

<b>Technical Report</b>			
<b>Application No:</b>	PA20/400		
<b>Lodgement Date:</b>	20/05/2020	<b>DAU Date:</b>	
<b>Address:</b>	766 KING ROAD OLDBURY 6121		
<b>Proposal:</b>	TEMPORARY PROCESSING - HARDSTAND		
<b>Land Use:</b>		<b>Permissibility:</b>	
<b>Owner:</b>	KINGROAD HOLDING PTY LTD		
<b>Applicant:</b>	ROWE GROUP		
<b>Zoning:</b>	Rural	<b>Density Code:</b>	N/A
<b>Delegation Type:</b>		<b>Officer:</b>	ASHWIN NAIR
<b>Site Inspection:</b>	Yes		
<b>Advertising:</b>	15 October -6 November 2020		
<b>Outstanding Internal Referrals:</b>	Yes/No		
TBA			
<b>External Referrals:</b>	Yes/No		
TBA			
<b>Within a Bushfire Prone Area:</b>	Yes		

### Introduction:

A development application was lodged on 28 February, 2020 for the 'Temporary Processing' (Industry –Light) of unauthorised material at 766 King Road, Oldbury (approx. 30,000m<sup>3</sup>) for the construction of a hardstand associated with the existing approved Tree Grinding Facility 'operations for the site.

This assessment recommends that the Temporary Works (screening and processing of unauthorised building material) and construction of hardstand be conditionally approved.

### Background:

The site is approximately 24.61ha in area and is located within a rural area of Oldbury on the northern side of Mundijong Road. It is zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (the Scheme) The site adjoins a brewery to the south (King Road Brewery) and agricultural uses to the north.

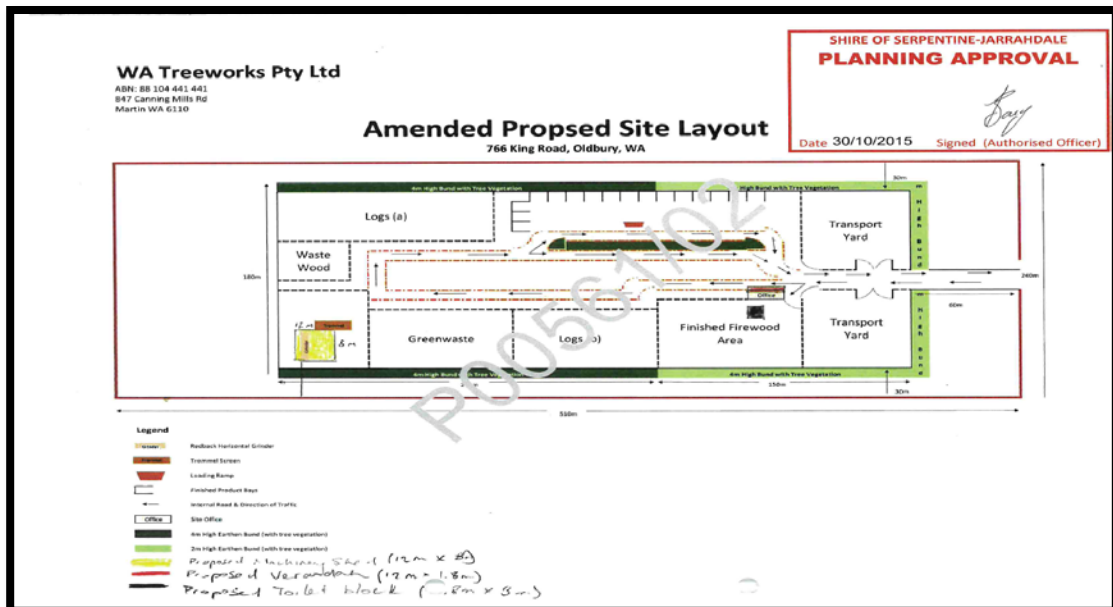
The site on 29 January 2019 was classified by the Department of Water Environment Regulation (DWER) as a 'Possibly Contaminated - Investigation Required' site under the Contaminated Sites Act

2003. This resulting from the unauthorized stockpiling of materials on the site which is discussed further in the report.



Figure 1: Aerial of site in relation to King Road and Mundijong Road

A tree grinding facility was approved Council at its 23 February 2015 Ordinary Council Meeting . The approved development comprised of the processing green waste and untreated timber pallets and included the construction of an earth bund, a transportable, office toilet block and perimeter road track for firefighting purposes. The approved site plan is below:



Approved Site Plan

The property also comprises of unauthorised material, approximately 30,000m<sup>3</sup> stockpiled towards the norther portion of the site. The material is mostly made up of demolition and construction waste, however, also contains asbestos containing materials.

