

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On Tuesday 11 May 2021**

**ATTENDANCE**

**Don Bothwell, Lucy Gouws, Angela Satre, Jason Heine, Chis McAtee**

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
06/05/2021	A9473	Lot 120 Mentelle Road, Kilcarnup	Bed & Breakfast (Renewal)	P221340
11/05/2021	A6299	11 (Lot 109) Parry Court, Augusta	Bed & Breakfast (Renewal)	P221349
11/05/2021	A2225	38 (Lot 43) Townview Terrace, Margaret River	Holiday House	P221350
11/05/2021	A11867 A11031 A4069	314 (Lot 2101) Wurring Road, Cowaramup	Cafe Addition (Coffee Roasting)	P221351
12/05/2021	A7444	Unit 2 /7 (S/L 2 ) Town View Terrace, Margaret River	Holiday House	P221354
11/05/2021	A13075 A13213	Lot 9001 Bussell Highway, Witchcliffe	Subdivision	P221355
11/05/2021	A13075 A13213	Lot 9001 Bussell Highway, Witchcliffe	Survey Strata	P221356
11/05/2021	A557	47 (Lot 100) Le Souef Street, Margaret River	Survey Strata	P221357
11/05/2021	A13075 A13213	10347 (Lot 9001) Bussell Highway, Witchcliffe	Survey Strata	P221358
11/05/2021	A5225	5 (Lot 8) Trinder Drive, Margaret River	Subdivision	P221359

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
06/05/2021	A13160	56 (S/L 12) Kulbardi Way, Witchcliffe	Single Dwelling, Shed and Rainwater Tank	221327
06/05/2021	A11803	255 (Lot 212) Wurring Road, Cowaramup	Single Dwelling	221328
06/05/2021	A6439	6B (Lot 76) Redgum Court, Margaret River	Carport	221329
06/05/2021	A13103	5 (S/L 3) Yornitj Grove, Witchcliffe	Two Storey Dwelling and Rainwater Tank	221330
10/05/2021	A12352	24 (Lot 104) Matthews Road, Augusta	Shed	221331
10/05/2021	A1929	4 (Lot 23) Nicholson Street, Gracetown	Carport	221332
11/05/2021	A13228	68 (Lot 61) Matthews Road, Augusta	Single Dwelling, Ancillary Accommodation and Shed	221333
11/05/2021	A10821	20 (Lot 54) Nebbiolo Place, Margaret River	Alterations and Additions to Existing Dwelling	221334
11/05/2021	A10361	4 (Lot 450) Smokebush Court, Cowaramup	Carport	221335
11/05/2021	A12853 A	36 – 38 (Lot 80) Fearn Avenue, Margaret River	Early Childhood Centre	221336
11/05/2021	A3899	31-79 (Lot 1003) Wallcliffe Road, Margaret River	Demolish 5 x Sheds	221337
11/05/2021	A592	155 and 263 (Lot 3904) Twenty Four Road, Karridale	Single Dwelling	221338

**SUBDIVISIONS DETERMINED**

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
30/03/2021	A1051	P221225	29 (Lot 15) Allnut Terrace, Augusta	Survey Strata	Completed

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
03/12/2020	Lara Hoole	1 (Lot 164) Laurina Place, Gnarabup	Dwelling Addition & Ancillary Accommodation	Approved	P220784
16/02/2021	Lucy Gouws	8 (Lot 246) Bandicoot Close, Gnarabup	Dwelling	Approved	P221128
12/03/2021	Lara Hoole	27 (Lot 73) Bovell Avenue, Margaret River	Dwelling Additions (Ancillary Dwelling & Outbuilding)	Approved	P221183

15/03/2021	Lucy Gouws	30 (Lot 15) Formosa Street, Margaret River	Holiday House	Approved	P221189
18/03/2021	Lucy Gouws	Unit 4/16 (Strata Lot 4 / Lot 10) Townview Terrace, Margaret River	Holiday House	Approved	P221196
31/03/2021	Lina O'Halloran	3 (Lot 26) Merrit Lane, Margaret River	Dwelling (Retaining)	Approved	P221222
31/03/2021	Sophie Moscardini	710 (Lot 2769) Warner Glen Road, Forest Grove	Dam (Recontouring & Culvert Reinstatement to Existing Dam)	Approved	P221229
06/04/2021	Lina O'Halloran	54 (Lot 1040) Heron Drive, Margaret River	Home Business (Naturopath)	Approved	P221232
07/04/2021	Sophie Moscardini	Unit 1/17 (Lot 290) Elva Street, Margaret River	Holiday House	Approved	P221238
08/04/2021	Sophie Moscardini	Unit 2 / 24 (Lot 2) Townview Terrace, Margaret River	Holiday House	Approved	P221247
13/04/2021	Angela Satre	40 (Strata Lot 1 Lot 291) Tunbridge Street, Margaret River	Holiday House (Renewal)	Approved	P221258
28/04/2021	Sophie Moscardini	2 (Lot 38) Freycinet Way, Gnarabup	Dwelling (Addition)	Approved	P221312

#### LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
22/02/21	Lucy Gouws	456 (Lot 103) Treeton Road, North Treeton	Chalets (Four Chalets)	Conditional approval	P221137

#### MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
10/05/2021	Hayley Bain	372 (Location 3784) Carters Road, Burnside	Modification of Vegetation on a Thoroughfare or Local Government Property	Approved	P221346

#### LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
11/03/2021	Catherine Gardiner	31-79 Wallcliffe Road, Margaret River (Margaret River Skate Park)	Local Law Permit - The Concrete Club - Skate Workshops	Approved	P221191

#### OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
28/01/2021	Don Bothwell	279 (Lot 1) Boodjidup Road, Margaret River	Rural Industry (Compost Facility) & Dams (2 x Leachate Storage Dams)	Conditional approval	P221084

