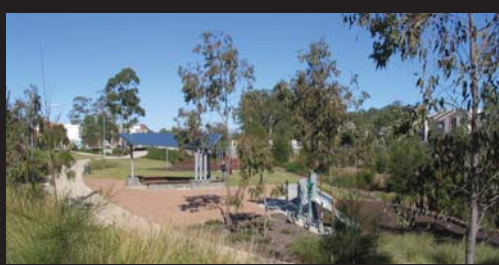




Town Planning Management Engineering

Shire of Dardanup
Town Planning Scheme
No. 3
Amendment No. 189
Lot 4580 Panizza Road
Crooked Brook



town planning
management
engineering
environmental

13177
Feb 2014

**RESOLUTION DECIDING TO AMEND
A TOWN PLANNING SCHEME**

**SHIRE OF DARDANUP
TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 189**

RESOLVED that the Council in pursuance of Section 75 of the Planning and Development Act, 2005 amend the above Town Planning Scheme by:

1. Introducing a 'Special Use Zone' into the Scheme.
2. Introducing Appendix XIII - Special Use Zone into the Scheme.
3. Rezoning Lot 4580 Panizza Road, Crooked Brook to include an 'Special Use' in accordance with the Scheme Amendment Map.
4. Amend the table to Appendix XIII – Special Use Zones to include Lot 4580 Panizza Road as Waste Disposal and prescribe development conditions.
5. Amending the Scheme Maps accordingly.
6. Introducing the definition for 'Waste' and 'Waste Management Facility' into the Scheme.

Dated day of 20.....

.....



DOCUMENT QUALITY CONTROL

AUTHOR
Gary Barbour

DATE
28.02.2014

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REVISION TABLE

No.	Purpose	Date
1	Council Modifications	10.07.2014

TME Town Planning Management Engineering Pty Ltd

PO BOX 733, BUNBURY

PH: (08) 9791 4411



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1.0 INTRODUCTION

TME Town Planning Management Engineering Pty Ltd (TME) has been engaged Cristal Pigment Australia Ltd to pursue an Amendment to the Shire of Dardanup's Town Planning Scheme No.3 to facilitate the future development of a Waste Management Facility at Lot 4580 Panizza Road, Crooked Brook.

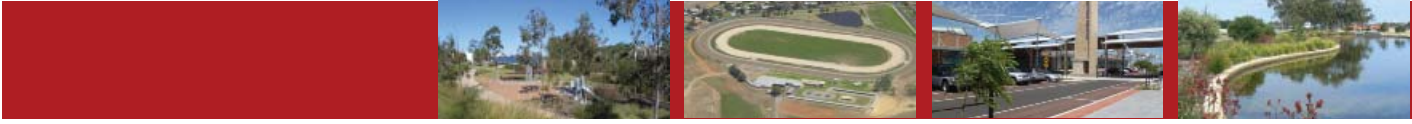
Strategic justification is provided for the amendment by way of the subject land being identified appropriately in the Shire of Dardanup Local Planning Strategy.

In preparing this Scheme Amendment, the following investigations have been undertaken and reports prepared:

- Strategen (2013) Environmental Gap Analysis
- Greg Harwood (2013) Fauna Assessment
- Ecoedge (2013) Flora and Vegetation Survey

Additional investigations will be undertaken as part of the preparation of the Environmental Approvals and Licencing process.

On this basis we request Council's support to initiate an Amendment to Town Planning Scheme No.3 to include Lot 4580 in a 'Special Use' zone, in keeping with the Shire's future vision for this area.



2.0 SITE

The land is formally described as Lot 4580 Panizza Road, Crooked Brook. The land is owned by Millennium Inorganic Chemicals Ltd (refer *Appendix One: Certificates of Title*).

Historically the land has been substantially cleared for grazing. Portions of the site have been used for extractive industries in the past however no extraction is currently occurring. The land is leased for grazing until approvals are in place for the waste facility.

The land is gently sloping with the highest elevation approximately 105m AHD in the south east, sloping down to 60m AHD in the south west.

The site has an area of 54.571 hectares.



