Policy.

Draft Council Policy 15.23 ‘Ancillary Accommodation (yet to be adopted by the WAPC)

The draft Policy states that the maximum plot ratio area for ancillary accommodation shall not exceed 70m², and the area of covered verandahs which are open on at least two sides is not to exceed 40m².

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategies 1.1.9 and 2.3.1 state:

1.1.9 “Continue to support the agricultural industry by encouraging appropriate land uses.”

2.3.1 “Continue to implement integrated environmental, social and land use planning which will:
   • Minimise land use conflict;

Risk Management

The Risk Theme Profile identified as part of this report is Providing Inaccurate Advice/Information. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil.

Officer’s Recommendation

That Council:

1. Refuses Application for Planning Consent (15/33654) received on 5th November 2015, proposing short stay accommodation at Lot 1 Coalfields Highway, Roelands for the following reasons:
a. The proposal is not supported by Main Roads WA which is responsible for controlling access to Coalfields Highway; and

b. The additional traffic generated by the short stay accommodation would pose a safety risk for users of Coalfields Highway, in particular:

i) Right turning vehicles travelling east towards Collie stopping in the uphill overtaking lane to access the driveway; and

ii) Vehicles turning right out of the driveway need to cross two lanes on the highway including the slow moving truck lane and overtaking lane. Sightlines at the existing driveway and on the highway are also restricted by a crest in the highway which partially obscures sightlines for right turning vehicles.

2. Refuses to grant Planning Approval for short stay accommodation under the Greater Bunbury Region Scheme for those reasons listed in Item 1 above;

3. Grants Planning Consent for two railway carriages to be relocated to Lot 1 Coalfields Highway, Roelands, with one to be used for ancillary accommodation and the other as an outbuilding, subject to the following conditions:

a. A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Planning Consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;

b. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of Council;

c. The development is to comply with the Building Code of Australia and the Health Act 1911;

d. The railway carriage which is to be used as an outbuilding shall not be used for human habitation;

e. The Applicant is to obtain a Building Permit from Council’s Building Department prior to the commencement of site works;

f. All development is to be setback a minimum of 80m from Coalfields Highway and 20m from all other lot boundaries;

g. The ancillary accommodation and outbuilding are not to have any external materials that are highly reflective in nature. The external wall cladding and roofing is to be consistent with the provisions of Local Planning Policy 15.22 ‘Highly Reflective Materials’;

h. No clearing of any vegetation is permitted on the property without prior written consent from the Department of Environment Regulation Land Clearing Branch; and

i. This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.
4. Exercises discretion under Clause 4.4.1 of District Planning Scheme No. 1 and supports a relaxation of the 100m setback from Coalfields Highway for the two railway carriages (one to be used for ancillary accommodation and the other as an outbuilding) required by Clause 8.1 of District Planning Scheme No. 1;

5. Waives the advertising of the proposal for the two railway carriages (one to be used for ancillary accommodation and the other as an outbuilding) as required by Clause 2.3 of District Planning Scheme No. 1 given the Applicant has obtained written confirmation that adjoining landowners raise no objection to the proposal; and

6. In accordance with its delegation under Clause 27 Notice and Delegations Instruments advises the Applicant that Application 15/33654 shall be deemed to be approved under the Greater Bunbury Region Scheme.

DS-16/039. Giancono/Burgoyne

“That the Officer’s Recommendation contained within the above report be adopted.”

CARRIED 6-0

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Subject</th>
<th>Proponent</th>
<th>Location</th>
<th>Reporting Officer</th>
<th>File No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1.5</td>
<td>Lot 5723 Morgan Court, Australind (Being Portion of Reserve 41669)</td>
<td>Calibre Consulting representing Daranda Holdings Pty Ltd</td>
<td>Lot 5723 Morgan Court, Australind</td>
<td>Senior Planning Officer</td>
<td>A008500 Attachment Reg. No. 16/06963</td>
</tr>
</tbody>
</table>

Summary

Council has been requested by Calibre Consulting representing Daranda Holdings Pty Ltd whether it would support relinquishing Lot 5723 Morgan Court, Australind (being portion of Reserve 41669). The land is to be purchased by Daranda Holdings Pty Ltd for incorporation into the adjoining land which has received subdivision approval from the Western Australian Planning Commission.

It is recommended that Council advise the Applicant and the Department of Lands that it raises no objection to the land being purchased from the State of WA, subject to conditions.

Background

Lot 5723 Morgan Court, Australind is located 1.3km north east of the Australind Village Shopping Centre (refer Attachment 1). It has an area of 17.17m² and is a vacant triangular shaped parcel of land with frontage to Morgan Court (refer Attachment 2). A title search shows that Lot 5723 was created through subdivision in 1989 (WAPC Ref: 76758). There is a management order assigned to the Shire of Harvey. Refer to Attachment 3 for the plan of subdivision approved in 1989 which highlights the land in question.

On 3rd March 2016, the Shire received an email from the Applicant asking if Council would raise any objection to Lot 5723 being purchased by Daranda Holdings Pty Ltd from the State of WA (refer Attachment 4). The subject parcel of land is to be incorporated into adjoining land (proposed Lot 13) which has a subdivision approval from the Western Australian Planning Commission (refer Attachment 5). This report recommends that the Applicant’s request be supported.
**Comment**

A site inspection was carried out on 18\textsuperscript{th} March 2016, which revealed that the land is partially being used as an access track during the construction phase of the Australind Private Estate. The land is not currently being used for public recreation purposes. It is devoid of vegetation and there is no indication that the reserve contains any infrastructure. Notwithstanding, it is recommended that the Department of Lands contact providers of public utility services to confirm if any infrastructure is present.

Lot 5723 at 17.17m\(^2\) is too small to be used for public recreation purposes and it is logical that the landholding is amalgamated into the adjoining Lot 132 Wakefield Crescent. It is recommended that Council advise the Applicant and the Department of Lands that it raises no objection to the disposal of Lot 5723 Morgan Court, Australind (being portion of Reserve 41669), subject to the following conditions:

1. The owner of Lot 410 Morgan Close and all public utility service providers being notified of the proposal in writing and invited to comment; and
2. The land being amalgamated with adjoining Lot 132 Wakefield Crescent.

**Statutory/Policy Environment**

Shire of Harvey District Planning Scheme No. 1

Lot 5723 is zoned 'Residential R15/30/50' by the Shire of Harvey District Planning Scheme No. 1.

**Land Administration Act 1997**

Section 87 of the Act relates to the sale of Crown land for amalgamation with adjoining land.

**Strategic Framework**

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategy 2.4.4 states:

“Provide quality amenities and accessible public spaces for our community”.

**Risk Management**

The Risk Theme Profile identified as part of this report is *Providing Inaccurate Advice/information*. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.
**Budget Implications**

Nil.

**Officer’s Recommendation**

That Council advises the Applicant and the Department of Lands that it raises no objection to the disposal of Lot 5723 Morgan Court, Australind (being portion of Reserve 41669), subject to the following conditions:

1. The owner of Lot 410 Morgan Close and all public utility service providers being notified of the proposal in writing and invited to comment;

2. The land being amalgamated with adjoining Lot 132 Wakefield Crescent; and

3. All costs associated with the purchase of the land by the Applicant from the State of Western Australia are to be met by the Applicant.

DS-16/040. Shortland/Simpson

“That the Officer’s Recommendation contained within the above report be adopted.”

CARRIED 6-0

### 8.2 BUILDING REPORT

<table>
<thead>
<tr>
<th>Item No.</th>
<th>8.2.1</th>
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<tbody>
<tr>
<td><strong>Subject:</strong></td>
<td>Oversize Outbuilding within a Special Rural Zone</td>
</tr>
<tr>
<td><strong>Proponent:</strong></td>
<td>J. and T. McEvoy</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Lot 2 (No. 90) Lofthouse Drive, Leschenault</td>
</tr>
<tr>
<td><strong>Reporting Officer:</strong></td>
<td>Building Surveyor</td>
</tr>
<tr>
<td><strong>File No.:</strong></td>
<td>A014476</td>
</tr>
<tr>
<td><strong>Attachment Reg. No.:</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Summary**

An application has been received requesting Council’s consideration for the construction of a steel framed outbuilding with a floor area of 160m² and a wall height of 3.1m, on Lot 2 (No. 90) Lofthouse Drive, Leschenault. Staff recommend approval subject to conditions.

**Background**

Lot 2 Lofthouse Drive, Leschenault is zoned “Special Rural” under the provisions of Council’s District Planning Scheme (DPS) No. 1 and consists of 2.0287 hectares.

The Applicant has sought the floor area to enable the storage of 2 vehicles, his work trailer, ride on lawn mower and tractor.

**Comment**

The proposed development has been referred to adjoining landowners in accordance with Clause 2.3 of DPS No. 1 seeking comment prior to Council consideration. No submissions have been received at the closure of the comment period. Staff thereby supports this application in accordance with Council Policy.

**Statutory/Policy Environment**
District Planning Scheme No. 1.

Council’s Building Policy 19.2.3 states:

“19.2.3 Outbuildings in Special Rural Zones

The Principal Building Surveyor has delegated authority to approve outbuildings on lots zoned “Special Rural” and “Special Rural and Landscape Protection” that do not exceed 150m² in area total, subject to sheds being constructed of non-reflective material and not being used for commercial purposes. Any application for outbuildings in these zones which in total are in excess of 150m² but do not exceed 190m² is required to be submitted to Council for approval and treated in accordance with Clause 2.3 of District Planning Scheme No. 1, requiring public comment on the proposal prior to Council considering the matter.”

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategy 2.3.1 states, in part:

“Continue to implement integrated environmental, social and land use planning which will:
• Minimise land use conflict”

Risk Management

The Risk Theme Profile identified as part of this report is Providing Inaccurate Advice/information. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil

Officer’s Recommendation

That Council authorises the Principal Building Surveyor to issue a Building Permit for an oversized outbuilding at Lot 2 (No. 90) Lofthouse Drive, Leschenault subject to:

1. The outbuilding shall not be used for habitable or commercial purposes; and
2. The outbuilding shall be clad in non-reflective material.

DS-16/041. Burgoyne/Beech

“That the Officer’s Recommendation contained within the above report be adopted.”

CARRIED 6-0

9. MATTERS BEHIND CLOSED DOORS (Under Section 5.23 (2) of the Local Government Act, 1995)

Nil.
10. **CLOSURE**

There being no further business to discuss, the meeting was declared closed at 6.35pm.
COMBINED ATTACHMENTS FOR PLANNING ITEMS 8.1.1 – 8.1.5

Development Services Committee Meeting

Tuesday, 5th April 2016
Proposed hard rock quarry is located in a Regionally Significant Gravel Resource Area.

**Figure 1**

*Proposed quarry*

*Processing area*

*Approved gravel operations*
Excavation and Rehabilitation Management Plan

Proposed Hard Rock Quarry, Lot 501 Coalfields Road Wellington

Shire of Harvey

August 2013
Excavation and Rehabilitation Management Plan

Proposed Hard Rock Quarry,
Lot 501 Coalfields Road
Wellington

Quarry Manager
B and J Catalano
South West Highway
Brunswick Junction
WA 6530

Phone 08 9726 8100
Fax 08 9726 1575
SUMMARY

B and J Catalano have excavated crushed laterite duricrust and gravel from Lot 501 for a number of years and wish to expand their operations by re-opening a small hard rock quarry near the gravel operations to complement the products that can be provided.

Granite hard rock is a valuable community resource and has the capacity to provide an alternative resource to the Bunbury Basalt.

The proposed hard rock quarry is to extract 50 000 to 100 000 tonnes of hard rock per year.

The pit and processing area have been selected to be low in the landscape below the ridge lines to provide screening from the closest dwellings. The closest dwellings are 2.3 kilometres away.

By using sight lines and field observations it is felt that the operation will not been visible from dwellings.

Rock will be extracted by drill and blast with an excavator. A 35 tonne haul truck will take the resource to the processing area where a mobile crushing plant will be used to produce a range of products and a number of stockpiles.

Access will use the same roads as those for the operating gravel pit on Lot 501.

Planning Approval of 20 years is sought to provide long term security, combined with an Extractive Industries Licence with a minimum of at least 5 years.

This document aims to be a practical document that describes the operations and the onsite management. The methods used have been developed by Catalano who have thoroughly researched and investigated the operational and environmental issues.

Catalano makes commitments, continues to use the described procedures and management, and where necessary, changes the procedures when ongoing research or new methods suggest that there are better ways of doing things.
## Project Summary

<table>
<thead>
<tr>
<th>ASPECT</th>
<th>CURRENT DISTURBANCE</th>
<th>FINAL DISTURBANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of excavation</td>
<td>Current 02. hectares</td>
<td>10 hectares estimated at 20 years.</td>
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<tr>
<td>Processing Infrastructure. Product stockpiles, laydown and related areas</td>
<td>Nil</td>
<td>4.0 hectares</td>
</tr>
<tr>
<td>Roads, dams and related infrastructure etc</td>
<td>0.5 hectares</td>
<td>0.5 hectares</td>
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<tr>
<td>Revegetation</td>
<td>Nil</td>
<td>1.0 hectares</td>
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<tr>
<td>Hard Rock extraction</td>
<td>Nil</td>
<td>Gravel extraction is licensed.</td>
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<tr>
<td>Estimated reserve</td>
<td></td>
<td>1.3 plus million tonnes based on the concept quarry plan.</td>
</tr>
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<td>Life of project</td>
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<td>20 plus years</td>
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<tr>
<td>Dewatering requirements</td>
<td></td>
<td>Nil</td>
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<tr>
<td>Maximum depth of excavations</td>
<td>5 metres</td>
<td>20 – 30 metre face</td>
</tr>
</tbody>
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1.4 Approvals 2

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2.2 Importance of the Quarry 3
2.3 Planning Policies and Land Zonings 3
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APPENDICES

Appendix 1 Swindells Hard Rock Assessment
Appendix 2 Blast Management Plan
Appendix 3 Noise Assessment – Herring Storer Acoustics
All water within the pit retained and used on site.

All water from processing area captured and fed to sediment settlement dams.

Detention - sediment trapping basin
Existing watercourse or creek
Road gutter and runoff
Pit drainage
Contour water trapping trench and bund
Drainage across disturbed land
Natural surface drainage
Drainage divide bunding
Water sampling point

Figure 4

Landform Research: June 2013
Water Management: B and J CATALANO
LOT 501, COALFIELDS ROAD, WELLINGTON

Basemap LANDGATE Scale 1:4,000

Elevation 240 m
Figure 5
Figure 6A

- Natural drainage line
- 190 Proposed bench elevation
- Safety bunding and for water management
- Pit water flow to sump
Figure 6A

Safety bunding and for water management
Pit water flow to sump
Proposed bench elevation
Natural drainage line

Figure 6B

Water used on site

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Roleystone WA 6111  
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Figure 7A

EXISTING CONTOURS

CONCEPT PROCESSING AREA

Safety bunding
Cut off drain
Existing drain
Detention basin
See Figure 2, Detailed Site Plan

Location for proposed Relocated Dwelling and Outbuilding.

Lot 500, Coalfields Road, Roelands.

Prepared by SCOTT GIS Services. (Ph: 0422 067 105) Date: 08/02/2016 Scale: 1:15,000 Map Ref: Cullity_SitePlan_20160208
<table>
<thead>
<tr>
<th>Landowner/ Agency</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surrounding Landowner Submissions</strong></td>
<td></td>
<td></td>
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</tbody>
</table>
| Adjoining Landowner | • Advises that they are ‘dead against’ the proposed extraction;  
• Advises that they have previously expressed this with the proponent;  
• Advises they will provide reasons for their objections (see Ref: 13/33225) | Noted.  
Noted.  
Noted. |
| Ref: 13/32667 | | |
| Nearby Landowner (southern side of the Collie River) | • Expresses concern about consequences to their property;  
• Advises they are south-west of the proposed site and fear groundwater supplies and their home may be affected by blasting;  
• Advises they are aware of damage caused by previous blasting in the area;  
• Requests if Council can advise if seismic and geological reports have been provided with the application. | Noted.  
Noted.  
Noted, however Staff note this this is unsubstantiated.  
A Blast Management Plan has been provided, however this does not provide any seismic testing information. A geological report prepared in 1982 was submitted with the application. |
| Ref: 13/33062 | | |
| Nearby Landowner (southern side of the Collie River) | • Advises they own a property with a home on the southern side of the Collie River;  
• Advises it was with surprise and horror that they were advised of the application to extract granite;  
• Advises that approximately 20 years ago a very small detonation was conducted on the irrigation channel approximately one (1) kilometre from their home which caused cracking;  
• Considers that the detonations associated with the granite quarry would be extremely serious as far as their house is concerned; | Noted.  
Noted.  
Noted, however Staff note this this is unsubstantiated.  
Noted. |
| Ref: 13/33086 | | |
- Additionally, considers there is concern regarding a creek which runs very close to where the detonations will occur, as well as underground aquifers which may be fractured and permanently damaged;

- Considers that a quarry of this size in an area where there are houses and where the water supply could be prejudiced and where people and animals live will be very harmful to the neighbouring properties and should not be allowed;

- Considers it is ecologically unacceptable;

- Queries what expert evaluation has been conducted by expert geologists and geotechnical experts;

- Believes that many people living in surrounding properties are going to object to this excavation;

- Considers it surprising that more surrounding landowners were not notified;

- Considers that it needs to be acknowledged that they all live on the top of a substantial granite outcrop, and a detonation in one place on that granite outcrop rocks the whole area and that it is not appropriate that this sort of excavation should be carried out in a populated farming area sitting on granite.

| Adjoining Landowner (submission made on behalf of landowner by his Solicitor) Ref: 13/33225 | Believed that the location where it is intended to quarry the granite would be largely surrounded by the neighbouring landowner’s property; |
| Noted. |

Staff also hold concerns with regards to impacts on waterways traversing the property which feed into the Collie River. Staff considers there is insufficient research as to the potential impacts on waterways in terms of both quality and quantity;

Noted.

It is understood the consultant who prepared the report is a geologist and the “Geological Reconnaissance” report conducted in 1982, was also prepared by a qualified geologist;

Noted.

Personal correspondence was sent to all landowners directly abutting the property. Furthermore the Shire of Dardanup was notified and public notices were placed in both the Harvey Reporter and South Western Times.

Noted.
- Advises there is both surface water and underground water adjacent to the boundary and it would appear that the detonations could cause fractures which may be prejudicial to this water supply;

- Advises the landowner has buildings on the neighbouring property which are in danger of being damaged to say nothing of the inconvenience of noise, dust and vibration;

- Considers that the neighbouring landowner will require a proper geotechnical survey and report conducted by a specialist geologist experienced in this sort of work who could certify that the proposed works would not have any adverse effect on neighbouring properties;

- Advises that the neighbouring landowner would require a guarantee (indeed proof) that the parties carrying out the work, as well as the landowner permitting the carrying out the work and the Shire, are adequately insured so as to compensate the landowner for any substantial damage that may result from the works, as well as compensation for the expected devaluation of neighbouring properties;

- Advises that the neighbouring landowner’s property is very valuable and that the quarry would have a serious devaluing effect and may make it difficult, if not impossible, to sell in years to come;

- It is noted that it is anticipated that the quarry will operate until the year 2035;

- Advises that the neighbouring landowner strongly opposes the proposed quarry and if needs be, will take steps as prove necessary to protect his own interest as might be necessary.

| Noted. |
| Noted. |
| The applicant has submitted a Blast Management Plan. |
| Noted |
| Noted |
| Noted and agreed that the application refers to this anticipated pit life span. |
| Noted, however it is unclear what steps this may include. The Western Australian Planning system does not provide for third party appeals and therefore it is unclear what legal standing the neighbours would have in the event of the proposal being approved. |
| Nearby Landowner (southern side of the Collie River) | **Ref:** 13/33678 | **Nearby Landowner (southern side of the Collie River)**  
**Ref:** 13/35316 |
|---|---|---|
| • Advises that the Collie River Valley has been promoted as a scenic drive and tourist destination;  
• Advises that the prevailing winds in the locality are easterly and frequently north-easterly;  
• Advises that the surrounds are zoned rural, however many of the properties at the eastern end of Collie River Road serve a residential function and were purchased due to the beauty and tranquillity of the valley;  
• Advises that their house sits high on the southern valley wall opposite the proposed quarry and seems likely to suffer from visual and noise pollution;  
• Considers this will not only act as an aggravation but could also devalue their property;  
• Advises they depend on underground water for much of their water supply and it has been suggested that blasting could interfere with the supply of their soaks, wells and springs;  
• Advises that it has also been suggested that the stability of their house, which is constructed on clay, could be threatened;  
• Expresses doubt that this would be the case, however would appreciate an authoritative opinion from experts in the field;  
• Advises that for the reasons outlined, they object to the proposed quarry. | Noted. | • Objects to the proposal;  
• Advises that they moved to the locality approximately 10 years ago to raise their family in a tranquil and beautiful environment; | Noted. |
Advises they purchased their property primarily for the peace and quiet of the beautiful rolling hills and its delicate landscape;

Advises they were horrified to learn of the proposal for a granite quarry just across the river;

Advises they are gravely concerned about the presumed method of blasting, as well as the ongoing workings of processing (crushing) and the persistent movement and drone of large machines;

Considers the lifting, dropping and moving of granite rocks must suggest loud noises that will echo down the valley;

Assumes more dust and dirt will also pollute their water tanks;

Advises they rely on roof runoff for fresh clean drinking water;

Considers the locality to be a pristine piece of countryside and it seems an incredible injustice to nature and our way of life that mining would be allowed so close to us;

Queries why these types of industries have to be located so close to residential farms and suggests that there is granite available elsewhere, further away from houses;

Considers the hills are full of granite;

Requests to be advised where they can get hold of copies of any environmental impact studies that have been done in due process;

Requests that the proposal be given due consideration with regards to the impact it will have on people residing in the Collie River Valley locality.

EPA have indicated that in their opinion a formal assessment is not required.
Adjoining Landowner (submission made on behalf of landowner by his Solicitor and Environmental Consultant)

<table>
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<th>13/35317</th>
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Please note this submission is 27 pages in length and therefore will not be summarised word-for-word as the other submissions. Rather an overview of the submission will be provided in terms of its content and a full copy is provided for Council to peruse.

- Objects to the proposal and outlines its reasons under the following (6) categories:
  1. **Legal Invalidity and Misleading Nature of Application**
     - Considers the application is too vague and uncertain to constitute a valid application under DPS No. 1;
     - Considers that insufficient information has been provided to:
       - a) afford the neighbouring landowner a reasonable opportunity to comment; and
       - b) enable the Shire to determine the Application.

     *In the body of the submission under this category the following points are made:*  
     - Questions the validity of the application based on information submitted by the applicant;
     - Queries the calculation of vehicle movements;
     - Interpretation of DPS No. 1 and relevant planning instruments

  2. **Regional Planning Issues**
     - Considers that the broad brush ‘rural’ zoning under the Greater Bunbury Region Scheme (GBRS) is appropriately implemented through the local rural zoning and policies.
     - Considers there is nothing of regional significance about the granite on the Catalano Land which would justify over-riding local planning considerations.
     - Considers that the Application does not contain any credible, specific detail establishing the need to use the granite from this particular site to satisfy any regional or other need;

     *Noted.

     *Noted.*

     *Noted.*

     *Noted.*

     *Noted.*

     *Noted.*

     *Noted, as above.*

     *Noted.*

     *Noted – based on the submitter’s calculations an estimated 2 trucks per hour will access Coalfields Highway;*

     *Noted.*

     *Noted – the property is zoned “Rural” under the GBRS and “General Farming” under DPS No. 1.*

     “Extractive Industry” is a use which can be considered under the “General Farming” zoning.

     The application is not required to demonstrate there is a need for the product in order for Council to determine the application.
- The neighbouring landowner does not consider all extraction should be prevented from occurring on Lot 501, rather a nuanced approach is required which restricts extraction to gravel extraction;

- Considers the gravel extraction should be contained and wound down over time;

- Considers the proposal necessarily uses the neighbouring land as a buffer and considers there is no regional or economic case for using the neighbouring land as a buffer;

- Considers that the landscape value of the neighbouring land and other land in the area is of regional significance and easily outweighs any weight, which would otherwise be given to the potential to use the Catalano granite were a case for its regional significance be made.

*In the body of the submission under this category the following points are made:*

- Addresses the provisions of the GBRS.

### 3. Local Planning Issues

- Considers the proposal is at variance with:

  a) the purpose of the zoning of the neighbouring land and other properties in the area;

- It is assumed market forces will drive the extent or pace at which the material is extracted. Council is only required to determine whether the application represents an acceptable land use in accordance with relevant legislation and policies including DPS No. 1;

  Noted, however the extraction of granite is considered an ‘Extractive Industry’ which may be a considered land use on the property and therefore Council cannot prevent the landowner from making application;

  Noted, however it is the landowners prerogative to make further applications should they wish;

  Noted.

- The application was referred to relevant Government agencies in accordance with the provisions of the GBRS and their comments have been given due consideration in the compiling of this report.

  An “Extractive Industry” is a landuse which may be considered on the property and therefore Council cannot prevent the landowner from making application;
- Noted.
- Noted.

This is further discussed in the body of the report;

- Noted.

This is further discussed in the body of the report;

- Noted.

- Noted.

- Noted.

- Noted.

- Noted – Staff have adequately assessed the application against the provisions of DPS No. 1;

- Noted – it is Staff’s understanding that should the application be approved by Council, it would still need to obtain a Works Approval from the DER;

- Noted – Council are required to determine the application and may set any conditions it considers appropriate. The proponent however would also need to comply with any additional conditions as set by the DER. Without approvals from both Council and the DER the operation cannot proceed;

<table>
<thead>
<tr>
<th>b) the amenity of the locality; c) orderly and proper planning.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Considers the proposal to be at variance with the State Industrial Buffer Policy – SPP 4.1, which requires an on-site Buffer with a presumptive separation distance of 1000 metres.</td>
</tr>
<tr>
<td>Considers that the proposal is required to define the buffer and address the need for appropriate economic instruments to satisfy the WAPC requirements for the buffer area: sections 4 and 6.2 of SPP 4.1. Considers the proposal fails to meet these requirements;</td>
</tr>
<tr>
<td>Considers that the application gives rise to landscape, amenity, orderly and proper planning, environmental and safety issues as relevant considerations;</td>
</tr>
<tr>
<td>Considers when due weight is given to these considerations in the circumstances of this case, the application should be refused.</td>
</tr>
<tr>
<td>In the body of the submission under this category the following points are made:</td>
</tr>
<tr>
<td>Addresses provisions of DPS No. 1</td>
</tr>
<tr>
<td>4. Environmental Approvals and Considerations</td>
</tr>
<tr>
<td>Notes that the processes applicable to the proposal requires that a works approval be obtained under the Environmental Protection Act 1986 (WA);</td>
</tr>
<tr>
<td>Considers that the complementary planning and environmental regulatory processes reflect the underlying broader planning and environmental considerations relevant to the determination of the application and condition setting.</td>
</tr>
</tbody>
</table>
In the body of the submission under this category the following points are made:

A report by Dr. T Meagher (Ecologist and Adjunct Professor in Environmental Science, Notre Dame University) is provided which in summary finds the following:

1. The B & J Catalano proposal is a “prescribed premises” as defined in the EP Act. As such, a municipal approval for development cannot be implemented until such time as the proposal has been assessed consistent with the requirements of the EP Regulations and a “Works Approval” is issued together with a “Licence”. IN the event that a Works Approval is granted, then the licence will stipulate the enforceable conditions under which the project can operate;

2. The documents provided by B & J Catalano include a noise level investigation conducted by Herring Store (environmental noise consultants). That investigation provides estimates of noise levels from blasting and hard-rock processing of the material at existing elevated ground between the processing plant and the residence which will most likely cause a routine exceedance of the acceptable noise level. It may well be that the other two receptors will be similarly affected by increased noise level.

3. It is also reasonable to conclude that sound levels will exceed the allowable limit for at least 2km into the neighbouring property. This will mean that the intended land use subsequent to harvest cannot be implemented because residences would not be able to be occupied. The most amenity-appropriate residential sites appear to be on the ridge line along the 200-220m AHD contour. This is only 800 metres from the processing plant. It is apparent that this locale will have consistent unacceptable sound levels and also be in clear view of the quarry and rock crushing plant.

This is consistent with Staff's comment under the previous point.

Noted.

Noted.
4. In regard to the blasting required by the proposal, the proponent has adopted a 1000m buffer zone. Reference to Figure 3 in the Catalano consultant report indicates the active quarry margin will be between 150-300m from the neighbouring property boundary. The danger area adopted by the Catalano consultants will extend 750-850m into the neighbouring property. An investigation defining the blasting hazard on the intended land use of the neighbouring property must be provided for regulatory consideration during the Works Approval process.

5. The B & J Catalano consultant report attaches a report by the West Australian Geological Survey in 1982. This report indicates that underlying and outcropping metamorphosed granite occurs over the Catalano property. However the extent and depth of this rock type, together with mapping of other igneous rock types that are suitable for quarrying has not been described. The proponent has simply adopted the test blasting and excavation that was done in 1982. It is reasonable to require that the proponent considers a range of alternative sites for both the quarry and processing facility on Lot 501. It is likely that this additional information will also be required during the Works Approval assessment process.

6. The consultant report notes that the quarry and processing works will be visible from the residence on Coalfields Highway. As the harvest of pines continues there will be an extensive period of time during and subsequent to clearing of the pines at which the quarry and the processing works is likely to be visible by all three receptors. It will also severely affect residences that are to be appropriately constructed on the neighbouring property, subsequent to pine tree harvest.

- The ‘Precautionary Principle’ is invoked;

Staff considers that the quarry and/or the processing area is unlikely to be visible from Coalfields Highway, even subsequent to the removal of pines on the neighbouring property.

The processing area, being located reasonably high in the landscape will be visible from a number of neighbouring properties, even though this may not always be from the residences of those properties.

The ‘Precautionary Principle’ is discussed in further depth in the body of the report.
The provisions of SPP 4.1 are discussed in further depth in the body of the report.

Whilst also located in a Place of Landscape Value Staff consider there are few similarities between the application previously refused by Council and this application. This is discussed in greater depth in the body of the report.

5. Interference with property Rights

**Considers that an approval would effectively give the proponent an unlawful easement to pollute the neighbouring landowner’s land, thereby amounting to an unlawful taking of rights in the neighbouring landowner’s property for the benefit of the proponent, at the expense of the neighbouring landowner.**

**Considers this would be a misuse of the Shire’s planning powers.**

*In the body of the submission under this category the following points are made:*

- Legal arguments with regards to ‘Nuisance and negligence’;
- Contends that the quarry will limit the ability of the neighbouring landowner to use their land for all of the uses currently available including the construction of dwellings and tourist uses;
- Contends that the quarry will result in unacceptable contamination of forest products by way of flyrock and dust and create an occupational hazard for forest workers.

6. Land Use Conflict

**Considers approval creates a land use conflict which would:**

- If necessary, Staff consider these matters can be dealt with through adequate conditions being imposed.
a) create a cause of action for the neighbouring landowner in private nuisance against the applicants;

b) be an exercise of planning power which is irrational, in the sense that no reasonable authority would exercise its power to create a private nuisance;

c) constitute a breach of the Shire’s statutory duty and give rise to relief by injunction and damages against the Shire; and

d) be contrary to public policy.

Conclusions:

The following represents a summary of the submission’s recommended reasons for refusal:

1. The Application lacks procedural and substantive merit. It contains insufficient information and is confusing. Even if these difficulties are overcome, there are inherent contradictions, including the conflicting claims of having a low scale impact on traffic and by implication amenity, while at the same time claiming to be of regional significance.

2. The proposal detracts from a Place of Landscape Value and is subject to visual protection under clause 8.1(a)10 of DPS No. 1;

3. The proposal does not address sufficiently or at all key environmental considerations, including those referred to by Dr Meagher;

4. The proposal is inconsistent with the general objectives of the Region Scheme and DPS No. 1;

5. Without knowing what authorities have been consulted under clause 2.4.1 of DPS No. 1 or having the benefits of their comments, the neighbouring landowner cannot be considered to have had a fair opportunity to comment on the application;

Noted.