#### ELECTED MEMBERS ATTENTION

Nil

#### CLOSURE OF MEETING



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**

**DEVELOPMENT APPLICATION ASSESSMENT (DAU)  
Report to Manager Planning and Development Services**

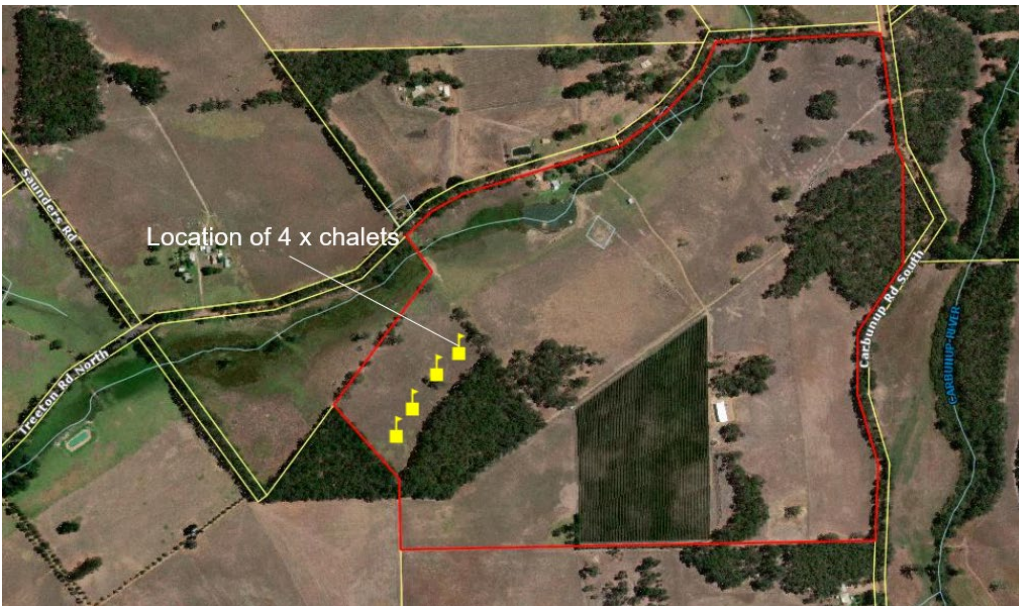
**Proposed Chalets (Four Chalets)  
456 (Lot 103) Treeton Road, North Treeton**

**Major (Level 2)**

**P221137; PTY/11029**


**REPORTING OFFICER : Lucy Gouws  
DISCLOSURE OF INTEREST : Nil**

General Information	
Lot Area	69ha
Zone	<b>Priority Agriculture</b>
Proposed Development	Planning approval is sought for 4 x 1 bedroom chalets. Each chalet has a floor area of 54m <sup>2</sup> and is proposed to be occupied with a maximum of 2 guests.  The development complies with the provisions of Local Planning Scheme No. 1 (LPS1).
Permissible Use Class	'A' Advertising required
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	22/02/2021



Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Officer Comment</b>	<p><b>State Planning Policy 3.7 – Planning in Bushfire Prone Areas. (SPP3.7)</b> A Chalet (short term accommodation) use falls under the 'Vulnerable land use' category under SPP3.7; a land use where persons may be less able to respond in a bushfire emergency. Vulnerable land uses in areas where a BAL -12.5 to BAL-29 risk rating applies, will not be supported unless they are accompanied by an endorsed Bushfire Management Plan (BMP).</p> <p>A suitably endorsed BMP was submitted with the application. The BMP demonstrates how the criteria under Appendix Four of the <i>Guidelines for Planning in Bushfire Prone Areas</i> (the Guidelines) will be met in the development.</p> <p>The Site has a BAL FZ due to surrounding grassland around the chalet sites. Through the implementation of the submitted BMP and an asset protection zone (APZ), which is completely contained within the lot boundaries, the BAL can be reduced to achieve between a BAL 19 – 29 risk rating.</p> <p>The steps recommended in the BMP to achieve compliance with the acceptable solutions in the Guidelines are recommended to be implemented prior to commencement of the short stay use of the chalets. This is reflected as a recommended condition of any approval with certification required of the BMP implementation steps by a level 3 bushfire planning practitioner.</p>