3.0 LOCATION AND CONTEXT

The subject site is located approximately 3km south east of the Dardanup townsite (refer *Figure One: Location Plan*).

The subject lands are bound by existing operations compatible with the proposed waste facility. To the north is a composting facility while the Shire of Dardanup operates a putrescible landfill to the South, although this is now predominantly a transfer station.

On the western side of the site is a Shire of Dardanup gravel extraction site. State Forrest adjoins the eastern boundary of the site.

Approximately 500m to the south of the site is the TWM landfill which accepts most of the Shire of Dardanup putrescible waste. Cristal Pigment Australia currently dispose of their waste into a purpose built lined cell at this facility.



 SUBJECT LAND

Figure 1 - Location Plan



4.0 STRATEGIC CONTEXT

4.1 Greater Bunbury Region Scheme

Lot 4580 is currently identified as 'Rural' under the Scheme. The purpose of the 'Rural' zone is to provide for the sustainable use of land for agriculture, assist in the conservation and sustainable use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.

The proposed Additional Use would not be inconsistent with the 'Rural' zone.

4.2 Shire of Dardanup Town Planning Scheme No.3

Lot 4580 is currently zoned 'General Farming' under the Town Planning Scheme.

Following discussions with officers at the Shire, it was agreed that the most appropriate zoning for the site would be an 'Special Use' zone.

As the 'Special Use' zone does not currently exist in the Scheme it is necessary to introduce relevant provisions into the Scheme in the line with current Model Scheme Text.

This will provide the ability for the land to be used for waste disposal purposes, while also providing the ability for the Shire to set appropriate land use controls under a new Appendix XIII of the scheme to manage potential impacts.

4.3 Shire of Dardanup Local Planning Strategy

The Shire of Dardanup adopted the Local Planning Strategy on the 12th March 2014 and is currently awaiting endorsement by the Western Australian Planning Commission (WAPC).

The Strategy recommends that the land located south-east of the Dardanup townsite be identified as a 'Waste Disposal/Processing' area. The existing land uses within this area include mulch processing, waste disposal, waste recycling, organics processing and effluent treatment.

The Strategy further recommends to Zone this land as 'Waste Disposal/Processing' in LPS9 with appropriate provisions.