Noted.

Noted.

Noted.

Concluded: Noted although Staff do not necessarily agree.

Council is obligated to advertise the proposal in accordance with Clause 2.3 of DPS No.1. Council is under no obligation to pass on any comments between various submitters prior to making a decision on the application.
6. The proposal fails to satisfy the express considerations of clause 2.4.2 of DPS No. 1;

7. The proposal does not comply with SPP 4.1 by not including an appropriate on-site buffer;

8. Approval of the proposal will lead to the creation of a common law nuisance. As a result, an approval would be irrational and beyond power;

9. It would in any event be contrary to good governance to approve an Application which in addition to creating a noise and flying debris nuisance and using the land of another party as a de facto buffer area, would be inconsistent with an earlier decision of the Shire which applied similar facts to the same principles;

10. The Application should not be progressed in the absence of analysis and reporting by the DER in light of detailed information supplied to obtain a works approval;

11. The Precautionary Principle should operate in any event to preclude approval given the potential noise and dust pollution affecting neighbouring land, coupled with the poor quality of the information supplied by the proponent.

Noted although Staff do not necessarily agree.

Noted and agreed.

Noted although Staff do not necessarily agree.

Noted.

Noted and agreed.

Noted and agreed – discussed in greater depth in the body of the report.

Nearby Landowner (southern side of the Collie River)
Ref: 13/35470

- Advises they own a business and land located approximately 3 kilometres from the proposal;
- Advises they own a well-established and highly regarded Retreat and Day Spa offering luxury accommodation and relaxing spa treatments;
- Advises they have worked hard and conscientiously to achieve an excellent name and reputation which is due to the quiet, scenic and beautiful location;

Noted.

Noted.

Noted.
- Advises this aspect of their business has been operating since 2001;
- Advises they also produce beef cattle on approximately 320 acres;
- Advises they object to the proposal and are greatly concerned about:

  1. Noise
      - Concerned about background operating noise the quarry will create;
      - Considers that the topography and prevailing winds result in sound that travels in an atypical manner;
      - Considers the noise will be incompatible with the business and are very concerned about the impacts and potential redress they may have for this;

  2. Explosives
      - Further to and including the issue above;
      - Requests, that as they have paying customers, that as much advance notice via email is provided of explosive activity which will enable them to inform guests to reduce their alarm and attempt to manage some of the impacts these events will have on their business;
      - Advises they are very concerned about the air blast effect from explosive activity on their business as a result of the atypical manner in which sound moves through the valleys with varying conditions;

  Noted.
  Noted.
  Noted.
  Noted.
  Noted.
  Noted.
  Noted.
  Noted. Third party appeals are not permitted under the Western Australian Planning system and so there is no redress for other parties if Council resolves to approve the application.
- Requests that blasting not be permitted to take place on Friday afternoons, Saturdays or Sundays as these are the peak periods for the accommodation business.

3. Water

- Advises, that as a primary producer they are very concerned the effect blasting could have on the underground waterflows;

- Advises that the hills country is dotted with natural springs being fed by underground water flows which are essential for wildlife and stock;

- Considers that ground blasting could fracture these water courses and have a significant impact on the environment and established watering points for stock;

- Considers there are no guarantees this can't or won't happen.

4. Weeds

- Considers that Lot 501 already has a long standing Cotton Bush infestation problem which is having a huge impact on neighbouring properties and the community;

- Requests that Council place a condition on any extractive industry licence requiring the operator to meet its obligations to the community and control these weeds.

| Noted. |
| Noted. |
| Noted. |
| Noted. |

A site inspection by Staff confirms that there are significant stands of Cotton Bush on the property which will need to be addressed by the landowner.

The landowner is required to fulfill their obligations to control weeds under the *Biosecurity and Agriculture Management Act 2007*, administered by DAFWA.
<table>
<thead>
<tr>
<th>Community</th>
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<tbody>
<tr>
<td>- Considers that many of the properties to be affected by quarrying operations are to the South and South-West in the Shire of Dardanup which are mostly high value lifestyle properties with people choosing to live there due to the amenity, vista and peacefulness;</td>
</tr>
<tr>
<td>- Advises they are concerned that the proposed operation will have an adverse effect on the community and request that the Shire of Dardanup receive a copy of the submissions sent in by its ratepayers;</td>
</tr>
<tr>
<td>- Requests that an appropriate and workable complaints procedure be established and monitored by the Shire of Harvey.</td>
</tr>
</tbody>
</table>

| Noted – Staff have forwarded a copy of this report (inclusive of submissions) to the Shire of Dardanup. |
| Noted. |
| Noted. |

<table>
<thead>
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<th>Resident of Bunbury</th>
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<tbody>
<tr>
<td>Ref: 13/35705</td>
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<tr>
<td>- Objects to the proposal;</td>
</tr>
<tr>
<td>- Advises that they regard the Roelands and Burekup area as being most valuable regional assets with the Darling Scarp providing a backdrop looking east from all areas west of the South Western Highway;</td>
</tr>
<tr>
<td>- Considers the Collie River Valley, the drive to and from Collie along Coalfields Highway and the drive along River Road in Burekup are great tourism attractions and likely to attract more tourists as more amenities and attractions are developed and as more Special Rural development occurs;</td>
</tr>
<tr>
<td>- Considers there are several large landholdings which provide viable and productive farms as well as horticulture in the locality;</td>
</tr>
</tbody>
</table>

| Noted. |
| Noted. |
| Noted. |
- Advises that this includes the old Roelands Mission which is being developed as a cultural and arts centre for Noongar culture from all the traditional lands of the Noongar and Wadandi people;

- Considers there are several aspects of the proposed quarry that cause concern:

1. The Geology and Hydro-geology of the Area

   a) Notes that the locality the subject of the application previously had a small quarry on it. Considers that no explanation has been given as to why that was closed and why no application has been made before now to re-open and extend it.

   Advises there are some long-time residents in the area who suggest it was because of the adverse impacts of the original quarry especially on stream and subservice water flow;

   b) Considers that the application does not denote exactly how much extractable granite is on the property. Queries whether new applications will be received once the identified resource is exhausted;

   Queries how the 1.2 million tonnes of extractable material has been measured and what cut offs have been used to determine that estimate in terms of the quality and depth of the granite, and how much overburden there is;

   c) Considers that granite is widespread in the region but no-one will consider allowing extraction on the Western edge of the scarp, including the reopening of the old Government and private quarries above the Roelands townsite;

Noted.

- There is a small quarry dating back to pre-1982 which is in the same locality as the proposed quarry. Council does not require that the proponent outline why it closed 30 years ago and/or why an application has not been received before now. Council is merely required to assess and determine the application before it.

   Staff are unaware if this is the case.

Staff consider the application is reasonably clear as to the proposed amount of material to be extracted.

- It is assumed that as the applicant’s consultant is a geologist they probably have a good understanding of calculating the amount of material based on the depths of the pit, the volumes to be removed and the weight of the resource.

- It is assumed this refers to the Roelands quarry which is owned by the State Government. Although not active it is Staff’s understanding that this may re-open at some point in the future to supply government infrastructure projects.
d) Considers that once one quarry is permitted to operate at the top of the scarp, other licences are likely to be applied for on the rest of the Catalano land holdings and on other properties large and small;

e) Considers these issues are important in terms of assessing the likely populations that may be affected and the activities that would be developed over time on adjoining lands;

f) Considers that over time there is likely to be subdivisions of some of the large rural properties that abut Lot 501 and the area does include properties that could be developed for horticulture, viticulture and tourism;

g) Considers that future populations and impacts need to be considered in the context of an increased local population and activities in the area, as well as increased levels of tourism in the area into the future;

h) Considers the local area will not stagnate in terms of development and has the capacity for population growth and additional tourism development, farm stay accommodation and special rural type subdivisions;

i) Considers that quarries are not large employers and sales and production vary with demand and the number of new project that need granite or crushed granite;

Considers most of the current demand is met from the Gelorup quarries;

There is nothing per se that prevents granite extraction at the top of the Scarp. The locality is in a Place of Landscape Value which means that amenity concerns have to be dealt with. With regards to this application, in addition to amenity issues Staff also hold other concerns which are addressed in detail in the body of the report.

The potential impacts and the limitations this operation will impose on neighbouring landowners were primary reasons for Staff to recommend refusal of this application.

Staff confirm there may be some capacity for further subdivision on some of the neighbouring rural properties.

Noted.

Whilst some Special Rural type development may occur in localities close to townsites, it is considered unlikely there will be further development of this type in close proximity to the proposed quarry.

Noted.

Noted.
Advises that when the Gelorup quarries were first developed there were many complaints which escalated dramatically as new residents moved into Gelorup which resulted in buffers being established on all sides.

Considers the kinds of problems arising from quarries include:

1) Dust and pollution arising from the removal of overburden and then storing and stabilisation of overburden to prevent dust and preventing the overburden from being washed into streams that flow into the Collie Rover;

2) Blasting that causes noise and dust. The applicants advise only four blasts will be required each year, but that will depend on demand and whether there is ongoing crushing.

Blasting noise and dust can carry some distance from the blast and in the case of noise can have an echo effect. This will disturb farm and domestic animals, and native fauna and birds.

There is also the possibility of a subsurface reverberation that can have an effect on the water table and surface and subsurface streams and waterflows;

3. Noise and dust in the extraction of granite blocks and conveying them to the crusher;

4. Noise and dust from the crushing operation;

5. Dust from clearing the storage area and preparing for the stored material;

6. Loose material both in the mine site and the crushing plant and the storage area will also leach out during rainfall;

7. Similar effects will result from the loading and storage operations;

Staff understands that it is a different type of hard rock (basalt) which is extracted from Gelorup which presumably is used for different purposes.
8. Increased transport movements on Coalfields Highway increases the use on what is already a dangerous road, which is likely to also have grain trucks added to heavy haulage movements, both the downhill and uphill;

9. The applicant may say that the number of trucks per day is not large, but that will be dependent on demand and the amount of extractable material on Lot 501;

10. Lot 501 already has a gravel pit, crushing plant and stockpiled gravel. In effect the granite issues will be on top of those associated with the gravel pit operations;

11. These issues need to be assessed not only on where people live, but how near their property boundaries are to the site;

12. Considers that summer easterlies, winter rain and wind and the occasional passage of cyclones and tornadoes occur in the locality;

13. Considers that the operation of the quarry and vehicle movements and the need to store materials on site also increases the chance of fires in what is a most difficult area to fight and extinguish fires.

In summary:

- Considers that the application needs to be supported by a much more detailed description of the potential resource, the geomorphology and hydrogeology of the area and the nature of the extraction, storage and transport of the product;

- Considers that the applicant simply stating that risks are reduced because the property is surrounded on one or two sides by hills and slopes, is not warranted;

- Considers that if the proposal is to be approved, there needs to be strict and enforceable conditions imposed;
- Considers that to approve a granite quarry in such a potentially valuable area is not in the interests of anyone;

- Considers that as the locality is close to the boundary with Dardanup and Collie, there needs to be consultation with these Shires;

- Advises they are confident that the Staff and Councillors of the Shire of Harvey will properly consider all aspects, however urges that the decision errs on the side of caution.

Noted.

The Shire of Dardanup were advised of the proposal and were forwarded a copy of the application.

As Lot 501 does not abut the Shire of Collie and the nearest land is State Forest in any case, the Shire of Collie were not contacted.

<table>
<thead>
<tr>
<th>Neighbouring Landowner</th>
<th>Ref: 13/36877</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Considers that extractive industries on Lot 501 will have a direct impact on their land and expresses their opposition to the proposal;</td>
<td></td>
</tr>
<tr>
<td>• Advises that it is of particular concern the impact the activity will have on water quality, building stability, biodiversity and the natural amenity of the Roelands property all of which are vital to the current and future operation of the site.</td>
<td></td>
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</tbody>
</table>

The submitter's concerns re summarised as follows:

**Current Use and Value of Roelands**

- Advises that their community consists of 30 buildings, some of which date back to the 1930s, a farm and an orchard;

- Advises the community is home to 20 residents and is regularly visited by school / community groups and tourists;

- Advises it is also used as a training and corporate events venue;

Noted.

Noted.

Noted.

Noted.
- Advises commercial agricultural activities include cattle farming and growing fruit, herbs and vegetables;

- Considers the place sits within a highly significant cultural and environmental corridor and the Collie River and its tributaries have high cultural values as part of the traditional Indigenous stories that have been lived and passed on by Elders;

- Advises that the Shire of Harvey recognises the property as having considerable heritage value in its recent assessment (see attachment). The property is also listed on the WA State Heritage Register which recognises the history of the site and its previous use as a mission between the 1940s and 1970s;

- Considers that Roelands is a well-used, highly important place for residents, visitors and the broader community;

- Advises they have sought preliminary advice on the potential impact of the proposed extractive activity and findings indicate that nearby industry activity (cited to be 2.8 km from residential buildings at Roelands) would directly threaten the strength of commercial tourism and agricultural operations at Roelands.

**Erosion, Heavy Metals and Water**

- Advises that the water supply for Roelands is sourced entirely from the dam in the north-west corner of the property on a boundary shared with Lot 501;

- Advises a survey of the water catchment and water quality was conducted by the Water Corporation’s Drinking Water Quality in July 2013 which highlighted the following issues:
- The proposed extractive industry by B & J Catalano on Lot 501 lies within the water catchment area for the Roelands dam;

- Previous extractive activities by B & J Catalano on Lot 501 have caused erosion within the water catchment area for the Roelands dam which has:
  
a) led to contamination from extractive industries entering the dam via run-off and nearby streams;
  
b) resulted in the dam developing a significant build-up of silt, which has limited the capacity of the dam.

- Considers the proposed extractive industry would worsen existing erosion issues and lead to further infill of the dam;

- Considers previous extractive licence conditions have not been implemented indicating the operator is unlikely to control erosion and sediment flow associated with the proposed activity.

### Air Pollution

- Considers that dust created by blasting, haul roads, access roads and wind erosion of bare areas will impact on the surrounding environment and likely have a significant impact on future cottage industries in particular the hospitality training initiative and restaurant business venture planned for Roelands;

- Considers dust may impact on infrastructure, food preparation and outside dining areas;

- Considers dust will also impact on the ability to grow produce such as herbs and bush foods which form part of the training and commercial operations;

|--------|--------|--------|--------|--------|

- Noted – the report indicates the dam has 50% reduced capacity as a result of siltation;

- Noted. Staff acknowledge this is difficult to monitor certain conditions regarding the movement of water due to the topography of the land and the gradual nature of such issues. The current gravel extraction is due for renewal in 2014 and will be subject to annual compliance auditing as is the case for all new extractive industries which will enable these matters to be addressed more stringently.
- Considers there may also be increased demand on water at the property for cleaning produce and outside areas.

**Noise Pollution**

- Considers blasting and extraction operations will create noise at a level impacting on commercial operations and residences at Roelands;
- Considers noise will also disturb endangered and vulnerable cockatoo species in the area.

**Biodiversity and Impacts**

- Considers that noise and dust pollution of the surrounding environment are likely to disturb the large populations of endangered Baudin’s Cockatoo and the vulnerable Red-Tail Black Cockatoo which have been observed in the area and it is also likely that Carnaby’s Black Cockatoos exist in the area;
- Advises that an old growth jarrah habitat identified on their property has been cited as a potential nesting site for black cockatoos and the proposed extraction could impact nesting patterns;
- Considers that mammals, reptiles and other bird species may also be impacted due to operations, heavy machinery movements and loss of habitat;
- Advises that other biodiversity values of the area include priority 4 flora and potential habitats of freshwater mussels and water rats, both of which are listed by DPaW as endangered;
- Considers that habitats of these endangered species would be affected by downstream impacts of the extraction (erosion, sedimentation, pollution runoff from machinery and vehicles).
Blasting Damage

- Considers blasting in close proximity to Roelands places the integrity of buildings and infrastructure at risk;

- Notes that the Shire of Harvey’s heritage assessment identifies that the mud brick cottages on the site dating back to the 1930s are in poor condition and considers they would be at risk by blasting activities occurring in close proximity;

- Considers that the heritage of the site requires protection to preserve these values;

Concluding Comments

- Opposes the proposal due to the potential impact on water, the environment and the residential and commercial operations on the property;

- Advises they reserve the right to appeal approval decisions in favour of the proposed extractive industry;

- Advises that the short timeframe provided to submit comments on the proposal limited their capacity to explore all possible impacts;

- They request that if the proposal is approved, neighbouring landowners are provided with another opportunity to seek independent advice, provide comments which may not have been included here and contribute to the development of any operating conditions to ensure disturbance is eliminated or minimised to the greatest extent possible.

Noted.

Noted.

Noted.

Noted.

Noted.

It is evident that there is no third party appeal right.

Noted.
<table>
<thead>
<tr>
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<th>Submission</th>
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</tr>
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<tbody>
<tr>
<td><strong>Main Roads W.A (MRWA)</strong></td>
<td>Full submission attached 14/07783</td>
<td>Noted.</td>
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<tr>
<td></td>
<td>• Advises Main Roads WA has concerns in regard to the access to the property;</td>
<td>Noted.</td>
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<tr>
<td></td>
<td>• Advises that the increased traffic generated by the proposed development will increase the potential for vehicle conflicts and detract from the function and safety of the highway;</td>
<td>Noted.</td>
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<tr>
<td></td>
<td>• Advises that this is particularly the case for vehicles turning right on the highway (heading east) who will be stationary in the overtaking lane when waiting to turn right into the access;</td>
<td>Noted.</td>
</tr>
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<td></td>
<td>• It is requested that the following condition be included on both this application and the concurrent one for the gravel extraction:</td>
<td>Include as a condition of approval.</td>
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<tr>
<td></td>
<td><strong>“The access / driveway to Coalfields Highway to be upgraded to the satisfaction of Main Roads WA, including provision of a separate right turn lane and widening on the highway which is to be designed and constructed to the specifications of Main Roads at the full cost of the proponent.”</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Department of Water (DoW)</strong></td>
<td>Full submission attached Ref: 13/39812</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>• Advises the subject property is located within the Collie Irrigation District Area as proclaimed under the Rights in Water and Irrigation Act 1914 (RIWI);</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>• Advises any taking or diversion of surface water in this proclaimed area for purposes other than domestic and/or stock purposes is subject to licensing by DoW which will contain a number of conditions that are binding on the landowners;</td>
<td>Include as a Condition.</td>
</tr>
<tr>
<td></td>
<td>• Advises any interference with the bed or banks of a watercourse in this proclaimed area requires a permit from DoW, unless fed by a spring that originates within the same lot boundary;</td>
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<tr>
<td><strong>Advises the subject property is also located within a 'non-proclaimed' area for groundwater under the Rights in Water and Irrigation Act 1914 with any groundwater extraction requiring licencing from DoW;</strong></td>
<td>Include as a condition.</td>
<td></td>
</tr>
<tr>
<td><strong>Advises that the proponent will need to identify that the proposed volume of water required and water resources available for the development will be sufficient;</strong></td>
<td>Include as condition.</td>
<td></td>
</tr>
<tr>
<td><strong>Notes that an adjoining landowner has contacted the DoW expressing concerns about the potential impact on water quantity and quality from the proposed operation upon current stock and domestic use;</strong></td>
<td>Noted, however Staff consider there is insufficient information within the application to form this conclusion.</td>
<td></td>
</tr>
<tr>
<td><strong>DoW has determined that the catchment area affected by the proposed new quarry is not significant and is unlikely to impact on water quantity;</strong></td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td><strong>Notes, however, that the report has not chartered any investigation to demonstrate that there will be no offsite impacts;</strong></td>
<td>Agreed that insufficient information has been provided to establish off-site impacts of the proposal which is the reason Staff query the previous statement.</td>
<td></td>
</tr>
<tr>
<td><strong>Suggests that Council may wish to have this investigated along with the provision that should an impact be identified, the quarry operator / owner will make good the water supply;</strong></td>
<td>Noted – Staff are of the opinion that the application should provide all of this information upfront, rather than approving the application subject to additional information being provided;</td>
<td></td>
</tr>
<tr>
<td><strong>Water quality and quantity monitoring pre-extraction will provide baseline data to demonstrate if there has been an impact;</strong></td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td><strong>Notes that the proposal report states that groundwater will not be intercepted, however, there is likely to be perched and trapped water that will require capture and treatment, prior to any release to the environment;</strong></td>
<td>Requires further information.</td>
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<tr>
<td>Landowner/ Agency</td>
<td>Submission</td>
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<tr>
<td><strong>Noted.</strong></td>
<td>In this case, any release offsite will need to achieve pre-extraction (or better) water quality and also maintain pre-extraction water quantity release. This release may need to be controlled, prior to overland flow and before exiting the property. DoW recommends this be addressed in the Stormwater Management Plan;</td>
<td></td>
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<tr>
<td><strong>Noted.</strong></td>
<td>Advises the southern portion of Lot 501 falls within a declared “Waterways Management Area” under the <em>Waterways Conservation Act 1976.</em></td>
<td></td>
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<tr>
<td><strong>Noted.</strong></td>
<td>Advises this area is declared for the specific purpose of protecting the Leschenault Estuary and its associated waterways because of vulnerability to degradation;</td>
<td></td>
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<tr>
<td><strong>Noted.</strong></td>
<td>Advises that it is important that the use of effective pollution prevention and risk management measures during design, construction, operation and rehabilitation works should minimise the risk of waterways contamination;</td>
<td></td>
</tr>
<tr>
<td><strong>Noted.</strong></td>
<td>Advises that the land adjoining the Collie Rover at the southern extent of Lot 501 is a DoW asset, vested to provide protection to the Collie River foreshore and water quality;</td>
<td></td>
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<tr>
<td><strong>Noted.</strong></td>
<td>Notes that the report identifies several State Planning Policies, however, has not referenced SPP 2.0 – Water Resources.</td>
<td></td>
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<tr>
<td><strong>Noted.</strong></td>
<td>Advises that considering the issues raised previously through submissions on the existing gravel extraction operation on Lot 501, DoW has concerns as to the level of investigation and commitment in the report, particularly with respect to protection of water resources and their environmental assets;</td>
<td></td>
</tr>
<tr>
<td><strong>Noted and conditioned.</strong></td>
<td><strong>Considers in the context of SPP 2.9</strong> DoW strongly recommends that a best practice Stormwater Management Plan be developed prior to the commencement of the project, to include post closure measures;</td>
<td>Stormwater management plan produced in December 2015</td>
</tr>
</tbody>
</table>
For guidance and management direction, the proponent should refer to ‘Water Quality Protection Guidelines for Mining and Mineral Processing – Minesite stormwater’ (WPQG 6);

Advises that with respect to quarry operations and activities and their setbacks to waterways, buffers are an important and primary protection measure to water resources.

Notes that the proposed depth of extraction of the quarry will be up to 30 metres, which will be undertaken between 190m AHD and 220m AHD and the proponent advises that dewatering will not be required;

Advises that there are no requirements under the RIWI Act (because the area is unproclaimed), however, there is a need to ensure that any change in hydrology will not have an offsite impact;

Advises that the topography and lack of natural vegetation on Lot 501 requires the provision of appropriate buffers to all internal waterways and natural drainage lines that feed the major tributaries of the Collie Rover and the Collie River itself;

Advises there is a high risk of sedimentation on downstream and down gradient users and their enterprises, which includes a significant dam.

Advises that consistent with the DoW’s ‘Operational Policy 4.3 – Identifying and establishing waterways foreshore areas’ and its ‘Water Quality Protection Note 6 – Vegetated Buffers to sensitive water resources’ (WQPN 6) and ‘Water Quality Protection Note 15 – Extractive industries near sensitive water resources (WQPN 15) and the preference for a vegetated buffer between the operation and the tributaries, the DoW recommends a minimum setback of 80 metres;

Conditioned.
**Government Agency Submissions**

**Bolded text relates to advice that will be utilised as a condition of development approval if the application is approved.**

<table>
<thead>
<tr>
<th>Landowner/ Agency</th>
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<tbody>
<tr>
<td><strong>Seeks further clarification regarding Section 4 of the report: “Excavation Management” as to whether the proposal requires licensing by the Department of Environment Regulation;</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Considers that the report is unclear as to whether the ‘laydown and related areas’ (p. 21) relates to vehicle parking, minor mechanical repairs, refuelling or otherwise. Advises that if so, these areas should be bunded, be located as far away as possible from waterways and natural drainage lines, and be consistent with the relevant Water Quality Protection Notes including:</strong></td>
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<tr>
<td><strong>WQPN 10, Contaminant Spills – emergency response;</strong></td>
<td></td>
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<tr>
<td><strong>WQPN 28, Mechanical servicing and workshops;</strong></td>
<td></td>
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<tr>
<td><strong>WQPN 68, Mechanical equipment washdown.</strong></td>
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</tr>
<tr>
<td><strong>Advises that the proponent will also need to confirm that all the areas referred to in Section 4.1.1 as “area to be rehabilitated, or stored in a separate dump for later use” will be within Lot 501 and not offsite;</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Advises that best management practice should see all soil and overburden being used within Lot 501 and not offsite, nor should activities lead to the need to import fill;</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Advises that with respect to the 1 metre high perimeter bund, in context of the operational floor area, the proponent should demonstrate that the proposed detention basin can provide sufficient capacity for collection and storage of stormwater and seepage, to provide sufficient time for treatment, prior to controlled release or overflow;</strong></td>
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<th>Comment</th>
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<tr>
<td>Noted.</td>
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<tr>
<td>Noted.</td>
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<tr>
<td>Protection notes noted</td>
</tr>
<tr>
<td>Conditioned.</td>
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</table>

**Noted.**

**Conditioned.**

**Conditioned.**
**Government Agency Submissions**

*Bolded* text relates to advice that will be utilised as a condition of development approval if the application is approved.

- Advises that the proponent will need to detail the expected volume of water that will be captured within the pit and the expected volume of water that will be required to be treated to a suitable standard for its next use (e.g., dust suppression, release to environment);

- Advises that the proponent will need to provide the capacity of the treatment basins and outline how they will provide suitable treatment and treatment time before next use;

- Advises that reference should be made to achieving water quality consistent with ANZACC Guidelines, prior to any release;

- Notes that Section 4.4 (p. 24) references “ancillary activities” and it is recommended that Council confirm what these “ancillary activities” are and if there are any potential impacts, how they will be managed;

- Notes that there also appears to be the need to construct an internal access road, between the operation and the processing area;

- Advises that the proposed route should be confirmed and constructed with consideration for the DoW ‘Water Quality Protection Note 44 – Roads near sensitive water resources’ (WQPN 44);

- Notes that Item 12 (p. 26) references “Lot 3” and “sediment trapping facilities”. However, considers it to be unclear as to whether this relates only to an existing processing area which may already be licensed with the DER. Recommends that if this is the case then the data be made available to confirm that the treatment system is working;

- Advises that the proponent should outline their capacity to manage sediment trapping facilities in the event of increased processing;
<table>
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<tr>
<td>- Notes that p. 51 of the report states that: “No chemicals are used apart from normal lubricants and blasting materials.”</td>
<td>Noted</td>
<td></td>
</tr>
<tr>
<td>- Advises if there is to be storage of chemicals, fuels, oils, lubricants and blasting materials, they should be within a covered, hardstand area in accordance with WQPN 65 – Toxic and hazardous substances – storage and use.’</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td>- Notes that there are no details on the existing waste water management, however water monitoring parameters should include hydrocarbons, pH, TSS and TDS;</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td>- Advises that it is reasonable to assume that the parameters should be the same for the existing gravel extraction requirements;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>- Expects that the entire works will be licensed by the DER;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>- Advises that the Collie River and major tributaries in the general area are identified on the Permanent Register as Aboriginal Sites of Significance (Collie River Waugal);</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>- Advises there is a second notation (Collie River Campsites) where the level of information as to its significance may be insufficient;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>- Notes that it is unclear from the report if the traditional owners have been consulted and therefore it is recommended that the proposal be referred to the Department of Indigenous Affairs for consultation;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>- Notes that the report is not particularly well written and contains a number of errors.</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td><strong>Dept of Water</strong></td>
<td>The Department of Water (DoW) has received the following documentation on the proposed (Catalano) granite quarry at Lot 501, Coalfields Highway, Roelands:</td>
<td>Noted – additional information</td>
</tr>
<tr>
<td><strong>Additional advice</strong></td>
<td></td>
<td></td>
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<tr>
<td>2nd February 2016</td>
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<td>16/02969</td>
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<td></td>
<td>DoW had earlier sought further information to demonstrate that local water conditions could be managed, if an approval for granite extraction activities was to occur.</td>
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<td>This information was required to address a key risk from the proposed operations (both quarry and processing area), i.e. contaminated runoff, including stormwater and water generated from an altered hydrology.</td>
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<td></td>
<td>DoW is primarily concerned with the high risk presented by the operations to downstream values, namely the Woolkabunning Kiaka Community Dam, which eventually flows to the Collie River.</td>
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<td></td>
<td>Thus DoW recommended to the Department of Environment Regulation (DER) that prior to any licence approvals (either by the Shire of Harvey or DER):</td>
<td>Primary concerns – risk on down stream operations.</td>
</tr>
<tr>
<td></td>
<td>- A detailed investigation of groundwater/surface water interaction to the east, north and west of the propose hard rock quarry extraction area be undertaken.</td>
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<td></td>
<td>- The proponent provide a detailed groundwater/surface water management plan that describes the practical onsite management of any spring fed surface water streams in, on and around the proposed extraction area.</td>
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<td></td>
<td>The Stephens report subsequently provides a description of the physical attributes of the site; and outlines site management principles to prevent deleterious impacts from the proposed quarry and processing area.</td>
<td></td>
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<tr>
<td></td>
<td>In broad terms, DoW accepts the adequacy of Stephens’ assessment of the area, there being no obvious concerns regarding the hydrogeology within the area of the proposed hard rock quarry.</td>
<td></td>
</tr>
</tbody>
</table>
DoW also acknowledges as appropriate Stephens' water management principles, specifically the use of infrastructure such as trenches and cut off drains, bunding and sediment basins to manage potential runoff from stockpiles, process areas, spoil dumps, haul roads or the like.

However it also notes that Stephens does not appear to provide any detailed design calculations with regard to this water management infrastructure.

Nor is there any apparent planning provision for high rainfall events, particularly considering outlet points or pathways for off-site discharge, which should be assessed and managed to prevent erosion occurring.

DoW understands that DER will likely require site specific designs for stormwater management in any Works Approval application made.

In summary:

- Site drainage should aim to separate natural runoff from water generated in active areas of quarrying and processing operations.

- Stormwater management at the quarry site should provide for the collection, storage and disposal of water.

- Stormwater may be diverted from the site if it is not contaminated, to minimise the amount of water that needs to be treated or retained.

- The project site should be considered as a number of individual ‘catchments’, with each catchment having design criteria that reflect the level of risk.

Whereas Stephens has outlined the principles, it is recommended that specific design work be completed if the project is approved to proceed.

