

ITEM 8.1.1  
RESPONSIBLE AUTHORITY REPORT





**Form 1 - Responsible Authority Report**  
(Regulation 12)

<b>Property Location:</b>	Lot 2 on Plan 2767 Albany Highway, North Bannister
<b>Development Description:</b>	Class II & III Waste Disposal Facility (Landfill) of Nine Cells and Associated Facilities and Infrastructure
<b>DAP Name:</b>	Mid-West/Wheatbelt Joint Development Assessment Panel
<b>Applicant:</b>	Larry Smith Planning
<b>Owner:</b>	Suez Recycling & Recovery (North Bannister) Pty Ltd
<b>Value of Development:</b>	\$37 million
<b>LG Reference:</b>	A1673
<b>Responsible Authority:</b>	Shire of Boddington
<b>Authorising Officer:</b>	Steve Thompson (Consultant Planner)
<b>DAP File No:</b>	DAP/17/01291
<b>Report Due Date:</b>	15 December 2017
<b>Application Received Date:</b>	29 September 2017
<b>Application Process Days:</b>	90 Days
<b>Attachment(s):</b>	1. Development Plans 2. Applicant's Full Proposal 3. Location Plan and Existing Resource Recovery Park Site Plan 4. Copies of Submissions 5. Schedule of Submissions 6. Applicant's Response to Submissions

**Officer Recommendation:**

That the Mid-West/Wheatbelt Joint Development Assessment Panel resolves to:

1. Note the Schedule of Submissions and endorse the Recommended Responses.
2. Accept that the DAP Application reference DAP/17/01291 is appropriate for consideration as a "use type" land use and compatible with the objectives of the zoning table in accordance with the Shire of Boddington Local Planning Scheme No. 2.
3. Approve DAP Application reference DAP/17/01291 and accompanying plans in accordance with Clause 68 of Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following conditions:

**Conditions**

1. This approval shall expire and be of no further effect if the land use has not been substantially commenced within a period of five (5) years or within any extension of that time, requested in writing prior to the approval expiring, that may be granted by the Shire of Boddington.
2. The putrescible landfill facility operates in accordance with a Class II or III of the Prescribed Premises and does not accept waste associated with a Class IV or V landfill.
3. The hours of operation of the landfill facility are limited to between 5.00am to 8.00pm.

4. Rubbish is contained on the landfill facility site to the satisfaction of the Shire of Boddington.
5. Prior to the commencement of development, submit and gain approval to a Fugitive Roadside Litter Management Plan along Albany Highway to the satisfaction of the Shire of Boddington which is then appropriately implemented.
6. Prior to the commencement of development, a Drainage Management Strategy consistent with "Landfills for disposal of putrescibles materials" (former Department of Water - WQN111) is submitted for approval and implemented to the satisfaction of the Shire of Boddington.
7. Dust control measures for site works and all operations are implemented to the satisfaction of the Shire of Boddington.
8. Waste transport vehicles and trailers used to haul bulk loads are to be enclosed and are to prevent the escape of liquids in order to minimise odour to the satisfaction of the Shire of Boddington.
9. Prior to commencing the operation of the landfill, the "land manager's responsibilities" set out in the Bushfire Management Plan are implemented to the satisfaction of Shire of Boddington and thereafter are appropriately maintained.
10. Prior to commencing the operation of the landfill, submit and gain approval for a Bushfire Emergency Evacuation Plan to the satisfaction of the Shire of Boddington.
11. Prior to commencing the operation of the landfill, submit and gain approval for a Vermin Management Plan to the satisfaction of the Shire of Boddington.

#### **Advice Notes**

1. With respect to the Fugitive Roadside Litter Management Plan, the Shire of Boddington will review the management regime to determine its effectiveness including the frequency of roadside collection of litter.
2. Prior to undertaking any ground disturbing works, the operator to adopt the recommendations of the Archae-aus Pty Ltd "Desktop Research of the Aboriginal Heritage Values for the North Bannister Landfill Expansion Project Area" report dated June 2017.