The dumping of unauthorised material onsite was subject to a formal investigation by the Shire in 2018. After a comprehensive investigation, the Shire successfully prosecuted the landowners for the unauthorised development. Images of the stockpiles are below:



Existing Stockpiles

Following a successful prosecution for unauthorised material, Council at its 15 July 2019 OCM resolved to endorse issuing a directions notice to the landowner under the *Planning and Development Act 2005*. The directions required the removal of the unauthorised stockpiled material and to reinstate the land to its state prior to the unauthorised sided development occurring. The directions notice also required the landowner to submit an Environment Assessment Report (EAR) detailing how the site will be remediated, which includes the characterisation of the materials and importantly the methodology proposed, acknowledging the impacts the removal of the material could have to nearby sensitive receptors and the amenity of the area.

The EAR was initially resolved by Council to be submitted by no later than 12 August 2019, however, this was extended to 1 October 2019, at Council's OCM held on 27 August 2019. The Shire's solicitors advised that the timeframe initially granted for the preparation of an EAR did not meet the minimum time requirements of the Act and had to be amended to ensure its validity if appealed at the State Administrative tribunal or heard at the District Courts.

The Shire received the EAR on 25 October 2019 which provided details of the materials onsite. The EAR identified that the stockpiles comprised of asbestos containing materials (ACM) and recommendations for the safe removal of such waste from the site. It also proposes the removal of 100mm of surface soil from the site after the waste has been removed to ensure asbestos is completely removed from the site. The landowners at the time the EAR was submitted sought to remove the entire stockpiles from site and to process offsite at an approved facility.

The EAR was presented to Council at its 18 November OCM, where Council resolved to accept the EAR and request that the applicant submit an application for development approval by no later than 1 March 2020. This was successfully received prior to this deadline.

Since the application was submitted, Officers have been working with the applicant towards providing the required additional information requested after an initial assessment had been undertaken. The additional information was received on 13 October 2020.

The application submitted slightly differs from information within the previously submitted EAR, in that that application now seeks to remove approximately 70% of the unauthorised stockpiled material and to process approximately 30% of uncontaminated material onsite. The approximate 30% to be used in the construction of a hardstand associated with the existing approved development onsite.

### **Proposed Development**

The development application seeks approval for temporary processing (screening and crushing) of existing unauthorised stockpiled material onsite for a period of 6 months. The application also seeks approval for the construction of a hardstand from the processed material to be used in association with the existing approved development on site. It is estimated that about 30% of the material will be used for this purpose.

In terms of the temporary processing, the application seeks to inspect the stockpiles and separate them according to content. Stockpiles considered to comprise of solely sand/mulch will be designated to an area for reuse. Any ACM identified during the inspection will be double bagged and removed offsite in accordance with the proposed Asbestos Management Plan.

Stockpiles comprising of mulch/sand with some debris will be relocated to a designated area for waste classification purposes, prior to being removed offsite.

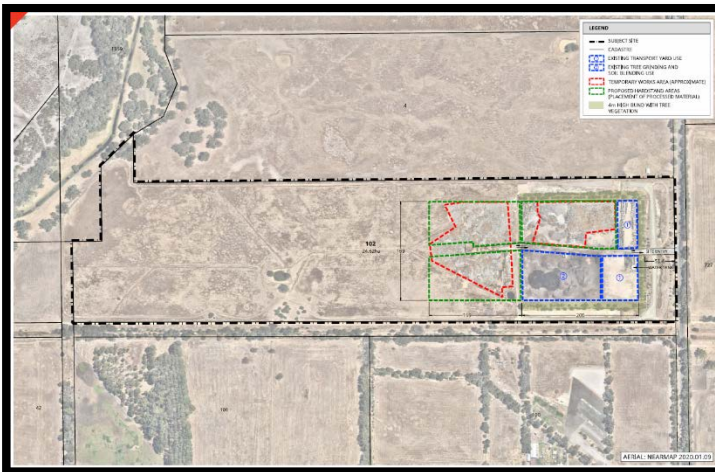
Stockpiles comprising mostly of building rubble mixed with a small amount of sand will be conducted as follows:

- Visually inspect surface area for asbestos fragments prior to disturbance with machinery. IN the event ACM is identified fragments will be double bagged for disposal purposes in accordance with an Abbreviated Asbestos Management Plan;
- Load material onto a mechanical screen which will separate material >65mm for sorting purposes
- Separate material <65 mm into brick/concrete for crushing and beneficial reuse onsite and other material into recyclable, non-recyclable and potential hazardous material stockpiles for disposal offsite;
- The remainder of the soil <65mm will be disposed of to landfill as type 1 special waste.

The removal of the waste will generate approximately 1,600 vehicle movements, ranging between 16-24 per day.

The below images are the location of the materials and areas designated for processing within the site and the location of the stockpiles onsite.





Location of Stockpiles and Proposed General Processing Area

**Community / Stakeholder Consultation:**

In accordance with *Local Planning Policy 1.8:Public Consultation matters* the application was referred to adjoining neighbours within a 500m radius of the site for a period of three weeks, between 15 October- 6 November 2020. At the end of the consultation period, one (1) submission was received providing a non-objection as follows:

*“ We have no arguments for works taking place at Lot 102 King Road as long as the correct procedures in place. We would like it to be taken into consideration that, we are open serving lunches weekdays and there will be no dust etc. blowing over our property”.*

The Shire also referred the application to State Government Departments who amongst other things advised as below.