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<thead>
<tr>
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<td>DoW also acknowledges as appropriate Stephens' water management principles, specifically the use of infrastructure such as trenches and cut off drains, bunding and sediment basins to manage potential runoff from stockpiles, process areas, spoil dumps, haul roads or the like.</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>However it also notes that Stephens does not appear to provide any detailed design calculations with regard to this water management infrastructure.</td>
<td>Lack of detailed design apparent but is mostly required at DER license stage.</td>
</tr>
<tr>
<td></td>
<td>Nor is there any apparent planning provision for high rainfall events, particularly considering outlet points or pathways for off-site discharge, which should be assessed and managed to prevent erosion occurring.</td>
<td>No planning provision for high rainfall events.</td>
</tr>
<tr>
<td></td>
<td>DoW understands that DER will likely require site specific designs for stormwater management in any Works Approval application made.</td>
<td>Noted in discussions with Neville Welsh that DER will require detailed designs for Works Approvals.</td>
</tr>
<tr>
<td></td>
<td>In summary:</td>
<td></td>
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<td></td>
<td>- Site drainage should aim to separate natural runoff from water generated in active areas of quarrying and processing operations.</td>
<td>Points in bold to be included as conditions of planning approval.</td>
</tr>
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<td>- Stormwater management at the quarry site should provide for the collection, storage and disposal of water.</td>
<td>Conditioned.</td>
</tr>
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<td>- Stormwater may be diverted from the site if it is not contaminated, to minimise the amount of water that needs to be treated or retained.</td>
<td>Conditioned.</td>
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<td>- The project site should be considered as a number of individual ‘catchments’, with each catchment having design criteria that reflect the level of risk.</td>
<td>Conditioned.</td>
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<td>Whereas Stephens has outlined the principles, it is recommended that specific design work be completed if the project is approved to proceed.</td>
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<tr>
<td>Department of Parks and Wildlife (DPaW)</td>
<td>DPaW provides the following comments on the proposal:</td>
<td>Noted.</td>
</tr>
<tr>
<td>Full submission attached</td>
<td>Lot 501 contains remnant vegetation, being a part of, and contributing to a core regional ecological linkage and has a 1a’ proximity value. Any development within a 1a category should aim to minimise impacts and fragmentation of the vegetation within the property and to adjoining vegetated areas;</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>DPaW datasets indicate that Lot 501 is likely to contain potential habitat for Black Cockatoos which are listed as a threatened species under the Commonwealth’s Environment Protection and Biodiversity Conservation Act 1999 and Western Australia’s Wildlife Conservation Act 1950.</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>Advises that major threats to Black Cockatoos include habitat loss;</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>Advises that according to the DoW’s Hydrography, Linear (Hierarchy) dataset, Lot 501 contains a significant stream flowing inside the southern boundary, which feeds the Collie River. Several Lot 501 watercourses flow to this significant stream (see attached plan)</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>Section 3.5 – Hydrogeology</td>
<td>Noted, however Staff consider there is insufficient information within the application to form this conclusion.</td>
</tr>
<tr>
<td></td>
<td>Notes that the proponent indicates that the proposal will not impact on watercourses;</td>
<td>The application was referred to the DoW and their comments are included;</td>
</tr>
<tr>
<td></td>
<td>DPaW recommends this application be referred to DoW in regard to potential water quality impacts from the proposed operations to the watercourses;</td>
<td>Conditioned</td>
</tr>
<tr>
<td></td>
<td>Advises that DPaW would expect that any liquid discharges from the proposed extractive operations would be filtered to prevent potential impacts on the biodiversity values associated with the watercourse;</td>
<td>Noted.</td>
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<td>• Advises that the proponent needs to ensure any run-off from the processing area and the haul road is suitably filtered so that water quality and quantity into the stream is not diminished;</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td>• Advises the proponent should minimise any haul road siltation which may flow to the eastern pit area;</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td>• Suggests that a water sampling point be located east of the proposed pit area and south of the dam for water quality monitoring purposes (see attached diagram).</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td><strong>Section 3.6 – Flora</strong></td>
<td></td>
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<tr>
<td>• Notes that the application states that the proposed pit area is within an area cleared of native vegetation. However Figure 3 indicates the proposed pit area contains some native vegetation;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>• Advises that clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environment Regulation (DER), or is a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native vegetation Regulations) under the Environmental Protection Act 1986.</td>
<td>A clearing permit is required for removing any existing native vegetation;</td>
<td></td>
</tr>
<tr>
<td>• Advises that if clearing native vegetation is required for the proposed extractive industry operations, then the application may require a clearing permit from the Department of Environment Regulation’s (DER) Native Vegetation Conservation Branch.</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td><strong>Section 4.2 Processing Plant</strong></td>
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<tr>
<td>• Notes that Point 6 states that the crushing plant will be licenced through the DEC, which has now been replaced by the DER;</td>
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<td>It is Staff’s understanding that the operation would also require licensing by the DER, should it be approved by Council</td>
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**Government Agency Submissions**

**Bolded** text relates to advice that will be utilised as a condition of development approval if the application is approved.

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<td><strong>Section 4.5 and Section 4.10 – Safety</strong></td>
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<td>• Advises that the proponent will need to contact DER – Industry Regulation South West for assessment, to determine whether the proposed extractive industry will be a prescribed activity under Part V of the <em>EP Act 1986</em>.</td>
<td>Noted.</td>
<td></td>
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<td></td>
<td></td>
<td>Staff understand this refers to gates at the front property boundary on Coalfields Highway and existing rural fencing used throughout the property.</td>
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<tr>
<td></td>
<td></td>
<td>Noted.</td>
</tr>
<tr>
<td>• Notes that the application states that fences and lockable gates are to be maintained around the perimeter of the operation;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>• Advises that any machinery maintenance and storage areas should be located within existing cleared areas and be fenced to reduce potential accidental damage to any nearby native vegetation.</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td><strong>Section 5.1 – Visual Management</strong></td>
<td></td>
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<tr>
<td>• Notes the table on Page 34 indicates proposed “Operational Procedures” and “Commitments on activities conducted on site”. The table indicates that the site contains existing fences and gates, however there is no information indicating the location of fences and gates;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>• Advises that pits should be fenced to exclude and prevent accidental injury or death of native fauna by falling, or becoming entrapped.</td>
<td>Noted,</td>
<td></td>
</tr>
<tr>
<td><strong>Section 5.4 – Hydrology and Water Management</strong></td>
<td></td>
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<tr>
<td>• Notes that p. 52 states that there are water courses to the east and west of the operations which have 50m setback distances. The attached Lot 501 watercourses map indicates that the proposed processing area is within close proximity to a watercourse.</td>
<td>Noted.</td>
<td></td>
</tr>
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<tr>
<td>• Advises that DPaW supports the Wetlands Position Statement (Water and Rivers Commission, 2001) recommendation for a minimum 100m buffer distance to reduce potential sedimentation impacts (see attached);</td>
<td>Conditioned.</td>
<td></td>
</tr>
<tr>
<td><strong>Section 6.5 – Weed Management Plan</strong></td>
<td></td>
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</tr>
<tr>
<td>• Notes that p. 71 refers to Weed and Disease Management Plans (WDMP). Any WDMP should include details of pest management, revegetation survival criteria and a map of the proposed revegetation areas which includes a planting guide.</td>
<td>Noted,</td>
<td></td>
</tr>
<tr>
<td><strong>Section 7.0 – Closure and Rehabilitation Plan</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Notes that p.11 states that the quarry is proposed to be returned to pasture with the steeper slopes and dam being revegetated with native vegetation;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>• Advises that DPaW would expect that the proposed revegetation works would equate to at least the same amount of vegetation cover that is removed from the extractive industry site, subject to the outcomes of any DER Native Vegetation clearing permit assessment;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>• Notes that the “Steepers Slopes Native Vegetation Completion Criteria” on p. 68 is stated to be 20 local provenance shrubs and trees per 100m²;</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>• Advises that the dot point should be replaced and state that “revegetation of the steep slopes should be at a density of at least 10 trees per 100m², in addition to 20 local provenance shrubs.”</td>
<td>Noted.</td>
<td></td>
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**Section 7.4.3 – Revegetation**

- Notes that the table on p. 75 indicates that care and maintenance of the rehabilitated vegetation will be undertaken annually and continue for 3 years until signed off. This should be amended to read “...undertaken annually and continue for 3 years or until signed off as having met establishment and sustainability criteria.”

- Advises that rehabilitation / revegetation should be of a standard that achieves similar vegetation coverage to the pre-disturbance native vegetation or better.

- Notes that pp. 73 & 74 detail a local native plant list and advises that the proponent may wish to include additional species to achieve a greater diversity and enhance the overall species community.

**Section 7.0 – Monitoring and Reporting (p. 76)**

- Notes that the proponent has indicated that revegetation monitoring and reporting will be undertaken annually. DPaW requests that a copy of the revegetation monitoring results and annual reports be forwarded to DPaW for assessment;

- Notes that the second last dot point on p. 77 states that “…rehabilitation of each stage will be monitored for a period of three years...”. This should be amended to read: “…rehabilitation of each stage will be monitored for a period of three years, or until signed off as having met establishment and sustainability criteria...”.

  Change to be requested.

  Noted.

  Request noted.

  Noted
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<tr>
<td>• Advises it is the expectation of DPaW that environmental planning issues including those not specifically referred to in this letter will be appropriately managed through the planning system.</td>
<td>Noted.</td>
<td></td>
</tr>
<tr>
<td>Department of Mines and Petroleum (DMP)</td>
<td>• Considers that a continuing supply of low-cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy;</td>
<td>Noted.</td>
</tr>
<tr>
<td>Full submission attached</td>
<td>• Advises that other than the Roelands government quarry, the DMP is not aware of any other quarry for granite hard rock in the region;</td>
<td>Noted and agreed.</td>
</tr>
<tr>
<td>Ref: 13/33464</td>
<td>• Considers this type of rock could compliment the Bunbury Basalt (Gelorup) as a source of hard rock in the South-West;</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>• Requests to be informed should the application be approved;</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>• Advises that the proposal has been referred to the Resources Safety Division which administers the Mines Safety and Inspection Act (1994);</td>
<td>Noted.</td>
</tr>
<tr>
<td>Department of Agriculture and Food (DAFWA)</td>
<td>• DAFWA has no objections</td>
<td>Noted.</td>
</tr>
<tr>
<td>Full submission attached</td>
<td></td>
<td></td>
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<tr>
<td>Ref: 13/33049</td>
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</tr>
<tr>
<td>Environmental Protection Authority</td>
<td>This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the Environmental Protection Act 1986. Accordingly, the EPA has determined not to assess this proposal.</td>
<td>EPA has indicated that a formal assessment is not required.</td>
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<td>Ref: 15/08601</td>
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PUBLIC ADVICE UNDER SECTION 39A(7)

ENVIRONMENTAL PROTECTION ACT 1986

HARD ROCK QUARRY, LOT 501 COALFIELDS ROAD, WELLINGTON

Summary

B & J Catalano propose to develop a granite quarry on Lot 501 Coalfields Road, Wellington, in the Shire of Harvey. The area of disturbance is up to 10 hectares. It is proposed to extract 50,000 to 100,000 tonnes of hard rock per year. The expected life of the operations is 20 years. Rock will be extracted by drill and blast and removal by excavator before being trucked off site. It is anticipated that blasting will occur four times per year. The site is largely cleared. The nearest residence is approximately 2600 metres (m) away from the processing area (crushing and screening) and the proposed excavation area.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that one public comment was received. Key environmental issues included the following:

- impact of surface water flows from the proposed excavation and development areas on neighbouring properties; and
- impact of blasting and use of rock hammers with consequential impacts on noise and blast waves.

The EPA has considered the proposal in accordance with the requirements of the Environmental Protection Act 1986 (EP Act) and the Environmental Impact Assessment Administrative Procedures 2012. In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the Environmental Impact Assessment Administrative Procedures 2012:
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1. values, sensitivity and quality of the environment which is likely to be impacted;
2. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
3. consequence of the likely impacts (or change);
4. resilience of the environment to cope with the impacts or change;
5. cumulative impacts with other projects;
6. level of confidence in the prediction of impacts and the success of proposed mitigation;
7. objects of the Act, polices, guidelines, procedures and standards against which a proposal can be assessed;
8. presence of strategic planning policy framework;
9. presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment to meet the EPA’s objectives and principles for EIA; and
10. public concern about the likely effects of the proposal, if implemented, on the environment.

In considering the potential impacts of the proposal on Flora and Vegetation, Hydrological Processes, Inland Waters Environmental Quality and Amenity the EPA has had particular regard to:

- the site is largely cleared with paddock trees remaining;
- the scale of the proposal does not present a significant risk to changes in surface water or groundwater flows, however these matters need to be managed;
- the mitigation strategies proposed by the proponent to avoid and minimize impacts, for example:
  - minimizing the scale and magnitude of blasting events;
  - the small number of blasting events;

Noted.
In summary, although the proposal raises a number of environmental issues, the EPA’s objectives for Flora and Vegetation, Hydrological Processes, Inland Waters Environmental Quality and Amenity can be met. This is primarily on the basis that the proposal is on largely cleared land, is relatively small in scale and the proposal can be designed to minimise impacts from storm water and dust. The proposal is also expected to meet the Noise Regulations. As a result, the EPA considers the potential impacts are not so significant as to warrant formal assessment. In addition, the EPA is also of the view that the potential impacts can be effectively dealt with through other Statutory decision – making processes.
**Government Agency Submissions**

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<td><strong>Bolded text relates to advice that will be utilised as a condition of development approval if the application is approved.</strong></td>
<td>These include works approval and licencing requirements of the Department of Environment Regulation (DER) to ensure the management of noise and dust and the Shire of Harvey’s Extractive Industry licence which can give effect to the advice provided by the DoW with respect to the management of stormwater.</td>
<td>Issues Noted</td>
</tr>
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</table>

1. **Environmental Factors**

The EPA has identified the following preliminary environmental factors relevant to this proposal:

a) Flora and Vegetation  
b) Hydrological Processes & Inland Waters Environmental Quality; and  
c) Amenity (Noise Blasting and Dust).

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

2. **Advice and Recommendations regarding Environmental Issues**

a. **Flora and Vegetation**

The site is largely cleared with paddock trees remaining. Hence, the proponent has advised that it does not consider a Clearing Permit is required under Part V of the Environmental Protection Act 1986 (EP Act). However, any clearing can be dealt with under Part V Division 2 (Clearing of native vegetation) of the EP Act. The proponent should contact the DER to confirm its obligations under the Clearing regulations.

b. **Hydrological Processes & Inland Waters Environmental Quality**

The DoW has provided advice with respect to management of surface water and storm water. The DoW advised that the southern portion of Lot 501 falls within a declared ‘Waterways Management Area’. The area is declared for the specific purpose of protecting the Leschenault Estuary. The land adjoining the Collie River at the southern extent of Lot 501 is owned by the DoW and vested to provide protection of the Collie River.

Formal assessment not considered warranted.
The EPA notes that the DoW has already provided advice to the Shire of Harvey about the application for an extractive industry licence. The DoW noted the intent of the proponent to manage the potential impacts of storm water.

The DoW also advised that it is important to use effective pollution prevention and risk management measures during design, construction, operation and rehabilitation to minimise the risk of waterways contamination. The DoW has recommended to the Shire of Harvey that it require the proponent to develop a best practice Stormwater Management Plan prior to the commencement of the project.

The DoW advised that the proponent should refer to DoW's Water Quality Protection Guidelines for Mining and Mineral Processing – Minesite Storm Water (WQPG6). Noting that there are established guidelines for the management of mining operations of this type, the requirement for a Stormwater Management Plan can be given effect through the Shire of Harvey Extractive Industry Licence.

Stormwater management can also be given effect through the requirement of the Shire of Harvey for the proponent to prepare and implement a Stormwater Management Plan. The EPA supports the DoW’s advice (previously provided to the Shire of Harvey) for the proponent to prepare a Stormwater Management Plan as part of the Shire's Extractive Industry Licence, should an approval be given by the Shire.

Given the above management measures, the EPA considers that the proposal can be managed to meet the EPA objectives for Hydrological processes and Inland Waters Environmental Quality.
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</tr>
<tr>
<td><strong>Amenity (Noise, Blasting and Dust)</strong></td>
<td></td>
<td>Noted.</td>
</tr>
<tr>
<td>The nearest residences range from approximately 2600 metres to 3430 metres. The DER has confirmed that the proposal will require a works approval and licence to address, amongst other things, the crushing and screening activities that are proposed to occur on site. The proponent is in discussion with the DER about the required works approval to construct the proposal and the subsequent licence to operate. In relation to potential noise impacts, the works approval and licensing process will require the proponent to demonstrate compliance with the Noise Regulations including modifying its proposal and or proposed management if required. The EPA notes there are modifications to the proposal that can be applied to mitigate for the impacts of noise including noise bunds and staging. Dust associated with the quarrying activities can be managed by the proponent by its proposed measures including the application of water, and can be regulated under the works approval and licensing requirements. The proponent has confirmed that blasting activities will be undertaken by licenced contractors. The proponent has included management measures to limit the potential impacts of blasting activities and monitoring and complaint recording procedures to allow for adaptive management of blasting events. The Noise Regulations also specify air blast over pressure. The proposal is subject to the requirements of the works approval and licensing to further mitigate the management of noise and dust and will need to meet the requirements of the Noise Regulations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Environment Regulation (DER) (15/12391)</td>
<td>A works approval is required prior to construction. A works approval application was lodged on 10 April 2015. No clearing permit application has been received although the applicant states that none is required.</td>
<td>Noted – the need for a works approval.</td>
</tr>
<tr>
<td>Landowner/ Agency</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Dept of Planning</td>
<td>Lot 501 is zoned Rural under the GBRS. It abuts a Primary Regional Roads reservation. The lot is in close proximity to the Strategic Agricultural Resource Policy Area.</td>
<td>Noted.</td>
</tr>
<tr>
<td>13/34062</td>
<td>The proposed development has direct access to the PrimaryRegional Roads reservation (Coalfields Rd) and has the potential to significantly increase traffic. As such, an approval under the GBRS is required.</td>
<td>Noted.</td>
</tr>
<tr>
<td></td>
<td>The Shire of Harvey has the delegation to determine this GBRS application where the Shire accepts the recommendation and advice from Main Roads Western Australia or if the Shire decides to refuse the application.</td>
<td>Approval under GBRS is required however delegated to the Shire of Harvey.</td>
</tr>
<tr>
<td></td>
<td>In addition to the government agencies that you have already referred to, the Department of Planning recommends that you also refer to the Department of Health.</td>
<td>Referrals have been undertaken.</td>
</tr>
</tbody>
</table>
Dear Mr Parker

NOTICE UNDER SECTION 39A(3)
Environmental Protection Act 1986

PROPOSAL: Hard Rock Quarry
LOCATION: Lot 501 Coalfields Road, Wellington
PROPOHENT: B & J Catalano
DECISION: Not Assessed: Public Advice Given

The above proposal has been referred to the Environmental Protection Authority (EPA) for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the Environmental Protection Act 1986. Accordingly, the EPA has determined not to assess this proposal.

Nevertheless, the staff of the Office of the EPA has provided the attached advice to the proponent and other relevant authorities on the environmental aspects of the proposal.

The EPA’s decision to not assess the proposal is open to appeal. There is a 14-day period, closing 7 April 2015, during which, on payment of the appeal fee, an appellant may ask the Minister to consider directing the EPA to reconsider this decision or conduct a formal assessment.
Information on the outcome of the appeals process is available through the Appeals Convenor’s website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190 after the closing date of appeals.

This advice is provided for your information.

Yours sincerely

[Signature]

Anthony Sutton
Director
Assessment and Compliance Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

23 March 2015

Encl: Public Advice
PUBLIC ADVICE UNDER SECTION 39A(7)
ENVIRONMENTAL PROTECTION ACT 1986

HARD ROCK QUARRY, LOT 501 COALFIELDS ROAD, WELLINGTON

Summary

B & J Catalano propose to develop a granite quarry on Lot 501 Coalfields Road, Wellington, in the Shire of Harvey. The area of disturbance is up to 10 hectares. It is proposed to extract 50,000 to 100,000 tonnes of hard rock per year. The expected life of the operations is 20 years. Rock will be extracted by drill and blast and removal by excavator before being trucked off site. It is anticipated that blasting will occur four times per year. The site is largely cleared. The nearest residence is approximately 2600 metres (m) away from the processing area (crushing and screening) and the proposed excavation area.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that one public comment was received. Key environmental issues included the following:

- impact of surface water flows from the proposed excavation and development areas on neighbouring properties; and
- impact of blasting and use of rock hammers with consequential impacts on noise and blast waves.

The EPA has considered the proposal in accordance with the requirements of the Environmental Protection Act 1986 (EP Act) and the Environmental Impact Assessment Administrative Procedures 2012. In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the Environmental Impact Assessment Administrative Procedures 2012:

1. values, sensitivity and quality of the environment which is likely to be impacted;
2. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
3. consequence of the likely impacts (or change);
4. resilience of the environment to cope with the impacts or change;
5. cumulative impacts with other projects;
6. level of confidence in the prediction of impacts and the success of proposed mitigation;
7. objects of the Act, polices, guidelines, procedures and standards against which a proposal can be assessed;
8. presence of strategic planning policy framework;
9. presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles for EIA; and
10. public concern about the likely effects of the proposal, if implemented, on the environment.
In considering the potential impacts of the proposal on Flora and Vegetation, Hydrological Processes, Inland Waters Environmental Quality and Amenity the EPA has had particular regard to:

- the site is largely cleared with paddock trees remaining;
- the scale of the proposal does not present a significant risk to changes in surface water or groundwater flows, however these matters need to be managed;
- the mitigation strategies proposed by the proponent to avoid and minimize impacts, for example:
  - minimizing the scale and magnitude of blasting events;
  - the small number of blasting events;
  - proponent's proposed management of noise and dust impacts; and
  - distances to existing residences.
- the presence of other statutory processes including Part V Division 2 (Clearing of native vegetation) and Division 3 (Works Approval and Licences) of the EP Act, and development approvals by the Western Australian Planning Commission and the Shire of Harvey;
- the extractive industry licence, which can require a storm water management plan to be prepared consistent with the guidelines;
- the Water Quality Protection Guidelines for Mining and Mineral Processing – Minesite Storm Water (WQPG6) that provides guidance on appropriate objectives for, and management of storm water; and
- the advice of the Department of Water (DoW) with respect to managing surface water.

In summary, although the proposal raises a number of environmental issues, the EPA's objectives for Flora and Vegetation, Hydrological Processes, Inland Waters Environmental Quality and Amenity can be met. This is primarily on the basis that the proposal is on largely cleared land, is relatively small in scale and the proposal can be designed to minimise impacts from storm water and dust. The proposal is also expected to meet the Noise Regulations. As a result, the EPA considers the potential impacts are not so significant as to warrant formal assessment. In addition, the EPA is also of the view that the potential impacts can be effectively dealt with through other Statutory decision – making processes. These include works approval and licencing requirements of the Department of Environment Regulation (DER) to ensure the management of noise and dust and the Shire of Harvey's Extractive Industry licence which can give effect to the advice provided by the DoW with respect to the management of stormwater.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this proposal:

a) Flora and Vegetation
b) Hydrological Processes & Inland Waters Environmental Quality; and  
c) Amenity (Noise Blasting and Dust).

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

2. Advice and Recommendations regarding Environmental Issues

a. Flora and Vegetation

The site is largely cleared with paddock trees remaining. Hence, the proponent has advised that it does not consider a Clearing Permit is required under Part V of the Environmental Protection Act 1986 (EP Act). However, any clearing can be dealt with under Part V Division 2 (Clearing of native vegetation) of the EP Act. The proponent should contact the DER to confirm it obligations under the Clearing regulations.

b. Hydrological Processes & Inland Waters Environmental Quality

The DoW has provided advice with respect to management of surface water and storm water. The DoW advised that the southern portion of Lot 501 falls within a declared ‘Waterways Management Area’. The area is declared for the specific purpose of protecting the Leschenault Estuary. The land adjoining the Collie River at the southern extent of Lot 501 is owned by the DoW and vested to provide protection of the Collie River. The EPA notes that the DoW has already provided advice to the Shire of Harvey about the application for an extractive industry licence. The DoW noted the intent of the proponent to manage the potential impacts of storm water.

The DoW also advised that it is important to use effective pollution prevention and risk management measures during design, construction, operation and rehabilitation to minimise the risk of waterways contamination. The DoW has recommended to the Shire of Harvey that it require the proponent to develop a best practice Stormwater Management Plan prior to the commencement of the project.

The DoW advised that the proponent should refer to DoW’s ‘Water Quality Protection Guidelines for Mining and Mineral Processing – Minesite Storm Water (WQPG6). Noting that there are established guidelines for the management of mining operations of this type, the requirement for a Stormwater Management Plan can be given effect through the Shire of Harvey Extractive Industry Licence.

Stormwater management can also be given effect through the requirement of the Shire of Harvey for the proponent to prepare and implement a Stormwater Management Plan. The EPA supports the DoW’s advice (previously provided to the Shire of Harvey) for the proponent to prepare a Stormwater Management Plan as part of the Shire’s Extractive Industry Licence, should an approval be given by the Shire.

Given the above management measures, the EPA considers that the proposal can be managed to meet the EPA objectives for Hydrological processes and Inland Waters Environmental Quality.
c. **Amenity (Noise, Blasting and Dust)**

The nearest residences range from approximately 2600 metres to 3430 metres. The DER has confirmed that the proposal will require a works approval and licence to address, amongst other things, the crushing and screening activities that are proposed to occur on site. The proponent is in discussion with the DER about the required works approval to construct the proposal and the subsequent licence to operate. In relation to potential noise impacts, the works approval and licensing process will require the proponent to demonstrate compliance with the Noise Regulations including modifying its proposal and or proposed management if required. The EPA notes there are modifications to the proposal that can be applied to mitigate for the impacts of noise including noise bunds and staging. Dust associated with the quarrying activities can managed by the proponent by its proposed measures including the application of water, and can be regulated under the works approval and licensing requirements.

The proponent has confirmed that blasting activities will be undertaken by licenced contractors. The proponent has included management measures to limit the potential impacts of blasting activities and monitoring and complaint recording procedures to allow for adaptive management of blasting events. The Noise Regulations also specify air blast over pressure.

The proposal is subject to the requirements of the works approval and licensing to further mitigate the management of noise and dust and will need to meet the requirements of the Noise Regulations.
Item 8.1.1
Attachment 8

Mr Michael Parker
Chief Executive Officer
Shire of Harvey
PO Box 500
HARVEY WA 6220

Dear Mr Parker

APPEAL AGAINST DECISION NOT TO ASSESS – HARD ROCK QUARRY, COALFIELDS ROAD, WELLINGTON

As you may be aware, the Minister for Environment received an appeal in objection to the decision of the Environmental Protection Authority not to assess the above proposal.

The Minister has now determined the appeal. Pursuant to regulation 9 of the Environmental Protection Regulations 1987, please find enclosed a copy of the Minister for Environment’s appeal determination and a copy of the Appeals Convenor’s Report to the Minister. This information is also available on the Office of the Appeals Convenor’s website.

Yours sincerely,

Donna Millington
APEALS REGISTRAR

enc.
Environmental Protection Act 1986

Hon Albert Jacob MLA
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST DECISION OF THE ENVIRONMENTAL PROTECTION AUTHORITY NOT TO ASSESS HARD ROCK QUARRY, COALFIELDS ROAD, WELLINGTON, SHIRE OF HARVEY

Purpose of this document
This document sets out the Minister’s decision on an appeal lodged under section 100(1)(a) of the Environmental Protection Act 1986 in objection to the Environmental Protection Authority’s decision not to assess a proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor’s own report, which can be downloaded from the Appeals Convenor’s website at www.appealsconvenor.wa.gov.au.

Appellant: Dr Jorg Dieter Krone
Proponent: B & J Catalano
Proposal description: Hard rock quarry at Lot 501 Coalfields Road, Wellington, Shire of Harvey
Minister’s Decision: The Minister dismissed the appeal
Date of Decision: 3 August 2015

REASONS FOR MINISTER’S DECISION

Pursuant to section 106 of the Environmental Protection Act 1986 (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeal. The Minister also received a report from the Appeals Convenor. The Appeals Convenor’s report sets out the background and other matters relevant to the appeal.

The Minister understood that the appellant broadly contended that the EPA had not considered all relevant information in forming its decision, and had relied heavily on guidelines and the proponent’s report. The appellant considered that the proposal was significant, warranting formal assessment, specifically raising concerns pertaining to impacts of blasting on surface waters.

The Minister noted that the EPA made its decision regarding the proposal following a review of the proposal referral document, advice from Government agencies and information provided by the Shire of Harvey. From the information presented, the Minister considered
that the EPA had made its decision in accordance with the Act and had used its independent judgement, using the appropriate guidelines.

With regards to the appellant’s concerns relating to blasting and potential impacts to surface waters, the Minister noted that no factors were determined by the EPA to be key environmental factors requiring formal assessment under Part IV of the Act. The Minister also noted that the EPA acknowledged the appellant’s concerns and advised that they can be managed under Part V of the Act and by the Shire of Harvey.

Having considered the information presented in respect of the appeal, the Minister was of the view that the EPA was justified in determining that the proposal was not so significant as to warrant formal assessment under Part IV of the Act and that it can be managed under other statutory decision making processes. It follows that the Minister dismissed the appeal.

Note: this decision is published pursuant to the terms of section 110 of the Environmental Protection Act 1986 and regulation 8 of the Environmental Protection Regulations 1987.

Office of the Appeals Convenor
Leve 22, 221 St Georges Terrace
Perth WA 6000
Tel: (08) 6467 5190
Fax: (08) 6467 5199
www.appealsconvenor.wa.gov.au
Appeals Convenor
Environmental Protection Act 1986

REPORT TO THE
MINISTER FOR ENVIRONMENT

APPEAL IN OBJECTION TO THE DECISION OF THE ENVIRONMENTAL PROTECTION AUTHORITY NOT TO ASSESS A PROPOSAL

HARD ROCK QUARRY,
COALFIELDS ROAD, WELLINGTON

PROPOSENT: B & J CATALANO

Appeal Number 028 of 2015

July 2015
Appeal in Objection to the Decision of the EPA not to Assess
Hard Rock Quarry, Coalfields Road, Wellington, B & J Catalano

Appeal Summary

This report relates to an appeal in objection to a decision of the Environmental Protection Authority (EPA) not to assess a hard rock quarry at Lot 501 Coalfields Road, Wellington in the Shire of Harvey.

Broadly the appellant questioned the basis for the EPA’s decision not to assess the proposal and raised specific environmental concerns relating to impacts to surface water from blasting activities. The appellant sought for the EPA to formally assess the proposal.

It is noted that the EPA made its decision regarding the proposal following a review of the proposal referral document, advice from Government agencies and information provided by the Shire of Harvey.

The EPA advised that it was satisfied that the potential impacts associated with the proposal were not so significant to warrant formal assessment. In addition, the EPA was also of the view that potential impacts could be effectively dealt with through other statutory decision making processes.

Recommendation

Having regard to the issues raised by the appeal, it is considered the EPA’s decision not to assess the proposal was justified. It is recommended that the Minister dismisses the appeal.
INTRODUCTION

This report relates an appeal lodged by Dr Jorg Dieter Krone (the appellant) in objection to the decision of the Environmental Protection Authority (EPA) not to assess a proposal by B & J Catalano (proponent) for a hard rock quarry at Lot 501 Coalfields Road, Wellington in the Shire of Harvey.

The proposal is located on Coalfields Road, approximately 23 kilometres west of Collie (see Figure 1) and incorporates a disturbance area of up to 10 hectares, where 50,000 to 100,000 tonnes of hard rock per year is proposed for extraction. The expected life of the operations is 20 years, it is proposed that rock would be extracted by drill and blast and removed by excavator before being trucked off site. It is anticipated that blasting will occur four times per year. The nearest residence is approximately 2.6 kilometres from the proposed processing and excavation areas.

Figure 1 – Proposal location

The proposal was advertised for public comment on 2 December 2015 for one week and the EPA advised that one public comment was received. There were no factors that the EPA determined to be key environmental factors that would require formal assessment under Part IV of the Environmental Protection Act 1986 (EP Act).

The EPA concluded that its objectives could be met, primarily on the basis that the proposal is on largely cleared land, is relatively small in scale and the proposal can be designed to minimise impacts from storm water and dust. The proposal is also expected to meet the Environmental Protection (Noise) Regulations 1997. As a result, the EPA considered the potential impacts are not so significant as to warrant formal assessment and that the potential impacts can be effectively dealt with through other statutory decision making processes. The EPA advertised its decision of not assessed – public advice given on 23 March 2015 and it was against this decision the appeal was received.