#### **Details: outline of development application**

Zoning	MRS:	Not applicable
	TPS:	Rural
Use Class:		Industry-Noxious ("SA" use in the Rural Zone)
Strategy Policy:		Shire of Boddington Local Planning Strategy
Development Scheme:		Shire of Boddington Local Planning Scheme No. 2
Lot Size:		390 hectares
Existing Land Use:		Landfill facility, tree plantation, farming/grazing

Development approval is sought to extend the landfill footprint of the existing North Bannister Resource Recovery Park along with proposed supporting facilities and infrastructure. In particular, the development proposal (shown in the development plans in Attachment 1) consists of:

- expanding the footprint of the Class II and III Waste Disposal Facility (Landfill) through nine additional cells;
- cell lining and capping;

- landfill gas extraction;
- modifying the leachate management system and ponds; and
- updating stormwater management through a possible additional stormwater dam.

The landfill will accept domestic refuse, animal waste and other waste. The waste will decompose resulting in a high level of nutrients in the leachate. The planning report (Attachment 2) states that toxic, flammable, poisonous, infectious and radioactive wastes are not permitted.

The *Landfill Waste Classification and Waste Definitions 1996*, published by the then Department of Environment and Conservation, outlines what waste streams a Class II and III landfill can accept.

The proposed landfill will be designed as a staged engineered landfill which will incorporate an engineered liner and capping systems and active landfill leachate and gas management systems. This is designed to prevent the risk of contamination to groundwater.

The proposed expanded landfill footprint has an area of approximately 37.5 hectares and is expected to have a total life span of approximately 23 years.

A full copy of the Applicant's Proposal including the Planning Report, Environmental Impact Assessment, Bushfire Management Plan, Visual Impact Assessment and Traffic Impact Assessment, is provided in Attachment 2.

## **Background:**

### Site and surrounding land uses

The site is situated in the North Bannister locality which is approximately 30 kilometres north of the Boddington townsite, 5<sup>1/2</sup> kilometres west of the Albany Highway and 6 kilometres west of the North Bannister Roadhouse. The site's location, along with the site plan of the existing Resource Recovery Park, are shown in Attachment 3.

The site adjoins State Forest on two sides and timber plantations/grazing areas on two boundaries. Boonerring Hill is located approximately 800 metres west of the landfill facility, while the Bibbulmun Track passes close to the northern and western boundaries.

The site is located just outside the Serpentine Dam public drinking water catchment. The landfill facility is located in the broader Bannister River catchment which forms part of the Hotham River and the Murray River catchments.

Lot 2 is 390 hectares in area. The majority of the property is covered in a blue gum plantation and the site is also used for grazing. The Resource Recovery Park is located in the western portion of the site, with the current landfill facility covering approximately 19 hectares.

Access to the Resource Recovery Park is via a 7 metre wide sealed bitumen access off Albany Highway, which is contained in an easement.

### Previous approvals

The original proposal to develop a landfill facility was undertaken by Perthwaste Pty Ltd which included gaining development approval, a clearing permit, works approval and licencing.

In May 2011, the Shire of Boddington referred the development application for the initial landfill facility to the Environmental Protection Authority (EPA). The EPA decided not to subject the proposal

to the environmental impact assessment process. There were no appeals on the EPA decision to not subject the proposal to the environmental impact assessment process.

The Commonwealth Department of Sustainability, Environment, Water, Population and Communities assessed the initial development proposal in 2011, including proposed clearing, under the *Environment Protection and Biodiversity Conservation Act* and gave its support.

The landfill facility was approved by the Shire of Boddington in September 2011 as a Class II / III landfill with 11 cells, a total waste capacity of 2.5 million tonnes and an estimated operating life of 18 - 20 years based on an initial annual tonnage of 13,000tpa increasing to 200,000tpa over a nine year period.

The former Department of Environment Regulation issued a Works Approval to the landfill facility under the *Environmental Protection Regulations 1987* and then issued a licence. In November 2016, SUEZ sought and obtained approval from the former Department of Environment Regulation to increase the annual tonnage throughput from 200,000tpa to 350,000tpa to accommodate SUEZ's previous client needs as well as those of Perthwaste Pty Ltd.

The Resource Recovery Park is currently licensed to accept 350,000 tonnes per annum of Class II and Class III putrescible waste consisting primarily of household waste, food waste and non-recyclable waste and non-chemical wastes from commercial and light industrial premises. Special wastes such as asbestos and clinical waste not requiring incineration are buried under controlled conditions. Toxic, flammable, poisonous, infectious and radioactive wastes are not permitted. The Resource Recovery Park is also licensed for the acceptance of liquid and greenwaste, used tyres and for compost manufacture and soil blending.

### Zoning

The site is zoned "Rural" in the *Shire of Boddington Local Planning Scheme No. 2 (LPS2)*.