Department of Water and Environment Regulation (DWER)

*The department has reviewed the information submitted in regard to the proposed temporary works. This includes the removal and/or recycling of stockpiled building rubble waste on a portion of the land and the establishment of an additional hardstand area from recycled stockpiled materials, for use in accordance with the site’s earlier land use approvals.*

*The application also includes temporary works on a portion of the site to sort and process stockpiled building material. The proposed screening and sorting of waste for the volume of material present on the site will trigger the criteria for a Category 62 prescribed premise as per Schedule 1 of the Environmental Protection Regulations. This would trigger regulation of the premise under the Environmental Protection Act 1986 (and EP Regulations) and the site would require a license that sets out the regulatory controls to manage potential risks associated with the proposed activities.*

*Based on available information, the site is considered into be suitable for the proposed ongoing “rural”, industry light or transport depot’ land use. Furthermore, potential risks associated with the temporary works involving the screening and sorting of waste material will be managed as a prescribed premise requiring compliance with the license requirements under the Environmental Protection Act.*

*Therefore, the department has no objection to the proposed temporary works and proposed hardstand area on Lot 102 on Diagram 82617 for “rural”, “industry light” or “transport depot” land use, and recommends that the approval should not include a contamination conditions.*

*However, given the risks associated with the historical use of the site, and consistent with previous advice from the department to the Shire, the department recommended that the approval include the following advice note with respect to the Contaminated Sites Act:*

**Advice**

*A preliminary site investigation and detailed site investigation should be undertaken to address data gaps relating to the historical land use, characterise the stockpiled waste, develop a conceptual site model and conduct a risk assessment*

*An ‘abbreviated Remediation Management Plan has been prepared for the site. However, a Remediation Action Plan that meets the requirements of the Contaminated Sites Guidelines (2014) should also be prepared to ensure that potential risks to on-site and off-site receptors from all former land uses and from the relocation and/or reuse of stockpiled waste materials have been identified.*

*A site management plan may be required to manage potential ongoing risk to human health and the environment, depending on the conceptual model, level of remediation and future site activities*

*Investigation and reports should be undertaken in accordance with Contaminated Sites Guidelines (2014) and the Department of Health’s asbestos guidelines (2009).*

**Officer Comment**

The applicant has submitted a comprehensive Conceptual Site Model which identifies the risks associated with public health and amenity impacts resulting from the proposed screening and crushing proposed to occur. It importantly identifies the Contaminants of Possible Concerns (COPC) as listed within the *Department of Water and Environmental Regulation’s Landfill Waste Classification and Waste Definition 1996 (as amended 2018)* document, possible exposure pathways, risks to the environment and importantly the management of those identified risks.

The Department of Water Environment Regulation under their relevant legislation will require a an application for works approval as a Prescribed Premise to be obtained prior to works commencing onsite. This will require a suite of additional information to ensure the risk to public health and the environment is adequately managed.

**Department of Health**

*DoH recommend that the proponent discuss whether the proposal to process waste on site requires formal DWER Works approval under the Environmental Protection Act 1986, and whether a sufficient ‘Separation Distance’ has been achieved between the site and nearby sensitive land uses, as per EPA GP3 “Separation Distances Between Industrial and Sensitive Land Uses” (June 2005). In addition:*

*DoH request confirmation and reassurance as to the temporary nature of the proposed land-uses, and for the inclusion of a specific time-limit on the approved works (e.g. 20 weeks). DOH recommend that:*

- i) no additional waste materials are allowed onto the site,*
- ii) no existing or future stockpile height is allowed to exceed the height of the surrounding earthen bund,*

- iii) *the mechanical screening and crushing plant should be located on site, to minimise noise and dust emissions,*
- iv) *the site is supervised by a suitably qualified and experienced Occupational Hygienist, and that works are undertaken by WorkSafe licensed personal,*
- v) *the proposed works should not be conducted during periods of dry or windy weather,*
- vi) *the site operator consult and liaise with nearby land users to agreed mutually acceptable operating times and vehicle routes,*
- vii) *a designated vehicle decontamination/washdown facility is operated at the site access,*

*The Remediation Management Plan (360 Environmental, May 2020) does not provide sufficient information for DOH to assess the public health risks associated with the project. In particular DOH would wish to receive details of,*

- a) *A comprehensive characterisation of the waste material,*
- b) *Details of site personnel roles, training and experience,*
- c) *Detailed method statements in respect of each stage of the remediation process (Table 2 Bullet 4),*
- d) *An assessment of the public health risks associated with likely air and waste emissions from the site,*
- e) *Detailed proposals for measures to mitigate those risks,*
- f) *Details of ongoing monitoring and management to demonstrate the effectiveness of those measures,*
- g) *Compliance standards and corrective actions,*
- h) *Unexpected Hazardous Materials (including asbestos) Finds protocol and procedures,*
- i) *Incident and complaint recording, actions and reporting,*

*In particular, DoH would wish the proponent to provide further details of the 'air dust/fibre monitoring program' and 'soil and groundwater validation sampling and analysis plan' with reference to current and relevant guidelines.*