OVERVIEW OF APPEAL PROCESS

A report was obtained from the EPA on the matters raised in the appeal. The proponent was also given the opportunity to address the matters raised in the appeal.

During the appeal process, representatives from the Office of the Appeals Convenor met with the appellant and separately with the proponent.
OUTCOME SOUGHT BY APPELLANT

The appellant sought for the Minister to direct the EPA to consider the objections and reports lodged with the Shire of Harvey and for the EPA to formally assess the proposal.

GROUND OF APPEAL

The concerns raised by the appellant have been broadly summarised into the following ground of appeal, the proposal is a significant proposal and warrants formal assessment.

GROUND 1: THE PROPOSAL IS A SIGNIFICANT PROPOSAL AND WARRANTS FORMAL ASSESSMENT

The appellant considered that the proposal is significant and warrants formal assessment by the EPA. The basis of the appellant’s assertion was broadly based on process issues and potential environmental impacts, as discussed further below.

Process issues

The appellant advised that several objections to the proposal have been lodged previously with the Shire of Harvey and these objections should have been considered by the EPA when making its recommendation. The appellant also considered that the EPA relied heavily on the guidelines in place and the proponents report when making its recommendation, and contended that the EPA should have made an independent assessment of the issues and concerns relating to the proposal.

The appellant contended that the proposal falls within the definition of a significant proposal and in their view warrants formal assessment.

Water management and blasting

The appellant was also of the view that the EPA had failed to consider the environmental impact of surface water disappearing as a result of the proposal. The appellant referred to a newspaper article indicating that this was an impact identified at the Roelands Quarry granite mine in the 1950’s.

Consideration

Process issues

In response to the appellant’s concern regarding the information the EPA relied upon in making its decision not to assess the proposal, the EPA advised that it made its decision following a review of the proposal referral document, advice from Government agencies and information provided by the Shire of Harvey which included the public submissions the Shire received on the licence application. The EPA also highlighted that its public advice identified comments that were received by the EPA during the seven day public comment period.

In response to the appellant’s concerns regarding the basis of the EPA’s decision not to assess the proposal, the EPA advised:

- Section 37B(1) of the EP Act defines a significant proposal as meaning a proposal likely, if implemented, to have a significant effect on the environment. The likely effect on the environment must therefore be considered in the context of the proposal described in the referral;

- Section 39A of the EP Act requires that the EPA must decide whether to assess proposals referred, based on information submitted with the referral or derived from the EPA’s own investigations; and
• As described in Section 7 of the Environmental Impact Assessment Administrative Procedures 2012 (Administrative Procedures 2012), the EPA makes a decision about whether a proposal is likely to have a significant effect on the environment using professional judgement which is gained through knowledge and experience in the application of environmental impact assessment.

In response to the appellant’s concerns that the EPA had relied too heavily on guidelines, the EPA referred to the Significance Test described in Section 7 of the Administrative Procedures 2012, that some of the matters which the EPA may have regard to includes the objects of the EP Act, policies, guidelines, procedure and standards against which a proposal can be assessed.

In applying the concept of significance and deciding whether or not to assess a proposal, the EPA considered both the likely significance of the ‘inherent’ impacts of the proposal (that is without mitigation), and the likely significance of ‘residual’ impacts (that is with mitigation measures applied). The EPA advised that the application of guidelines and policies generally means a proposal can be designed or managed to mitigate many detrimental environmental impacts and that the mitigation may also be managed through conditions applied as a result of other regulatory processes to which the proposal may be subject.

The EPA considered the extent to which these other regulatory processes could manage this proposal so that it meets the EPA’s objectives, stating that it took into account:

• The nature and certainty of likely impacts - the quarry is relatively small in scale and the proposal can be designed and regulated to minimise impacts from storm water and dust;

• Whether legislation and established policies and guidelines exist under those regulatory processes - the potential impacts can be effectively dealt with through other statutory decision making processes. These include Part V Division 2 (Clearing of native vegetation) and Division 3 (Works Approval and Licences) of the EP Act, and the Shire of Harvey’s Extractive Industry licence which can give effect to the advice provided by the Department of Water (DoW) with respect to the management of stormwater (discussed further below);

• The value that application of the EIA process might add to approval and regulation of the project - the EPA made its decision not to assess the proposal following a review of the proposal referral document, advice from Government agencies and information provided by the Shire of Harvey which included the public submissions the Shire received on the licence application;

• The EPA identified the following preliminary environmental factors relevant to this proposal: flora and vegetation; hydrological processes and inland waters environmental quality; and amenity (noise blasting and dust). No factors were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act; and

• The importance of an opportunity for public comment and whether this is provided by the regulatory process - the EPA notes that the Shire of Harvey sought and received public submissions and Government agency advice. The EPA advised that the issues raised by the public in the Shire of Harvey’s advertising of the development application were essentially the same local issues as those received by EPA during its seven day public comment period.

The EPA advised that it has made its decision in accordance with the requirements of the EP Act and it is considered that it has used independent judgement, using the appropriate guidelines.
Water management and blasting

With regard to the appellant's concerns regarding surface water impacts associated with blasting, the EPA advised that the DoW is the lead Government agency for providing advice in relation to water quantity and quality. The EPA noted the following DoW's advice to the Shire of Harvey:

- The DoW had already been contacted by adjacent landowners and concerns had been raised about the potential impact on water quality and quantity from the proposed quarry, on current stock and domestic water use;
- The DoW had determined that the catchment area affected by the quarry is not significant and unlikely to impact on water quantity;
- There is likely to be perched and trapped water that will require capture and treatment prior to release to the environment. The potential impacts of intercepting this water relates to water quality, not quantity; and
- The DoW recommended that the Shire of Harvey requires a Stormwater Management Plan to be prepared by the proponent, where the objective of this plan is to manage the release of this intercepted water and stormwater to the environment to ensure surface water quality is maintained.

The EPA supported the DoW's advice for the proponent to prepare a Stormwater Management Plan, given effect through the Shire of Harvey's Extractive Industry Licence, as also reflected in its public advice.

In response to the appellant's reference to previous blasting in the 1950's at the Roelands quarry, the EPA advised that the blasting activities associated with the proposal are not of a scale referred to in the newspaper article. The EPA considered that the article describes blasting practices that are substantially different to that which would occur at the proposed quarry.

It is noted that the proponent has prepared an Excavation and Rehabilitation Management Plan which has been submitted to the Shire of Harvey as part of the Extractive Industry Licence application. The EPA highlighted that Section 7 of this Plan discusses potential blast impacts and Section 8 of this plan outlines contemporary blast management practices that are proposed for the quarry so as to be consistent with the relevant Australian Standard which sets out management practices and procedures. The EPA noted that blasting is to be carried out by licenced contractors and included measures to limit the potential impacts and monitoring, and complaint recording procedures, to allow for adaptive management of blasting events.

Noting the proposal does not propose blasting of the magnitude and extent referred to by the appellant; the advice of the DoW that the proposal is unlikely to affect groundwater quantity; and the management and monitoring of blasting proposed by the proponent being consistent with appropriate standards that can be given effect through the Shire of Harvey's Extractive Industry Licence, the EPA maintained its view that the potential impacts are not so significant as to warrant formal assessment and that the potential impacts can be effectively dealt with through other statutory decision making processes.

CONCLUSION AND RECOMMENDATION

It is considered that the EPA based its decision not to formally assess the proposal following a review of the proposal referral document, submissions the Shire of Harvey received on the Extractive Industry Licence application, advice from Government agencies and supporting information. In providing its public advice on the proposal the EPA has outlined its
consideration and judgement with respect to preliminary key environmental factors and the likely significance of environmental effects on the environment.

Having regard to the information provided in the appeal and the potential environmental impacts identified by the EPA, it is considered that the EPA's decision not to assess the proposal was justified. Noting also those potential impacts can be managed through other statutory decision making processes, including Part V of the EP Act, and the Shire of Harvey's Extractive Industry Licence.

It is recommended that the Minister dismisses the appeal consistent with the EPA's advice that the environmental impacts of the proposal are not so significant as to warrant formal assessment.

Emma Gaunt
APPEALS CONVENOR

Investigating Officer:
Lorna Davies, Senior Environmental Officer
The sightline and section is from one location only. From other locations the landform will vary.
The sightline and section is from one location only. From other locations the landform will vary.

NOTE

B and J CATALANO SHENTON RIDGE PROPOSED HARD ROCK QUARRY

Figure 8B
NOTE
The sightline and section is from one location only.
From other locations the landform will vary.

Figure 8C
NOTE

The sightline and section is from one location only. From other locations the landform will vary.

Figure 8D

B and J CATALANO SHENTON RIDGE PROPOSED HARD ROCK QUARRY
Houses to the south west, 3200 metres plus.

House to the west, 2600 metres.

House to the south, 3430 metres.

Figure 2

Dwelling identified from aerial photograph
Approx 5.0 ha

1.25 million m³ counting overburden

Figure 3
NOTE
The sightline and section is from one location only.
From other locations the landform will vary.

SIGHT LINE - PROPOSED DWELLING TO OPERATIONAL PIT
NOTE

The sightline and section is from one location only. From other locations the landform will vary.

SIGHT LINE - PROPOSED DWELLING TO PROCESSING AND STOCKPILE AREA
18 December 2015

Our Ref: 151217 / GDP PAR GE Report

Mr Michael Parker
Chief Executive Officer
Shire of Harvey
PO Box 500
HARVEY WA 6220

Dear Michael,

RE: PROPOSED INTENSIVE PIGGERY – LOT 2 ROSAMEL ROAD, PARKFIELD

On behalf of GD Pork Holdings Pty Ltd, the attached Application for Planning Approval is submitted in support of the proposal for extension works to the existing intensive piggery at the above mentioned property. This application has been prepared in the context of numerous discussions with the Shire, the Western Australian Planning Commission and other State Government bodies, and represents a significantly reduced facility to what has previously been considered and determined by the Shire and Commission.

Please find attached for the attention of the Shire, the Western Australian Planning Commission and the Southern Joint Development Assessment Panel (DAP) the following documentation for the above mentioned matter.

For the Shire –

- Completed Application form for Planning Approval;
- Development Application Report and Plans (x2 copies);
- Certificate of Title;
- In accordance with the Shire’s Table 1: Local Government Planning Charges, for a development with a cost of more than $2,500,000 but not more than $5,000,000, the Application Fee has been calculated at $10,251 based on a development cost of $4,000,000. For payment of the Application Fee, please contact Torben Soerensen, Managing Director on telephone 0438 940 045 or email torben@gdpork.com.au.

By virtue of the estimated cost of development ($4,000,000), and in accordance with regulations 6(c) and 7 of the Planning and Development (Development Assessment Panels) Regulations 2011 and s 171A(2)(ba)) of the Planning and Development Act 2005, the applicants elect to have the application determined by the DAP. Accordingly, please also find attached the following documents.
For the DAP –

- Development Plans;
- Development Application Report;
- Certificate of Title;
- Completed and signed Development Assessment Panels (DAP) Form 1, specifically Part A as the Applicant’s have elected for the DAP to consider the application; and,
- In accordance with Schedule 1 — Fees for Applications under the Planning and Development (Development Assessment Panels) Regulations 2011, item 1. (a) for a development with a construction cost of not less than $2 million and less than $7 million, the applicable fee is $3,503. With respect to the DAP Application Fee, please invoice or contact Torben Soerensen, Managing Director (refer to above contact details).

Finally, pursuant to clause 27 of the Greater Bunbury Region Scheme, please also find attached the following documents:

For the WAPC -

- Completed and signed GBRS Form 1 – Form of Application for Planning Approval;
- Development Application Report including accompanying material identified in Part 7 of the GBRS;
- Certificate of Title; and
- Development Plans.

We respectfully seek the DAP’s favourable support of this proposal and look forward to hearing from you regarding the progress of this application

In the meantime, should you have any queries concerning the above application, please don’t hesitate to contact our office on 9382 3000.

Yours sincerely

ALLERDING AND ASSOCIATES

LEWIS PAGE
SENIOR TOWN PLANNER

c. Client (via email)
APPLICATION FOR PLANNING CONSENT
EXTENSION TO PIGGERY DEVELOPMENT
LOT 2 (NO. 96) ROSAMEL ROAD, PARKFIELD
GD PORK HOLDINGS PTY LTD

Prepared for: GD Pork Pty Ltd
Prepared by: Allerding and Associates
DECEMBER 2015
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INTRODUCTION

On behalf of the landowners, GD Pork Holdings Pty Ltd (GD Pork), this application has been prepared in support of an extension to the existing and approved piggery at Lot 2 Rosamel Road, Parkfield (the Site).

As detailed in the body of this submission, GD Pork seeks to reduce the capacity of the piggery previously proposed as part of its former application submitted to and considered by the Western Australian Planning Commission (the Commission) and the Shire of Harvey (the Shire). In effect, the proposal will reduce the Standard Pig Unit (SPU) capacity of the development from 28,000 SPUs as previous proposed to 11,800 SPUs. This represents a minor extension to the existing licensed piggery at the Site which currently holds 8,000 SPUs. As part of the revised design, it is also proposed to reduce the scale of the proposed facility, whilst again ensuring that all management and environmental considerations are met.

The proposed works subject of this new application also differ from that contemplated as part of GD Pork’s previous application in the following ways:

1. To utilise the piggery Site as a ‘breeder’ facility as opposed to a grow-out facility as previously proposed;

2. The covered anaerobic effluent pond system with biogas captured flare off treatment system that was previously proposed will be replaced with a new Waste Treatment Plant that is designed to handle effluent, slurry, deep litter manure and deceased animals from the production. This is similar to the type of facility approved for GD Pork at its Kojonup facility that has also received works approval from the Department of Environment Regulation;

3. With the new Waste Treatment Plant and the reduction in SPU’s, this new proposal will result in a significant reduction in the overall physical footprint over the land and increased retention of vegetation;

4. Updated modelling shows that all odour will now be fully contained within the Kemerton Industrial Buffer zone and that there is sufficient separation from sensitive premises in respect of noise under the Environmental Protection Authority’s Guidance Statement for a piggery of this size; and

5. Subject to the receipt of the necessary planning and environmental approvals for the new proposal, the Applicant’s intention would be to discontinue and withdraw from the current proposal for 28,000 SPU’s currently before the State Administrative Tribunal.

The aspects of this new application and its ability to meet environmental management consideration are discussed in turn in the body of this submission. Firstly however, it is appropriate to again recognise the Environmental Management Plan (EMP) considered as part of GD Pork’s current application before the Tribunal for a 28,000 SPU capacity facility.
was assessed and supported by the DER in demonstrating that the Proposal is environmentally acceptable. That evidence culminated in the DER providing its draft works approval for the development, which involved conditions which the Applicant had confirmed in writing they were willing to accept.

SUBJECT SITE

The subject site is described as Lot 2 Rosamel Road, Parkfield. A site plan and aerial image are provided below.

PROPOSED REDEVELOPMENT

The revised development now proposed by GD Pork seeks to construct 14,460m² of new shed facilities which will expand upon 7,500m² of existing buildings that will be retained and upgraded. As considered above, the revised development seeks to reduce its SPU capacity to 11,800, which represents a reduction of 16,200 SPUs from that previously proposed by GD Pork (i.e. previously proposed 28,000 SPUs). This represents an increase of 3,500 SPUs from its existing and approved operation for 8,300 SPUs.

The existing Australind Piggery is proposed to be developed into a new modernised practice run by GD Pork, comprising two independent managed sow units with a total of 5,000 sows (up to 11,800 SPU). The proposal represents a significant improvement upon the past environmental performance of the existing and ageing facility for 8,300 SPUs, as GD Pork now proposes to construct an upgraded extension to the facility to a modernised standard.
This new application proposes the following changes to the original application previously considered by the Commission and the Shire:

1. GD Pork plans to utilise the existing facility as a ‘breeder’ piggery instead of a ‘grow out’ facility as previously proposed, with a significant reduction in the number of SPUs as a consequence;

2. The covered anaerobic effluent pond system with biogas captured flare off treatment system (as previously proposed) will be replaced with a new Waste Treatment Plant, designed to handle effluent, slurry, deep litter manure and deceased animals from the production. The proposed waste treatment process is considered in further detail at Annexure 2 (in particular Appendix 2) and Annexure 3. The Waste Treatment Plant is substantially the same as the approved treatment plant for GD Pork at its Kojonup facility that has also received works approval from the Department of Environment Regulation. However, as part of this proposal, and as illustrated by Annexure 3, the primary difference with this proposal is that the proposed new Waste Treatment Plant will not dispose of waste water into aerobic treatment ponds. Instead, the Site will no longer employ its existing ponds for aerobic treatment purposes, and will instead adopt two common technologies to allow GD Pork to either evaporate the liquid waste in an accelerated evaporation tank or to use water membrane filtration to produce reusable clean and odourless water for the Site. Both of these common technologies have an in-built contingency mechanism. That is, if one or other of the technologies were to be stopped for servicing or other reasons, the other water treatment process can be instituted. This is in addition to the contingency option that if neither system were to be operating then the plug and pull system allows for approximately 30 days of effluent storage during which time the Applicants have sufficient time to remedy the issue. This is further considered in the contingency plan included as Appendix 4 to Annexure 2.

3. With the use of the new Waste Treatment Plant and the reduction in SPUs, this new proposal will result in a significant reduction in the overall physical footprint over the land.

The proposed piggery will comprise the following new facilities:
- 6 production sheds for pigs each 760 m² (total 4,560 m²)
- 4 production sheds for pigs each 1,050 m² (total 4,200 m²)
- 1 production shed for pigs 850 m² (total 850 m²)
- 1 production shed for pigs 760 m² (total 760 m²)
- 1 workshop shed 300 m² (total 300 m²)
- 1 production shed for pigs 890 m² North of existing “farrowing shed” (replacing two existing straw based sheds, total of 890 m²)
- 1 production shed for pigs 2,000 m² North of existing “farrowing shed” (replacing two existing straw based sheds, total 2,000 m²)
- 1 production shed for pigs 450 m² placed East of existing short “farrowing shed (total 450 m²)
• 1 production shed for pigs placed East of existing “mating” shed (total 450 m²); and
• 1 waste treatment plant for treatment of all piggery waste including deceased animals

Plans and elevations of the proposed facilities are included at Annexure 1. A summary of the key differences of the existing, proposed and superseded piggeries are considered in detail in the below table and further information in included at Annexure 2:

<table>
<thead>
<tr>
<th></th>
<th>Existing Piggery</th>
<th>Revised Piggery</th>
<th>Previously Proposed Piggery</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SPU capacity</strong></td>
<td>Approximately 8300 SPU</td>
<td>11,800 SPU</td>
<td>28,000 SPU</td>
</tr>
<tr>
<td><strong>Footprint</strong></td>
<td>9,083m² of piggery buildings</td>
<td>21,960m² of piggery buildings</td>
<td>99,150m² of piggery buildings</td>
</tr>
<tr>
<td><strong>Waste Treatment</strong></td>
<td>Uncovered primary effluent pond</td>
<td>New Waste Treatment Plant (see Annexure 2 and 4) similarly approved for GD Pork at its Kojonup facility that has also received works approval from the Department of Environment Regulation. Methane is harvested and converted in generators to electricity for feeding machines, ventilation, lighting, etc.</td>
<td>Covered anaerobic effluent pond with biogas captured and flared off</td>
</tr>
<tr>
<td><strong>Sheds &amp; effluent disposal</strong></td>
<td>Sheds rely on housing most of the pigs on deep litter, with manure storage on site before it is transported off-site</td>
<td>All existing sheds in intensive component of piggery and all proposed sheds will comprise a “pull and Plug” system which will remove all of the slurry, including solids, to the new Waste Treatment Plant in closed pipes without adding any extra water to the system. The deep straw base and organic matter from the retained “pregnant sow sheds’ will be collected and replaced at regular intervals no greater than 7 weeks apart and disposed of within the proposed Waste Treatment Plant.</td>
<td>Removal of the existing sheds, and implantation of effluent disposal and piggery housing infrastructure. This includes a plug and pull system beneath the sheds which is a closed system connecting effluent collected in the base of the sheds to the treatment ponds.</td>
</tr>
</tbody>
</table>
PLANNING FRAMEWORK

Shire of Harvey Town Planning Scheme No. 1

The Subject Land is contained in the “Kemerton Buffer Zone” for the purposes of the Shire’s TPS 1. A copy of the Shire’s Zoning Map extract is provided below.

It is noted that the Site is the subject of an express recognition in Schedule 8 – “Restricted Uses” under clauses 4.7.3 and 4.7.4 of the Shire’s TPS 1 which provide as follows:

4.7.3 Those portions of the Scheme Area which are specified in Schedule 8 are classified as Restricted Use Areas for the uses or purposes set against such land respectively in Schedule 8

4.7.4 A person shall not use any land, any building or any structure thereon in a Restricted Use Area except for the use or purpose set against such land in Schedule 8 (emphasis added).

Schedule 8 of the Shire’s TPS 1 expressly provides as follows in relation to the Subject Land:

<table>
<thead>
<tr>
<th>STREET LOCALITY</th>
<th>PARTICULARS OF LAND</th>
<th>ONLY USE PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>Rosamel Road, Parkfield</td>
<td>Lot 2</td>
</tr>
</tbody>
</table>

In our view, the only reading which provides an unequivocal and logical understanding of the relevant provisions of Clauses 4.7.3, 4.7.4 and Schedule 8 of TPS 1 is that the permitted and approved use of the Subject Land is for a piggery and the words “extension to piggery” can only, in our opinion, be understood to mean an acceptance of that use and any extensions of the piggery are the only uses permitted on the Subject Land (emphasis added).

It follows that the Proposal is consistent with the Shire’s TPS 1.
LEGEND:

- SUBJECT LAND -
- PUBLIC PURPOSES -
- CONTROLLED ACCESS HIGHWAY -
- REGIONAL OPEN SPACE -
- RECREATION -
- GENERAL FARMING -
- GENERAL INDUSTRY -
- KEMERTON BUFFER -
- SPECIAL RURAL - LANDSCAPE PROTECTION -
- SPECIAL RURAL AREA -
- RESTRICTED USES -
- PLACE OF LANDSCAPE VALUE -
- PLACE OF HERITAGE SIGNIFICANCE -
- BUILDINGS & PLACES OF HERITAGE SIGNIFICANCE -

TPS ZONING

LOT 2 (No. 96) ROSAMEL ROAD
PARKFIELD
SHIRE OF HARVEY

SCALE: 1:10 000
ORIGINAL PLAN SIZE: A4

JOB CODE: GDP PAR GE
DATE: 16.12.2015

Allering & Associates
Town Planners, Advocates and Subdivision Designers

125 Hamersley Road, Subiaco WA 6008
T:(08) 9382 3000 F:(08) 9382 3005 W: allerdingassoc.com
Regional Planning Considerations

As we have addressed in previous correspondence to the Commission, it is our analysis that there is nothing in the proposal that offends the purposes of Special Control Area 2 (SCA2) of the Greater Bunbury Region Scheme (GBRS) to which this Site relates. The purposes of SCA 2 are to:

a) identify land likely to be subject of significant levels of noise, odour, dust risk or any other offsite impacts from the Kemerton Industrial Zone; and,

b) to ensure that the use and development of land in the area is compatible with any existing or proposed future use or development within the Kemerton Industrial Zone.

Previously stated also, we are familiar with the provisions of Division 2, Clause 19(1) (e) of the GBRS in respect of noxious industries in the Kemerton Buffer zone and have made it clear that the applicant purchased the existing piggery, which has been in operation for in excess of 30 years, with the aim to demolish the existing buildings and construct a brand new state of the art facility on the Subject Land albeit with a larger number of pigs.

It is worth again recognising that the current use has not been discontinued. The applicant has maintained its registration of the Subject Land for an offensive trade under the Health Act 1911 (with the registration current). In the same manner, the applicant has continued with the preparation of both its respective environmental and planning approvals since purchasing the Subject Land consistent with its intention to continue and extend the existing piggery use. Therefore the application does not entail a proposed change of use.

The application is squarely based on the continuation of the existing use and extension of the piggery operation on the Subject Land in a manner that is entirely consistent with, and expressly contemplated and recognised by, Schedule 8 as read with clauses 4.7.3 and 4.7.4 of the Shire's TPS1, and that we submit is capable for approval by the WAPC under the provisions of the GBRS. Notably Clause 32 (Existing Uses) of the GBRS states as follows:

32. Existing Uses

Nothing in this Scheme prevents the continued use of land for the purposes for which it was being lawfully used immediately before the Scheme came into effect.

Notwithstanding, to the extent that there are proposed changes to the use, Clause 29 provides as follows:

29. Extensions and changes to a non-conforming use

1) A person must not –
a. alter or extend a non-conforming use;
b. erect, alter or extend a building use in conjunction with or in
furtherance of a non-conforming use; or

c. change the use of land from a non-conforming use to another non-
conforming use,

unless that person has first applied for and obtained planning approval
under Part 7.

2) In this clause –
non-conforming use has the same meaning as it has in the Planning and
Development Act 2005 section 172.

Accordingly, there is nothing to prevent the WAPC from granting approval to the
development based upon the terms and conditions of the GBRS. We repeat our previous
submissions that the use ought to be approved on the basis that the use will continue to
be a compatible use with Kemerton Industry and there is no compelling basis upon which
the Piggery use should not be continued or extended based on any identified risk or other
impacts. Indeed, the proposal will facilitate significant environmental benefits that arise
as a consequence of the development with environmental impacts that are reduced from
those existing currently.

COMPARATIVE ENVIRONMENTAL ANALYSIS

The Environmental Management Plan (EMP) previously prepared by 360 Environmental
with respect to the Applicant’s application for 28,000 SPUs provided a comparison
between, and assessment of the existing facility and the previous proposal to
accommodate 28,000 SPUs. That comparison and assessment concluded that a piggery
accommodating 28,000 SPUs would result in significant reductions in environmental
impacts (notably odour) from the existing and approved piggery as a consequence of the
introduction of modern technology and infrastructure compared with the existing
piggery. That EMP formed part of an application to the Department of Environment
Regulation (DER) who subsequently granted a draft Works Approval over the Site.

Acknowledging that the Applicant now seeks to significantly reduce the intensity of the
piggery to 11,8000 SPUs from 28,000 SPUs, which had already received draft works
approval from the DER, the new draft proposal is expected to achieve greater
environmental outcomes not only as a result of its reduced scale but also as a result of
the use of an enclosed Waste Treatment Plan that will have the capacity to immediately
capture methane for the purpose of generating power for the use within the operation.
This has been considered in further detail in the body of the new Environmental
Management Plan (EMP) prepared in support of this new application. The new EMP has
been prepared with the assistance of a number of parties including 360 Environmental
Pty Ltd, Queensland University, Keynergy, Department of Agriculture and Food WA,
Australian Pork Limited and GD Pork Management. This EMP is included at Annexure 2.
The additional environmental benefits and consideration of impacts that arise from this new draft proposal are further considered below in the context of odour buffers and ecological linkages. Consideration is also given to noise emissions and necessary separation distances, however in this respect, and as noted below, such matters have already been addressed and approved by the DER in the issuance of its Draft Works Approval noting the development is sufficiently separated from sensitive land uses within the locality.

**Odour Separation Distances**

As acknowledged in the revised *Environmental Management Plan* prepared with respect to this redevelopment (refer to *Annexure 2*), odour sources will be limited to the sheds only, recognising that the proposed waste treatment plant (WTP) (discussed below) will comprise a closed system where treated water will either be evaporated in the accelerated evaporation tanks or reused as treated odourless water in the piggery operations using the reverse osmosis technology proposed within the Waste Treatment Plant process. In fact, the use of the proposed WTP is anticipated to reduce the smell from pig manure and effluent by 90% compared to a conventional system.

360 Environmental Pty Ltd have again assisted in the preparation of an Odour Assessment with respect to the new development and in accordance with the *National Environmental Guidelines for Piggeries 2010* (*NEGP*). That assessment considered the Level 1.5 assessment criteria included within the NEGP which requires consideration of the technology to be employed by GD Pork, ‘wind frequency factors’ (including data obtained by the Bureau of Meteorology) and surrounding vegetation and topography features of the site. The odour assessment demonstrates that the current setbacks to sensitive land uses are sufficient to prevent odour impacts, in accordance with the NEGP.

A further level 1.5 odour assessment was again undertaken for the *existing* licensed piggery, using the same weather data and site factors and based on the number of animals and the waste treatment system approved and employed on Site (8,000 SPU). The comparison between the results taken from the existing and proposed piggery again confirm that the current operation, despite having a lower number of pigs (3,800 less SPU than proposed), would still have a greater odour impact to sensitive receptors than the proposed extension. This is primarily due to a significant improvement in infrastructure and operational practices proposed by GD Pork.

As illustrated by the attached plans included in Annexure 1, a number of existing “pregnant sow sheds” will be retained on site. These sheds will be upgraded to comprise new tarp covers to replace the existing, with other upgrades to feeders and gates. The sheds for the pregnant sows will still maintain their existing concrete base and sides. All deep straw bedding within the sheds and organic matter will be collected and replaced at regular intervals no greater than 7 weeks apart and disposed of within the proposed Waste Treatment Plant. For the purpose of odour assessment under the NEGP, these sheds are assigned a lesser ‘S1’ value than a conventional shed with a static pit, pull plug or flushing system, on the basis that all straw and organic matter will be removed and disposed of at regular intervals no greater than 7 weeks apart. In terms of contribution to
odour, piggery sheds are not typically the significant source of odour in any event. Rather, nuisance issues associated with odour generally arise from uncovered effluent treatment ponds. As part of this application, all three existing ponds on site will no longer be used for effluent treatment purposes.

By way of comparison to the previously proposed piggery comprising 28,000 SPUs (also found to comply with the NEGP in a 2014 EMP that was independently verified) the proposed piggery will further reduce the calculated odour buffers pursuant to a Level 1.5 NEGP assessment in the context of separation distances to rural, rural residential and town-site dwellings. These comparison are best illustrated by the below figures in which the odour buffer from the original application proposed is represented by a dashed line whereas the odour buffer for the new draft application is represented by a solid line.
Distance to Closest Rural Dwelling = ~1202 m

Legend
- Site Location
- Cadastre
- Kemerton Industrial Buffer Area
- Odour Source (Current Proposal)

Odour Buffers
- Current Proposal Buffer
- Previous Proposal Buffer

Note: Separation distances determined based on a Level 1.5 Assessment
No safety factor has been included
Distance to Closest Rural Residential Dwelling = ~1295 m

Note: Separation distances determined based on a Level 1.5 Assessment
No safety factor has been included
Coordinate System:
GDA 1994 MGA Zone 50

Distance to Closest Rural Residential Dwelling = ~5550 m

Legend
- Site Location
- Cadastre
- Kemerton Industrial Buffer Area
- Odour Source

Odour Buffers
- Current Proposal Buffer
- Previous Proposal Buffer

Urban Land Use Zones
- Special (Rural) Residential
- Residential

Note: Separation distances determined based on a Level 1.5 Assessment
No safety factor has been included
As illustrated above and significantly, the odour buffers arising from the proposed development will be contained entirely within the Kemerton Industrial Buffer Area. Moreover, any odour emanating from the proposal will not impact upon sensitive land uses, the closest of which being a rural dwelling is located approximately 1.2km from the piggery, located well outside of the measured buffer area as shown above. The below table provides a further analysis of the compliant separation distances under the NEGP:

<table>
<thead>
<tr>
<th>Receptor type</th>
<th>Actual distance</th>
<th>Level 1 calculated distance</th>
<th>Level 1.5 calculated distance (in same direction as nearest receptor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural dwelling</td>
<td>1202 m</td>
<td>848 m</td>
<td>515 m W</td>
</tr>
<tr>
<td>Rural Residential dwelling</td>
<td>1295 m</td>
<td>1107 m</td>
<td>387 m WSW</td>
</tr>
<tr>
<td>Town-site</td>
<td>5550 m</td>
<td>1844 m</td>
<td>238 m SSW</td>
</tr>
</tbody>
</table>

Table 1: Separation odour distances under NEGP.