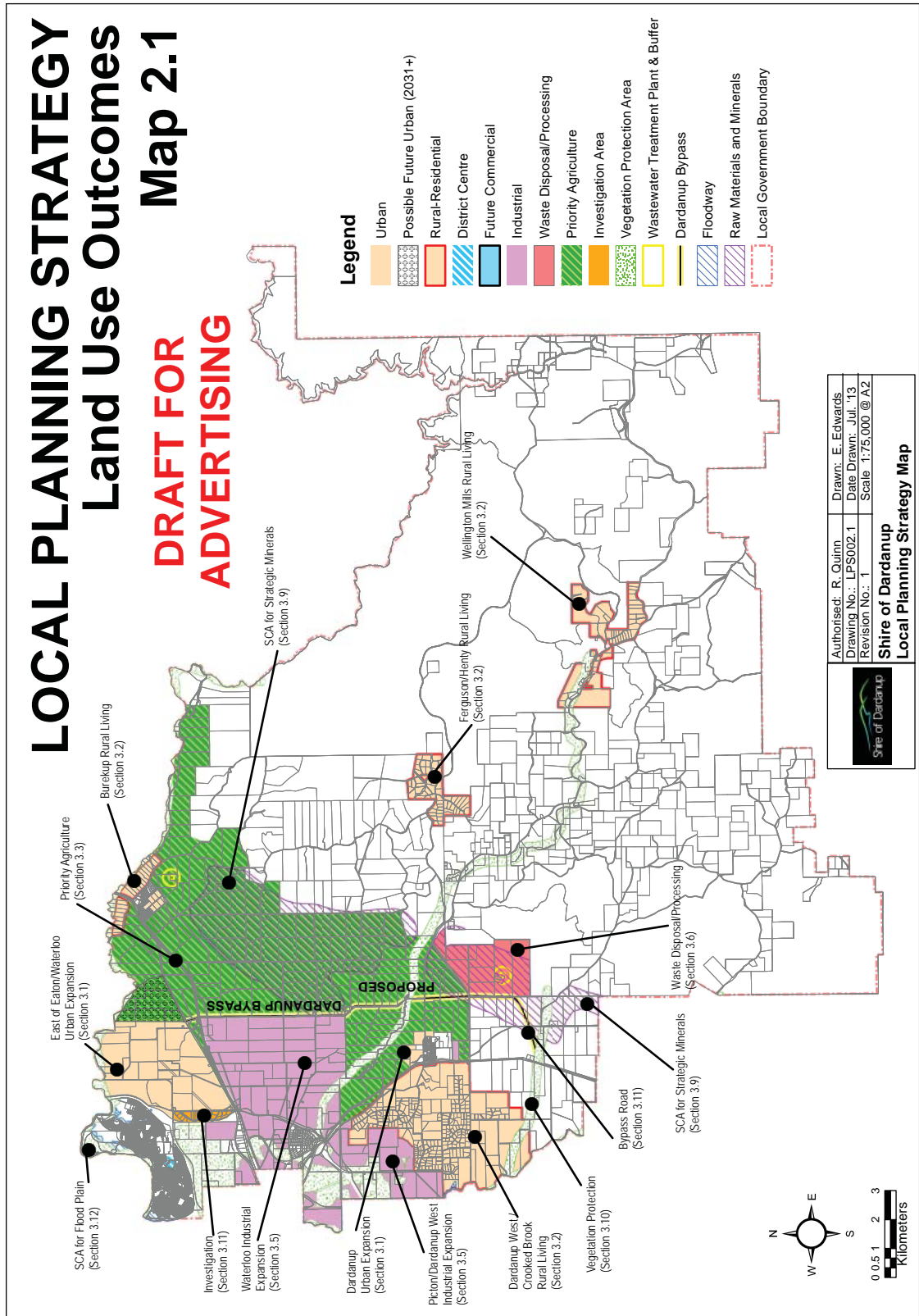


Figure 2 - Shire of Dardanup Local Planning Strategy Plan



5.0 ENVIRONMENTAL CONSIDERATIONS

The following factors have been considered:

- Vegetation
- Fauna
- Wetlands
- Drainage and Water Management
- Aboriginal Heritage
- Soils

5.1 Vegetation

As previously mentioned, the majority of the Amendment site has been extensively cleared of vegetation, with the remaining vegetation mostly restricted to an area of approximately 8 ha along the southern boundary. This vegetation has predominantly been mapped as Whicher Scarp Vegetation Complex with the remainder consisting of Cartis Complex and a small area of Kingia Complex. There are some individual trees scattered throughout the remainder of the site.

To support this Amendment, a Flora and Vegetation Survey Report was prepared by Ecoedge in December 2013; the outcomes of this assessment concluded that:

The native vegetation in the Study Area has relatively low species richness except for a small portion (7%) on the eastern most section which has a moderately high species richness. Ninety nine vascular plant taxa were found in the Study Area, twenty two of these being introduced species. No Declared Rare Flora, Priority Flora, Threatened species pursuant to the Environment Protection and Biodiversity Conservation Act (1999) (EPBC Act) or other flora of conservation significance were found in the Study Area.

The full assessment of vegetation can be found in *Appendix Four*.

5.2 Fauna

In August 2013, Greg Harewood was engaged by the landowners of Lot 4580 to prepare a Fauna Assessment (refer *Appendix Three*).

Their assessment included a level 1 fauna survey as defined by the Environmental Protection Authority (EPA 2004). Because some listed threatened species (i.e. western ringtail possums (WRP) and several species of black cockatoo) are known to occur in the general area, the scope of the survey work was expanded to include targeted assessment of the site's significance to these particular species.

A total of 21 native fauna species were observed (or positively identified from foraging evidence, scats, tracks, skeletons or calls) within the study area during the day and night time surveys. Evidence of four introduced species utilising the area was also seen.



Evidence of one listed threatened species was observed (the forest red-tailed black cockatoo – individuals and foraging evidence (chewed jarrah and mountain marri fruits). No evidence of any migratory or DPaW priority species using the area was found. No existing roosting trees (trees used at night by black cockatoos to rest) were observed during the survey period.