*The site is currently regulated under the Contaminated Sites Act 2003. Once works are completed, in order for DWER/DOH to consider any reclassification of the site and consider it suitable for future uses, all sampling/analysis and risk assessments must be conducted by a suitably qualified and experienced person in accordance with Contaminated Sites Management Series guidelines (incl. NEP(ASC)M and DOH, 2009 guidelines). A 'Closure and Validation Report' should be prepared for this purpose.*

### **Water Corporation**

#### **Drainage**

*The subject area falls within the Oaklands Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Oakland's Main Drain and Birrega Main Drain runs along the boundary of the subject site within a Water Corporation Reserves. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water corporation maintains its existing drains to ensure they are capable of clearing water form adjacent properties within three days of a storm event, where contours and internal drainage make this physically possible.*

*Development within this catchment are required to contain the flows from one in a hundred year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. No adverse discharge or runoff from the subject land would be allowed into our drainage system. The developer may be required to provide calculation from a consulting engineer to demonstrate, to the satisfaction of Water Corporation, that the run off from the development has been restricted as above.*

*This area could be prone to future flooding so the developer of this land should be advised to liaise with the Department of Water and Environment Regulations to determine the flood levels*

#### General Comments

*The developer may be required to fund new works or the upgrading of existing works and protection of all works*

*The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is valid.*

#### Officer Comment

The applicant will be required to submit an updated Stormwater Management Plan to ensure the existing onsite drainage network, including detention ponds, have been remediated. Specifically, removing debris within the channels and to account for the additional hardstand area which must include adequately sized bio-retention swales. It should be noted that, the existing Stormwater infrastructure on site has already been constructed to manage a 1/100 year event. The revised Stormwater Management Plan will ensure that the Water Corporation's comments are addressed.

#### **Planning Assessment:**

#### Town Planning Scheme No. 2

The objectives of the 'Rural' zone are as follows:

*"The purpose and intent of the 'Rural' zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area".*

The proposed hardstand will be used in association with the existing approved tree grinding facility, which was assessed as being associated with a rural pursuit in that it provides products such as sawdust, mulch, biomass and wood chips to poultry farms and various rural uses occurring within the Shire.

The proposed hardstand will also provide a sealed area for the vehicles associated with operations and also storage area for the green waste and other materials permitted to be stored onsite. This will ultimately provide for separation between the groundwater to eliminate the possibility of contaminants, possibly hydrocarbons, leaching into the environment.

In regard to the processing of the materials onsite, the removal of the unauthorised material and the processing will allow for the site to be used for its intended purpose as mentioned above.

Officers consider that the proposal meets the objectives of the zone.



Land Use:

The proposed development is being considered under the head of power of 'temporary works in order to achieve remediation of the land reflective of the s214 written direction issued by Council. Crushing and screening is normally defined as a General Industry, and is prohibited in the Rural zone.

The temporary works are specific to affecting remediation only, and will not be permitted to perform any other function other than remediation.

In terms of the hardstand to be constructed, it is considered that this component is incidental component to the existing tree grinding facility which was approved as a dual land use classification of 'Transport Depot' and 'Industry Light' based on its operations.

Council should further note that due to the proposed crushing and screening to occur onsite and the volume of waste currently present on site, the Department of Water and Environment Regulation (DWER) separately to this process, will require the applicant obtain approval as a Category 62 Licensed Premise, in accordance with the *Environment Protection Regulations 1987*. As part of this separate process, the applicant will be required to submit further technical information so DWER can undertake their assessment of the proposals risk to the to public health and the environment. This is reflective of DWERs comments as detailed above.

Critically, both the conditions of planning approval (if resolved by Council) and the licensed premise (if granted by DWER) will limit the temporary works (screen and crushing) to affecting the remediation of the land, and nothing further.

Amenity

The Environment Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides proponents, responsible authorities and stakeholder's policy guidance on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land sue conflict. With regard to the proposed development, the generic separation distance that applies to 'Screening and Processing' works to sensitive land uses is 500m.

Clause 2.3 of the document defines a sensitive land use as:

*"Land use sensitive to emissions from industry and infrastructure, sensitive land uses include residential development, hospitals, hotels/motels, hostels, caravan parks, schools, nursing home, child care facilities, shopping centres, playgrounds and some buildings*

Where the separation distance is less than the generic distance, a scientific study based onsite and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. The map following identifies two sensitive receptor located within the generic 500m buffer.



Figure 5: Sensitive Receptors Located within 500m Buffer

Management of risk associated with the temporary works is documented under the Remediation Management Plan (RMP) which details how the site will be managed through the screening and crushing of materials and ultimately remediated. Further, a 'Conceptual Site Model' (CSM) details the risks associated with possible public health and amenity impacts generated from the proposed works to occur. Further to this, the DWER licencing process will be required to deal with the specific environmental and human health risks associated with the ultimate proposal.