### **Legislation & policy:**

#### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection Act 1986* - Schedule 1 defines Class II or III putrescible landfill sites
- *Waste Avoidance and Resource Recovery Act 2007*
- *Shire of Boddington Local Planning Scheme No.2*
  - Clause 1.7 Scheme Objectives
  - Clause 4.11 Bush Fire Management
  - Appendix 2 Site and Development Requirements Table

#### State Government Policies

- *State Planning Policy 2 - Environment and Natural Resources*
- *State Planning Policy 2.5 - Rural Planning*
- *State Planning Policy 2.9 - Water Resources*
- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*
- *State Planning Policy 4.1 - State Industrial Buffer Policy (1997) & Draft Policy (2017)*
- *EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* - recommends a buffer distance of 500 metres for a residential subdivision, 150 metres

from a single residence and 35 metres from all lot boundaries. Also draft EPA Guideline (2015) which recommends a 1000 metre separation distance.

- *Western Australian Waste Strategy*

#### Local policies

- *Shire of Boddington Local Planning Strategy (2007)*
- Draft *Shire of Boddington Local Planning Strategy (2017)* – identifies the site and land between the Resource Recovery Park and Albany Highway as a possible industrial area subject to necessary technical investigations and structure planning.
- *Shire of Boddington Strategic Community Plan 2017 – 2027*: supports sustainable waste management, diversifying the local economy, investigating opportunities for tourism/education at the SUEZ site and addressing litter along Albany Highway.
- *Local Planning Policy 8 - Fire Protection Measures for New Development and Subdivision*

#### **Consultation:**

##### Public consultation

The public notice period was for 42 days. The Shire invited public comment on the development application through:

- writing to 10 State Governments agencies;
- writing to 14 adjoining/nearby landowners within the Shire of Boddington;
- writing to 9 community groups and relevant stakeholders;
- placing details on the Shire website;
- placing details in local papers on multiple occasions; and
- placing a sign on the Albany Highway frontage of the site.

The Shire received 17 submissions on the development application with all submissions set out in Attachment 4. The Schedule of Submissions and Recommended Responses are provided as Attachment 5. In summary, the submissions can be divided as follows:

- 2 raise objections;
- 4 raise issues/matters to address;
- 9 raise no objections; and
- 2 support the proposal.

The key planning issues/concerns raised by the public are outlined below:

<b>Issue/Concern Raised</b>	<b>Officer's comments</b>
Need for expanded landfill footprint	<ul style="list-style-type: none"> <li>• The issue is noted.</li> <li>• The <i>Western Australian Waste Strategy</i> recognises that landfills will continue to play an important role in waste management in the Perth and Peel regions and there is a need for additional landfill airspace to be developed.</li> </ul>
Leachate management	<ul style="list-style-type: none"> <li>• The issue is noted.</li> <li>• The engineered landfill will contain a composite liner comprising several layers of constructed environmental barriers, compacted clay underlining and an internal engineered leachate collection system including sump.</li> <li>• Leachate levels within the cells will be regularly monitored and periodic extraction is directed to the leachate evaporation dams.</li> </ul>