Consequently the proposed development is not considered to have any additional impact on either:

- Residents and sensitive premises already living in the area (the closest of which is approximately 1.2km’s away); or
- The operations and industrial uses that currently operate or may operate in the future in the Kemerton core.

A Management and Contingency Plan (refer to Appendix 4 of Annexure 2) has also been prepared for the proposed facility to ensure the procedures for monitoring and management of odour on-site are clearly stipulated and implemented for the extended piggery operation.

Ecological Linkages within the Kemerton Buffer zone

As part of GD Pork’s previous application, the Department of Planning had requested that the development be redesigned to allow for an ecological linkage along the eastern boundary of the site to ensure the retention of significant vegetation. Accordingly, GD Pork amended its application such that no aspect of the piggery footprint would encroach within the requested ecological link.

As part of this new draft application, the building footprint of the piggery has been significantly reduced in size and also relocated towards the western boundary of site to maintain the ecological link.

This is best illustrated by the below site plan, which also provides a comparative overlay of significant vegetation on the Site:
50m Wetland Buffer
30m Wetland Buffer
As a result of the proposed redesign, the following environmental outcomes will be achieved:

- Ensure the retention of significant vegetation;
- A reduction in clearing areas of Western Ringtail possum habitat;
- Significant increase in retention of under-represented vegetation complexes; and
- The identified significant ecological linkage can be preserved.

With respect to existing wetlands, there are no geomorphic wetlands located within the site area, however several Conservation Category Wetlands are located in close proximity to the site boundary, the closest being 35m to the south west of the site boundary. This wetland is located on the opposite side of Rosamel Road. A Multiple Use Wetland and Resource Enhancement Wetland also exist within 100m of the western boundary of the site. All proposed new sheds and facilities will either be placed within the footprint of existing facilities and sheds or located to provide an adequate separation distances (at least 50m) between the piggery infrastructure and the wetlands within the vicinity of the Site.

Accordingly, the outcome of the redesign gives rise to a solution that comprehensively addresses issues with the relocation of site facilities to preserve the most significant vegetation on site and that retains the identified ecological linkages on the eastern boundary.

**Noise Separation Distances**

The Department of Environment Regulation (DER) released its Draft Separation Distances Guidance Statement (Guidance Statement) in August (refer to Annexure 4). The Guidance Statement has been prepared to provide guidance on the DER’s regulatory functions in relation to works approvals and licenses under Division 3, Part V of the Environmental Protection Act 1986 (WA) and was considered by the DER to inform its assessment of GD Pork’s Draft Works Approval.

The Guidance Statement prescribes recommended separation distances to inform a risk assessment of ‘emissions’ (as defined) from activities carried out on prescribed premises. For the purpose of this application to consider noise emissions, the Guidance Statement prescribes the following separation distance, used to inform whether the development poses a risk to established sensitive land uses:

<table>
<thead>
<tr>
<th>Category No and Description</th>
<th>Emissions and Distance (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Intensive Piggery (1,000 animals or more)</td>
<td>Noise and dust 1,000m separation distance</td>
</tr>
</tbody>
</table>

**Table 2: Prescribed Noise Emission Separation Distance, DER Separation Distances Guidance Statement.**
It has already been recognised by the DER in its prior assessment for a Draft Works Approval that the subject Site demonstrates compliance with required noise emission setback distance of 1,000m, whereby the distance to the nearest sensitive premises for the purpose of the Guidance Statement is 1,200m west of the Site.

SIGNIFICANCE OF PROPOSED DEVELOPMENT

GD Pork’s Proposal is a regionally significant agricultural operation that is fully supported by the Department of Agriculture. When completed, the piggery will operate in conjunction with GD Pork’s other operational and proposed piggeries that will collectively invest $40m dollars into the Western Australian economy and, together with GD Pork’s other production sites, will generate 30% of WA’s total pork production.

This is significant because prior to GD Pork’s involvement, WA imported approximately 300 pigs per week for domestic consumption. This Proposal, in conjunction with GD Pork’s other current and proposed sites will generate up to 4000 additional pigs per week that will not only bridge the current demand gap in WA’s domestic consumption but also allow the opportunity for export income for the additional pigs produced.

Approving the Proposal will modernise the existing piggery with new technology and infrastructure that will result in significant reductions in environmental impacts (notably odour) notwithstanding the increase in the number of pigs. The new waste treatment plant will not only mitigate and significantly eliminate odour impacts but also allow the harvesting and utilisation of methane that will enable the facility to be fully self sufficient with electricity generation without reliance on the domestic electricity grid supplies. A similarly designed waste treatment plant has already been approved for GD Pork at its Kojonup facility that has also received works approval from the Department of Environment Regulation.

Approving the Proposal will provide direct local employment and generate significant economic multiplier benefits as are normally associated with industries that provide for both domestic and export product consumption.

The economic and environmental benefits are relevant matters that the WAPC ought to properly take into account having regard to the principles outlined under SPP1 - State Planning Framework.

CONCLUSION

Having regard to the extent and nature of the new application, we respectfully submit that those measures ought to comprehensively remove any impediments to the approval of this important Proposal on the basis of perceived impacts on the Kemerton Industrial Park or the Shire of Harvey community.

Approving the proposal will continue the long term rural use of the Subject Land with the introduction of the latest and most current technology and infrastructure improvements.
that will enable a significant business to operate within the Shire of Harvey in a manner that is wholly compatible with its surrounding land uses.
ANNEXURE 1 – Plans and Elevations
BUILDING NOTES
1. FRAMES HOT ROLLED STEEL, SECTIONS TO AS-NZS 1100.
2. WIND BRACING AT THE ROOF AND WALLS AT THE FIRST
   AND LAST FRAMES AND ON BOTH SIDES OF THE BUILDING.
3. GALVANISED STEEL REFLECTIVE ROOF LINING.
4. ROOF SHEETING - COLOURBOND SURF MIST
5. CLADDING AND WALLS TO BE 6MM THICK POLYURETHANE
   CORE BAKED EDGES PANELS
6. EXTERNAL WALLS TO BE CONCRETE TILT UP PANELS

FLOOR AREA = 707 sq.m.
PERIMETER = 140,3mc

PLAN

SIDE ELEVATION

SECTION A

COLUMN FOOTING

300 mm WALL AND ROOF PANELS

FRONT ELEVATION

INFORMATION ONLY

CONTRACT NO. 1-254
1. DRAWN BY: C.S. CHAPMAN
2. ALL DIMENSIONS ARE UNLESS NOTED OTHERWISE

GD PORK
P.O. Box 430, Melbourne WA 6208
phone: 041 414 8640/865
fax: 061 8 824 1100

GO PORK
ROSMAN ROAD, PARKERVILLE
PIGGERY DEVELOPMENT
HOUSING SHED TYPE 4

ALTON
AUSTRALIA

SHEET NO. PJ1501-01W-04
 Scale: 1:20
DESIGN
A1
BUILDING NOTES

1. FRAME NOT ROLLED STEEL SECTIONS TO AS 1750.
2. WIND BRACING AT THE ROOF AND WALLS AT THE FIRST AND LAST PANELS AND ON BOTH SIDES OF THE BUILDING.
3. GALVANISED STEEL WALL AND ROOF SPANS.
4. ROOF SHEETING COLOURBOND BURF MIST.
5. CEILING AND WALLS TO BE FROM 40MM THICK POLYURETHANE CORED OSB PANELS.
6. EXTERNAL WALLS TO BE CONCRETE TILT-UP PANELS.

FLOOR AREA: 2.8 X 68.7 M^2
PERIMETER: 148.2 M
FLOOR AREA = 431 sqm
PERIMETER = 44.6m

BUILDING NOTES
1. FRAMES HOT ROLLED STEEL SECTIONS TO AS3679
2. UNION BRACING AT THE ROOF AND WALLS AT THE RISE
3. AND LAST FRAMES AND ON BOTH SIDES OF THE BUILDING
4. GALVANISED STEEL WALL AND ROOF FURANO
5. ROOF SHEETING COLURBOND GALVANISE
6. CEILING AND WALLS TO BE FROM 40mm THICK POLYURETHANE
7. CORE SANDWICH PANELS
8. EXTERNAL WALLS TO BE CONCRETE TILT-UP PANELS

INFORMATION ONLY
**BIOGAS PLANT TOP VIEWS**

- **LOAD LINE**
- **DISCHARGE LINE**
- **LINE CONVEYING SEWAGE**
- **BY-PASS**
- **DISCHARGE LEACHATES**
- **CONDENSATES**
- **ELECTRICAL LINE**
- **WATER LINE**
- **GOODS STANDS**
- **IMPLANT ACCES**
- **RIGHTS NATIVE**
- **WALLS**

---

**VIABILITY**

**SECONDARY DIGESTER**
- diam. 22 m H=6 m

---

**GENERAL OVERVIEW**

- **DIESEL BACKUP ENGINE**
- **INSULATED COVER WOODEN THE DIGESTERS**
- **LOCAL PUMPS**
- **POSSIBLE AUDIENCE FOR CONTAINER COGENERATOR**
- **FUEL TANK (ONLY IF PROVIDED FOR BY THE TYPE OF DRIVE ) INSTALLED IN THE DEFINITIVE**
- **ROAD ' TRANSIT AREAS AND INSTALLATION AVAILABLE SO EASY AND SAFE BY MEANS OF WORK TRANSPORT AND LIFTING AND ' CLEAR OF IMPEDIMENTS UNDERGROUND OR AIRCRAFT**
- **AVAILABILITY ' ASSEMBLY AREA CLEARED OF IMPEDIMENTS**
- **AVAILABILITY ' ELECTRICAL CONNECTION WITH POWER 50 KW FOR THE PHASES OF ASSEMBLY AND TESTING EQUIPMENT INSTALLED**
- **MEANS AND LABOR FOR EXCAVATION AND LINES PLANT BACKFILLING**
- **S.I.M. TELEPHONE COMMUNICATION CARD FOR VOICE + DATA**
- **# 1 ANALOG TELEPHONE CONNECTION ON STUD ISDN ( NT1- PLUS) FOR EACH ENGINE INSTALLED , OR**
- **A SINGLE INTERNET ROUTER WITH SUPPLIED # 1 STATIC ADDRESS FOR EACH ENGINE INSTALLED**

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**CUSTOMER**

- **SITE-POSITION**
- **CUSTOMER**
- **SITE-POSITION**
- **CUSTOMER**

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**TECHNICAL DETAILS**

**CONTAINER CONTROL**

---

**CUSTOMER**

- **DATE**
- **REVISION**

---

This drawing is property of M.C.wA RENEWABLE ENERGY, to the law every rigth is reserved.
- 1 production shed for pigs placed East of existing “mating” shed (total 450 m²); and
- 1 waste treatment plant for treatment of all piggery waste including deceased animals

Plans and elevations of the proposed facilities are included at Annexure 1. A summary of the key differences of the existing, proposed and superseded piggeries are considered in detail in the below table and further information in included at Annexure 2:

<table>
<thead>
<tr>
<th></th>
<th>Existing Piggery</th>
<th>Revised Piggery</th>
<th>Previously Proposed Piggery</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SPU capacity</strong></td>
<td>Approximately 8300 SPU</td>
<td>11,800 SPU</td>
<td>28,000 SPU</td>
</tr>
<tr>
<td><strong>Footprint</strong></td>
<td>9,083m² of piggery buildings</td>
<td>21,960m² of piggery buildings</td>
<td>99,150m² of piggery buildings</td>
</tr>
<tr>
<td><strong>Waste Treatment</strong></td>
<td>Uncovered primary effluent pond</td>
<td>New Waste Treatment Plant (see Annexure 2 and 4) similarly approved for GD Pork at its Kojonup facility that has also received works approval from the Department of Environment Regulation. Methane is harvested and converted in generators to electricity for feeding machines, ventilation, lighting, etc.</td>
<td>Covered anaerobic effluent pond with biogas captured and flared off</td>
</tr>
<tr>
<td><strong>Sheds &amp; effluent disposal</strong></td>
<td>Sheds rely on housing most of the pigs on deep litter, with manure storage on site before it is transported off-site</td>
<td>All existing sheds in intensive component of piggery and all proposed sheds will comprise a “pull and Plug” system which will remove all of the slurry, including solids, to the new Waste Treatment Plant in closed pipes without adding any extra water to the system. The deep straw base and organic matter from the retained “pregnant sow sheds” will be collected and replaced at regular intervals no greater than 7 weeks apart and disposed of within the proposed Waste Treatment Plant.</td>
<td>Removal of the existing sheds, and implantation of effluent disposal and piggery housing infrastructure. This includes a plug and pull system beneath the sheds which is a closed system connecting effluent collected in the base of the sheds to the treatment ponds.</td>
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# TABLE OF SUBMISSIONS

## PROPOSED PIGGERY

### LOT 2 (No. 96) ROSAMEL ROAD, PARKFIELD

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
<th>Comment</th>
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<tbody>
<tr>
<td>1. Department of Aboriginal Affairs&lt;br&gt;PO Box 3153&lt;br&gt;EAST PERTH WA 6892&lt;br&gt;(Reg. No. 16/04052 and 16/03329)</td>
<td>Thank you for your letter dated 1 February 2016 regarding the proposed piggery at Lot 2 No. 96 Rosamel Road, Parkfield (the Piggery).&lt;br&gt;&lt;br&gt;The Piggery is not within the boundary of any sites under the Aboriginal Heritage Act, 1972 (AHA) as currently mapped on the Register of Aboriginal Sites. There may be Sites present to which the AHA applies that are yet to be identified and are therefore not in DAA records, and these Sites are still afforded protection under the AHA.&lt;br&gt;&lt;br&gt;It is recommended that the applicants are advised to familiarize themselves with the State’s Cultural Heritage Due Diligence Guidelines (the Guidelines). These have been developed to assist proponents identify any risk to Aboriginal heritage and to mitigate risk where heritage sites may be present. The Guidelines are available electronically at <a href="http://www.daa.wa.gov.au/globalassets/pdf-files/ddg">http://www.daa.wa.gov.au/globalassets/pdf-files/ddg</a>.</td>
<td>Noted.</td>
</tr>
<tr>
<td>2. Water Corporation&lt;br&gt;PO Box 100&lt;br&gt;LEEDERVILLE WA 6902&lt;br&gt;(Reg. No. 16/04251)</td>
<td>Thank you for your letter dated 1st February 2016.&lt;br&gt;This proposal is remote from Water Corporation Infrastructure and is therefore of no concern to the Corporation.</td>
<td>Noted.</td>
</tr>
<tr>
<td>3. Nearby Landowner&lt;br&gt;Marriott Road&lt;br&gt;BRUNSWICK WA 6224&lt;br&gt;(Reg. No. 16/04063)</td>
<td>We have previously corresponded with Council over the proposed piggery at the above location and we reiterate comments and support the proponent’s application.</td>
<td>The submission of support is noted.</td>
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<tr>
<td>Submitter</td>
<td>Submission</td>
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<td>4. Nearby Landowner Randall Court AUSTRALIND WA 6233 (Reg. No. 16/04062)</td>
<td>I am writing regarding the proposed piggery on Lot 2 Rosamel Road, Parkfield. I have not seen this advertised in the Harvey Reporter. This proposal only gives us just over 2 weeks to consider this application. I enquired at Australind Office this morning. There were no plans there to view. I do not agree with having this piggery so close to residential area. It could devalue properties. This is a wonderful area to live. Please do not let this proposal go ahead.</td>
<td>The submission of objection is noted.</td>
</tr>
<tr>
<td>5. Western Power Locked Bag 2520 PERTH WA 6001 (Reg. No. 16/03578)</td>
<td>Thank you for contacting us about your proposed work. As your proposed work is near energized installations and powerlines, the person in control of the work site must ensure that no person, plant or materials enters the “Danger Zone” of an overhead powerline or other electrical network assets. The “Danger Zone” is set out in Western Australian Occupational Safety and Health Regulation 1996 – Specifically Reg 3.64. any information provided to you by Western Power should not be used in isolation and we recommend that you refer to the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996. These documents outline WorkSafe WA requirements for working near electricity. For queries relating to these requirements, contact WorkSafe on 1300 307 877. To help you plan your works around Western Power’s infrastructure, please follow the links below: Working Near Electricity Dial Before You Dig. If you require information about Western Power’s infrastructure including plans, please complete a request for Digital Data attached. If you require Western Power to complete work on your behalf, please complete the appropriate application. Should your project involve any changes to existing ground levels around poles and structures, or you will be working underneath power lines or around underground cables, please contact Western Power on 131087. We are obliged to point out that any change to Western Power’s network is the responsibility of the individual developer.</td>
<td>Noted.</td>
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<td>6. Cristal Pigment Australia Ltd Locked Bag 245 BUNBURY WA 6230 (Reg. 16/04464)</td>
<td>Cristal Pigments Australia (CPA) acknowledges receipt of the Shire of Harvey’s correspondence (Ref A004734) advising of an application received to expand the existing piggery on Rosamel Road, and inviting comment on the proposal. CPA wishes to formally oppose the proposed application, on the basis that the piggery is located in the Kemerton Industry Buffer (Special Control Area [SCA] No. 2). Piggeries are considered a noxious industry as per the Health Act 1911. Section 19 (1)(e) of the Greater Bunbury Region Scheme identifies noxious industries as an incompatible use within SCA No. 2.</td>
<td>The submission of objection is noted. The site is zoned to restrict its use to only a Piggery, as such the use can be considered on the proviso the management of it is in accord with DER requirements.</td>
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CPA has also noted and supports proposed Amendment No. 114 of the Shire of Harvey District Planning Scheme, in which it is recommended to remove Piggeries as a permissible land use within the Kemerton Industry Buffer.

More broadly, it is CPA’s position that any development in SCA No. 2 should be prohibited. The purpose of a buffer zone is to segregate incompatible land uses. Heavy industry (and ancillary industry) requires a buffer zone from all land uses in order to be able to operate within their licence conditions and to higher risk tolerance criteria than is acceptable in non-industrial areas. A buffer zone protects the general public from the impacts of industry. Allowing developments to occur within SCA No. 2 defeats the purpose of having a buffer zone, and allows the possibility for proponents within the zone to demand unrealistic levels of risk mitigation from industrial impacts.

In summary, CPA opposes the application of planning consent for the piggery, and has a general opposition to any development proposed for the Kemerton Industry Buffer. It is integral to the ongoing viability of the Kemerton Industrial park than an uncompromised buffer zone is maintained between industry and non-industry.

7. Nearby Landowners
Australind Road
LESCHENAULT
WA 6233
(Reg. No. 16/04030)

Would just like to express our concerns about having such a big piggery so close to a residential area. We are residents of Leschenault and I think having a piggery with up to 10,000+ pigs could be an issue for the residents here due to the smell generated by such a big establishment. Leschenault already experiences noise issues in the evenings with Kemerton Industry Estate, when easterly winds blow noise is carried from industry and we can hear equipment running throughout the evening. I think we would also be affected by the smell from the above piggery when those winds are blowing from the east. I do understand such a big business could provide more local employment which then has the flow on effect such as growth in real estate and potentially more shire infrastructure and more small business. We are not opposed to more business just not where it wants to setup. Are there alternative sites for this piggery? What environmental strategies has this business proposed to manage such a large number of animals?

The submission of objection is noted. Staff understand that an alternative site has been offered to the applicant however they remain committed to operating from this site. If approved environmental strategies to the satisfaction of the DER will be required.
Thank you for referring this proposal to the Department of Water (DoW) for comment.

There has been a previous application for a proposed piggery on the subject lot (your ref: A004734), to which DoW has provided a response (our ref: WRD233957). It is noted that the previous application was rejected by the Western Australian Planning Commission (our ref: WRD273958).

This current proposal is a revised development application that is considerably different from the previous proposal. Distinguishing features of the new proposal are:-

- All deep litter manure, deceased animals, piggery wash-down water and wastewater will be treated in a new Waste Treatment Plant (WTP) that is fully enclosed. The material is to be shredded, mixed and treated via anaerobic digestion in this WTP.

- A ‘Pull and Plug’ system is employed to transport slurry and solids to the WTP, without the need to add extra water to the system.

- Although extra water would be required from the increase in carrying capacity (from 8300 Standard Pig Units (SPUs) to 11,800 SPUs), the proponent has stated that the additional water will come from the recycling of water, via a 2 stage membrane system. Hence DoW understands that the applicant will be relying on their current licensed water allocation and not requesting any additional water.

- Any residual solids are removed offsite.

- Slurry and wash down water will be transported to the WTP via a fully enclosed PVC pipe.

- The existing buildings will be retained, in addition to proposed buildings within the existing building area and also to the north-west section of the property

In view of the above information, DoW is able to provide the following observations and advice, specific to the revised proposal:-

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<th>Staff note the concerns raised by the Department of Water, and advise that if approved the:</th>
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<td>• Management of manure to avoid ground and surface water contamination;</td>
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<td>• Previous levels of contamination and decommissioning of old infrastructure;</td>
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<td>• Securing additional groundwater allocation:</td>
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<tr>
<td>Will be requirements of a Works Approval if issued by the DER.</td>
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<tr>
<td>The previous comments raised by the Department are noted.</td>
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</table>
- The revised proposal implies that the entire operation is fully enclosed, where housing of the pigs and treatment of all waste streams is isolated from the outside environment. However it is not known if loading and unloading of the pigs from the sheds into the trucks occurs over an impermeable surface or not.

This would need to be confirmed with the proponent to ensure that no animal waste escapes into the outside environment during animal transit, in particular for the sheds to the north west of the property, which is in the vicinity of the Resource Enhancement and Conservation Category Wetlands; where there is a risk of contamination from animal wastes (pathogens and nutrients).

- Further to our phone conversation on 10th February 2016, it is not known if the proponent intends to use or maintain the existing evaporation ponds, or to decommission them. It is likely that these evaporation ponds would contain significant contaminants such as nutrients and chemicals associated with historic pig farming.

The future use, maintenance or decommissioning of historic evaporation ponds requires careful planning. Please refer to DoW's Water Quality Protection Note No.39 ‘Ponds for stabilising organic matter (Feb 2009)’ for further information such as the maintenance/management of the existing ponds.

- It is noteworthy that historic use may have entailed the use of chemicals associated with pig farming and the processing of piggery waste.

The Shire may wish to refer this proposal to the Department of Environment Regulation under the ‘Contaminated Sites Act 2003’, to if necessary investigate the contamination status of the site, in order that arrangements can be made for decommissioning, prior to the proposal commencing.

- It is noted that the proposal located is within the area covered by the ‘Leschenault Estuary Water Quality Improvement Plan, DoW 2012’ (WQIP), which specifically aims to improve the estuary's current water quality and that of the streams and river in its catchment. The WQIP recommends best practice management of piggeries, to prevent animal wastes reaching surface water and groundwater. Hence the DoW’s position that the proposed industry should be managed to the highest possible industry standards.
All active surfaces that have the potential to be exposed to animal wastes or spillage of chemicals should be impermeable, and be designed such that spills are captured. This will ensure that all potential pathways for waste contamination of groundwater and surface water resources are managed and protected.

- Please note that the proponent has not indicated if they would require an additional water allocation for their increased needs, as they have stated that the increased needs will be met via reuse of recycled water produced from the WTP.

The proponent should clarify this position, and as a contingency measure, indicate how they would source additional water if required. This is especially important, given that an application for an increased allocation from the superficial aquifer is unlikely as it is fully allocated. Therefore a new licence to draw from the deeper Catamarra aquifer would be required, if an increase in allocation is needed. This would require negotiation with DoW as this resource is reserved for the Industrial Park Zone.

In addition to our above advice, please refer to our previous advice where appropriate (attached).

**PREVIOUS CORRESPONDENCE (dated 10 February 2014)**

Thank you for referring this Application to the Department of Water (DoW).

DoW has reviewed the Environmental Management Plan (EMP) prepared for the proposal by ‘360 Environmental Pty Ltd’ and provides the following comments.

The subject lot is located within a proclaimed Groundwater Area under the ‘Rights in Water and Irrigation Act 1914’ and therefore any groundwater abstraction is subject to licensing by DoW.

The ‘Kemerton Groundwater Subareas Water Management Plan, Department of Water 2007’ provides a basis for groundwater licence assessment and allocation within the subareas, for industrial use within the Kemerton Industrial Park and agricultural, town water supply and other uses outside the Park.
With respect to this application for planning consent, the transfer of a current groundwater licence has been lodged with DoW, and a new groundwater licence application received, to confirm the availability and secure groundwater supply for the proposed operations.

It should be noted that a portion of the western half of Lot 2 is in a location where there is a high to moderate risk of Acid Sulfate Soils occurring within 3m of natural soil surface.

In addition, a separate portion of the western half of Lot 2 has a moderate to low risk of Acid Sulfate Soils occurring within 3m of natural soil surface.

Soil disturbance and/or dewatering activities during land development activities will require special management and the Department’s ‘Water Quality Protection Note 13: Dewatering of soils at construction sites, 2012’ should be referenced for guidance.

The Department of Water’s primary concern is that the proposed industry should be managed to the highest possible industry standards, in order to prevent contamination of the groundwater and surface water resources of the area.

In this context, the ‘Leschenault Estuary Water Quality Improvement Plan, Department of Water, 2012’, (WQIP) specifically aims to improve the estuary’s current water quality, and that of the streams and rivers in its catchment.

The WQIP also recommends the implementation of best practice effluent management of feedlots, piggeries and other intensive animal industries in the catchment, to prevent animal wastes reaching surface water and groundwater.

In this case, point source pollution of water resources is regulated through the ‘Environmental Protection Act 1986’ and the proposed industry, including its works approval, will be licenced in accordance with Part V of that Act.

The Department of Environment Regulation (DER) is responsible to ensure appropriate quality monitoring and industry compliance with the EP Act.

It is expected that EP licence conditions will apply to reduce the risk of pollution events and to ensure remediation action is taken when they do occur.
If the proposal is approved, DoW expects that operating conditions will be imposed by DER to reflect Environmental Objectives, Standards and Measurement Criteria, outlined in the proponent's EMP (Table 9.4), specifically:

- No unauthorized offsite discharge
- Groundwater quality and quantity remains unchanged
- Wetlands function and structure remains unchanged

All potential pathways for waste contamination of groundwater and surface water resources shall be managed by the proponent according to best practice methods, which should include, but not be limited to:

Guidelines:


Water Quality Protection Notes:

- No. 22 ‘Irrigation with nutrient-rich wastewater’ (July 2008) – if water is to be reused on-site for irrigation.
- No. 26 ‘Liners for containing pollutants, using synthetic membranes’ (August 2013) – if applicable to proposed design.
- No. 39 ‘Ponds for stabilising organic matter’ (February 2009) – for all contaminated water holding ponds.
- No. 98 ‘Rural abattoir’ (May 2007) if it is proposed to undertake any abattoir activities onsite.

DoW recommends that a condition be applied whereby any ponds for management of water/organic matter shall be lined to protect groundwater resources.
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<th>Submitter</th>
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<tr>
<td><strong>Finally, in addition to the above, the proposal should be referred to:</strong></td>
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<tr>
<td>• Department of Parks and Wildlife Land Use Planning Branch, regarding proximity to wetlands and required buffers.</td>
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<td>• DER Contaminated Sites Branch, regarding handling of waste resulting from the decommissioning of any existing infrastructure.</td>
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<tr>
<td>• DER Native Vegetation Conservation Branch, in relation to any proposed clearing of native vegetation.</td>
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<tr>
<td><strong>9. Nearby Landowners</strong></td>
<td><strong>I live in Fletcher Court, Leschenault in the Westgarth subdivision, which is just over 1km from the proposed piggery extension.</strong></td>
<td><strong>The submitter raises objections to the proposal and is not opinion that reduced size will not mitigate potential and noise, odour, fly’s and water contamination problems being experienced within Leschenault.</strong></td>
</tr>
<tr>
<td>Fletcher Court LESCHENAULT WA 6233 (Reg. No. 16/04968)</td>
<td><strong>While I’m pleased that the applicant’s revised proposal has reduced animal numbers (I refuse to call them SPUs) from 28,000 to 11,800 and that the revised waste treatment plant is expected to dramatically reduce odours (not yet proven), I don’t think this piggery should be here at all as it’s too close to a residential neighbourhood.</strong></td>
<td><strong>The submitter has also raised concern with regard to potential bushfire risk this particular development have within the Kemerton area.</strong></td>
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<td><strong>The applicant states that 11,800 animals ‘represents a minor extension to the existing licensed piggery at the site which currently holds 8300’ animals. That’s not a ‘minor extension’ – it’s a ~30% increase, hardly ‘minor’. Also of concern is the increase in the proposed land use area from 9,083 sq m to 21,960 sqm of piggery buildings – that’s an increase of some 142%!</strong></td>
<td><strong>Issues associated with environmental sensitivity of the site, incompatibility between landuses are noted and have been addressed within the Officer’s report.</strong></td>
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<td><strong>According to their own Environmental Management Plan (EMP) attached to their application, their existing piggery licence from DEC (now DER) expires 19 October 2017. I suspect that the applicant is desperate to get planning approval prior to this date as it may be concerned that the existing licence won’t get renewed. As a nearby resident already affected by the ‘piggy’ smell, I don’t think it should be renewed in any form.</strong></td>
<td><strong>Should approval be granted it is anticipated by staff that any works approval issued by the DER will adequately address all of these issues.</strong></td>
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<td><strong>My main issue is with smell, with other issues taking lesser priority.</strong></td>
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<td><strong>Odour and air emissions</strong></td>
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<td><strong>The applicant states: ‘The odour assessment demonstrates that the current setbacks to sensitive land use are sufficient to prevent odour impacts, in accordance with the NEGP.’</strong></td>
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<td>Submitter</td>
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<td>My response is that there’s already a ‘piggy’ smell in the Westgarth subdivision of Leschenault, extending through to the estuary and beyond, which is so bad on some days that all windows in my house have to be closed, and I can’t walk or cycle around my neighbourhood without gagging.</td>
<td>This odour is particularly noticeable when a north-east wind is blowing. In the past six months or so, I’ve made several complaints about ‘pig’ odour to the Shire and the EPA. Note: The Applicant’s EMP says that the smell pervades our residential locality – imagine what it would be like with full capacity of 8,300 pigs, or the proposed 11,800!</td>
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<td>The applicant talks about re-using the methane as fuel, but the odour I’ve smelt wasn’t methane – it was a flesh and manure smell, so re-using methane is all very well, but how will the stench from these other odours from the existing piggery be dealt with? It will be worse if 11 800 animals are allowed.</td>
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<td>The applicant states that ‘all odour will now be fully contained within the Kemerton Industrial Buffer zone’. What guarantees are there that this will be the case? What if it’s not contained in the buffer zone? Who do residents complain to? If the application is approved, do residents have any recourse to get the piggery shut down if the odour isn’t contained? Or would we just have to put up with it?</td>
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<td>In the attached EMP, the applicant talks about ‘mechanical ventilation from the sheds’. I presume they mean fans. My question is: Where does this odour go? Into the air? There’s no mention of how or whether these emissions will be ‘scrubbed’ of their piggy smell. Scrubbing technology to deal with all sorts of noxious emissions is common in many industries, but there’s no mention in the application of scrubbing these emissions.</td>
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<td>The applicant refers to their waste treatment plant, but gives details of what it will be. Is this an incinerator? If so, odour burning flesh and manure, smoke and particulates, are likely by-products. How will these be dealt with? Again, no mention of scrubbers.</td>
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<td>In the EMP, the applicant says that methane and CO$^2$ are produced in the mixer/digester tanks. They talk about what they intend to do with the methane, but what happens to the CO$^2$? Is it released to atmosphere? Will these be required by the Shire, EPA or DER? Will the public be able to view these?</td>
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<td><strong>Flies and disease</strong></td>
<td>I expect there would be an increase in the fly population associated with the sheds in which the pigs are housed, and with treating the raw waste. If the development is approved, how does the applicant intend to mitigate the increased fly populations and the potential increased disease risk from those flies? What guarantees are there that the fly population won’t increase dramatically and cause nuisance and stress to nearby households and to nearby small farms that carry livestock such as horses?</td>
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<tr>
<td><strong>Environment/Water Catchment</strong></td>
<td>How will the applicant prevent seepage of contaminated liquid into the wetlands/water table? Run-off and leaching from such an operation can include excess nutrients, pathogens, oestrogens, odorants and heaving metals, causing damage to the receiving ecosystems. The wetlands close to the proposed development likely flow into the Leschenault Estuary or the Leschenault Catchment area, which already has problems with algal blooms from high nutrient run-off. The applicant states that they will use straw and replace it often, but they don’t mention how they will dispose of the waste straw, which will be heavily contaminated with manure. If the straw is stockpiled, how will the odour, flies, nutrient run-off etc. be managed? If it is burnt, how will the odour, smoke, particulate and other air emissions be managed? The applicant doesn’t state where the water they intend to use will come from. Bores? Mains water? Collected rainwater? If from bores, how will that effect the nearby water table used by residents for their own bores? Does the applicant have an Emergency Spill Response Management Plan? Can the public view it?</td>
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<td>Comment</td>
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<td><strong>Bushfires</strong></td>
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<td>No mention is made in the application of bushfire prevention and management measures. Having just had two big fires in the Shire of Harvey in the past two months (the Waroona/Yarloop fire, which had nearby Myalup and Binningup on alert, and the Uduc fire that had an area to Marriott Road in Kemerton on alert – including the Rosamel Road area where this piggery is located), the threat of bushfire in the Kemerton buffer zone is very real.</td>
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<td>What measures does the applicant have in place to prevent bushfire igniting vegetation on the property, or burning the shed (and the pigs in them), or causing methane treatment/storage to explode like a massive bomb, thus putting the whole of Kemerton and the northern part of Leschenault – at least – at risk?</td>
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<td>Firebreaks in an uncontrolled fire situation are next to useless when there are high winds – burning embers and hopovers can start new fires some distance from the main fire. Does the applicant have a Bushfire Management Plan? Can the public view it? Does it address managing the vegetation on the property (e.g. slashing grasses, burning understorey regularly etc.) to minimize the risk of catastrophic fire? What suppression controls are in place? And are the employees to use them? What preventative measures will be taken regarding the operation of machinery during total fire bans? None of these issues, especially in a heavily wooded area like the Kemerton buffer zone.</td>
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<td><strong>Animal Welfare</strong></td>
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<td>Intensive livestock environments cause abnormal stress for animals, with over-crowded populations and high stock densities, and an accumulation of faeces and urine that the animals have to live in. Animal welfare is not addressed in the application. Has the applicant consulted with the RSPCA or other animal welfare authorities? Is there an Animal Welfare Management Plan?</td>
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<td><strong>Incompatible Land Use</strong></td>
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<td>Kemerton is an industrial zone – this proposal is an agricultural activity (as stated on page 20 of the application: ‘significant agricultural operation’; page 20 ‘long term rural use of the Subject Land’).</td>
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Therefore such an operation should go on agricultural land, not industrial land, and definitely not near a residential area.