Officers note the proximity of King Road brewery to the south of the subject land, and that this use attracts public visitation numbers which particularly peak across the weekend period. In this regard, a suite of conditions are recommended that impose a range of process management controls for how the temporary works are to take place. In addition, it is recommended that a specific condition be imposed that limits operations outside of the weekend period, in order to avoid conflict with the likely peak visitation times of the King Road brewery.

### **Noise**

An acoustic assessment will be required to be submitted prior to works occurring onsite. The acoustic assessment must accurately model the following:

- Accurately quantify noise impacts on nearby sensitive receptors from all noise sources generated from the proposal, this includes (but not limited too):
  - o Screener and Crusher; and
  - o All Vehicle movements.

The recommendations of the acoustic assessment will be required to be detailed within a Noise Management Plan. Officers have recommended a condition in this regard to ensure that the development would comply with the assigned levels under Regulation 7 of the *Environmental Protection (Noise) Regulations 1997*. The acoustic assessment and associated Noise Management Plan will be required to be submitted for approval by the Shire prior to works commencing onsite.

### **Dust**

Dust will be generated during the remediation works. Disturbance of the ground surface including mobilisation and demobilisation to site, movement of plant and equipment, earthworks screening and crushing processes has the potential to generate hazardous particulate matter and possibly release friable airborne asbestos fibres.

The applicant has proposed the following procedures to minimise the potential of dust lift off, airborne particles and airborne asbestos fibre associated with both construction and pre-construction activities will include the following:

- Water carts to be available at all times to carry out dust suppression activities to control and prevent excessive dust from earthworks operation
- No timber or other debris is to be burn
- The construction and maintenance of fencing with dust control mesh;
- Cessation of all work when wind speed exceeds 25km/h or conditions are such that preventative measures are unable to contain dust and wind-blown materials
- Trucks carrying soils or other dusty materials are to be fitted with high tailgates and are not overloaded. At least 75mm of freeboard must be maintained or loads must be covered with a tarpaulin to prevent the release of dust outside the site
- Trucks carrying soils to or from the site are to be covered or wet down to prevent windblown dust; and
- Installation of automatic dust monitoring equipment providing an alert link by mobile phone to the site foreman or other responsible person, where required.

Despite the fact the applicant has prepared a Dust Management Plan (DMP), the measures proposed are generic in nature and are not based on site specific evidence. As such, a site specific DMP will be required to be submitted prior to works occurring onsite, which will form a condition of approval. The site specific DMP will be required to manage PM 10 dust particles (particulate matter with an equivalent aerodynamic diameter of 10 um or less) which is associated with impacts on human health and amenity as the particles tend to remain suspended in the air for longer periods. The management of these particles will also reduce the risk of nearby sensitive receptors being to micro asbestos fibres which may be released as part of the screening and crushing process.

The Dust Management Plan will be required to be prepared in accordance with DWERs (formerly DEC) document, 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities' and 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia'. This sets out the industry standard for DMPs and the methodology in the preparation of a DMP.

The applicants will also be required to obtain approval by DWER as a Category 62 licensed premise in accordance with the *Environmental Protection Regulations 1987*. This, resulting from the screening and sorting activities proposed to occur onsite and the volume of waste present. Council should note that as part of this process the applicant will be required to submit a suite of information to be submitted to further ensure the risk to public health and the environment is appropriately managed under their legislation.

### **Visual Amenity**

The existing development onsite comprises of earth bunds which formed a requirement of the existing approval for the site. The earth bunds were constructed to ensure the activities are screened from adjoining neighbours and from street view.

The earth bunds are 4 metres in height and initially comprised of vegetation on top of the earth bunds to further screen the operations prevent dust leaving the site. The stockpiles as part of the approval were limited to 4 metres to prevent visual impacts on adjoining neighbours. The vegetation however, is not present anymore.

In terms of the proposed development, the works will be undertaken generally in the area which is already bunded which will provide for provides for an adequate screening mechanism. The area dedicated to where the proposed works will be occurring will be adequately screened from public view. Debris, mud and sand will be removed from the access way to ensure the site does not appear as unsightly. Additionally, stockpiles will be required to be kept at a 4 metre height restriction to ensure the existing earth bunds can screen the development.

Officers consider that as the nearest developments are located 240m to the south and 200m to the west, the existing earth bunds and proposed recommended stockpile height restrictions are considered adequate to address possible visual impacts of the proposal. Officers will also be recommending that the stockpiles be located within the bunded areas only.

### **Environmental Consideration**

Due to the volume of waste onsite, the applicants have been unable to fully characterise the stockpiled waste. This poses a risk in that there may be friable ACM within layers of the stockpiles that may not be identified. Details of the content of the waste to date have been based on visual inspection and sampling of the stockpiles as detailed within the previously submitted ENA.

The applicant to address public health and environmental safety, has prepared a Conceptual Site Model (CSM) as part of its submitted Remediation Management Plan (RMP) which identifies a range of risks associated with the unauthorised material. This includes identifying the COPC as listed within the *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996*, impacts upon key receptors including sensitive receptors and exposure pathways leading to environmental impacts. This risk based approach is commonly used when the content of materials on a site cannot be fully characterised.