	The BMP demonstrates that the development can meet the requirements of SPP3.7.		
<b>Structure Plans and Local Development Plans (LDP's)</b>			
Is the land in any Structure Plan Area or subject to a LDP?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Planning History</b>			
2017 – Farm Building approved (ref P217105)			
2017 – Chalets x 4 cancelled (ref P217709)			
<b>Advertising/Agency Referrals</b>			
Has the application been referred to adjoining landowners/agency?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
		No. received: 1 x support & 1 x object	
<b>Details of Submission</b>		<b>Officer Comment</b>	
Objection was raised to the development and that the proposal triggers the requirement for road upgrade, or, at the minimum re-sheeted with gravel and graded by the Shire more regularly. Also concerns with the access and trees blocking driver's vision.		Concerns are acknowledged, however, as confirmed by the Shire's Infrastructure section the scale of the development for four single bedroom chalets does not trigger the requirement for upgrade of the road. The Shire's Infrastructure section will work with the proponent on the location of the new crossover and access to the Site to ensure the location is safe with clear sight lines in both directions.	
<b>Agency Comments</b>		<b>Officer Comment</b>	
<u>Department of Fire and Emergency Services (DFES)</u> <ul style="list-style-type: none"> <li>Review vegetation classification</li> <li>Comments in relation to evacuation are to be within the Bushfire Emergency Evacuation Plan (BEEP) not the BMP.</li> <li>Review location requirements.</li> <li>Requirements for private road network given that the accommodation will be for long term and short term basis.</li> <li>Address water supply and location within a BAL 29.</li> </ul>		Noted. These comments have been assessed by the Shire Emergency Services Officer (see comments below). The BMP has subsequently been amended to address both DFES and Emergency Services comments and the amended BMP is considered to be acceptable.	
<b>Internal Department Comments</b>		<b>Officer Comments</b>	
<u>Infrastructure</u> New crossover proposed, which will require assessment prior to construction. Support with recommended conditions and advice notes.		Noted, conditions added.	
<u>Health</u> No concerns raised, supported with recommend conditions and advice notes.		Noted, conditions added.	
<u>Emergency Services</u> Have reviewed the comments made by DFES and provide the following advice. <ol style="list-style-type: none"> <li>Comments made about the BEEP, not an issue if the comments provided in the BMP are replicated in the BEEP.</li> <li>Agree with DFES on location; there are areas on site with much lower risk, however the application meets the Guidelines.</li> <li>Would be happy with a 4m wide 6m horizontal clearance (as a private driveway) through the grassland. Recommend driveway continues between chalets.</li> <li>Need an APZ around water tank.</li> </ol>		<ol style="list-style-type: none"> <li>Noted, no changes required.</li> <li>Noted, no changes required given that the location of the chalets complies with the Guidelines and a BAL 19 – 29 is able to be achieved without the removal of vegetation.</li> <li>Revised BMP reflects these comments and a 4m wide 6m horizontal clearance will be achieved for the driveway. The driveway has been extended to connect to each chalet (see figure 2 below).</li> </ol>	

<p><u>Environment</u> Not clear if clearing of vegetation is required to create the access.</p>	 <p>Figure 2: Extract from BMP</p> <p>4. Location of water tank revised in the BMP and an APZ is shown around the water tank (see Figure 2 above).</p> <p>Noted. The BMP states that <i>'no modification to remnant vegetation is required as part of this proposal'</i>. Notwithstanding, a condition is recommended to be applied that requires additional details about the location of the access to ensure no vegetation is required to be removed.</p>
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**Assessment of Application**

Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**R Codes**

Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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**Development Standards (Schedule 9)**

Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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<b>Officer Comment</b>	<p>The location of the chalets complies with the setbacks for land zoned general agriculture.</p> <p>Clause 4.16.3 also requires the application to demonstrate that the proposal is 'low impact tourism' and meets the following principles:</p> <ul style="list-style-type: none"> <li>The proposal will not have adverse impact to the rural production of the land and that the proposed development will be incidental to the principle use of the land for agricultural pursuits.</li> <li>The proposal will not impact native vegetation and will result in the retention and enhancement of the existing vegetation on the land and that the rural character of the property will not be adversely affected.</li> </ul> <p>The applicant has provided the following explanation for the proposal to meet the requirements of clause 4.16.3.</p> <p><i>The subject site will continue to be utilised primarily for cattle production. Currently they have 38 head of cattle, but the intention is to increase the herd by 6 – 8 each year. The site also has an existing vineyard.</i></p> <p>The siting of the chalets has been carefully considered in regard to retaining viable agricultural land and to avoid compromising any bushland remnants within the site.</p> <p>The subject site is greater than 20 hectares in area under the provisions of this clause a maximum of 6 chalets/cabins, 12 caravan/camping bays or 12 guest bedrooms can be considered on the subject site.</p> <p>Based on the above, the proposal is considered to comply with clause 4.16.3 .</p>
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**Car Parking**

LPS1 / R Codes Requirement	Car Bays Required - 4	Car Bays Proposed - 4
Dimensions	2.5 x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	

**Building Height**

Scheme / Policy Requirement	Wall - 7m	Roof - 8m
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State the proposed building height	Wall - 4m Roof – 4.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Clause 67</b>		
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?		
<b>Officer Comment</b>	The Site has established agricultural operations which range from cattle and viticulture. The chalets are to add to the existing agricultural operations on the Site and will not compromise future agriculture. The proposal is considered to be consistent with the intent and provisions of the Scheme.	
<b>In the opinion of the officer</b>		
i. Are utility services available and adequate for the development?	To be provided for each chalet.	
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	The BMP states that there is no requirement for vegetation to be removed. The location of the new access and crossover will be closely reviewed to ensure minimal vegetation is removed.	
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a	
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	None.	
iv. Is the development likely to comply with AS3959 at the building permit stage?	Once the APZ is implemented a BAL 19 – 29 will be achieved.	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	The development is of a type that requires notification to neighbours. One objection relating to the public road standard was raised during the advertising period. Infrastructure services have confirmed that the road standard is sufficient for the proposal and further road upgrading is not required. The proposal meets the intent and provisions of the Scheme in terms of scale and location and meets the requirements of State planning policy including SPP3.7. While the objection is noted it does not warrant modification or refusal of the application and conditional planning approval is recommended.	

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Chalets (Four Chalets) a 456 (Lot 103) Treeton Road, North Treeton subject to compliance with the following conditions:

#### CONDITIONS

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P4 received at the Shire on the 22 February 2021
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- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
- The approved Bushfire Management Plan (prepared by Ecosystem Solutions dated 14/04/21 Rev B), shall be implemented on the subject Site prior to commencement of the Chalet use and at all times thereafter.
- Certification shall be provided to the Shire, by a level 3 accredited Bushfire Planning Practitioner, that all bushfire management actions detailed in the approved Bushfire Management Plan (prepared by Ecosystem Solutions dated 14/04/21 Rev B) have been implemented on the subject Site prior to commencement of use of the Chalets.
- Prior to the issuing of a building permit, details shall be provided showing the location and works required to install and upgrade the existing access/driveway through the Site to meet the requirements of the approved Bushfire Management Plan (prepared by Ecosystem Solutions dated 14/04/21 Rev B).
- Prior to occupation of the development, crossovers shall be designed, constructed, and drained in accordance with the Shire's standards and specifications.