No evidence of western ringtail possums using the site was found during the day survey or either of the two night surveys. The apparent absence of this species from the site can be attributed to the marginal habitat quality which is characterised over most of the area by a distinct lack of coherent midstorey structure which is favoured by WRPs.

5.3 Drainage and Water Management

There are no well-defined drainage lines that are identified on the site and the site is not within a proclaimed Surface Water Area.

It is anticipated that the future development of the waste facility will be subject to the requirements of a Local Water Management Strategy approved by the Department of Water and Shire of Dardanup.

5.4 Aboriginal Heritage

A search of the Department of Aboriginal Affairs (DAA) Aboriginal Heritage Inquiry System indicates that there are no sites of indigenous heritage value within the project area.

5.5 Soils

A review of the geology of the area was conducted by Strategen (see Appendix Two) during the preparation of the Environmental Gap Analysis.

The regional geology of the area is characterised by a thin layer of colluvial deposits that vary in composition and consist of sandy silt, gravelly/ sandy silt or sand (Heptinstall 2010). Underlying this is the Bassendean Sands formation, which forms a thin, approximately 5 m veneer of fine to medium grained sand that is exposed at the surface in some areas. Below this is the Guildford Formation, a layer of lenticular interbeds of sand, silt, clay and conglomerate about 10 m thick. The next formation is the Yoganup Formation consisting of sand and lenticular clay beds with a basal conglomerate overlying the Leederville Formation. In the vicinity immediately west of the Whicher Scarp, the Yoganup formation is known to outcrop at the surface.

Geotechnical assessment on the suitability of soils within the Shire of Dardanup landfill site found there was some material that was generally suitable for use in construction of lined waste disposal cells (Golder 1999). A review of the exploration drilling shows the geology of this site and the neighbouring Shire of Dardanup site are very similar.

More detailed site specific geotechnical investigations will be undertaken during the preparation of information for application for works approval.



6.0 SERVICING

6.1 Power and Telecommunications

There is no power currently connected to the site. Investigations will need to be undertaken as part of the detailed design regarding the power arrangements.

The subject site will be connected to a sufficient power and telecommunications supply as part of the development works.

6.2 On-site Effluent

The subject lands are currently unsewered. The closest sewer infrastructure is located within the Dardanup Townsite approximately 3km away.

It is not anticipated that there will be significant waste water generated from the development as there is likely to only be a single small site office for minimal employees. As such we believe that onsite effluent disposal will be sufficient.

Further investigations in suitability and connection to on-site effluent disposal options for the project will be undertaken as part of the preparation of the Development Application.

6.3 Water Supply

The subject land is not connected to a mains supply of water. Minimal water will be required for the development and it is anticipated that sufficient water could be stored in tanks on site.

6.4 Access

As CPA currently utilises the adjacent site for disposal it is not anticipated that the proposed development will have any additional impact to the local road network. Haulage route will be virtually the same as that used currently which has been supported by the council with the number and frequency of trucks anticipated to remain steady (approximately 12 per day) throughout the life of the project.

The transport route from Kemerton to the TWM site is via Marriott Road, South West Highway, Waterloo Road, Ferguson Road and Depiazzi Road.

The proposed waste site will be accessed by Panizza Road which will require upgrading to an appropriate standard.



7.0 PROPOSAL

The landowners are looking to develop a waste disposal facility on the subject property. In order to facilitate this development a modification to the current zoning of the site will be necessary.

As mentioned in section 5 of this report, the draft Local Planning Strategy recommends to Zone this land as 'Waste Disposal/Processing' in LPS9 with appropriate provisions. While this provides the strategic direction for the proposal the timing of LPS9 is unknown and unlikely to be finalised within the required timeframe for the proposed development. As a result it is proposed to nominate a 'Special Use' for the site of 'Waste Disposal'.

As the current Scheme (TPS3) does not include provisions for a Special Use zone it will be necessary to introduce this new zone, as well as appropriate definitions for 'Waste' and 'Waste Disposal'. The modifications proposed are as follows;

- Introduce the following definition under part 1.8.1 General Definitions;

Waste – means any substance, by-product or material that is discarded, rejected, unwanted, surplus or abandoned and has no further use.