The CSM identified the following COPCs within the stockpiles and possible migration pathways to receptors (receptors within the CSM include persons, structures and environmental assets)

AOPC / Volume	PSRA	COPCs	Description
Stockpile Area A ~19,466 m <sup>3</sup>	Construction/demolition rubble	ACM/asbestos fines/fibrous asbestos Metals PCBs CFCs CCA Cresols	Stockpile Area A comprises of brick, concrete, plastic items, plaster board and wood. In addition some hazardous waste materials have been identified. Material has been stockpiled in this area up to a height of 8 m.
Stockpile Area B ~5,638 m <sup>3</sup>	Woodchip waste products	ACM/asbestos fines/fibrous asbestos, CCA Cresols	Stockpile Area B is comprised mostly wood chips with some plasterboard and other general debris scattered on what appears to be the surface of stockpiles.
Stockpile Area C ~10,285 m <sup>3</sup>	Construction/demolition rubble	ACM/asbestos fines/fibrous asbestos Metals PCBs CFCs CCA Cresols	Stockpile Area C comprises of mostly brick and concrete. In addition some hazardous waste materials have been identified.

The CSM lists the potential pathways as:

Transport Mechanism	Exposure Pathway
Direct spillage of COPCs in solid or liquid state to ground and adsorption to soils.	Direct contact, ingestion, inhalation, biotic uptake
Windborne transport of impacted soil particulates	Inhalation
Potential for onsite soil impacts to leach COPCs into groundwater.	Direct contact with impacted groundwater via abstraction
Transport of contaminants via surface water drainage channels or preferential overland flow pathways	Direct contact, ingestion, inhalation, biotic uptake
Lateral migration of COPCs in groundwater in the direction of groundwater flow.	Direct contact, ingestion, inhalation, biotic uptake

In terms of the windborne transport of the COPCs, it will be dealt with through the preparation of the site specific DMP as recommended by Officers. As aforementioned, this will adequately manage the risk associated with PM10 nuisance dust particles and the possibility of asbestos fibres.

In relation to environmental and public health risk identified within the CSM, the RMP has been prepared as the lead document to ensure those risks identified are adequately managed. Additionally, a suite of management plans have also been proposed to be prepared to accompany the submitted RMP to further ensure that the development does not pose a risk to the environment and nearby land users.

The RMP reveals that the materials, including the COPCs pose a threat to the environment and public health once they have been disturbed. This is likely to occur during the separation of stockpiles and thus the management plans have been made to address this. To address this, the RMP seeks to firstly process and separate the stockpiles into various categories, either for removal

or reuse within designated areas using which are bunded and dust control measures to manage the possibility of airborne particles (dust and possibly friable ACM ) escaping the site.

Subsequent to being processed onsite within the designated areas (details surrounding the management of this process will be included within the Stockpiling and Screening Management Plan), the stockpiles considered high risk (due to the presence of ACM or other hazardous material) will be relocated to a designated area for temporary holding and covered with an impermeable plastic prior to being disposed offsite. The area will be appropriately bunded to ensure contaminants do not escape through stormwater runoff during a rain event or water spray which forms part of the dust mitigation measures proposed as part of the overall DMP. To this end, Officers consider as the materials to be disposed are intended to be stockpiled onsite for a temporary period of time and that the processing is to occur within specified designated areas, the proposed approach within the RMP is considered satisfactory in addressing the risks identified within the CSM.

In terms of the stockpiles of materials proposed to be reused, they will be inspected further and tested after being sorted and processed to ensure that they do not exceed the acceptable remedial targets under *Department of Water and Environmental Regulation's Landfill Waste Classification and Waste Definition 1996 (as amended 2018)* document. Importantly, where the stockpiles tested exceed the thresholds, the stockpiles will be disposed appropriately and not be available for reuse. This process will also ensure that remnant ACM and or other hazardous materials is appropriately managed.

Following the removal of the respective stockpiles from site, the RMP proposes the testing of the first 100mm of surface soils, over the entire area where the unauthorised materials had been placed. An area of approximately 12,000m<sup>2</sup> will be tested for COPCs to ensure that the land can be used for its intended purpose, being a tree grinding facility as previously discussed. Groundwater testing is also proposed to occur via the installation of three (3) groundwater monitoring wells to assess the impacts of the stockpiled materials on the groundwater. This reporting of this testing will be submitted to the Shire once completed.

Importantly, the RMP relies on a number of management plans which will be required to be submitted prior to works occurring onsite. These are Asbestos and Hazardous Materials Management Plan, Stockpiling and Screening Management Plans, Construction Management Plan, Dust Management, Noise and Vibration Management, Water Management and Traffic Management Plan. Preliminary details have been provided within the application, however, this will be expanded upon once formally prepared for the Shire's approval prior to works occurring onsite.

In terms of the reclassification of the site to remove the 'Possibly Contaminated' classification, the development application process is not intended to achieve this as this is DWERs and DoHs process under the *Contaminated Sites Act 2003*. This forms part of a separate process the State departments. As part of this process, these regulatory bodies will require a further level of technical information if the landowners seek to pursue this path.