7. During construction, including access/driveway construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
8. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
9. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the Chalets at all times.
10. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Chalets and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times the Chalet is in use.
11. The 24 hour contact details of the Manager of the Chalets shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
12. The Chalets are approved for Short Stay purposes only. Short stay means premises occupied by the same people for no more than three months in any 12 month period.
13. Any marketing material for the Chalet must display the planning approval reference number for this approval.

#### **ADVICE NOTES**

- a) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
  - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
  - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to contact Asset Services to arrange for a site meeting to assess the suitability of the proposed crossovers location and agree on the final site.
- c) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document), and is required to contain the following advice to reinforce the difference between a rural lot and other areas is the recommended to include a brief:
 

*"The subject site is located adjacent to operational agricultural activities, which are provided exemptions to operate under section 12 of the Environmental Protection (Noise) Regulations, which may have a nuisance effect on amenity. Guests must remain within property boundaries at all times in the interests of guest safety and biosecurity for agricultural producers."*
- d) A potable water source is required to be provided in accordance with the *Shire of Augusta Margaret River Health Local Laws 1999* (e.g. water to be treated by filter and ultraviolet light). Any untreated water supply is required to be provided with signage stating that water is not treated.
- e) Rainwater storage tanks should be sealed to prevent the ingress of rodents and other vertebrates, dust and to prevent mosquito breeding. A first flush diverter should be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
- f) If the proponents intend to supply / prepare food for guests, application will need to be made to register the business in accordance with the *Food Act 2008*. Food provided and the food preparation areas will need to comply with the requirements of the Food Standards Australia New Zealand.
- g) An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health prior to occupation of the building.
- h) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
- i) The proponent will need to ensure that the occupants of the chalets comply with the requirements of the Environmental Protection (Noise) Regulations 1997.



**Report to Manager Planning and Development Services**

**Proposed Rural Industry (Compost Facility) & Dams (2 x Leachate Storage Dams)  
279 (Lot 1) Boodjidup Road Margaret River**

**Major (Level 1)**

**P221084; PTY/12772**

**REPORTING OFFICER : Don Bothwell**  
**DISCLOSURE OF INTEREST : Nil**

General Information	
<b>Lot Area</b>	724363m <sup>2</sup>
<b>Zone</b>	<b>Priority Agriculture</b>
<b>Proposed Development</b>	<p>Voyager Estate is proposing to produce organically certified compost for their own use. Details of the proposed operations include:</p> <ul style="list-style-type: none"> <li>• Maximum of 950 tonnes of product annually;</li> <li>• An average of one single semi-trailer truck deliveries of ingredients to the site per week (maximum 48 truck movements per year);</li> <li>• Windrow size 4 metres wide, 35 metres long and 2m high;</li> <li>• Access proposed from existing entrance to adjacent Voyager Estate property – Lot 2170 Gnaraway Road;</li> <li>• Truck movements for deliveries from the proposed facility to other parts of the site or other Voyager properties is proposed to average 3 movements per month;</li> <li>• The facility will not be open to the general public;</li> <li>• 2 x leachate dams (Dam 1 - 2.6ML and Dam 2 – 5.6ML) with forced aeration and managed nutrient loading;</li> <li>• Proposed operating hours 7am to 5pm Monday to Saturday;</li> <li>• Tree break 100m long and 15m wide proposed adjacent to the existing farm road on south boundary;</li> <li>• Front end loader proposed to mix the compost; and</li> <li>• Water source for the composting facility is the existing Dam at the rear of the property.</li> </ul>
<b>Permissible Use Class</b>	“D” Discretionary approval required
<b>Heritage/Aboriginal Sites</b>	None identified
<b>Encumbrance</b>	None identified
<b>Date Received</b>	28/01/2021







Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Planning History	
On 6 October 2004, the Shire issued a Development Application – P24262, for a Vineyard at the subject property.	
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A The application was advertised to surrounding landowners within a 1000m radius which is consistent with the Buffer Distance for a Composting Facility set out in the Environmental Protection Authority's Guidance for Assessment of Environmental Factors – <i>Separation Distances between Industrial and Sensitive Land Use</i> No. 3 (June 2005).  A sign was also erected at the front of the property advising of the proposed development inviting interested parties to provide comment in relation to the proposal.
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  No. received: <b>3 submissions, 1 support, 2 indifferent</b>
Details of Submission	
Officer Comment	
<u>Submission 1</u> <ul style="list-style-type: none"> <li>Leachate dams appear close to seasonal wetlands, although monitoring is stated concerns remain regarding leaching or spillage.</li> </ul>	Noted. The proposed plans inadvertently noted a "Seasonal Wetland" which should have correctly noted a "Constructed Wetland". Proposed plans have been amended accordingly. As per the advice received from DWER in relation to the proposed application: <i>"there are no high value wetlands (e.g. Conservation Category Wetlands nor high value waterways in the vicinity of the composting plant"</i> .  Nutrient and leachate management measures are comprehensively addressed in the Compost Facility Management Plan. It is noted that the design of the leachate dams exceeds the required guidelines (Water Quality Protection Note No. 90, Item 35) which require: <ul style="list-style-type: none"> <li>- handle a 72-hour duration, 1 in 10 year ARI rainfall event without overflow (120mm rainfall);</li> </ul>

- Multiple “risk factors” 4.1.1 – 4.15 have been identified regarding Odour. Concerns exist regarding odour and mitigation if odour becomes apparent.

- have a sufficient storage freeboard for a 90<sup>th</sup> percentile wet year and any wave action without overflowing.