	<ul style="list-style-type: none"> <li>The leachate evaporation dam will also be lined and will have excess freeboard to allow for major rainfall events.</li> </ul>
Surface water and stormwater	<ul style="list-style-type: none"> <li>The issue is noted.</li> <li>The operator will implement a range of measures to minimise possible deterioration or contamination of surface water or groundwater.</li> <li>A Surface Water, Drainage and Sediment Control Plan will be designed and implemented which will divert undisturbed (uncontaminated) surface run-off in a manner to prevent erosion and prevent stormwater from disturbed areas from flowing offsite or entering waterways.</li> <li>A biannual groundwater monitoring program will also be developed and implemented and there will be annual reporting to the Department of Water and Environmental Regulation (DWER).</li> </ul>
Flora and fauna impacts	<ul style="list-style-type: none"> <li>No clearing of native vegetation is proposed.</li> <li>The proposed expansion area extends into the Tasmanian Blue Gum plantation.</li> </ul>
Noise: construction and operation	<ul style="list-style-type: none"> <li>The issue is noted.</li> <li>The nearest sensitive receptor is approximately 4.4 km from the proposed expanded facility.</li> <li>A noise assessment was undertaken by Vipac Engineers &amp; Scientists Ltd which predicts that noise levels against night time noise criteria for construction, the landfill operation and from transport noise will be below the prescribed noise levels and will not impact on nearby residences.</li> <li>The Shire has received no written noise complaints since the landfill facility commenced operation.</li> </ul>
Air quality and odour	<ul style="list-style-type: none"> <li>The issue is noted.</li> <li>The EPA Draft Separation Distances between Industrial and Sensitive Land Uses recommends that a putrescible landfill site (Class II and III) maintain a separation distance of 1,000m to the nearest sensitive receptor.</li> <li>The nearest sensitive receptor is approximately 4.4 km from of the proposed facility, well beyond the separation distances for a putrescible landfill site.</li> <li>Predicted residential standard odour impacts of 2.5 ou (odour units) were assessed and determined to have an average radius of approximately 2 km; still 2 km away from the nearest sensitive receptor and therefore unlikely to impact occupants.</li> <li>The trucks carting waste materials to the landfill should be enclosed and designed to prevent the escape of liquids in order to minimise odour.</li> <li>Waste will be covered with soil on a daily basis to reduce the risk of odour.</li> <li>Landfill gas management systems will be installed to reduce air emissions into the environment which further minimises the potential for odour.</li> </ul>
Dust	<ul style="list-style-type: none"> <li>The issue is noted.</li> <li>The landfill operation will create dust.</li> <li>The site's relatively isolated location, buffers to the State Forest and rural uses and existing vegetation assist to minimise dust impacts. This can be further minimised in the landfill footprint through measures undertaken by the operator.</li> </ul>
Land use compatibility	<ul style="list-style-type: none"> <li>The issue is noted.</li> <li>The proposed expanded landfill is located within a rural area containing large lots which adjoins the State Forest on two sides and rural land (tree plantations and grazing) on two sides. The site is well removed from townsites and rural living areas.</li> <li>The landfill exceeds the buffer standards on the EPA <i>Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses</i>. For planning purposes, the separation distances between the landfill facility and sensitive uses exceeds reasonable planning standards.</li> </ul>
Bushfire risks	<ul style="list-style-type: none"> <li>The issue is noted.</li> </ul>



	<ul style="list-style-type: none"> <li>• A Bushfire Hazard Level Assessment and Bushfire Management Plan have been prepared. The Bushfire Management Plan concludes that the fire threat to people and property is significantly reduced through proposed measures.</li> <li>• The site currently has 2 x 160 kL water tanks with a fixed standpipe for rapid filling of appliances. Two portable units are also available on-site for rapid deployment. There is also a large stormwater dam for refilling the water trucks and/or fire-fighting tanks if needed. A 15 kL water truck, normally used for dust suppression, can be used as a water cart and has couplings compatible for connection to the local brigade's appliances.</li> <li>• DFES raise no objections on the development application.</li> </ul>
Visual and landscape	<ul style="list-style-type: none"> <li>• The issue is noted.</li> <li>• The proposed development is screened from view from the Albany Highway. The landform and vegetation between the footprint and the Albany Highway will fully screen the current landfill and expanded footprint from Albany Highway.</li> <li>• There are minimal impacts on the visual amenity of the area associated with the Bibbulmun Track which is screened by a ridge and vegetation which are located between the Bibbulmun Track and the landfill facility.</li> <li>• It is acknowledged there are visual impacts of the proposed expanded footprint, when viewed from Boonerring Hill, as set out in the Visual Impact Assessment by Golder Associates. Boonerring Hill is located approximately 800 metres to the west and is a 20 minute uphill walk from the main Bibbulmun Track.</li> <li>• SUEZ met with the Bibbulmun Track Foundation on 29 August 2017 to discuss the proposed expanded footprint. The Foundation has advised that the existing landfill operation has not impacted the track and no complaints have been received. SUEZ has committed to continue to work with the Foundation to minimise any future impacts.</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>• There is a need for the operator to prepare and implement a Fugitive Roadside Litter Management Plan along Albany Highway.</li> <li>• Provided roadside litter is effectively addressed, the Resource Recovery Park and proposed expanded footprint will not impact tourism associated with movement on Albany Highway.</li> <li>• As set out in Attachment 6, SUEZ is proposing a regular programme of road side collection of fugitive litter from waste transport vehicles and is upgrading the cover on its fleet of waste trailers to minimise the risk of fugitive litter.</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>• The issue is noted.</li> <li>• The site has direct access to Albany Highway which enables use by restricted access vehicles, including road trains and B Doubles.</li> <li>• A Traffic Impact Assessment has been prepared that addresses both the existing Resource Recovery Park as well as the proposed expanded footprint at the current disposal rate of 350,000tpa.</li> <li>• The Traffic Impact Assessment concluded that the predicted traffic generation from the site will not adversely impact the operation of the existing road network and particularly Albany Highway.</li> <li>• As part of the initial development application, the intersection of the landfill access road with Albany Highway was upgraded with a pass by lane developed for south bound traffic.</li> <li>• Main Roads Western Australia raises no objection to the development application in term of the amount and type of traffic likely to be generated by the development on Albany Highway.</li> </ul>
Roadside litter	<ul style="list-style-type: none"> <li>• There is a need for the operator to prepare and implement a Fugitive Roadside Litter Management Plan along Albany Highway.</li> </ul>