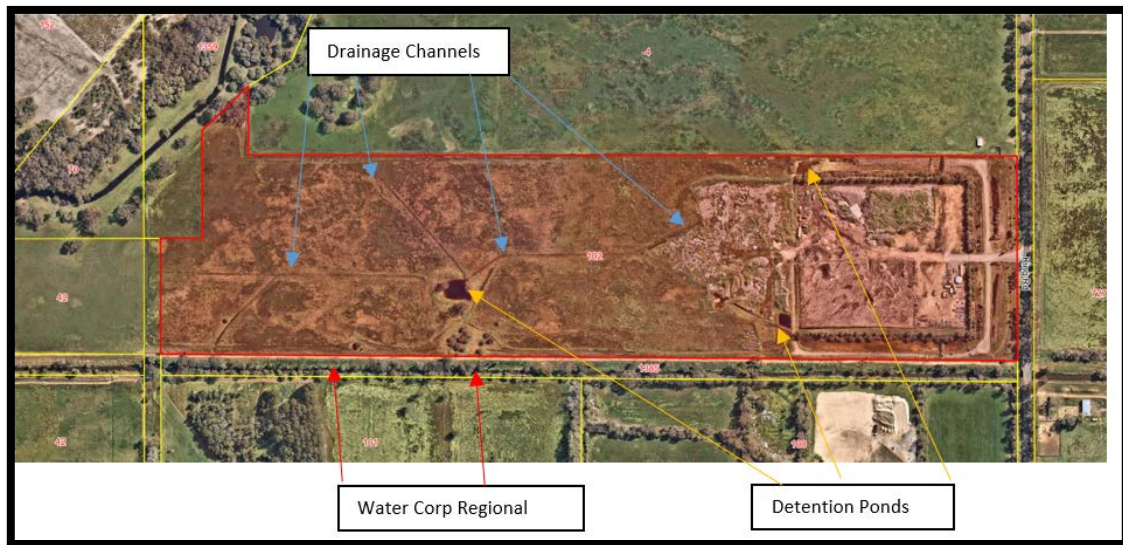
Despite the robustness of the RMP, Officers will be recommending that an area be dedicated for the purposes of a temporary wash-down bay constructed to the satisfaction of the Shire of Serpentine Jarrahdale. All vehicles associated with the disposal of the stockpiles will be required for their tyres/vehicles to be washed prior to leaving the site to prevent contaminants escaping. These updates will be requested as part of a condition of approval to be undertaken prior to works occurring onsite. This will address a risk that has been identified with the RMP which Officers consider has not been adequately addressed.



## Stormwater

There is currently a regional Water Corporation drain to the south of the site as depicted below:

Drainage onsite comprises of a series of drainage channels and retention basins which extend through the site. The channels divert water to retention basins which go through a filtration process prior to being discharged into the environment. The existing network of channels and retention basins form part of the existing Stormwater Management Plan for the site which was based on a 1/100 year storm event for the tree grinding facility. The existing channels and detention ponds have been identified below:



Existing Stormwater Management

The existing channels and drainage ponds have been impacted upon by the stockpiled material insomuch that the waste has entered the channels and basins overtime obstructing the treatment train to clean water prior to being discharged. The drains and the basins are required to be reinstated prior to works occurring onsite. This includes replanting of vegetation within the retention basin and channel to ensure the water is adequately cleaned before being discharged into the environment. This is critical to ensure contaminated water does not escape into the regional drain to the south which discharges into the Peel Harvey Catchment.

Furthermore, the proposed hardstand area to be constructed must be graded appropriately towards the detention basins to ensure the water is directed from the hardstand towards the drainage network removing the flow of uncontrolled water into the environment.

A condition will be required for the existing Stormwater Management Plan to be updated accordingly.

## Asbestos and Hazardous Materials Management Plan

The preparation and submission of an Asbestos and Hazardous Materials Management Plan (AHMMP) is required prior to commencement of works. The AHMMP is to be the principle document to demonstrate sound methodology for asbestos management to ensure the safety of workers and bystanders, including neighbourhood residents. The plan will be required to provide detailed control measures to prevent fibre release and complete management of hazardous

materials during remediation works, prepared in accordance with the WA Department of Health *Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australian* and the *Code of Practice for the Safe Removal of Asbestos*. The following management strategies are to be implemented to guide remediation work across the site and will be presented in detail within the AHMMP:

- Asbestos and hazardous materials register
- Site induction and training
- ACM and hazardous material management
- Personal Protective Equipment
- Barricading and/or signage
- Vehicle and mobile equipment management
- Personal decontamination
- Air quality monitoring
- Asbestos and hazardous material waste disposal
- Emergency, contingency and incident management.

The AHMMP will be assessed to the satisfaction Officers of the Shire, WA Department of Health and the Department of Water and Environmental Regulation.

### **Traffic**

The proponent as part of the application submitted a Traffic Impact Assessment which identifies that a total of 1,600 vehicle movements will be generated as part of the temporary works to remove approximately 70% of the stockpiled material from site. This would result in approximately 16-24 trucks entering the site over a ten hour working period a day.