- Introduce the following definition under part 1.8.2 Land Use Definitions;

Waste Management Facility– means premises for the collection, removal, processing, disposal, managing or monitoring of waste.

- Insert under 2.2 – Objectives of the Zones;

Special Use Zone.

- To accommodate particular land uses or developments which the local government considers appropriate, but under circumstances where the location of the site and/or the nature of the particular use or development makes it impracticable for the use or development to be included within another zone

- Insert under 3.15 Division 5 – Special Zones;

Special use zones

3.15.8.1 Special use zones are set out in Schedule XIII and are in addition to the zones in the Zoning Table.

3.15.8.1 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Appendix XIII and subject to compliance with any conditions set out in Appendix XIII with respect to that land.



- Introduce new Appendix XIII – Special Use Zones

The proposed zoning of a ‘Special Use’ zone can be supported on the following grounds:

- The subject site has been identified for ‘Waste Disposal/Processing’ in the adopted draft Local Planning Strategy
- The subject site is already surrounded by other similar industries such as mulch processing, waste disposal, waste recycling, organics processing and effluent treatment.
- The use of a ‘Special Use’ zone is the most appropriate planning mechanism available and has been used for similar developments in other areas as advised by the Department of Planning.

7.1 STATUTORY CONTROLS

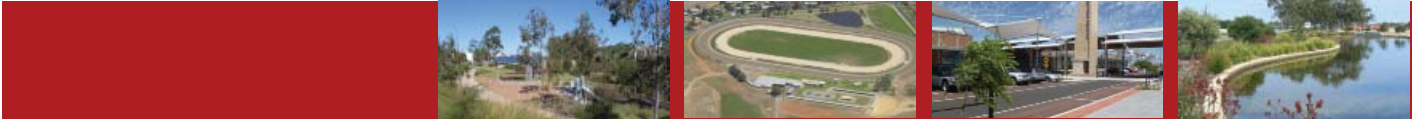
The introduction of a ‘Special Use’ classification over the site requires an introduction of a new Appendix XIII to the Scheme. This Appendix will include conditions which are applied to the land specific to the proposed Special Use.

For the proposed Waste Management Facility use it is proposed that the following conditions would apply;

1. Panizza Road being upgraded from it’s intersection with Banksia and Depiazzi Roads to the property’s access (minimum of 20m from western boundary) to the satisfaction of the Shire;
2. Inclusion of buffers in accordance with the EPA’s Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses;
3. Local Water Management Strategy being submitted to and approved by the Shire and Department of Water;
4. Fire Management Plan being submitted to and approved by the Shire and Department of Fire and Emergency Services; and
5. Remnant Vegetation Plan being submitted to and approved by the Shire and Department of Parks and Wildlife.

For any proposed Industry – Extractive use it is proposed that the following conditions would apply;

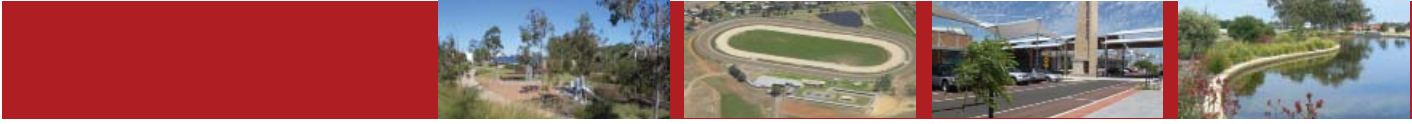
1. Applications for the development shall be submitted to the Shire in accordance with the Town Planning Scheme and the Shire’s Extractive Industry Local Law 1996



8.0 CONCLUSION

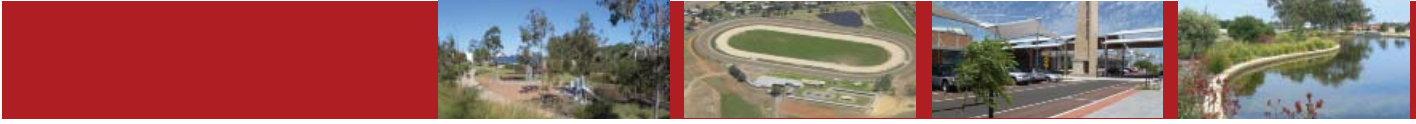
The proposed rezoning is consistent with the established State Planning Framework. It will assist and enable the orderly and proper development of a Waste Disposal Facility at Lot 4580 Panizza Road, Crooked Brook proved Local Structure Plan, consistent with the overall philosophy and intent of the Shires Local Planning Strategy.