The proposed dams have been designed above and beyond the above mentioned requirements including:

- a 24-hour duration 1 in 2000 year event (202mm rainfall) with 500mm of dam capacity remaining for freeboard to contain wave action;
- a 99<sup>th</sup> percentile rainfall year with 500mm of dam capacity remaining for freeboard to contain wave action (Appendix 2 of the Management Plan).
- the dams have multiple levels of redundancy to prevent nutrient emissions. In the event that dams rise to above 500mm freeboard level, water will flow back into the composting area which has a 500mm bund to retain water. If the increased capacity is exceeded, the water will overflow through controlled spillways into a drainage channel that will deliver the water to the constructed wetland. The wetland will store the water and strip any nutrients that it carried.

In relation to odour, it is considered that this risk has been comprehensively addressed in the Compost Facility Management Plan which identifies low risk of unpleasant odour impacts from the facility. It is noted that the management plan has been prepared by an expert in composting facilities and the processes associated with them. The situations which have the potential to create odour in the process are well understood and can be rectified without difficulty.

The DWER Odour Emissions Guideline June 2019 requires an odour assessment for category 67a (composting facilities) for compost facilities of 400 to 2000 tonnes per year only if the nearest odour receptor is less than 400 metres away. The nearest residential dwelling in this instance is 650m from the proposed composting site.

The applicant has indicated that they will be avoiding any undue odour impacts to eliminate any environmental or social impacts. Additionally, odour emission is an indication of a poorly performing compost facility with the applicant identifying that they wish to produce the highest quality compost, with the highest environmental standards.

#### Submission 2

- No objection in principle, however, I do have some concerns and require confirmation and clarification on the following points:
  - Noise: the present noise level of the general activities on the subject lot especially in the early mornings and late evenings. Extra truck movements would cause more disturbance in what an otherwise tranquil and serene environment is.
  - Proposed operating hours – 6am to 6pm Monday to Friday 8am to 5pm Saturday. My suggestion – 7am to 5pm Monday to Saturday.

Noted. The noise associated with the additional truck movements within the site and other Voyager properties will be required to comply with the *Environmental Protection (Noise) Regulations*. Any noise associated with truck movements on the surrounding road network external to the site are exempt from the Noise Regulations. It is considered that the estimated truck movements (an average of 1.6 movements per week) will not have an undue impact on the amenity of surrounding properties.

Noted. Hours of operation have been amended accordingly, the applicant is agreeable to the new hours of operation of 7am to 5pm Monday to Saturday.

Noted. Section 7.2 of the Compost Management Plan, the target windrow size is 4 metres wide and 2 metres high. There are trials proposed by the applicant in relation to the size of the windrows. The purpose of these trials is to achieve an optimal balance of space and oxygen efficiency.

<ul style="list-style-type: none"> <li>- The proposed height of the compost windrow is stated to be 2 metres. Please confirm that there will not be any structure (e.g. storage sheds) above that height.</li>   <li>- The site: please advise when this would be established. There is reference on the detailed site plan to a “wetland” on the southern portion of the affected area. Please confirm that this refers to the existing terrain and that no new wetland is proposed.</li> </ul> <p><u>Submission 3</u></p> <ul style="list-style-type: none"> <li>• No Concerns</li> </ul>	<p>The applicant confirmed that there will not be any structures such as sheds or shelters constructed over the windrows. The intention of the “Tree Break” as shown on the detailed site plan was to provide a visual screen with a natural vegetation buffer mitigating adverse views of the facility. Notwithstanding, given the separation distance of 650m from the closest neighbouring dwelling and approximately 1000m from the road, the development is unlikely to be visible.</p> <p>In relation to the timeframe for the establishment of the facility, the applicant has advised that they hope to commence in 2021, however, this will be subject to obtaining the necessary approvals/licences.</p> <p>The subject wetland is a proposed ‘constructed wetland’ which has been designed as an additional safeguard to meet the objective that no runoff leaves the site. The applicant has advised that the constructed wetland:</p> <ul style="list-style-type: none"> <li>- Will further enhance environmental values of the site;</li> <li>- Is designed to slow and store the water, and nutrients stripped by the vegetation;</li> <li>- Is designed to increase water management options and protect against leachate dam overflows from entering local waterways during extreme weather/rainfall events.</li> </ul> <p>Noted.</p>
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<b>Agency Comments</b>	<b>Officer Comment</b>
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<p><u>Department of Water and Environmental Regulation (DWER) Advice (1)</u></p> <p><b>Issue 1:</b> The proposed compost manufacturing may be subject to a works approval and licensing under the <i>Environmental Protection Act 1986</i> (EP Act)</p> <p><b>Advice 1:</b> The applicant be advised that they may wish to apply for a works approval and licence under the EP Act <u>if</u> production of compost at or above the 1,000 tonnes per year threshold is foreseeable (contact: <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> or 6364 7000 )</p> <p><b>Discussion 1:</b> The Department of Water and Environmental Regulation (DWER) regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act).</p> <p>The categories of prescribed premises are outlined in Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p> <p>The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.</p>	
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The provided development application request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act. Based on the information provided, the proposed operations were considered as per Schedule 1 of the *Environmental Protection Regulations 1987* for Category 67A.

The information provided indicates that the proposal is unlikely to cause the premises to be considered a prescribed premises due to not meeting the 1,000 tonnes per year threshold.

The applicant is advised that as with any industrial premises, they are required to comply with the *Environmental Protection (Noise) Regulations 1997* and *Environmental Protection (Unauthorised Discharges) Regulations 2004* irrespective of whether the premises are prescribed or not.

Please note that the information provided indicates the premises production capacity will be a maximum of 950 tonnes per year. As this is close to the Category 67A production capacity of 1,000 tonnes per year, the applicant may wish to apply for a works approval and licence if production of compost at or above the Category 67A threshold is foreseeable.