On page 21 of the application, the applicant states that it will ‘operate within the Shire of Harvey in a manner that is wholly compatible with its surrounding land uses’. I don’t agree that the use of the land as a piggery is ‘wholly compatible with its surrounding land uses’, which are industrial (nearby) and residential (1200m distant).

There’s a whole swathe of land inland from the eastern edge of Kemerton to South Western Highway that’s agricultural land – why can’t some of that land, which is designated rural, be used for a piggery? Why does it have to be cited so close to a residential area? (Note: The closest residence to the applicant’s Kojonup piggery is 2.3km distant, and is a single farmhouse, not a residential area with hundreds of houses.)

**Lifestyle and Property Values**

I strongly object to the proposal for an intensive piggery in this area. We purchased our property with the idea of a peaceful semi-rural lifestyle, living in fresh clean country air. A piggery operating so close to so many existing and planned residences will always cause problems (real or perceived) with the smell. If approved, property values in the residential part of Leschenault, especially the Westgarth subdivision, will fall – after all, who would choose to live within 2km of an intensive piggery? Even if all the evidence says there’s no smell, prospective purchasers only need to see the piggery’s proximity on a map and will decide to purchase elsewhere.

The Applicant states that there will be an increase in truck traffic on Marriott Road turning into Forrest Highway (that intersection is directly east of Fletcher Court [which would be a continuation of Marriott Road, if it crossed Forrest Highway]). While there is always some traffic noise from Forrest Highway, it’s a gentle hum, except when trucks are accelerating out of the Marriott road/Forrest Highway intersection. Adding more truck traffic to that intersection will increase the noise from it as more trucks brake to enter it and accelerate away from it. More truck traffic also increases the probability of a vehicular accident at that intersection.
The DER guidelines (Category 2; Table 2) for an intensive piggery ('1000 animals or more') prescribes a 1000m separation distance for noise and dust. The nearest dwelling in Leschenault is 1200m away, and the number of pigs is proposed to be nearby 12000 (not 1000 as prescribed in Category 2). I would consider that this guideline is inadequate for that number of animals.

Figure 3 in the application shows that the distance to the nearest ‘rural residential’ (actually a ‘townsite’ – misnamed in Figure 3 and in conflict with Table 1 designations) dwelling is 5.5km, but that completely ignores the hundreds of houses in Leschenault (dealt with in Figure 2), the Galway Green estate, and other housing estates in Leschenault. It’s as though we don’t exist.

Several times the applicant mentions their approved waste treatment plant at Kojonup, but nowhere does the applicant say whether this is operational – only ‘approved’ (the Works Approval was granted by the DER on 28 September 2015 for three years, so the plant is unlikely to be operational yet. Therefore, any issues associated with its operation are unknown and the claims they make for this waste treatment plant are unproven.

The applicant states that there will be economic benefits to the region because of direct local employment, but doesn't state how many people will be employed in addition to those already employed. I posit that this will be a very small number (fewer than 20) so therefore the ‘economic benefits’ touted by the applicant are a red herring designed to confuse and persuade readers into thinking that there is greater benefit than may actually be the case.

I am concerned that many of the issues and questions I've raised above have not been addressed in the application. As a local resident living close to this proposed development, this lack of information makes me uneasy and not at all confident that the applicant has addressed at the issues.

In conclusion, I object to this proposal.
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<td>10. Nearby Landowners Gulf Way LESCHENAULT WA 6233 (Reg. No. 16/04843)</td>
<td>As nearby landowners, we wish to strongly oppose this application. We have lived in Leschenault for many years and have noticed the deterioration of our environment, in particular due to excessive noise pollution. Our objection to this proposal is not specific to noise pollution, rather to other factors that will continue to denigrate the quality of our lifestyle. Our property lies to the south west of the proposed piggery, which means we will be affected by pollution when the wind comes from the north, north easterly direction. This occurs regularly throughout the year and particularly during summer when we experience almost daily moderate easterly winds. We object to the proposed piggery on the grounds of the evidence indicating environmental and social concerns impacting those living near industrial livestock facilities. Specifically, we are concerned with the deterioration to air quality. Research suggests we will be exposed to foul odours and increase airborne chemicals and pollutants. Piggeries are known to emit toxins that cause irritated mucosal membranes, respiratory impacts, depressed mood, and elevated blood pressure and related risk for cardio-vascular disease in humans. More obvious of course, is the decreased quality of life by limiting outside social activities. We are also concerned with the environmental impact on water pollution into the nearby waterway and increased exposure to infectious disease. As long term landowners in Leschenault, we have endured significant environmental deterioration due to noise pollution emanating from the increased traffic and noise producing road surface of the Forrest Highway. Despite communicating our concerns to our Shire, we have seen these effects increase to further detract from the desirability to live in this ‘peaceful special rural’ location. We Couldn’t think of a more distasteful industry to be moving in than one that perpetually produces pig shit. As such, we strongly oppose the application for a piggery on Rosamel Road and trust (with reserved confidence) that our Shire will act in the best interests of local landowners to preserve our environmental and social wellbeing.</td>
<td>The submitter raises a number of concerns with regard to the potential impact on their lifestyle and the physical environment should approval be granted. Should approval be granted it is anticipated by staff that any works approval issued by the DER will adequately address all of these issues. Staff note the submitters request for Council to “act in the best interests of local landowners to preserve our environmental and social wellbeing”.</td>
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<td>11. Nearby Landowners Mawson Court LESCHENAULT WA 6233</td>
<td>We refer to your letter dated 1st February 2016 regarding the above proposal, and although it appears that the number of pigs has been reduced, the concept of breeding sows (e.g. 3,000 sows average 10 piglets each) certainly changes the numbers and so close to a residential area, still gives rise to all the previous concerns as raised by the local residents, and as listed in the ordinary Council agenda dated 19th August 2014.</td>
<td>Staff acknowledge the previous comments and reference to Council’s logo, raised by the submitter. Whilst comparison between Pinjarra and Kojonup operations have you made by</td>
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| (Reg. No. 16/05043) | From our investigations it is very clear that both the Pinjarra and Kojonup operations are based kilometres away from residential properties, unlike the proposal from Leschenault/Australind area.  
We note the odour assessment is in theory only, but having lived here for over 20 years we know that the Easterly/North Easterly winds cause problems regarding road noise and smells from Kemerton  
Again we reiterate the Shire of Harvey’s own logo promoting ‘A Breathe of Fresh Air’. | the applicant this proposal is to be considered upon its merits and the relevant planning framework.                                                                                                           |
| 12. Nearby Landowner Wildflower Way LESCHENAULT WA 6233 (Reg. No. 16/04976) | I am writing to you in response to the planning of the piggery extension, Lot 2 (No. 96) Rosamel Road, Parkfield. I am a Leschenault resident who has concerns.  
My main concern is that having this extension means a lot more pigs, which in turn will cause a lot more odour.  
I currently do not smell any odour, but have heard from other people that it can be smelt about 5kms away from the piggery. So if it’s extended with more sheds that are closer to us, it would be about 7kms from us. Which will mean we would probably start smelling the odour.  
We live on bush blocks because we love our outside lifestyle and my children play outside every day. So I am worried this will change.  
My last concern is if it will affect our house value for the future. Thank you for listening to my concerns, hopefully something can be resolved. | Staff note the objection and specifically concerns in regard to odour and should approval be granted it is anticipated by staff that any works approval issued by the DER will adequately address this issue. |
| 13. Nearby Landowner Bass Entrance LESCHENAULT WA 6233 (Reg. No. 16/04969) | I am writing to express my concerns about the proposed piggery at Lot 2 (no. 96) Rosamel Road, Parkfield.  
I strongly disagree for this piggery to be built because I believe the strong smell will most certainly affect the area I live in as it is only about 4km away in a direct line from Leschenault. My husbands work place is 5km from an abattoir and the smell definitely reaches this distance. Please do not allow this to happen so close to our beautiful community. |                                                                                                                                                                                                     |
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<td>14. Nearby Landowner Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/04584)</td>
<td>With regard to the proposed extension of the Piggery at Lot 2 Rosamel Road, Parkfield I should like to state my opposition to this. Having visited the site (albeit from outside the property) I can certainly see that the current piggery is in need of some serious development – I can only hope that the current inhabitants have better inside quarters than the dilapidated state of outdoors. Certainly the new proposals make it sound as if future pigs will be living in some sort of dustless and odourless ‘pig utopia’ with no adverse impact on anything or anybody living out with the measured buffer area – I doubt it. And what can the residents of Westgarth expect in return for the owner of the property being given the right to increase his future earnings – as I’m sure this proposal isn’t being done solely for the love of the local tradesman, transport companies etc? It’s the residents who will have to endure the noise of yet more heavy haulage (approximately 600 increased transport) passing along the Forrest Highway, and regardless of the ‘state of the art’ proposal are we going to receive a written guarantee from the parent Company and the Shire of Harvey that there will be no increase of noise, dust, flies and smell, especially in summer when north-easterlies and easterlies are blowing in our direction – and that the proposal will not have an adverse effect on property prices. I hope the elected Councillors of the Shire of Harvey will give serious consideration to the wishes of the residents and not make decisions purely on financial advantage.</td>
<td>Concerns of the submitter in regard to the impact the proposal will have on residences within Westgarth are duly noted. Staff advise that the proposal will be assessed against the relevant planning framework which does not include the financial implications for the applicant or Council.</td>
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<td>15. Nearby Landowner Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/04581)</td>
<td>I object strongly to this development with regards to increased number of pigs and the accompanying increase in noise, smell, and the volume of trucks and heavy vehicle transport being proposed. Having read the extensive report provided by Allerding &amp; Associates for GD Pork, it would appear that they cover just about every area to do with surrounding flora, fauna and environmental issues except the massive impact a large increased in the number of pigs will have on local residents! Don’t we, as residents, have any rights regarding the protection of our property and lifestyle? If GD Pork have any concerns other than making money, why have they not made contact with local residents in order to discuss our concerns.</td>
<td>Staff note the objection received and advise that all submitters will be provided the opportunity to address Council on the matter is being considered.</td>
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<td><strong>The proposed number of pigs appears unclear!</strong>  How may pigs make up a Standard Pig Unit? How does this compare to breeding Sows? How many litters a year will these “breeders” have and how many piglets in an average litter? These appear to be ignored! The exact number of pigs is unclear! Do the figures supplied indicate a starting point for numbers and will this increase over each year? Finally, if this offensive industry is established an our worst fears of flies, smell and noise effect the amenity of our homes and lead to a reduction in their value, who will compensate us for this loss? Will it be GD Pork, the Harvey Shire or the Government Department that endorses this project? I presume that once all objections are received by the 22\textsuperscript{nd} November 2016 there will be a public opportunity to discuss/debate this matter and that you will keep us suitably informed!</td>
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<td><strong>16. Nearby Landowners</strong> Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/04720)</td>
<td>My husband and I live in Leschenault and are very much opposed of having a large piggery in such close proximity. It will surely attract rodents and flies. Not to mention the smell. Comments of objection are noted</td>
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<td><strong>17. Nearby Landowners</strong> Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/04887)</td>
<td>I am emailing you in regards to the proposed piggery at Lot No 2 (No 96) Rosamel Road Parkfield. As local landowners we object to the proposal from GD Pork Holdings Pty Ltd. Our objections are that we feel the increase in traffic would be a problem for the surrounding areas, the smell from the piggery would be a significant problem to the nearby residential area and many trucks moving to and from this area would have an increased impact on noise for locals. As the land is very near a residential area I think that the impact on local residents would be significant enough to not warrant the approval of the proposed business. They cannot guarantee that residents wouldn't be impacted by odour from the piggery. The pigs would give off a stench and the more pigs the greater the stench that would be around the piggery. Comments of objection and noted specifically the issue in regard to raised traffic noise which has also been raised by other submitters.</td>
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<td>During the winter months when the trucks are transporting pigs in the wet weather we have concerns about the manure leaking out of the trucks and onto the roads. This would cause the roads to become dangerous and also leave a smell behind.</td>
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<td>If this does go ahead and we see a decline in the value of our property would we be compensated by the council and/or the company as it has said in its submission that smell to local residents would not be a factor.</td>
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<td>As I have previously stated the business cannot guarantee that and odour would not permeate to the local residents either during transfer of the pigs to the site or from the site itself.</td>
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<td>We did ring up and speak to Mr Shane Kirk in regards to this proposal before emailing our objections to obtain the facts about roads used, how many pigs etc.</td>
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<td>Thank you for your time.</td>
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<td>18. Nearby Landowners</td>
<td>We support their application.</td>
<td>Support noted.</td>
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<td>Green Way</td>
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<td>LESCHENAULT</td>
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<td>WA 6233</td>
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<td>(Reg. No. 16/04847)</td>
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<td>19. Nearby Landowner</td>
<td>In response to your letter and subsequent phone call re this application I would like to make the following comments and lodge an objection to this proposed piggery based on my concerns.</td>
<td>Staff acknowledge reference to Council’s logo raised by the submitter.</td>
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<td>Lofthouse Drive</td>
<td>My major concern is odour and the effects of a piggery of this size has in an area that is close to residential houses. Apart from unpleasant smells the fly and blowfly population explodes with the result the being, it becomes impossible to even step outside the door let alone enjoy being able to sit on a verandah with a cuppa.</td>
<td>Whilst comparison between Pinjarra and Kojonup operations have you made by the applicant this proposal is to be considered upon its merits and the relevant planning framework.</td>
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<td>LESCHENAULT</td>
<td>As a resident of the Shire of Harvey which promotes itself as a ‘breath of fresh air’ I feel a piggery of this size is not in keeping with this ethos.</td>
<td>Should approval be granted it is anticipated by staff that any works approval issued by the DER are to</td>
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Also, whilst the Shire would treat this application on its own, as a resident I am aware that this applicant has another piggery in Pinjarra which has unresolved issues regarding odours and possible breaches of environment regarding ground water. Having read the submission from the applicant, it appears a very thorough well thought out proposal that puts forward proposals for control of odours, however I also believe that was the same for the Pinjarra piggery and yet problems persist in that area for residents, which in turn re-enforces the concerns raised for the piggery in Parkfield.

I understand the applicant is making a substantial investment in this venture, however residents in the area have also invested not only in their property but in a lifestyle based on the above ethos promoted by the Harvey Shire.

I therefore would like to object to the application, based on the above as I believe concerns raised have merit and despite the application being thorough, there does not appear to be any available evidence that issues raised have guaranteed solutions and I believe the issue of odours and the consequences need to be resolved to residents satisfaction before approval is given for what will be a very large piggery in this area.

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<td>20. Nearby Landowners Jib Rise LESCHENAULT WA 6233 (Reg. No. 16/04966)</td>
<td>We would protest any move for a larger piggery due to the wind carrying the smells.</td>
<td>Comments noted</td>
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| 21. Nearby Landowners Westgarth Place LESCHENAULT WA 6233 (Reg. No. 16/05234) | We strongly oppose the proposal that is now before the Shire for consideration, for the reasons given below:  
We have experienced exceptionally strong, pungent smells (pig odour) on numerous occasions when we have been at our property in Leschenault. Specifically, during August 2015, we noticed the odours were stronger and sometimes unbearable and inconvenient, to the point that we had to remain indoors. We felt we had to curtail all of our normal activities, i.e. invite friends and family, as the odours were too much of an embarrassment. The smells we noticed were coming from the area of the piggery at Kemerton, and were more prevalent when the north easterly winds were blowing. | Staff note the concerns raised by the applicant specifically in regard to the impact that odours have on the amenity and use of peoples properties. |
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<td><strong>On the 31st August 2015, we phoned the Shire of Harvey and spoke to Scott Dandridge of the Health Section to complain about the smells. Mr Dandridge advised us that he was aware of the problem, and that the Shire had received numerous complaints. His advice was to make a complaint to the Department of Environment, which we did. Mr Jeff Fussell, who we spoke to, advised us to complain to Pollution Watch as often as possible, whenever the odours were present.</strong>&lt;br&gt;&lt;br&gt;On several occasions we phoned Pollution Watch with our complaint which were duly noted and referenced.&lt;br&gt;&lt;br&gt;In view of the above, you will therefore understand our concern and anxiety if the proposed extension were to proceed. We feel these odours would be detrimental to our health, in the long term. We have spoken to our neighbours, who have had the same experience and share our views.</td>
<td>Staff note the concerns raised by the submitter in regard to the separation distance to existing residents. Staff note concerns regarding the incremental increase in the number of pigs however if approved pig numbers and the mitigation of off-site impacts will be controlled by a works approval issued by the DER.</td>
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<td><strong>22. Nearby Landowner&lt;br&gt;Knapp Drive&lt;br&gt;LESCHENAULT&lt;br&gt;WA 6233&lt;br&gt;(Reg. No. 16/05277)</strong>&lt;br&gt;&lt;br&gt;Please find enclosure objections to the application to re-start and enlarge the disused piggery at Lot 2 (No. 96) Rosamel Road, Parkfield. Although there have been several changes to the proposal the fact that placing a piggery of the size proposed in the application is still going to have a serious detrimental impact on property values in the Leschenault area. Currently there are domestic residential dwellings as close as 1290m to the proposed site, well inside the Environmental Guidelines for New and Existing Piggeries that suggest a minimum buffer distance of 5000m for a piggery with far few pigs. No matter what systems are put in place to control the stench from any industry such as a piggery it is unlikely to be able to perform as well as no piggery at all. Other matters of concern with the re-establishment of a piggery in this area are the noise pollution and general nuisance from increase truck traffic connected with feed deliveries and livestock transportation. Since the closure of the existing, in comparison very small, piggery there has been a noticeable reduction in fly and mosquito infestation and one can only assume that a return to the previous situation will be inevitable if the proposal is granted.</td>
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<td>It would seem a shame to re-license what would seem to be very undesirable industry at a location so close to residential dwellings when the applicant already owns and operates similar facilities in the locality that are well away from people and with ample room for expansion. As with all applications of this type, if allowed to go ahead it will only be a matter of time before another application is lodged to expand or increase the pig numbers and the operators will gradually achieve the kind of piggery that was rejected the last time the application was made to the Shire in 2014. The town Leschenault has always been promoted as the ‘parklands’, and the Shire of Harvey as ‘A Breath of Fresh Air’ presumably for people not pigs. It is vital if residential development is to proceed with confidence that Council shows leadership in providing the aims and direction of the current and future residents’ certainty to create the lifestyle they seek in this beautiful location. The best outcome for the residents, and the majority of ratepayers of the area would be to revoke the piggery licence completely while the old piggery is closed down. Please deny the application.</td>
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<td>Thank you for the opportunity to comment on the proposed piggery at Lot 2 (No. 96) Rosamel Road, Parkfield. The Department of Agriculture and Food does not object to the development of the proposed piggery at the abovementioned lot. I trust these comments inform your decision on this matter.</td>
<td>Staff note concerns that should this application not be approved the opportunity exists for the applicant to have the original proposal for 28,000 SPU’s considered.</td>
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<td>As per our telephone discussion I am writing this email in response to a letter I received dated 1st February 2016 (File No. A004734) regarding the Application for planning consent - Proposed Piggery- Lot 2 Rosamel Road, Parkfield.</td>
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<td>I understand from a brief review of the application that this application is to increase the current number of SPU’s from 8300 to 11800 an increase of 3500 SPU’s. This is significantly less than the 28000 SPU’s on the previous application. My initial thought is the increase on this revised application is less concerning than the previous application. I am nervous however, about the increase in numbers and potential impact to home owners and the environment.</td>
<td>Whilst concerns over stigma and property valuations are noted the application will need to be considered on its planning merits.</td>
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<td>I also have concerns the original application of 28000 will still be perused and we will see a number of smaller increases such as this application to get the SPU’s to GD Pork Holdings to their goal.</td>
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<td>I do not support further increases in SPU’s at the Rosamel Road, Parkfield facility as I am apprehensive over the potential increase of smells and odours coming from this facility and the impact to the environment particularly waste management and to the water table. As a Harvey rate payer I am worried the effects felt from an expansion at the GD Holdings facility would cause a stigma to live in Leschenault and devalue homes, not to mention not be very nice with pungent smells in the air.</td>
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<td>In summary I feel Council should be cautious and remain vigilant with respect to increases at the piggery. I appreciate we need to attract and grow businesses but not at the cost of the quality of life we have in our great shire.</td>
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<td>Can you please include my thoughts and have this lodged with the Chief Executive Officer as per the Shire of Harvey letter sent 1st February.</td>
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<td>25. Nearby Landowners Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/05356)</td>
<td>We wish to express our strong objection to the proposed piggery Lot 2 Rosamel Road. Our objection is due to the Social, Environmental and neighbouring land owners impact this situation would cause, which includes dust, noise, particularly odour and waste disposal.</td>
<td>Comments noted</td>
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<td>26. Nearby Landowners Cathedral Avenue PARKFIELD WA 6233 (Reg. No. 16/05358)</td>
<td>As residents and landowners, within a distance of 2km of the proposed Piggery, we object to the planned proposal. Once approval is given for an expansion, will it end there or will the operators continue applying for more and more additions to the piggery? As our home is situated approximately 1.8km to the west of the site of the piggery, we fear we could be affected by offensive odour especially during an easterly wind. As well as the odour, we could also be subjected to unwelcome noise from the animals. We are also concerned about the emissions emanating from the proposed piggery and the possibility of disease spreading into the local area. Unfortunately the value of our home and land will undoubtedly be reduced because of the proximity of the property to the piggery. We expect that the Danish owners will be the only real winners from the expansion of the piggery.</td>
<td>Staff note the concerns raised by the submitter in regard to the separation distance to existing residents. Staff note concerns regarding the incremental increase in the number of pigs however if approved pig numbers and the mitigation of off-site impacts will be controlled by a works approval issued by the DER.</td>
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<td>27. Nearby Landowner Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/05363)</td>
<td>I am writing in response to the correspondence received regarding the application for planning consent – Proposed Piggery – Lot 2 (No.96) Rosamel Road, Parkfield (File Ref. A004734). I strongly oppose such a proposal. We have discussed this subject before of course and my view has not changed. I feel this is not a suitable site for a piggery, especially of such size, I have it on good authority from local residents that a previous much smaller piggery cause problems with flies and insects, unpleasant atmosphere; and from information from a previous council meeting there will be a degree of noise from machinery used. I'm not convinced that modern pig farming can be free from very unpleasant smells it produces-and having experience such-it is putrid. We have chosen this area to live for the pleasant surroundings and we don't want that spoilt.</td>
<td>Should approval be granted it is anticipated by staff that any works approval issued by the DER are to adequately address this issue.</td>
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| Of course, value of property must not be ignored in today’s world of financial uncertainties.  
I’m sure residential development will be spreading much further north of Bunbury and that will also be affected by this proposal.  
I have it on good authority that your eastern and northern location details are also inaccurate.  
Please keep us informed of further developments of this proposal. |                                                                                                                                                                                                                                                                                                                                                                                                       |
| 28. Nearby Landowner  
Lofthouse Drive  
LESCENAUT  
WA 6233  
(Reg. No. 16/05365) | I am writing in response to the correspondence received regarding the application for planning consent –Proposed Piggery - Lot 2(No.96) Rosamel Road, Parkfield (file ref. A004734).  
I strongly oppose such a proposal. We have discussed this subject before of course and my view has not changed.  
I feel this is not a suitable site for a piggery, especially of such size, I have it on good authority from local residents that a previous much smaller piggery cause problems with flies and insects, unpleasant atmosphere; and from information from a previous council meeting there will be a degree of noise from machinery used.  
I’m not convinced that modern pig farming can be free from very unpleasant smells it produces-and having experience such-it is putrid.  
We have chosen this area to live for the pleasant surroundings and we don’t want that spoilt.  
Of course, value of property must not be ignored in today’s world of financial uncertainties.  
I’m sure residential development will be spreading much further north of Bunbury and that will also be affected by this proposal.  
I have it on good authority that your eastern and northern location details are also inaccurate. | Should approval be granted it is anticipated by staff that any works approval issued by the DER are to adequately address this issue. |
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| **29. Nearby Landowner**  
Fletcher Court  
LESCHENAULT WA 6233  
(Reg. No. 16/05375) | Please find this email as my objection to the planned changes to the piggery planning for the Kemerton region/Rosamel Rd  
I have no faith in the statement made by the proposers that they are able to reduce odours eliminated from the site. This is only one of the problems associated with the idea. Others include additional traffic, environmental risks, increased fly population  
The fact is that the population already living in the area affected by such odours does not want this ruining our somewhat perfect lifestyle.  
We do not want a Piggery functioning in the area as past efforts have proved to be invasive. | Staff note the concerns raised by the applicant specifically in regard to the impact that odours have on the amenity and use of peoples properties. |
| **30. DBNGP (WA) Nominees Pty Ltd**  
PO Box Z5267  
PERTH WA 6831  
(Reg. No. 16/05399) | Thank you for your letter of 1 February 2016 seeking comment on the above proposal.  
DBP as owners and operators of the Dampier to Bunbury Natural Gas Pipeline has no objection to the above proposal. | Comment noted |
| **31. Nearby Landowner**  
Tributary Place  
LESCHENAULT WA 6233  
(Reg. No. 16/05416) | I wish to object to the proposed piggery in the strongest possible terms. The application has, as I understand it, been refused by Harvey Shire Council and the company is appealing this decision by making some amendments. I presume Harvey Shire Council had good reason to refuse the application in the first place and I was very pleased with this decision. It may seem to a cynic that the first application was made for a number of pigs that would be far more than was actually wanted so that the second application for far less pigs would seem very reasonable. The new application is still for nearly 40% more pigs than the original piggery, so it is not reasonable. I would suggest that the Westgarth development went ahead at a time when there was no piggery in operation and therefore it is very unlikely the new Westgarth residents would have any knowledge about the original planning permission. | Staff note the concerns raised by the applicant with regard to the impact such proposal may have on the amenity of the area.  
Particularly staff note that the applicant is pleased with Council’s previous decision to refuse the proposal and urges them to do so again, however it must be noted that Council are simply a referral agency for this application as it will be determined by the Southwest Joint Development |
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<td>It seems to me that if GD Pork Holdings are prepared to go to the lengths they now propose in order to have a piggery, it would make more business sense for the company to purchase a new more suitable site far away from residential properties, rather than upgrading and increasing an unsuitable site. It would also be preferable to have a site for such a large number of pigs further away from the estuary, which may become vulnerable. It is very easy for big companies to press their demands in the courts and ride roughshod over Council decisions. The council is working on behalf of the rate payers and looking after the best interests of the residents and land management. As a resident I do not think it is in the best interests of the residents to have this proposed large piggery so close to residential properties. It is an unknown factor just how big the impact of such a piggery will be on the residents and the extent to which the odours etc. will spread as this will vary greatly depending on wind direction and strength. The company applying for planning consent will have the opportunity to make profits with no inconvenience to themselves, they will not be living in the area and suffering any consequence from what they do. As with all things, it can be made to seem very reasonable to agree to a proposal, any concerns can be smoothed over with reassurances and suggested ways difficulties can be overcome. Unfortunately, once in place it is very difficult to get a company to own the problems it causes and virtually impossible to get anything done about problems retrospectively. As a resident I do not want this piggery to have planning permission as it is far too close to residential areas, it will cause problems for residents and could also easily negatively affect house values.</td>
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<td>32. Nearby Landowner McKenna Mews LESCHENAUTL WA 6233 (Reg. No. 16/05454)</td>
<td>As a resident of the locality of Leschenault, I object to the proposed intensive piggery on the following grounds: Odour The proponent's odour modelling allocates the Special Residneital/Urban zoned land as being Rural Residential for the purpose of the odour modelling. The Special Residential zoned land is classified as a ‘residential’ land use under the DPS 1 and is Urban under the GBRS. It should be classified as a ‘town’ for the purposes of the odour modelling. Therefore, the S2R factor should be 25 and not 15 as used by the proponent.</td>
<td>Staff support the comments of objection raised by the submitter however note that this position is not shared by the DER which has already granted a draft Works Approval to the previous application.</td>
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The proponent also uses a S2S factor of 0.85 (level wooded country) whereas in reality, a factor of 0.93 (undulating hills) would give a more accurate description.

The product \( S_2 = (S_{2R} \times S_{2S}) \) increases from 12.75 to 23.75. This will result in the separation distance almost doubling.

If the WA Department of Environment Regulation Separation Distances Division 3, Part V, Environmental Protection Act (draft) is applied to the proposed intensive piggery in order to determine the odour (\( S \) factor), the emission distance must refer only to Level 1 and not Level 1.5, as the proponent has done. This invalidates the proponent’s claim in relation to adequate separation distance.

If the EPA’s guidance for the assessment of environmental factors – separation distances between industrial and sensitive land uses No. 3 June 2005 applies, then intensive piggeries (5000 pigs or more), the recommended buffer distance is 5000m.

The latter case should apply as it is the current advice from the EPA. There has been no cumulative modelling to take into account the nearby abattoir (which does not comply with current laws and the waste water treatment plant, let along proposed impacts from the Kemerton Industrial Park.