Council's initiation of this Scheme Amendment is requested to rezone the land for a 'Special Use' zone.



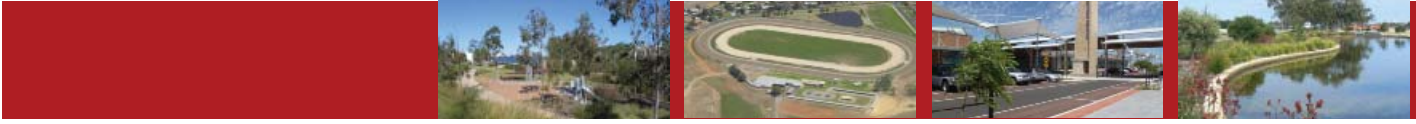
Appendix One Certificates of Title





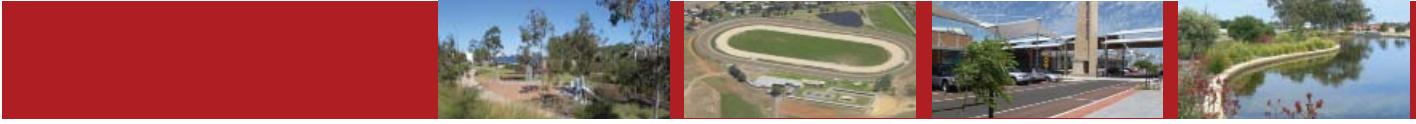
Appendix Two Strategen (2013) Environmental Gap Analysis





Appendix Three
Greg Harwood (2013)
Fauna Assessment





Appendix Four

Ecoedge (2013)

Flora and Vegetation Survey



PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF DARDANUP

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 189

The Shire of Dardanup under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act, 2005 hereby amends the above Town Planning Scheme by:

1. Updating Clause 1.8.1 - General Definitions to insert the following;

Waste – means any substance, by-product or material that is discarded, rejected, unwanted, surplus or abandoned and has no further use.

2. Updating Clause 1.8.2 - Land Use Definitions to insert the following definition;

Waste Management Facility– means premises for the collection, removal, processing, disposal, managing or monitoring of waste.

3. Updating Clause 2.2 – Objectives of the Zones to include;

Special Use Zone.

- To accommodate particular land uses or developments which the local government considers appropriate, but under circumstances where the location of the site and/or the nature of the particular use or development makes it impracticable for the use or development to be included within another zone

4. Insert under 3.15 Division 5 – Special Zones;

Special use zones

- 3.15.8.1 Special use zones are set out in Schedule XIII and are in addition to the zones in the Zoning Table.

- 3.15.8.1 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Appendix XIII and subject to compliance with any conditions set out in Appendix XIII with respect to that land.