If the applicant wishes to apply for works approval and licence, they are advised to refer to the information and Guideline: Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and / or if they have queries relating to works approvals and licences to contact DWER at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000 for information on the application for a works approval.

Note that this advice is provided based on the information provided. Should this information change, the works approval and/or licensing requirements may also change. Applicants are encouraged to contact DWER at the above contact details to clarify requirements, should there be changes to information.

**Issue 2:** The intended use of licensed water from the on-stream dam is not in accordance with proponent's current licence SWL178473(3)

**Advice 2: Recommended Condition:** The proponent is advised to contact DWER's Busselton Water licensing branch on 9781 0188 to amend their surface water licence to cover the intended composting landuse including any ancillary usages associated with the facility

**Discussion 2:** The department notes the following statement's in the referral:

- "Water for the production process will be sourced from a licenced dam owned by Voyager Estate."
- "A separate application to the Department of Water and Environmental Regulation to amend our existing surface water licence is underway."

#### Composting plant

The proponent has a current licence to take water from the licensed on-stream dam (Screenshot 1) under the *Rights in Water and Irrigation Act 1914* (RIWI Act) for stock watering and horticultural purposes – DWER ref: SWL178473(3). However, this licence does not currently authorise the proposed use of licensed water to support the composting plant.

As such, the proponent is advised to lodge an application FORM 3S to amend their licence to include the water use

Noted. Applicant to advise DWER if the applicant expects their production will exceed 950 tonnes per year. A condition is recommended to be applied, to limit the capacity of the facility to the scale proposed. This is suggested in order to avoid potential increases in the scale of the operations over time that would otherwise require approvals.

<p>activity to support the composting plant including any ancillary usages associated with the facility.</p> <p><u>2 leachate storage ponds</u> It is noted that the 2 proposed leachate dams (storage capacity of 8ML) to accept composting wastewater will be excavated to a depth of 2 metres, which may extend below the watertable.</p> <p>These dams are located within the Blackwood Groundwater Area as proclaimed under the RIWI Act, to which the take of groundwater is subject to licensing. However, as these dams are indicated to be lined with impermeable material (which is designed to limit any connectivity to groundwater), a licence to construct or take groundwater under the RIWI Act is not required in this instance.</p> <p>As of 22<sup>nd</sup> March 2021, the department is yet to receive any application to amend SWL178473.</p>	<p>Noted. Amendment to water licence SWL178473 to include use for composting cannot be granted without an approved Development Application from Council.</p> <p>Applicant submitted an application to DWER on 7 April 2021 to amend SWL178473 (Form 3S) to support water use at the composting facility.</p>
<p><u>DWER Advice: (Land Use Planning)</u> There are concerns regarding groundwater on the following basis:</p> <ul style="list-style-type: none"> <li>• No details being given regarding the liner over the leachate ponds</li> <li>• Groundwater may be close to the surface</li> <li>• The proposal is located within the proclaimed Blackwood Groundwater area as proclaimed under the Rights in Water and Irrigation Act 1914 (RIWI Act), which this resource can be impacted if leachate seeps into this resource.</li> </ul> <p>It is noted that WQPN 90 recommends:</p> <ul style="list-style-type: none"> <li>• a vertical separation distance of at least 2 m from the base of the infrastructure to the maximum groundwater level;</li> <li>• for the composting of manure near a sensitive water resource, the facility be in a fully enclosed weatherproof facility (which may be a vented tarpaulin with restraints to prevent wind movement)(Table 1)</li> </ul> <p>In view of the above recommendations (not statutory), the proponent has however made allowance for the extra volume of leachate (as it is assumed the windrows will not be covered), and the risk of leachate is to be mitigated via the 2 lined leachate ponds and seasonal wetlands (to strip nutrients).</p> <p>The department has therefore deemed that the main risk relates to groundwater contamination, and as such, measures should be in place to ensure that no leachate seeps into the groundwater either from the composting site, mixing area or leachate ponds.</p> <p>To ensure that the groundwater resource is adequately protected for leachate seepage from the proposal, the department recommends the following development conditions/advice:</p> <p><b>Recommended condition:</b> Details be provided to the satisfaction of the Shire to demonstrate that the hardstand proposed for the composting area and liner for the leachate ponds are adequate to ensure there is no seepage of leachate into the groundwater resource</p> <p><b>Recommended condition:</b> A monitoring and maintenance schedule be in place to the satisfaction of the Shire to ensure that the integrity of the leachate pond liner is maintained in the long term</p> <p><b>Recommended condition:</b> In the event there is any breach of the leachate pond liner or leachate overflow into the</p>	<p><u>Hardstand</u> The applicant has advised that hardstand will be constructed on a 1.5% slope and composed of compacted limestone over compacted sand. Applicant further advised that a portion of the hardstand (15m x 10m) will be 250mm thick reinforced concrete. This is consistent with the low-permeability hardstand requirements outlined in Water Quality Protection Note No. 90 <i>Organic Material Storage and Recycling</i>.</p> <p><u>Liner</u> The applicant has advised that the proposed leachate dam liner is Elcoseal Geosynthetic Clay Liner (GCL) (Grade – X1000). The applicant has further advised that GCL consists of a layer of bentonite bonded between two layers of woven geotextile. Current applications of this product include landfill liners and mining tailings dams. When hydrated, the liner is approximately 10mm thick and 5 to 6mm when dry. The GCL will be contiguous with sealed overlaps (to 300mm) and suitable fixing to any penetrations.</p> <p>The applicant has advised that the GCL liner will be installed in accordance with the manufacturer's instructions and will use an anchor trench around the upper perimeter of the dam. The top 150mm of the subgrade under the GCL will be compacted granular material (to 90% MMDD). The soil cover over the liner will be 300mm of granular material compacted to 90% MMDD.</p> <p><u>Maintenance over the long term</u> <i>Materials selection</i> The materials integrity of the leachate dam liner has been a key factor in the selection of a Geosynthetic Clay Liner. The clay liner has a longer lifespan than HDPE liners can self-heal around holes, punctures or protrusions thereby further minimising potential leakage. <i>Process controls and protections</i> Only small machines will be used to clean out and/or conduct maintenance on leachate dams with no large of heavy machinery used minimising disturbance. <i>Monitoring and maintenance schedule</i> The applicant has advised that an annual monitoring and maintenance regime will be implemented comprising of:</p> <ul style="list-style-type: none"> <li>- Annual check of the dam liner at the lowest dam level, with removal of any cover soil/material at random locations down to the liner and visual inspection for any damage or deterioration. This is to be done for both leachate dams in at least 3 locations.</li> </ul>