**Noise**

The proponent relies on the WA Department Environmental Legislation separation distances of Division 3, Part V, Environmental Protection Act (draft) to give a noise separation of 1000 metres.

The proponent has not presented results of any modelling, but is relying on a draft which has not been enacted into law.

**Environmental**

The proponent has not carried out any work to identify the impact that potential leakages from the waste treatment facility and solid waste storage will have on the Superficial Aquifer and adjacent wetlands. This is particularly important as the site is located on the Spearwood sands, which are highly permeable.
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<td>The proponent’s proposal should be rejected as it fails to comply with current EPA requirements.</td>
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33. Nearby Landowner  
Jib Rise  
LESCHENAULT WA 6233  
(Reg. No. 16/05406)  
I’m writing to you in regards to your letter that I received dated 1st February 2016, in regards to the above application.  
My concern is that this proposed site is only a short distance from the Leschenault area and that the smell could be carried in the wind and could be unpleasant to the residents of Leschenault and also in turn could lower the value of homes in this area.  
Also, I don’t support how these animals are housed and intensive pig farming.  
Staff note the concerns raised by the submitter in regard to separation distances and potential impact on residential property values however confirm that assessment is to be based on planning grounds only.

34. Nearby Landowner  
Lofthouse Drive  
LESCHENAULT WA 6233  
(Reg. No. 16/05382)  
This proposed piggery has been ongoing for a long time, but it seems you do not listen to the people that live close to its location.  
We the people all live along 1.2km, which is very close to a proposed piggery, and its just not acceptable.  
You have had letters saving why we don’t want to the piggery, but you do not think we as rate payers matter.  
You should take a leaf out of your own logo which says ‘a breath of fresh air’. So it’s about time local government take notice of its people that live in their Shire.  
Staff note the comments raised by the objector however seek to clarify that Council refused the previous application to expand the piggery on this site.
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<td>Submitters comment are noted however the site is zoned for “extension to piggery”, and the applicant's consultants are professionally obligated to ensure their supporting documentation is compliant with relevant legislation. Notwithstanding the general items raised by the submitter are noted however this position is not shared by the DER which has already granted a draft Works Approval to the previous application, to be assessed and determined by the DER not Council.</td>
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<td>The proponent has ignored the current EPA document choosing to use the S-Factor calculation adopted in the DER draft document and described in the National Environmental Guidelines for Piggeries – Second Edition (Revised) (Australian Pork Limited, 2010). As the DER document is in draft form the use of this method which results in a reduced separation distance to sensitive receptors over the current EPA Guidelines is questionable. To further invalidate this approach the proponent attempts to justify an even greater reduction in separation distance to sensitive receptors by introducing a ‘Wind Frequency Factor’, (S4) and so using the Level 1.5 assessment in contradiction to the specification of the draft DER document. Notwithstanding the departure from currently accepted practice, we dispute the proponent’s application of the S-Factor method in determining the appropriate separation distance to sensitive receptors. There is an apparent manipulation of the calculation criteria to achieve a reduction in separation distance to sensitive receptors.</td>
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<td>The use of the S-Factor calculation to determine the acceptable separation distance to sensitive receptors is open to the users interpretation of simplified calculation criteria. In this case the proponent fails to recognise the difference between the term “Rural Residential” and the term “Special Residential”. Western Australian Planning Commission policy 2.5 states:</td>
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<td>The purpose of Special Residential zones is to allow for lots of a size which will offer a style of spacious living at densities lower than those characteristic of traditional single residential developments but higher than those found in Special Rural zones.</td>
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<td>While Special Residential zones represent an intermediate zoning between residential and rural living, the Commission considers that they are essentially residential. Such zones should be adjacent to existing or planning residential areas and have good access to schools, community facilities and other urban services.</td>
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<td>Therefore the values selected by the proponent from the calculation criteria for S2_R is incorrect.</td>
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Additionally the proponent’s document indicates the selection of “Level Wooded Country” to describe the landform between the proposal site and the nearest sensitive receptor identified incorrectly under $S_{2R}$ as “Rural Residential”. Any topographical mapping resource, for example Landgate’s WA Atlas contour mapping or even Google Earth, clearly demonstrate the landform is undulating between the proposal site and the nearest sensitive receptor identified incorrectly under $S_{2R}$ as “Rural Residential”. Therefore the value of $S_{2S}$ should be 0.93 to reflect this and not 0.85 selected by the proponent. Similarly, contour mapping shows an elevation of 16 metres AHD at the centre of the proposal site while the nearest sensitive residential receptor is at 5m AHD and should therefore be considered as down slope with regard to the proposal site. Accordingly $S_{3}$ should be assigned the “Terrain Weighting Factor” value of 1.5 for sloping terrain and not the value of 1 used by the proponent. Recalculating with the appropriate value for $S_{2S}$ and $S_{3}$ results in a separation distance to nearest sensitive receptor identified incorrectly under $S_{2R}$ as “Rural Residential” of 1816.23 metres which is significantly greater than the actual distance to the nearest sensitive residential receptor. Replacing the incorrect numerical value of 15 for $S_{2R}$ with the correct value of 25 would result in a separation distance of 3027.05 metres which is almost three times the separation distance to the nearest sensitive residential receptor.

In support of this claim the assignment of “Rural Residential” to $S_{2R}$ is put in question by the Western Australian Planning Commission report (20/08/2014) – Statutory Items for Decision – Item 10.1 Greater Bunbury Region Scheme – Development application for an intensive piggery and single residence at Lot 2 Rosamel Road, Parkfield, states on page 13:

The odour modelling allocates the Special Residential/Urban zoned land as being Rural Residential for the purpose of the odour modelling. The Special Residential zoned land is classified as a “residential” land use under DPS1 and is Urban under the GBRS, it should be classified as a “Town” for the purposes of the odour modelling. At a minimum the Gazetted Australind Town Site boundary, approximately 1.6km from the property piggery, should be used as the “town” for the purpose of the odour modelling. If a region planning scheme is inconsistent with a local planning scheme, the region planning scheme prevails over the local planning scheme to the extent of the inconsistency.
Further, advanced air quality modelling undertaken for the development of the Kemerton Industrial Park Strategy Plan, shows dramatically different air quality dispersion profiles to those presented by the proponent. These demonstrate residences in the Leschenault area will be impacted under certain conditions from the greater distance of the industrial core. Under condition of temperature inversion which are known to occur in this area, residents in the Leschenault and Australind areas will be impacted regardless.

Social and Environmental Acceptability

The guidance document, National Environmental Guidelines for Piggeries – Second Edition (Revised) (Australian Pork Limited, 2010) defines site selection criteria to define the suitability of a site for the purpose of intensive pig farming. It does not appear that the proponent has sufficiently researched the suitability of this site for the intended purpose prior to purchase. The site is situated on the Spearwood Sands unit and these sands are highly permeable with low nutrient retention capacity. The superficial aquifer is mapped as occurring at 2m BGL in this vicinity (Aquaterra 2002), and this is made evident by the occurrence of wetlands in close proximity to the site.

The National Environmental Guidelines for Piggeries document advises – Sites with light soils and shallow groundwater pose a high risk for groundwater contamination. These sites should be avoided, as this may significantly increase the standard of design and management for effluent treatment systems and by-products management and reuses, as well as possibly increasing groundwater monitoring requirements.

The proponent does not appear to have addressed or even considered a number of issues at the design or operation stage of the proposal related to preventing pollution that results in environmental harm. For example leakage detection from waste collection and treatment infrastructure whether through mechanical failure or overflow has not been discussed. A remediation strategy should this occur has not been presented. The proponent does not discuss any process to prevent the offsite transport of airborne contaminates (especially nutrient export to nearby wetland surface water) from interim storage and loading of dried waste products which are reported to be in excess of 13000 tonnes/year. Airborne contaminants that accumulate on vegetation and surface foils are ultimately transported to the superficial aquifer by rainwater infiltration. In the setting of the Spearwood Sands unit with wetlands in close proximity there is a high potential for adverse impacts and it should be noted that these wetlands already show signs of extreme eutrophication. Ultimately any contaminants will eventually impact the
Leschenault Estuary as the terminal down stream receptor of groundwater and to this effect the piggery site is mentioned in the Leschenault Estuary Water Quality Improvement Plan (DoW 2011). In addition private bores used to source potable water within the residential area are also sited down stream and would potentially be impacted.

Other Point Sources

An abattoir and a sewage treatment plan are sited in close proximity to the proponent’s property and these represent additional pollution point sources. It would be difficult for regulators to determine which operation was responsible for a pollution event given their close proximity. These industries share a common threat to groundwater and historically have blamed each other after polluting events have been detected. The unchecked expansion of the residential area in Australind and Leschenault has resulted in an insufficient separation distance to sensitive receptors for the abattoir. As planning authorities have allowed the expansion of the residential area the preference should be for the relocation of these industries when opportunity arises to meet the community expectation of duty of care.

Fire

Recent experiences with bush fire in Yarloop have demonstrated how properties located adjacent to vegetated areas are highly vulnerable. A fire risk assessment and survival plan would be expected as a minimum.

Conclusion

Despite the proponent’s attempt to tailor the proposal to satisfy the impediments imposed by the site location this proposal cannot be implemented with any level of confidence that it will not result in an adverse outcome. The proponent should recognise that acceptance of this land use in 1986 does not carry any warrante of acceptability into the future, especially in the setting of extensive residential expansion in an adjacent locality. The regulatory authorities should recognise that the proposal does not meet guidelines which are developed to protect both the proponent and the local community. On this basis any expansion of the piggery should be rejected and the Western Australian Planning Commission should work with the proponent to acquire the property and find a more suitable location for the proposal.
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<td>Despite the proponent’s attempt to tailor the proposal to satisfy the impediments imposed by the site location this proposal cannot be implemented with any level of confidence that it will not result in an adverse outcome. The proponent should recognise that acceptance of this land use in 1986 does not carry any warrantee of acceptability into the future, especially in the setting of extensive residential expansion in an adjacent locality. The regulatory authorities should recognise that the proposal does not meet guidelines which are developed to protect both the proponent and the local community. On this basis any expansion of the piggery should be rejected and the Western Australian Planning Commission should work with the proponent to acquire the property and find a more suitable location for the proposal.</td>
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<td>37. LandCorp&lt;br&gt;Locked Bag 5&lt;br&gt;PERTH WA 6849 (Reg. No. 16/05609)</td>
<td>I am writing in response to the Shire of Harvey’s letter dated 2 February 2016, providing LandCorp with an opportunity to comment on the proposed piggery application at the above mentioned address. It is noted from the previous submission that the applicant has remove the permanent caretakers dwelling, reduced the number of Standard Pig Units and replaced the treatment ponds with a Waste Treatment Plant. It is acknowledged this will have less of an impact than the previous proposal. It should be noted that under the current Local Scheme Amendment for the Kemerton Strategic Industrial Area, new Piggeries will not be permissible within the Kemerton Buffer. LandCorp notes its previous submission on the planning application, whereby LandCorp agreed to withdraw its objection subject to the following: 1. no caretakers, residential premises or other occupational dwellings permitted; 2. the applicant demonstrating to a standard acceptable to the relevant agencies that the air, noise and risk impacts from the Application will not exceed the boundaries of the Kemerton buffer; and 3. the applicant and the Shire of Harvey agreeing to sign and lodge on the application Certificate of Title(s) a Transfer of Land Act 1893 Section 70A Notification in a form agreed by LandCorp noting that the land is located in the buffer of the Kemerton Strategic Industrial Area and may be impacted by heaving industrial air, noise and risk activities emanating from the Kemerton industrial core. In respect to the above, it appears that point 1 has been addressed in the revised application. Notwithstanding, should the application be approved, LandCorp recommends that points 2 and 3 be imposed as conditions.</td>
<td>Comments noted and if approved the request to conditions of approval can be imposed.</td>
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I would like to object to the proposed piggery at Lot 2 (No. 96) Rosamel Road, Parkfield. As I understand the current licence is for 1,150 Standard Pig Units (SPUs). If this proposal to increase the SPUs to 11,800 this would contravene the separation distance to the nearest townsite special residential homes being in Westgarth Estate.

According to a letter dated 18th April 2005 [from the Shire of Harvey] the townsite boundary was amended to take in the subdivision of Westgarth as of 1st July 2005. Therefore the piggery does not meet the separation distances of a townsite and a works approval or licence should not be issued. Please check separation distances e.g. page 17 particulars required with application (GD Pork).

Also I believe a buffer zone should always be a buffer zone not encroached on, as it is designed to give protection against insects, odours and general pollution.

My comments and questions on the above are as follows:

1) The proposed operation is out of character with the increase in residential density in the area;
2) The construction of 14,460m2 (almost 200% increase on existing) of new shed facilities suggests that the operation is destined for more than currently being applied for;
3) If the new shed facilities are being built to eventually accommodate 28,000 SPUs, is the proposed WTP also being built to accommodate the maximum capacity?
4) Where/how were tests carried out to ascertain that the odour/noise emissions from the proposed piggery will be contained within the buffer zone?
5) Does approval for this proposal automatically give approval to then increase the SPU capacity to 28,000 with no further approval(s) required?

My property is less than 2km from the proposed site and my greatest concern is that the proposed piggery will adversely impact upon the value (sale potential) of my property. Notwithstanding the assurances by GD Pork Holdings Pty Ltd in their report; it does appear that it paves the way for future increases over which residents will have no recourse. Considering the prevailing summer winds are NE/E, I sincerely doubt the facility will be odour free. From our bedrooms facing the east I can already hear trucks from what I assume is Goodchilds in the mornings.
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<td><strong>We travelled out to the facility on Saturday. It appears that it's not functioning, and the proposal put forward would virtually mean levelling buildings and beginning again. If this is the case, the operation should be moved to an appropriate site.</strong></td>
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<td><strong>I grew up in Iowa, moving here in 1985. Iowa is a rural State breeding and growing out beef and hogs, cropping field corn and soybeans. I have firsthand experience with the intensive style of piggeries. They are sited as close as possible to the working area of the farm but away from prevailing winds. When visiting the site, we saw that there was not a residence.</strong></td>
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<td><strong>The Leschenault development has some of the most expensive housing real estate in the Shire of Harvey. We purchased our property in October, had we known this proposal was being considered we would have bought elsewhere.</strong></td>
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<td><strong>I trust the Shire will consider the interest of the current residents who purchased their properties in all good faith. My husband was killed in the motorcycle accident east of Collie on his way to work Tuesday evening. The property is an investment for our/my senior years, please don’t make it unsaleable by enabling this piggery to be a viable entity.</strong></td>
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<td><strong>40. Nearby Landowner Australind Road LESCHENAULT WA 6233 (Reg. No. 16/05602)</strong></td>
<td>In response to the application for planning consent lodged by GD Pork Holdings for the proposed development of a piggery at Lot 2 Rosamel Road, Parkfield, I would like to lodge my objection. As a nearby resident I am extremely concerned about the type of the proposed development and its effect on those who live in the surrounding area. I have listed below some issues of concern:</td>
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<td>2. Environmental Issues – underground water, which is the primary source of supply for Leschenault Parklands, and the health of the Leschenault Estuary. The influences to native animals and their habitat.</td>
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<td>3. Contaminants – present in livestock wastes – nutrients, pathogens, veterinary pharmaceuticals and naturally excreted hormones have the opportunity to pollute the environment.</td>
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<td>4. Diseases – parasites, airborne or transferred diseases and viruses, pig to human/rat/fox.</td>
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<td>5. Increase Truck Movements – onto the already extremely busy highway.</td>
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<td>6. Odour – regular easterlies, especially in the summer months, pungent odours</td>
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<td><strong>Staff support the comments of objection raised by the submitter however note that this position is not shared by the DER which has already granted a draft Works Approval to the previous application.</strong></td>
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| **can travel several kilometres, not just 1,000m of the buffer zone. A 90% reduction to the smell of pig manure, how pungent is the remaining 10%?**  
7. **Noise** – thousands of pigs being moved, fed, mating and giving birth. Again a 1,000m buffer zone, the noise from Kemerton Refinery is already disturbing residents.  
8. **Proximity** – to homes and estuary. 1,200m is a very short distance to homes when you consider the rural environment in which we live.  
9. **Property values** – resale value of properties would be significantly reduced. Highway, Refinery and yes a large scale piggery nearby, makes our property very undesirable. | The Leschenault Parklands and Westgarth subdivisions have been developed as lifestyle properties with restrictive covenants designed to maintain the amenity of the area and all may be significantly affected by this proposed development. I doubt if these developments would have been so successful if land owners knew of the possibility of a noxious development so close to them given that, the existing piggery has not been actively operating for several years and event then was on a significantly smaller scale.  
Please note the paper used to notify us of this proposal has a logo ‘A breath of fresh air’ and hopefully we will still be able to say that in the future.  
I do hope my concerns are noted. |
| **I strongly object to increasing the size and capacity of the old piggery based it seems on the self-assessed calculations of the applicant that the odour will not extend beyond 1000 yds. This is in breach of EPA Guidance Statement No. 3 which recommends a buffer distance of 5 kilometres.**  
My property is in the area of Leschenault which is well under the suggested 5kms from the existing piggery and we are in the path of the easterly winds which will bring the odour of the piggery straight to use and impact on our quality of life and severely impact the value of the property.  
Our next door neighbours remember the impact of the odour from when it was operating previously and a lot of trust seems to be given to the applicants that this will be rectified but at the risk of the nearby residents if this is not the case. | Comments of concern in regard to separation distances and odour are noted. |
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<td>42. Nearby Landowner</td>
<td>I am very disappointed to hear that proposed Piggery at Lot 2 Rosamel Road is back on the agenda again for consideration.</td>
<td>The proposal represents a new application and is required to be assessed and determined by Council in accord with Scheme provisions.</td>
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<td>Lofthouse Drive</td>
<td>A visit to the site has confirmed to me that no pigs are on the site at the moment in time, although some work on recovering sheds appears to be taking place.</td>
<td>Comments reconfirming previous objections are noted.</td>
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<td>LESCHENAULT WA 6233</td>
<td>Once again I would like to object to this Piggery being allowed to start for the following reasons.</td>
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<td>(Reg. No. 16/05377)</td>
<td>1. I believe the smell will definitely be too big an issue to resolve for nearby housing, even with the change of plans for the treatment of their waste.</td>
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<td>2. Flies will be a massive issue. Flies are minimal issue at the moment, but will increase rapidly once the Piggery is restarted. There is also a great risk of vermin number to increase largely also.</td>
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<td>3. I believe the Piggery is far too close to housing in Leschenault. It has been noted that the Department of Environment Regulation says that 1,000 metres buffer zone is sufficient for piggeries. I would strongly disagree with this.</td>
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<td>4. The amount of water to be used, some 34000 KL/annum is also of concern. Have noted quite a change in the way this is to be used. I'm also sceptical about the amount of water that can be reclaimed then reused. So have concerns about the amount of water to be used, even with the new system in place.</td>
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<td>5. I would be concerned also about the number of truck movements, while not as significant an issue as the other points is still an issue of some concern.</td>
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<td>6. My other concern though minor is the building of the sheds without having to remove any trees. Removing an odd tree is not an issue, but removing strands of trees would be something I would not be happy about.</td>
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<td>7. If the Piggery is permitted to go ahead, what guarantees have we that no increases will be granted in the future. Future expansion of this facility would be a major concern. It is my opinion this Piggery should not go ahead on the proposed site @ Lot 2 Rosamel Road for the above reasons.</td>
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<td>43. Nearby Landowner Australind Road LESCHENNAULT WA 6233 (Reg. No. 16/05232)</td>
<td>I am enclosing a copy of my last letter and to add that my “No” vote has not changed etc. This is a rural residential area that is growing by the week. This is not the place for this kind of industry or any industry that is detrimental to our health physically and mentally. Previous submission: I wish to give our “no” vote to the proposed piggery – Lot 2 (No. 96) Rosamel Road, Parkfield. We don’t want it that close having lived in Bellevue and Greenmount in the 60s and 70s. I know that the smell can travel many kilometres. This piggery will be less than 3km from our home which is too close and having smelt the other piggery that was in that area I don’t want to smell another one. We also believe it will devalue our property by quite a lot. We have lived here for over 20 years and enjoy the area and its qualities.</td>
<td>Further submission of objection noted.</td>
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<td>44. Nearby Landowners Lofthouse Drive LESCHENNAULT WA 6233 (Reg. No. 16/05897)</td>
<td>At the present we receive an offensive odour from the existing piggery when the winds blow from the north east. I have read the application by GD Pork Holdings for the Piggery on Lot 2 Rosamel Road, Parkfield. I conclude that with the installation of new waste treatment technologies the odour problem will be greatly reduced from shed waste product. However nowhere in the report is any mention made as to the potential increase in the fly population or the control of odours from the ventilation system exhausting into the atmosphere from the production or breeder sheds. My concerns:  * Increased fly numbers from straw and manures in the breeding sheds due to increased SPU numbers and any delays in cleaning out the pens.  * Increased volumes of offensive odours from the production and breeder sheds when the wind is blowing from the NE direction. While the drawings for odour are based on various weather conditions, not have been presented for a north east wind, which will blow the odours directly over a premier housing estate.  * No air scrubbing systems proposed for waste ventilation air.</td>
<td>Acknowledgement of the new effluent management system and development is general is noted. Concerns raised in regard to increase in fly numbers and odour are also noted and Staff anticipate that management provisions within a DER Works Approval, if issued will address such concerns.</td>
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| 45. Department of State Development Level 6, 1 Adelaide Terrace EAST PERTH WA 6004 (Reg. No. 16/06057) | I refer to your letter dated 2 February 2016 inviting the Department to comment on the above proposal. The Department notes that the above proposal is a modified version of the original application by GD Pork Holdings Pty Ltd (the applicant) submitted to the Shire in 2014.  
   
   In particular the Department notes the reduced Standard Pig Unit (SPU) capacity of this proposal to 11,800 SPUs as opposed to the original 28,000 SPUs, the change of use of the Piggery to a breeder facility as opposed to a grow-out facility and the new waste treatment plant resulting in a reduced overall footprint of the proposal.  
   
   This Department reiterates its comments provided to the Shire on 14 May 2014 regarding the original application proposed by the applicant, that the proposed expansion of the existing piggery is incompatible with the objectives of the Kemerton Strategic Industrial Area (SIA) Buffer.  
   
   The Department is currently progressing through the Shire, Amendment No. 114 to the Shire of Harvey District Planning Scheme No. 1 (DPS 1) and the Kemerton SIA Structure Plan. While the proposal is inconsistent with the intent of the ‘Kemerton Industry Buffer’, under the planning framework proposed by Amendment No. 114 and the Structure Plan, the Department acknowledges that Schedule 8 of DPS 1 permits ‘Extension to Piggery as a Restricted Use at Lot 2 (No. 96) Rosamel Road, Parkfield. | Comment noted.  
Staff advise that notwithstanding Amendment 114, the land remains zoned as “Restricted Use - extension to piggery” and thus the proposal can be considered. |
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| 46. Department of Health<br>PO Box 8172<br>PERTH BUSINESS CENTRE WA 6849<br>(Reg. No. 16/06069) | Thank you for your letter dated 1 February 2016 requesting comment from the Department of Health (DOH) on the above proposal. The DOH provides the following comment:  

1. **On-site Wastewater Disposal**  
The proponents should be advised that approval is required for any on-site wastewater treatment process. In particular the documents need to be amended to reflect this regulatory requirement and reference DOH publications as appropriate.  
The necessary requirements may be referenced and downloaded from:  
2. **Health Act Requirements**  
The development is to comply with the provisions of the Health Act 1911, in particular Part VII Division 2 Offensive Trades and related regulations, local laws and guidelines.  
3. **Public Health Impacts**  
DOH has no concerns providing:  
a) The piggery operates in accordance with the works approval and licence of the Department of Environment Regulation (DER).  
b) All waste material that is to be composted shall be in accordance with | Comments noted. |
Department of Agriculture and Food WA and DER requirements (as applicable). The method of composting will need to be in accordance with Australian Standard 4454-2012. This is to include the method of composting mortalities.

c) The proposal has a potential to use pesticides to manage pests. Pests include insects, weeds, weed pathogens, vectors, vermin and where appropriate feral animals. A Pest Management Plan should be adopted to ensure that pests are controlled and the use of pesticides are minimised, with minimal risk to public health.

Any treatment and application of pesticides must be applied in accordance with the Health (Pesticides) Regulations 2011.

47. Department of Fire and Emergency Services

Thank you for seeking advice from the Department of Fire and Emergency Services (DFES) on the above proposal. As the proposal is located in an area of bushfire risk, it is necessary to understand the extent of the bushfire hazard and its potential to affect people, property and infrastructure. As such it is incumbent on the local government to have regard for WAPC SPP 3.7 and associated ‘Guidelines for Planning in Bushfire Prone Areas December 2015’. To this end, DFES recommends that the relevant assessment documentation is developed as prescribed by SPP 3.7.

Subject to this, DFES has no further comment at this time.

48. Department of Environment Regulation

I refer to the letter dated 1 February 2016 from Mr Simon Hall, Manager of Planning Services, to the Department of Environment Regulation (DER) requesting the Department’s comment on the above proposal. The intensive piggery at Lot 2 (No. 96) Rosamel Road in Parkfield is prescribed as per Category 2 – Intensive piggery under Schedule 1 of the Environmental Protection Regulations 1987. GD Pork Holdings Pty Ltd (GD Pork0 holds a licence (L6876/1989/12) under Part V Division 3 of the Environmental Protection Act 1986 for the operation of the site.

As evidenced by the response from DER, a draft works approval was issued by them for the preview’s proposal for approximately 28,000 SPU’s. Staff note that the DER in the process of assessing the revised proposal, however at the time of writing the report no comment has been provided.
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<td>I understand this referral is for the extension of the piggery from an 8,000 Standard Pig Unit (SPU) to an 11,800 SPU capacity. GD Pork submitted an application to DER on 17 December 2015 for an amendment to licence L6876/1989/12 to change the operation of the piggery to an 11,800 SPU breeder facility. This approach is consistent with DER's Guidance Statement: Licensing and works approval process. I note that an application for works approval was made at the site on 30 April 2014 to expand the existing premises to approximately 28,000 SPU. DER's process allows for the provision of a draft decision to the proponent, who subsequently provided this draft decision in support of its planning assessment. As stated by the applicant, a draft decision on the works approval for expansion of the facility to 28,000 SPU was issued by DER. In accordance with DER's Guidance Statement: Land use planning, a works approval was not granted due to the absence of planning permission. The licence amendment application to extend the piggery to 11,800 SPU is currently being assessed. The assessment will consider the environmental acceptability of emissions and discharges of the proposal against standards and policies. Where necessary, regulatory controls are applied to approvals to ensure the premises can operate in an environmentally acceptable manner and does not cause unacceptable environmental impacts. DER will undertake parallel processing of the licence amendment application, however as previously advised approval may not be granted until such time as planning permission is in place.</td>
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49. Department of Mines and Petroleum Mineral House 100 Plain Street EAST PERTH WA 6004 (Reg. No. 16/07260) | Thank you for your letter dated 1 February 2016 for the planning consent proposal above. The Geological Survey of Western Australia (GSWA), on behalf of the Department of Mines and Petroleum (DMP), has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. GSWA notes that a portion of this proposal area overlies a Strategic Mineral Resource Protection Area for titanium-zircon. A detailed review of the resource shows there is no encroachment to the southernmost end of the deep resource and that the planned developments lie just outside the resource area within the Resource Protection Area. GSWA also notes that this proposed development is not considered to be a sensitive land use so in the future mining could potentially take place nearby. | The submission of no objection is noted. |
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<td>Therefore, considering the proposed land use, and that the resource is still potentially recoverable, in this instance, DMP will not oppose this planning consent application.</td>
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<td>50. Nearby Landowner Lofthouse Drive LESCHENAULT WA 6233 (Reg. No. 16/08017)</td>
<td>My wife and I live in Lofthouse Drive, Leschenault and we strongly object to the proposed planning application for an extension to the piggery at Lot 2 (No. 96) Rosamel Road, Parkfield. Our concerns are the impact on people’s health and the damage to the environment that this will cause. Recent studies in Europe raised concerns to the potential health effect of intensive livestock farming on neighbouring residents. The study found that people living close to these livestock farms had significantly reduced lung function, sore throats, chest tightness and nausea. With regards to the environment where will the water come from for the pigs to drink. Water is the single nutrient required in the greatest quantity. Pigs on average require 3 to 5 gallons per day. Multiply this by 11,800 means that an average 59,000 gallons of water per day will be required. With regards to the effluent produced by these pigs, where will the anaerobic ponds be dug. High loading of nutrients in effluent can reduce drinking water quality. Surface run off can degrade waterways causing algae bloom and loss of biodiversity, ground water bleeding can occur for years. There will also be an impact in the area caused by the increase of heavy vehicles entering and exiting the piggery. Finally, may I bring your attention to the Harvey Shire logo “Harvey a breath of fresh air” but not if you live within proximity of a pig farm.</td>
<td>The submission of objection is noted.</td>
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Summary

GD Pork Holdings Pty Ltd proposes to reopen and expand the scale of the disused piggery at Lot 2 (No. 96) Rosamel Road, Parkfield (refer Attachment 1 – Location Plan). This item was originally presented to Council at its meeting held 15th April 2014, however at the request of the Applicant has been deferred on three separate occasions pending the supply of additional supporting information. Additional information was provided on 8th August 2014, and the Applicant has requested that the item be determined at this meeting.

This report is based on the additional information and issues raised by the Applicant since April 2014, and supersedes the previous Officer’s Report.

Consistent with the most recent correspondence provided to Staff it is understood the proposal will involve the construction of the following new infrastructure (refer Part 3 Description of Proposed Activity (page 12) within Attachment 2 – Environmental Management Plan Rev 3) to accommodate 27,360 animals (which equates to 28,368 “Standard Pig Units” (SPU’s)):

- 2 new waste water treatment ponds;
- 4 nursery sheds;
- 3 finisher sheds;
- 3 future finisher sheds;
- Feed mill;
- Two 100,000L water storage tanks (1 existing); and
- Accommodation Quarters.

(It is also understood that a concrete carcass composting bunker is proposed).

For the reasons stated in this report it is recommended that Council refuse to grant Planning Consent under the Shire of Harvey District Planning Scheme No. 1 and refers its decision to the Western Australian Planning Commission and the Department of Environment Regulation.

No further deferrals are supported by Staff and should approval be contemplated referral to the Environmental Protection Authority prior to further consideration is recommended.

Background

Lot 2 (No. 96) Rosamel Road, Parkfield is located 750m north of Marriott Road and 1.2km east of Old Coast Road, within the buffer to the Kemerton Industrial Park. The site is located approximately 1.6km north east of the gazetted Australind town site boundary, 1.3km north east of the nearest lot zoned Residential and 1.3km east from the nearest lot zoned Special Rural.

The Land is zoned “Kemerton Buffer” and a “Piggery” is an “SA” use under the Shire of Harvey District Planning Scheme No 1 (Scheme), which means it may be considered by Council at its discretion following a public submission period. The Scheme also includes this site within Schedule 8 – “Restricted Uses” which provides for an “Extension to Piggery” (refer Statutory/Policy Environment below for greater detail).
Lot 2 was previously owned by Milne Agrigroup Pty Ltd and was purchased by the Applicant on 19th August 2012. The previous owner operated the Australind Piggery and licenced to accommodate 1,150 animals intensively and, “with the remainder housed in deep straw based housing with no liquid effluent” under Licence L6876/1989/12 issued by the then Department of Environment and Conservation. The licence stipulated conditions relating to wastewater treatment, carcass disposal and solid waste storage. Staff have been advised that the 1,150 animals the subject of this licence were removed from the site in 2009 and that in excess of 1,150 of animals (maybe up to 8,000) have been housed on site in accord with the ‘deep straw based housing method’, however there is no way of determining exact numbers and DER do not licence such an activity.