The stated reasons for objecting to the proposal along with identified issues and concerns are noted. The identified matters can be appropriately addressed. It is suggested there are no identified issues that warrant refusal of the development application.

The applicant has provided a response to the submissions (Attachment 6) and has provided comments outlined in Attachment 5. The Shire accepts and agrees with the applicant's response and considers the comments received on the development application to be adequately addressed.

#### Consultation with other agencies or consultants

The following State Government agencies were consulted:

- Department of Fire and Emergency Services – no objection
- Department of Primary Industries and Regional Development – no objection
- Department of Mines, Industry Regulation and Regional Development – no objection
- Department of Jobs, Tourism, Science and Innovation – no objection
- Department of Planning, Lands and Heritage – no objection
- Department of Health – no objection
- Department of Water and Environment Regulation – no objection, will assess through separate Works Approval
- Main Roads Western Australia – no objection
- Department of Biodiversity, Conservation and Attractions – no response
- Waste Authority – no response.

#### **Planning assessment:**

It is recommended that the development application for the expanded landfill footprint be conditionally approved. This follows assessment against the planning framework, information provided by the applicant, considering the views of the submitters and other available information. It is noted, for instance, that:

- State Government agencies have not objected to the application;
- there are suitable buffers to off-site dwellings and sensitive uses that exceed guidelines;
- its siting in a relatively isolated area away from settlements, adjoining the State Forest and large rural landholdings;
- the North Bannister locality is not identified for rural living purposes, but instead the area is identified as an industrial investigation area in the draft Local Planning Strategy;
- its proximity to the Albany Highway;
- the vast majority of traffic will be between Perth and North Bannister which limits impacts on local residents, particular the Boddington townsite;
- Main Roads Western Australia raise no traffic impact or vehicular access issues;
- no clearing of native vegetation is proposed; and
- bauxite resources are not impacted

Previously the EPA concluded the initial landfill proposal was environmentally acceptable. The operators are required to hold a DWER Works Approval and are required to meet DWER requirements on an on-going basis.

It is accordingly suggested that the proposed expanded landfill facility is conditionally appropriate for this site.

#### Shire of Boddington Local Planning Scheme No. 2

The site is zoned "Rural" in LPS2. Table 1 – Zoning Table of LPS2 sets out a number of land uses and the "permissibility" of those uses within the various zones of the Scheme. Table 1 does not specifically provide for the use of waste disposal/landfill. The use closest in form to waste disposal/landfill, currently provided for under Table 1, is that of "Industry – Noxious" which is defined under the Scheme as:

"industry - noxious: means an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Act, 1986 (as amended)."

Table 1 – Zoning Table identifies "Industry - Noxious" as an "SA" use within the Rural Zone requiring the specific approval of Council and advertising for public comment under Clause 6.4 of the Scheme.

A landfill is a Prescribed Premises under the *Environmental Protection Act*.

LPS2 does not define specific objectives for the Rural Zone but does identify a range of Scheme wide objectives. The proposed expansion of the Resource Recovery Park is consistent with LPS2 objectives.

The proposal complies with relevant development standards and requirements in LPS2 including setbacks.

**Conclusion:**

The proposed expanded landfill footprint is well removed from sensitive premises and the proposed design and range of environmental management measures should ensure minimal environmental impact. The proposed footprint is located wholly within an existing Blue Gum plantation and will have minimal impact on flora and fauna. Subject to the implementation of development conditions, it is considered that the proposed expanded landfill footprint is appropriate. Accordingly, it is recommended that the Mid-West/Wheatbelt Joint Development Assessment Panel approve the development application subject to the conditions as detailed above.