<p>surrounding area, the Shire be notified in a timely manner and appropriate mitigation be taken to limit leachate mobilization into the environment</p> <p><b>Advice note:</b> The proponent to refer to the following DWER Water Quality Protection Notes as practical and appropriate to their situation to ensure no seepage of leachate into the groundwater resource:</p> <ul style="list-style-type: none"> <li>○ WQPN 26 - Liners for containing pollutants, using synthetic membranes (Aug 2013)</li> <li>○ WQPN 27 - Liners for containing pollutants, using engineered soils (Aug 2013)</li> <li>○ WQPN 39 - Ponds for stabilising organic matter (Feb 2009)</li> <li>○ WQPN 90 - Organic material - storage and recycling (June 2011)</li> </ul>	<ul style="list-style-type: none"> <li>- Where repairs are to be carried out on small areas, new material will cover the damaged areas, with an overlap of 500mm and re-covered in accordance with the manufacturer's instructions.</li> <li>- GCL's have a lifespan of up to 100 years. The applicant has advised that the GCL will be replaced if damaged to the point where repair becomes impractical.</li> </ul> <p>The applicant agrees with the advice from DWER that the Shire should be notified in the event of breach or overflow. The Management Plan will be updated to include this protocol. In addition, mitigation infrastructure is included in the form of the constructed wetland.</p> <p>All recommended conditions and advice notes from DWER included in the recommendation.</p>
<p><u>Department of Water</u> The Corporation advises the Shire that the subject site is outside recognised water and wastewater catchments.</p>	<p>Noted.</p>
<p><u>Department of Biodiversity, Conservation and Attractions (DBCA)</u> DBCA has no comment on the above proposal. It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.</p>	<p>Noted.</p>
<p><b>Internal Department Comments</b></p>	<p><b>Officer Comments</b></p>
<p><u>Technical Services</u></p> <p><u>Summary</u> This DA details the proposal to design, construct and implement operation of an on-site compost production facility for Voyager Estate, using windrow composting technology, producing compost of up to a maximum of 950 tonnes annually.</p> <p>The Voyager site is approximately 2 hectares in area, the site is already cleared of any native vegetation, no clearing is proposed. The soil type is sandy gravelly clay which is not considered by the owners to be suitable for agricultural. Water is proposed to be supplied mainly through collected rainfall, with additional water from an existing irrigation dam used as a clean water source for the late stages of composting.</p> <p>Trucks will be entering via the existing entrance on Gnarawary Road. Boodjinup Road is a 6m seal with line marking and of suitable standard for the proposed use. The crossover will require sealing for at least 20m from the road edge to allow the trucks to achieve traction when leaving the property.</p> <p><b>Recommended Conditions</b> At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes in accordance with the Shire of Augusta Margaret River's Standards &amp; Specifications. (See advice note)</p> <p><u>Advice note</u> The crossover will require sealing for at least 20m from the road edge to allow for trucks to achieve traction when leaving the property.</p> <p><u>Environmental Health Services</u> Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the <i>Environmental Protection (Noise) Regulations 1997</i>, and</p>	<p>Noted. Respective conditions and advice notes included in recommendation.</p>

shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.

The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.

The storage, handling and sale of garden soil, associated with the use/development of premises shall comply with the *Health (Garden Soil) Regulations 1998*.

Chemical use, storage, mixing, preparation and wash down facilities are required to comply with the *Health (Pesticides) Regulations 2011* and *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*.

The approved development/use of premises shall not cause or allow any material prescribed in the *Environmental Protection (Unauthorised Discharges) Regulations 2004*, to be discharged into the environment.

Waste Services

Summary

The proposal includes the establishment of a composting facility and associated leachate storage dams which aims to process and recycle grade marc and other farm wastes to create an organically certified compost for their own use.

Assessment

- The application includes a Compost Facility Management Plan which refers to the process of how farm waste is processed and surface water and leachate is managed and its detail covers what would normally be required for such a facility and is of sufficient detail.
- I note that the proponent has consulted the Department of Water and Environmental Regulation, and they have confirmed that a licence is not required for the proposed activities.

Recommended Conditions

- The Compost Facility Management Plan prepared for the site shall be implemented to the satisfaction of the Local Government.

Environment Services

Proposed compost facility at 279 Boodjidup Rd has been reviewed, particularly in reference to potential impacts to surface and groundwater from the facility. There is minimal risk to surface water from the proposal due to the separation distance to the existing waterway, the proposed constructed wetlands to treat effluent and the oversized holdings that exceed the size required as per relevant WQPN supplied by DWER. There is minimal risk to groundwater as the proposal meets and exceeds the requirements for low permeability hardstand areas.

No concerns with this proposal subject to it being constructed and managed as per the submitted drawings and management plans

Noted.