On 20th June 2003, the Staff under Delegated Authority approved “Alterations to the Piggery” and limited, via a condition of approval the number of pigs permitted to be housed on the site to be in accordance with the DER Licence (refer Attachment 3).

Approval under the Greater Bunbury Region Scheme (GBRS) is required. The GBRS provides delegation to Council to determine applications which are not regionally significant and comply with the responses provided by all government referral agencies. The Western Australian Planning Commission (WAPC) has determined this proposal to be Regionally Significant (refer – Attachment 4) and “called in” the Application. Council therefore has no delegation under the GBRS, but must still determine the Application under its Scheme.

The Application has been referred to the relevant government agencies and advertised for public comment. A high number of objections were received from nearby landowners and limited support has been provided by government agencies (refer Attachment 5 - Submissions).

No submission has been received from the Department of Environment Regulation (DER). Following the close of advertising late submissions were received from the Department of Parks and Wildlife (DPaW), Department of Fire and Emergency Services (DFES) and Main Roads WA (MRWA) (refer Attachment 6). As evidenced by Attachment 6, DFES and MRWA have no objection and DPAW raise concern with regard to the impact on the flora and fauna within the property and wetlands adjoining the site. Staff note that the Site Plan has been modified to ensure retention of an Ecological Linkage within the western portion of the site (refer Clearing/Ecological Linkage below). If approval is contemplated DPAW recommend that the proposal be referred to the Environment Protection Authority (EPA) to determine a level of assessment.

In response to discussions with the Applicant the Department of State Development (DSD) and Landcorp have conditionally withdrawn their previous objections (refer Attachment 7). Both revised submissions maintain the need for the proposal to be assessed and comply with the relevant planning and environmental guidelines and more specifically if approval is contemplated Landcorp require:

1. No caretakers, residential premises or other occupational dwelling permitted;

2. The Applicant demonstrating to a standard acceptable to the relevant agencies that the air, noise and risk impacts from the Application will not exceed the boundaries of the Kemerton buffer; and

3. The Applicant and the Shire of Harvey agreeing to sign and lodge on the Application Certificate of Title (s) a Transfer of Land Act 1893, Section 70A Notification in a form agreed by Landcorp noting that the land is located in the buffer of the Kemerton Strategic Industrial Area and may be impacted by heavy industrial air, noise and risk activities emanating from the Kemerton industrial core.
The Applicant has applied for a Works Approval with the Department of Environment Regulation and an Application for Clearing. The application to clear vegetation will need to be modified to address the revised Site Plan and it is understood that the Works Approval will not be determined until planning consent is granted by the relevant authorities. (This however, has not been confirmed in writing by DER). It is recommended that Council provide comment on both these proposals as part of this report.

At the request of the Applicant consideration by Council was deferred at its meetings held on 15th April 2014, 17th June 2014, and 29th July 2014.

Comment

Advertising

The proposal was advertised for public comment from 21st January 2014, to 4th March 2014, and landowners within a 5,000m radius of Lot 2 were notified of the proposal in writing. 5,000m was considered the appropriate distance within which referral should be undertaken given the generic distances required by the ‘Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses’. The proposal was also sent to relevant government agencies and providers of public utilities. At the close of advertising, 67 submissions were received including 58 submissions of objection and 9 submissions of no objection (refer Attachment 5 - Submissions). Late submissions have been received from the Department of Parks and Wildlife, Department of Fire and Emergency Services and Main Roads WA (refer Attachment 6).

Revised submissions have been received from the Department of State Development (DSD) and Landcorp (refer Attachment 7). No submission has been received from the Department of Environment Regulation.

As summary of the main concerns and staff comments at time of presenting the item to Council at its meeting held 15th April 2014, are contained within Attachment 5. The Table below addresses the major issues raised, however, provides a more relevant response based on the revised application, additional information and subsequent assessment by Staff:

<table>
<thead>
<tr>
<th>Concern</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Odour</td>
<td>The primary odour sources from a piggery are from effluent treatment ponds and pig accommodation sheds. The majority of submissions objecting to the proposal raised concern about the potential for odour nuisance. An odour assessment conducted by the Applicant is being assessed as part of the Work Approval Application submitted to the Department of Environment Regulation. A copy is contained within Attachment 2. No determination of the Work Approval has been made.</td>
</tr>
</tbody>
</table>

Staff have concerns regarding the odour modelling conducted by the Applicant, specifically that it may not be utilising the appropriate legislation (refer Environmental Comment below) and recommends a buffer of only 1524m from the gazetted Australind town site boundary (which is not the nearest residential receptor at 1290m and should be included within the definition of a "Town" in accord with the National Environmental Guidelines for Piggeries (NEG)) as opposed to 5000m.

5000m is the minimum buffer distance from a town site boundary prescribed by the Environmental Guidelines for New and Existing Piggeries 2000 for a piggery with 5000 animals. This application is
<table>
<thead>
<tr>
<th>Concern</th>
<th>Staff Comment</th>
</tr>
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<tbody>
<tr>
<td>Concern for 27,360 animals which is five times the size of a proposal</td>
<td>requiring the minimum buffer distance of 5000m. A reduction to the extent proposed has the potential to adversely impact on the amenity of nearby residents. The suitability of such a reduced buffer has also been raised as being “borderline” by the Applicants own independent consultant (SLR) which undertook a peer review of this Application. (Refer page 6 of Appendix A – SLR Third Party Review of Attachment 2).</td>
</tr>
<tr>
<td></td>
<td>As evidenced by the Applicant’s revised Odour Modelling Figures the proposed buffer cannot be contained within the Kemerton Buffer which is at odds with the revised submission from Landcorp.</td>
</tr>
<tr>
<td>Noise</td>
<td>The potential for noise being generated from the piggery was a concern to a number of nearby residents. To reduce noise, the Applicant proposes that insulation be installed in the sheds.</td>
</tr>
<tr>
<td></td>
<td>Staff are unclear as to whether insulation as proposed will assist and recommend that should approval be contemplated referral to the DER’s Noise Regulation Branch for approval prior to commencement of works is appropriate. The revised Environmental Management Plan provides limited detail (no assessment) in regard to likely noise impacts on nearby residents.</td>
</tr>
<tr>
<td>Piggery does not have a 5000m buffer required by EPA Guidance Statement No. 3.</td>
<td><strong>The Environmental Protection Authority publication ‘Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses’</strong> (EPA Guidelines) and the <strong>Environmental Guidelines for New and Existing Piggeries 2000</strong> recommends a minimum separation distance of 5000m for a piggery of more than 5,000 animals and a sensitive land use such as residential dwellings or a town site. Staff advise that the Application is for 27,360 pigs which is over five times the trigger point for a 5000m buffer and do not consider a reduction in the buffer can be considered (refer Environmental Comment below).</td>
</tr>
<tr>
<td>Increase in Flies &amp; Mosquitoes</td>
<td>Nearby residents were concerned about the potential increase in flies and mosquitoes arising from the piggery. A number of submissions from nearby residents made comment that since the previous piggery had ceased operations, the number of mosquitoes and flies in the local area had reduced.</td>
</tr>
<tr>
<td>Inconsistent with the purpose of the buffer to the Kemerton Industrial area.</td>
<td>Landcorp, as primary landowner at Kemerton and the entity responsible for encouraging investment within the Kemerton Industrial Park, does not support the proposal if it includes a caretakers dwelling and the potential for “air, noise and risk impacts from the Application” extending beyond the Kemerton Buffer. If the above items are not addressed Staff conclude that an approval to the piggery as proposed would be inconsistent with the purpose of the buffer to the Kemerton Industrial area.</td>
</tr>
<tr>
<td>Contamination of groundwater and water quality in the Leschenault Estuary.</td>
<td>The effluent disposal ponds will need to be appropriately constructed to ensure that contamination of groundwater, adjoining wetlands and the Leschenault Estuary does not occur. The Department of Water advises of the need for “Best Practice” to be undertaken from the site as prescribed by the legislative frameworks associated with Piggeries. Staff raise concern of the</td>
</tr>
</tbody>
</table>
**Concern** | **Staff Comment**
--- | ---
Potential for groundwater and wetland contamination based on the scale of the proposal. Concern is specifically raised in that the effluent disposal pond is designed to allow for an overflow in a 1:10 rainfall event. The frequency of potential contamination to adjoining water bodies and groundwater is not considered acceptable. | 
The piggery will impact on property values. | Some nearby landowners were concerned that the piggery may reduce property values, if residential amenity was affected by odour nuisance. Staff acknowledge this concern however, are not qualified to comment on whether approval of the proposed piggery would have an impact on property prices. |

**Planning**

Staff acknowledge that the proposed use has operated within the Kemerton Buffer previously and its continued use could be considered at the discretion of Council. Staff also acknowledge that the planning approvals process provides an opportunity for the use to be stringently conditioned to ensure ongoing best practice is achieved thereby mitigating any on or off-site adverse impacts, both from an amenity and environmental perspective.

However, the proposal represents a significant increase in size from the previous operation, relies on the existence of an on-site caretaker to ensure the necessary biosecurity and as evidenced by the Environmental Management Plan (Attachment 2) must achieve continual adherence to best practices to ensure off-site impacts will be minimised. Two key objectives of the Kemerton Buffer is to ensure "low intensity use" and "No further residential", an approval to the proposal is not consistent with these objectives and approval is therefore not recommended.

A piggery of this scale has the potential to directly impact, in a negative manner, on the amenity of nearby residents, the function of the Kemerton Buffer and the environment. Submissions received during the public advertising period from nearby landowners and referral authorities confirm that protection of; general amenity, the function of the Kemerton Buffer and the environment is of significant concern.

As evidenced above approval would be at odds with the objective associated with the function of the Kemerton Buffer. Additionally a buffer of not less than 5,000m from sensitive land uses is required for this scale of operation. The site is located only 1,600m from the edge of the Australind Townsite Boundary and 1290m from the nearest Residential zoned lot.

For approval to be contemplated, Council must exercise its discretion (as the use is an SA use within the Kemerton Buffer) and is obligated to consider the submissions received. An approval would represent a significant reduction in the buffer width normally required for such a proposal and would not address the concerns raised by those within the community most likely to be affected. For these reasons Staff do not recommend approval to the proposal.

**Environmental**

Staff consider that the principal legislation associated with the environmental consideration of this Application is the Environmental Guidelines for New and Existing Piggeries - Agriculture Western Australia, 2000. This document is specific to Western Australia and importantly south-western rivers and estuaries on the Swan Coastal Plain.

Within this document the site is recognised as being “most vulnerable to environmental damage from piggeries” (refer Attachment 8). The site is also located immediately adjoining ‘Environmentally Sensitive Areas’ (refer Attachment 9).
Given this classification on-site waste disposal must therefore be based on environmental consideration. Soils should preferably be loams, rich in iron and aluminum oxides thereby providing a barrier to leaching nutrients. The soils at this location are described as “plains with low ridges and swales, shallow yellow and brown sands over marine limestone” or “undulating landscape with deep yellow sand”. The guidelines state that sandy soils are generally unsuitable due to nutrient leaching. Given this base information Staff consider the site does not contain appropriate attributes to accommodate the proposed use.

As evidenced above the separation distance from dwellings within Australind remain the biggest issue and the Applicant has elected to utilise the odour Modelling Provisions of the NGEP guidelines to demonstrate that the proposal is acceptable and should proceed. However, the NGEP do not override the separation distances contained within the Environmental Guidelines for New and Existing Piggeries 2000. Specifically, Appendix A, Section A2 of the NGEP clearly states that (emphasis added):

“Each state of Australia has different legislation, codes of practice and guidelines that are relevant to odour impact assessment for piggeries. These guidelines have been developed to conform as much as possible to regulatory requirements around Australia. However, regulatory requirements differ on some issues between states and territories, and regulatory requirements are periodically revised. Consequently these odour guidelines do not conform to all regulatory requirements in every state and territory. Where there are differences, relevant state and territory requirements override the odour guideline criteria and methodology. Relevant acts and documents for each state are listed below”.

In regard to Western Australia the NGEP includes the “Environmental Guidelines for New and Existing Piggeries – Agriculture Western Australia, 2000”. As this document is specific to the locality within which this proposal is to be undertaken, Staff consider it to be the principal environmental guideline.

These guidelines require, as a minimum, a buffer 5,000m to a Townsite for a piggery proposing 5,000 animals or more (refer Attachment 10). The proposal does not comply with this buffer distance and is therefore not consistent with the NGEP and is not recommended for approval.

In the event that the proponent wishes to contest this provision and seek Council support for a separation distance calculated under the NGEP, Staff reaffirm that the Applicants recommended distance of 1524m will not achieve compliance the NGEP as the nearest receptor (residential zoned land) from within the Australind ‘town’ is 1,290m (refer Attachment 11). The Applicant is using the gazetted Australind townsite boundary which is approximately 1,600m from the site and does not address the provisions of the NGEP in regard to where the separation distance should be calculated. The provisions (page 120 of Appendix A of the NGEP) state in part (emphasis added):

“The separation distance is to be measured to the edge of the town, not the centre. When determining the location of the edge of the receptor, land zoning and pending development applications lodged but not yet under construction, should be taken in account. Local councils can provide this information…..”

To this effect the proposal does not comply with the NGEP and is not recommended for approval.

Clearing/Ecological Linkage

The Applicant has lodged clearing permit application CPS 5966/1 with the Department of Environment Regulation, which seeks approval to clear 7.8ha of native vegetation. The clearing application is now no longer relevant given the revised Site Plan to protect the Ecological Linkage (EL) within the eastern portion of the site. Notwithstanding this, should Council resolve
to refuse the proposal, it is recommended that it advises the DER that it also does not support the application for clearing.

Whilst the protection of the EL is required and supported the proposed sheds will be relocated in excess of 120m to the west which is closer to residential dwellings.

**Works Approval**

The Applicant has lodged an application for Works Approval (W5631/2014/1) (refer [Attachment 2](#)) with the Department of Environment Regulation and the item has been referred to Council for comment. It is understood (yet to be confirmed in writing from DER) that the Works Approval will not be issued until planning consent has been issued.

The requirement for the Works Approval to be considered after Planning Consent(s) from all relevant authorities is reinforced by Section 2: Legal Requirements of the *Environmental Guidelines for New and Existing Piggeries – Agriculture Western Australia, 2000* (refer [Attachment 12](#)).

**GBRS Approval**

The Department of Planning has deemed the proposal to be of regional significance, the implication being that Council does not have delegation to issue Planning Approval under the GBRS. Should Council grant Planning Consent, a condition will need to be imposed requiring the Applicant to obtain Planning Approval under the GBRS.

**Referral to the EPA**

As evidenced by the submission from the DPAW should approval be contemplated by Council referral to the EPA is recommended to determine the level of assessment.

**Availability of Suitable Water Supply**

It is noted under the Environmental Guidelines for New and Existing Piggeries - Agriculture Western Australia, 2000, that a secure water supply is required and without such the proposal may not be a viable proposal. As evidenced by [Attachment 2](#) the Applicant has 24,000KL of water, however, requires 80,000KL. A secure water supply has not been demonstrated for this proposal.

**Statutory/Policy Environment**

**Shire of Harvey District Planning Scheme No. 1**

Lot 2 is zoned ‘Kemerton Buffer’ by the Scheme. The Policy Statement pertaining to the zone states:

“The primary purpose of this zone is to serve as a low intensity use area between the Kemerton heavy and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged.”

A Piggery appears in Table 33 of the Scheme as an ‘SA’ land use in the Kemerton Buffer zone. An ‘SA’ land use is defined in Clause 4.2 of the Scheme as a use which Council may permit at its discretion following advertising.

The Scheme also includes this site within Schedule 8 – “Restricted Uses” which provides for an “Extension to Piggery.”
Clause 4.7.4 of the Scheme for “Restricted Uses” states as follows:

“4.7.4 A person shall not use any land, any building or any structure thereon in a Restricted Use Area except for the use or purpose set against such land in Schedule 8.”

Staff acknowledge that Schedule 8 provides for an extension of the piggery and that only a piggery can be considered. However, these provisions need to be read in conjunction with other Scheme provisions, specifically the purpose of the Kemerton Buffer (refer above) and other regional planning framework and balanced against the amenity expectations of the wider community.

The extension proposed is considered at odds with the objective of the Kemerton Buffer Zone and the intent of Amendment 93 to the Scheme should not be supported.

In 2001, Amendment No.93 to the Scheme introduced additional provisions for Kemerton. Specifically Clause 7.3 which states in part:

Kemerton Park Industrial Area and Buffer

(a) ........development and subdivision shall be subject to those provisions as set out in Schedule 5 – Additional Requirements Industrial Zone [Area 2] Kemerton Industry Area and Buffer – Statement of Policy.

Within Schedule 5, SUB-AREA 4: Kemerton Buffer, the Statement of Policy states, in part:

“1. The predominant purpose for land within this area shall be to serve as a low intensity use zone between the industry contained within the Kemerton Park Industry Zone and the surrounding land uses. In accordance with this primary purpose, provision shall be made to protect the native woodlands, parklands and wetlands and to encourage where possible the conservation of flora and fauna, landscape amenity and passive public recreation.

2. Industrial use shall not be permitted, other than rural industry where appropriate;

4. Rural uses may be permitted, provided they are consistent with the primary purpose of the Area and do not constrain industrial development in the Kemerton Park Industry Area or the Ancillary Industry Area.

6. …Further intensification of land uses should not be permitted.

7. Residential development is not permitted. New residential development is contrary to the intent of the zone.”

The Application also proposes a Caretakers dwelling of which is not a Permitted Use within the Kemerton Buffer Zone.

Section 1.6 – Scheme Objectives. The relevant extracts from section 1.6.1 of the Scheme include:

(a)to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community; and
(g) to protect and preserve the more important natural flora and fauna habitats (ecosystem, biodiversity and essential ecological processes), and other environmentally sensitive areas that are prone to degradation on the principle that the extent and manner of use of these areas should be kept within their capabilities of being sustained without degradation in the long term.

Planning and Development Act 2005

Section 124 of the Planning & Development Act 2005 (PD Act) states:

(1) If a region planning scheme is inconsistent with a local planning scheme, the region planning scheme prevails over the local planning scheme to the extent of the inconsistency.

Greater Bunbury Region Scheme

The site is zoned Rural, is within the Special Control Area No. 2 (SCA) – Kemerton Industrial Zone Buffer Area and abuts a Public Purposes – Special Use reservation.

Clause 5 of the GBRS states:

Purpose of the Scheme

(e) provide a mechanism for certain development of regional significance and development in areas of regional significance, to be considered and approved by the Commission; and

(f) identify and protect land having strategic importance for industrial and future urban use.

The Kemerton Industrial Park is of state and regional significance as a planned industrial estate.

Clause 18 of the GBRS states:

Purposes – SCA No. 2

(1) The purposes of SCA No. 2 are –

(a) To identify land likely to be subject to significant levels of noise, odour, dust, risk or any other off-site impacts from the Kemerton Industrial Zone; and

(b) To ensure that the use and development of land in the area is compatible with any existing or proposed future use or development within the Kemerton Industrial Zone

An extension to the piggery to allow for 27,360 animals, is likely to have significant impacts upon the functioning of the buffer, despite the management provisions proposed by the Applicant within Attachment 2. To this effect an approval under the Scheme would result in an inconsistency with the GBRS which cannot be contemplated under Section 127 of the PD Act.

EPA Publication ‘Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses’

An intensive piggery is described as premises on which pigs are fed, watered and housed in indoor pens. Noise and odour are identified as the main potential impacts associated with a piggery. The recommended buffer in metres for a piggery with 5,000 or more pigs is 5000m.

Health Act 1911

A piggery is listed as an Offensive Trade in Schedule 2 of the Health Act 1911. A Certificate of Registration of Premises for Offensive Trade was issued to the Applicant on 12th September 2013.
Environmental Guidelines for New and Existing Piggeries

The guidelines were prepared by the Department of Agriculture and apply to the management of piggeries in Western Australia. The guidelines outline a process for preparation of odour assessments for piggeries. Specifically the site is located within an area as being “most vulnerable to environmental damage from piggeries”, based on criteria including:

- Climate;
- Proximity to environmentally sensitive areas;
- Relationship to residential areas (such as built-up, semi-rural and special rural areas);
- Water supply (suitability and availability);
- Adequate land for necessary waste treatment and disposal;
- Topography;
- Soils; and
- Vegetation.

Based on the site being identified as being “most vulnerable” and the concerns of Staff in regard to odour modelling it is recommended the proposed development be refused.

National Environmental Guidelines for Piggeries

The guidelines outline national environmental standards for piggeries. In regard to determining separation distances in Western Australia the NEGP make specific reference to the EPA Publication ‘Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses’ and Environmental Guidelines for New and Existing Piggeries.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategies 2.3.1, 2.6.2 and 4.3.4 states:

2.3.1 “Continue to implement integrated environmental, social and land use planning which will:

- Minimise land use conflict;
- Protect valuable agricultural land for food production;
- Allow for a diverse range of agricultural, horticultural, viticultural and aquaculture pursuits;
- Provide an awareness of the potential adverse impact of traditional uses on new industries;
- Ensure the use of valuable irrigated land reflects the key principle of sustainable development; and
- Protect significant vegetation, where possible.”

2.6.2 “Ensure government and relevant agencies adequately monitor and inform the community on adverse changes to the local environment resulting from industrial and other development.”

4.3.4 “Monitor and ensure compliance with the regulatory framework for local government business”.

Budget Implications

Nil.
Officer’s Recommendation

That Council:

1. Refuses to grant Planning Consent for a Piggery at Lot 2 (No. 96) Rosamel Road, Parkfield, for the following reasons:

   a. The proposal is inconsistent with purpose of the Kemerton Industrial Park Buffer of which “The primary purpose of this zone is to serve as a low intensity use area between the Kemerton heavy and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged”;

   b. The proposal is inconsistent with Objective 1.6.1 (b) of the Shire of Harvey District Planning Scheme No 1 which states “to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community”;

   c. The proposal is inconsistent with Objective 1.6.1 (g) of the Shire of Harvey District Planning Scheme No 1 which states “to protect and preserve the more important natural flora and fauna habitats (ecosystem, biodiversity and essential ecological processes), and other environmentally sensitive areas that are prone to degradation on the principle that the extent and manner of use of these areas should be kept within their capabilities of being sustained without degradation in the long term”;

   d. The proposal is not compliant with the recommended minimum separation distance of 5000m between a piggery and a sensitive land use, required by the Environmental Guidelines for New and Existing Piggeries – Agriculture Western Australia, 2000; and

   e. The proposal represents an unacceptable environmental risk given its identification as being “most vulnerable to environmental damage from piggeries” within the Environmental Guidelines for New and Existing Piggeries – Agriculture Western Australia, 2000.

2. For those reasons listed above, recommend to the Western Australian Planning Commission that it refuses to grant Planning Approval under the Greater Bunbury Region Scheme;

3. For those reasons listed above, recommend to the Department of Environment Regulation that Council does not support the granting of Works Approval (W5631/2014/1); and

4. For those reasons listed above, recommend to the Department of Environment Regulation Native Vegetation Conservation Branch that Council does not support the granting of Clearing Permit CPS 5966/1.
Mr Torben Soerensen  
GD Pork Pty Ltd  
38 Victoria Circle  
GREENFIELDS WA 6210

Dear Mr Soerensen

ENVIRONMENTAL PROTECTION ACT 1986: WORKS APPROVAL APPLICATION  
W5631/2014/1

The Department of Environment Regulation (DER) has undertaken an assessment of works approval application W5631/2014/1. The application is to expand the existing intensive piggery located at Lot 2, 96 Rosamel Road, Parkfield WA 6233.

Based on the Department's assessment of the application, DER can advise that it intends to grant a works approval, subject to conditions, for the proposed piggery expansion. A revised draft works approval and decision report were provided to you on 21 September 2015.

Please note that, as previously advised, DER will not grant the works approval until planning approval for the proposal is in place.

Should you have any queries please do not hesitate to contact me on 6467 5029.

Yours sincerely

Kelly Faulkner  
EXECUTIVE DIRECTOR, LICENSING AND APPROVALS

23 September 2015

Copies to:  
Chief Executive Officer, Shire of Harvey  
Chair, Western Australian Planning Commission  
Manager – Planning Appeals, Department of Planning
Item 8.1.3
Attachment 3

SAFETY ZONE ENVELOPE LOC 816, 8156
OUTLINED "BLUE"
Item 8.1.4
Attachment 2a

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<thead>
<tr>
<th>Dwg #</th>
<th>Description</th>
<th>Scale</th>
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<tbody>
<tr>
<td>1</td>
<td>Site Plan</td>
<td>1:2000</td>
</tr>
<tr>
<td>2</td>
<td>Plans and Elevations</td>
<td>1:100</td>
</tr>
<tr>
<td>3</td>
<td>Original Carriage Drawing</td>
<td></td>
</tr>
</tbody>
</table>
To:  
Mr Simon Hall  
Manager of Planning Services  
(Through the Chief Executive Officer – Mr Michael Parker)  
Shire of Harvey  
P.O Box 500  
Harvey WA 6220

From:  
Rod Scott  
380 Coalfields Road  
Roelands WA 6226  
(Residential address)

Dear Mr Hall

Re: Planning Consent Application – To locate two WAGR Class VF Covered Vans

This application is to obtain consent from the Shire of Harvey to permanently locate two WAGR Class VF Covered Vans on my property.

The information provided in this letter also details for the Shire the proposed future use of the vans.

**Background Information**
I have purchased two Western Australian Government Railways (WAGR) Class VF Covered Railway Vans.

The vans were purchased by Boyup Brook Shire in 1994 and converted to office standard with access. The vans were disposed by the Boyup Brook Shire in 2005. The information I have is that the vans were going to be dismantled by the purchaser and the strong underframe (steel-wooden floor structure) used as road bridges on a private property. A second purchaser offered to buy the vans when this was known to save them because of their potential heritage value. I am the next purchaser as the current owner knew I also valued their heritage status.

I wish to locate both vans on my property in Roelands. Once located, I will restore them as both vans have suffered a fair degree of deterioration. Once restored, I wish to convert (internally) one of the vans to ancillary accommodation standard.

In my discussion with the Harvey Shire, the various options I could consider for the future use of the vans was provided. These included ‘Short Stay Accommodation’, ‘Grouped Dwelling’ and an ancillary building for a ‘Granny Flat’ purpose. I was also advised that the maximum building area for an ancillary building (not including verandahs) is not to exceed 70 square metres. The existing ‘building’ area of each van is 32 square metres. The floor area of each van is 26.2 square metres.

I thank the Shire for taking the time to provide me with the information.

In the long-term, even though there is potential for the two vans to be utilised as a tourist short stay accommodation to take advantage of the magnificent view, my initial plan is once the restoration work is done, to use one van for an ancillary accommodation (my own usage) and the other for storage.

The highly popular rail van accommodation units at Dunsborough (Dunsborough Rail Vans and Cottages) clearly demonstrate the appropriate standard the vans can be converted to and be suitable for the accommodation of one or two people.
Location of the Vans – Visual Prominence of the Site
The attached site map shows the location of the two vans. I am aware of the Designated Place of Landscape Value. The Shire approved dwelling extensions to my home on 26 April 2012. A Shire Officer visited the residence and was able to confirm that my home cannot be seen from Coalfields Road nor compromise the Landscape Value standard in relation to South-West Highway. There is no visual prominence aspect issue with the location of the vans.

The location of the vans cannot be seen from either roadway.

The van location on the south side of the property is 20 metres away from the southern boundary. The other van is more than 80 metres from Coalfields Road. Both van locations are more than 44 metres from the western boundary.

Building Structure/Construction of each Van
No construction is required. The vans come with the original chassis attached. Therefore, they will be positioned on conventional railway lines bolted to wooden sleepers.

Alteration to the Natural Contour/Earthworks
Minimal earthworks will be required. There is no alteration to the existing contour of the land. Approximately 5 cubic metres of gravel will be added for each location to encompass the wooden railway sleepers.

Removal Trees
The location of each van will not require any trees to be removed.

Timeline
I believe it will take at least 12 months to restore the vans.

Converting one of the vans (internally) to a fully self-contained standard will occur after that time or after the completion of the restoration.

Information Provided
The following information/documentation is provided with this application:

1. Application for Planning Consent form.
2. Site Plan (Drawing) – 2 copies.
3. Site Plan (Aerial photograph) – 2 copies.
4. Certificate of Title – 2 copies.
5. Engineered Drawing design of the WAGR Class VF Covered Van – 2 copies.
6. Photograph of the vans to show their ‘close to’ original appearance – 2 copies.

I am available to come and meet with the Shire to share other information that may be required to support this application.

Yours sincerely

Rod Scott

2 November 2015
View of Coalfields Highway travelling east.
View of Coalfields Highway travelling west.
Subject: RE: Proposed Short Stay Accommodation - Lot 1 Coalfields Highway, Roelands (File: A006341)

Hi Shane

I refer to your email below. 
Main Roads does not support the proposed use of the railway carriages for short stay tourist accommodation. Main Roads has concerns in regard to the access and potential for traffic conflicts which will detract from the safety and function of the highway. The existing access to the property is located adjacent to the uphill and downhill overtaking lanes on the Coalfields Highway which will create significant potential for vehicle conflicts particularly with right turning vehicles stopping in the uphill overtaking lane to access the driveway. Also, vehicles turning right out of the access need to cross two lanes on the highway including the slow moving truck lane and overtaking lane. Sightlines at the existing driveway and on the highway are also restricted by a crest in the highway which partially obscures sightlines for right turning vehicles.

It is recommended that the proposal for short term accommodation be refused.

It is noted that the proponent refers to initially restoring the railway carriages with one for ancillary accommodation and one for storage. Main Roads would have no objection to the ancillary accommodation and storage use. The use for short stay accommodation would, however, attract increased traffic demands which with people not familiar with the existing access location and limitation on sightlines would increase the potential for vehicle conflicts as outlined above.

If you have any queries please phone 9724 5662

Regards Paul Davies

ROAD CORRIDOR PLANNING MANAGER

Subject: Proposed Short Stay Accommodation - Lot 1 Coalfields Highway, Roelands (File: A006341)

Hi Paul

The Shire has received the attached Application for Planning Consent for short stay accommodation at Lot 1 Coalfields Highway, Roelands. The proposal is referred to Main Roads WA given that access is from a Primary
Regional Road under the Greater Bunbury Region Scheme. Any comments that you may wish to make in relation to the proposal should be made in writing and lodged with the Chief Executive Officer by close of business on 25th February 2016.

If you have any queries, please do not hesitate to contact me.

Regards,

Shane Kirk
Senior Planning Officer
Shire of Harvey
Email: skirk@harvey.wa.gov.au
Ph: 9729 0341(Direct)
Fax: 9729 2053

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This email was Virus checked by UTM 9. http://www.sophos.com

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This email was Virus checked by UTM 9. http://www.sophos.com
Shane Kirk

From: Kylie Shaw [mailto:Kylie.Shaw@calibreconsulting.co]
Sent: Thursday, 3 March 2016 1:58 PM
To: Shane Kirk
Cc: stanclifton@westnet.com.au; horace.graham@lands.wa.gov.au
Subject: Morgan Court - Portion of Reserve 41669

Hi Shane,

As you would be aware the owner of Lot 132 Wakefield Crescent is currently in the process of subdividing the property.

The owner is proposing the small portion of Reserve 41669, Lot 5723, Morgan Court that has been separated from the main part of reserve 41669 be amalgamated into Lot 132.

The piece of land proposed to be purchased is only 17m² and has no vegetation or infrastructure on it and would increase the frontage of the proposed subdivided lot (WAPC ref: 147289)

Can you please advise if the Shire has any objection to this?

I understand the owner would need to liaise with the Department of Lands to purchase the land under Section 87 of the Land Administration Act.

I have copied an extract from Landgate below highlighting the small section of Reserve proposing to be purchased.

Please give me a call if you would like to discuss further.

Regards
SUBDIVISION PLAN FOR
LOT 132 WAKEFIELD CRESCENT
AUSTRALIND

Item 8.1.5
Attachment 5