In terms of the existing access from Lot 102 onto King Road it is sealed and approximately 8.5 metres in width. It is currently of a standard which can accommodate the turning movements of the prescribed trucks, which are 'as-of-right vehicles.

In respect to the impacts on the broader network, the vehicle trips expected to be generated by the site during the peak hour periods is considered to be between 7-10. Off peak, truck movements to and from the site would generate around 4-6 trips per hour. These movements are considered to be low and therefore not considered to cause an adverse impacts on the broader network.

Council should note that the TIS was based on the assumption that the volume of materials onsite was between 70,000m<sup>3</sup> - 80,000m<sup>3</sup> and that 70% would be removed. The applicants have however, provided the Shire with a survey of the volume of the material where it has been calculated as approximately 30,000m<sup>3</sup>. This would result in reduced vehicle movements overall which are already considered to not impact upon the road network.

Although the movements are not considered to impact upon the broader network as they are considered low, a Traffic Management Plan will be recommended to be submitted prior to works occurring on site. This will ensure that appropriate temporary signage is erected to alert oncoming traffic both north and south bound on King Road that vehicles will be leaving the property. This will add an extra layer of management to the operations to further ensure that it can occur in an orderly and proper manner.

Draft Local Planning Strategy

The subject site is designated as 'Rural Land' under the draft LPS. "The Rural land use category provides for a full range of rural land uses, tourism opportunities, rural enterprise and the preservation of the natural landscape. Rural land facilitates agricultural production and the protection of the natural landscape". The proposal, by way of land use, is considered consistent with the draft LPS.

The development ultimately seeks to remediate the site to be able for it to be used for a land use associated with a rural activity. The existing development supplies soil blend material to a range of farming and rural uses occurring in the Shire.

Ultimately the remediation of the site will allow for the site to return to its natural landscape which is reflective of the rural locality of the area. Furthermore, the remediation, through the sorting and screening of the waste onsite to be removed will ensure the regional drains which discharge into the Serpentine River do not contain harmful contaminants which may lead to more broader impacts within the Peel Harvey Catchment.

Rural Strategy 2013 Review:

The Shire's Rural Strategy 2013 review outlines key themes that future development within rural areas should be considered against. Generally, the Strategy requires rural areas to maintain rural character, retain natural assets and facilitate productive rural areas by ensuring the areas are economically productive.

The subject site falls within the 'Rural Policy Area' of the Strategy. Within this policy area there is a general presumption against development that is not rural in nature, or would impact adversely on the established character and amenity of the locality.

The site is currently inconsistent with the established character of the locality. It currently comprises of large lots with expanding areas of open space, paddocks and remnant vegetation. Development in the locality is relatively limited in scale and spread out on large lots that does not detract from the open and rural feel of the locality.

The proposed development by way of temporary processing, seeks to return the site to its original state, which is reflective of the existing locality. It will importantly ensure the site is available to be used as approved to support rural activities occurring in the Shire. The construction of the hardstand as part of this development where the commercial vehicles will be parked, will also remove the likes of hydrocarbons being removed from the environment.

**Ongoing reporting**

Given the importance of ensuring compliant activities throughout the temporary works remediation, a condition is recommended for two monthly reporting, specific to any exceedance that occur and how process adjustments have taken place to address these. This will form part of a condition of approval.

**Conclusion:**

The application seeks approval for temporary works (screening, sorting and crushing material) to achieve remediation of the site, which was subject to a formal compliance action resulting from unlawful land use. Remediation will essentially take the form of sorting, screening, crushing and compatible reuse of material for a hardstand, together with removal from site of incompatible material.

The application proposes a comprehensive Remediation Management Plan which depicts the stages of the remediation process. The applicant will be required to submit a number of revised management plans to the Shire for approval prior to works occurring onsite to ensure that the proposed development will not cause undue impacts to the locality.

Additional documents will be required to also be submitted to ensure public and environmental risks are adequately addressed as part of DWERs works approval process which is required prior to works occurring onsite. DWER will require further documentation as required by their legislation.

## Deemed Provisions – CI 67 Matters to be considered by local Government

## Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> The proposed development is being considered under the head of power of 'temporary works in order to achieve remediation of the land reflective of the s214 written direction issued by Council.			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> The proposed development is being considered under the head of power of 'temporary works in order to achieve remediation of the land reflective of the s214 written direction issued by Council.			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: Consistent</b>			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – <b>None</b> <b>Applicable to this area from what I can determine</b>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment: the site is not reserved under TPS2 or LPS3.</b>			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: Conditions have been recommended to ensure the development is compatible with its setting.</b>			
n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: Conditions have been recommended to ensure the development is compatible with its setting.</b>			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: : Conditions have been recommended to ensure the development is compatible with its setting.</b>			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: Development will be subject to strict management plans which are required to be submitted prior to any works occurring onsite.</b>			



s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manouvering and parking of vehicles	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> TIS has been submitted			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> TIS has been submitted			
u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> the development has appropriately addressed risk to public health and the environment			
y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> refer to consultation section of assessment.			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> refer to consultation section of assessment.			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			