5. Inserting new Appendix XIII – Special Use Zones and identifying Lot 4580 Panizza Road as ‘Special Use 1’ as follows;

Appendix XIII – Special Use Zones

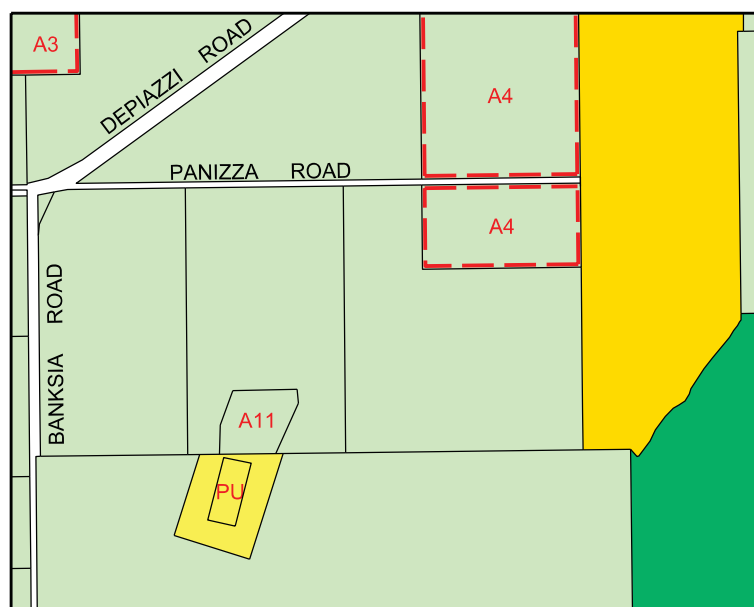
NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
1	Panizza Road	Lot 4580, Crooked Brook	Waste Management Facility	<p>1. Panizza Road being upgraded from it's intersection with Banksia and Depiazzi Roads to the property's access (minimum of 20m from western boundary) to the satisfaction of the Shire;</p> <p>2. Inclusion of buffers in accordance with the EPA's Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses;</p> <p>3. Local Water Management Strategy being submitted to and approved by the Shire and Department of Water;</p> <p>4. Fire Management Plan being submitted to and approved by the Shire and Department of Fire and Emergency Services; and</p> <p>5. Remnant Vegetation Plan being submitted to and approved by the Shire and Department of Parks and Wildlife.</p>
			Industry - Extractive	<p>1. Applications for the development shall be submitted to the Shire in accordance with the Town Planning Scheme and the Shire's Extractive Industry Local Law 1996</p>

6. Amending the Scheme Maps in accordance with the Scheme Amendment Map.

SHIRE OF DARDANUP




TOWN PLANNING SCHEME No. 3

Amendment No. 189



EXISTING ZONING

RESERVES

-  REGIONAL OPEN SPACE
-  STATE FORESTS
-  PUBLIC PURPOSES
DENOTED AS FOLLOWS

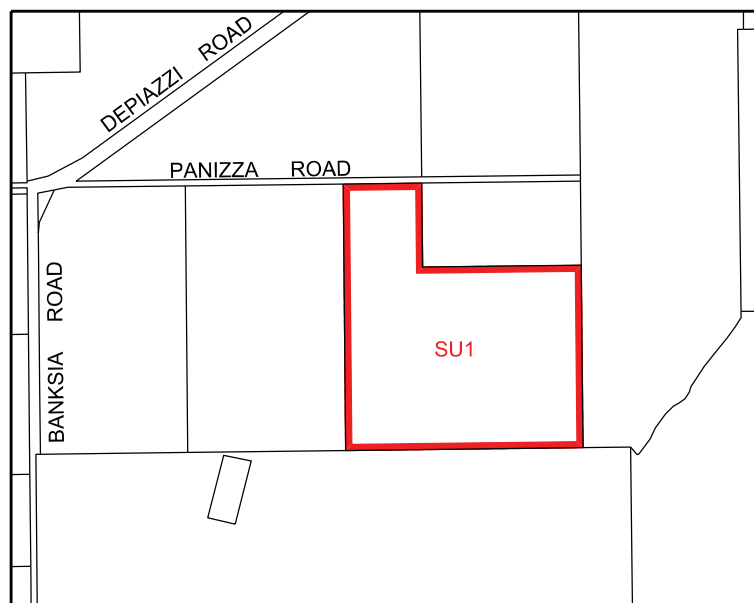
PU PUBLIC UTILITIES

ZONES

-  GENERAL FARMING

OTHER

-  SU1 SPECIAL USE



PROPOSED ZONING



ADOPTION

Adopted by resolution of the Council of the Shire of Dardanup at the Meeting of the Council
held on the day of 201 .

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Dardanup at the Ordinary Meeting of the Council held on the day of 201 and the Common Seal of the Shire of Dardanup was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....

DELEGATED UNDER S.16 OF
PD ACT 2005

DATE.....

Final Approval Granted

.....

MINISTER FOR PLANNING

DATE.....