**Assessment of Application**

Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**R Codes**

Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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**Development Standards (Schedule 9)**

Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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<b>Officer Comment</b>	The application proposes a variation to the 20m side setback requirement for to the development standards contained in Schedule 9 for a Priority Agriculture zone. A setback of 10m in-lieu of 20m is proposed to the right (south) side boundary. The reduced setback is not considered to have an undue impact on the amenity of the adjoining property to the south. The residence on the neighbouring property to the south is situated 650m from the proposed facility. It is considered that the Compost Management Plan is comprehensive and sufficient in addressing any potential amenity impacts on the surrounding properties.
<b>Clause 67</b>	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
<u>Comment</u>	
<p><i>LPS1</i></p> <p>Clause 4.16.1 of LPS1 sets out several requirements relating to development in a Priority Agriculture zone. The relevant sub-clause 4.16.1 c) requires that for agricultural intensive land uses there is a setback of 100m from the edge of any permanent stream or water course on or near the property or 30 metres from any natural water course that flows intermittently. As noted by DWER in their advice to the Shire, there are no high value wetlands (e.g. Conservation Category Wetlands) nor high value waterways in the vicinity of the composting plan. It is noted that there is an existing dam situated at the rear of the subject site with the proposed facility setback approximately 260m from the dam. There is also an intermittent stream running through the rear of the site. The proposed facility is located approximately 300m from the intermittent stream which is well in excess of the 30m requirement contained in LPS1.</p> <p><i>EPA's Guidance Statement – Separation Distances between Industrial and Sensitive Land Uses</i></p> <p>The Guidance Statement addresses generic separation distances between Industrial and Sensitive Land Uses to avoid conflict between these land uses. The generic separation distance set out for a Composting Facility which is outdoor uncovered, regularly turned windrows is 1000m. There are three dwellings located within a 1000m radius of the site, the nearest being approximately 650m from the proposed facility. Clause 4.4.2 of the guidance statement states that when a proposed land use contained in the table of Industry land uses are less than the prescribed distance (in this case 1000m for a composting facility), site-specific investigations and a report demonstrating that the proposed separation distance will not have an undue impact on these sensitive land uses. In this instance, it is considered that the Compost Facility Management Plan has comprehensively addressed any potential impacts on the three dwellings located within the 1000m separation distance.</p> <p>The proposed compost facility is under the production capacity threshold of 1000 tonnes per year to require a works approval from DWER. Importantly, the facility is not a stand-alone facility and is ancillary the existing and approved land use on the subject site of a vineyard. The area occupied by the proposed facility only occupies a relatively small area of the overall site. The tree break to the south an effective vegetative buffer and screen from the adjoining property to the south. The compost product is proposed to be used for the subject site and adjoining Voyager Estate properties. On balance, it is considered that approval of the planning consent would be appropriate under Clause 67 of the Deemed Provisions of the Scheme.</p>	
<b>In the opinion of the officer</b>	
i. Are utility services available and adequate for the development?	Yes. Power and water corridor provided adjacent to the internal road network within the proposed facility.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes. Significant rows and areas of existing vegetation have been retained on the site including adjacent to the proposed facility. In addition, a 15m tree break is proposed between the existing farm road and the seasonal wetland proposed as part of the facility.
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. It is considered that the proposed facility will be appropriately managed through the practices, procedures and measures outlined in the Compost Facility Management Plan. It is considered that the proposed facility which is ancillary to the existing and approved Vineyard on the site will not have an adverse impact on the amenity of the surrounding properties.
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A

#### OFFICER RECOMMENDATION

That the Manager of Planning and Development Services GRANT Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Rural Industry (Compost Facility) and Dams (2 x Leachate Ponds) subject to compliance with the following conditions:

#### CONDITIONS

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.



Plans and Specifications	P1 – P2 received by the Shire on 6 May 2021, P3 received by the Shire on 5 May 2021 and P5 received by the Shire on 28 January 2021
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. The total throughput or capacity of the Compost Facility the subject of this approval shall be no more than 950 tonnes per annum.
4. Prior to the commencement of works for the Compost Facility, details of the compost feedstock shall be provided by the proponent to the specifications of the Department of Water and Environmental Regulation (DWER) and to the satisfaction of the Shire (refer to advice note 'b').
5. Prior to the commencement of works for the Compost Facility, details shall be provided by the proponent of the total design capacity of the facility to the specifications of DWER and the satisfaction of the Shire.
6. Engineering certification, for the construction of the Compost Facility to ensure its structural integrity, shall to be provided to the Shire prior to commencement of the use.
7. Composting shall at all times be conducted in accordance with *AS4454 – Standards Australia*.
8. Prior to commencement of works for the Compost Facility, a geotechnical report to demonstrate separation to ground water and a minimum vertical separation distance of 2m from the base of infrastructure throughout the Compost Facility to the maximum ground water level shall be provided to the specifications of DWER and to the satisfaction of the Shire.
9. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
10. Prior to commencement of works for the Compost Facility, a detailed Stormwater Management Plan shall be prepared by a suitably qualified professional engineer and submitted to the satisfaction of the Shire. The plan shall include but is not limited to separation to groundwater, drainage details, storage capacity, spillway design, drainage pipe inverts, slow release, and containment within the constructed wetland in accordance with the Risk Based Assessment and Management Plan required in condition 12 of this approval.
11. Prior to practical completion of the development, stormwater management systems on the subject site(s) shall be constructed in accordance with the accepted Stormwater Management Plan referred to in abovementioned condition 10 and shall thereafter be maintained
12. Prior to commencement of works for the Compost Facility, an updated Compost Facility Management Plan shall be prepared by a suitably qualified professional and implemented to the specifications of DWER and to the satisfaction of the Shire.
13. Prior to the commencement of works for the Compost Facility, a Risk Based Assessment and Management Plan (RBAMP) shall be prepared by a suitably qualified professional, to the specifications of DWER and to the satisfaction of the Shire (refer to advice note 'g'). The RBAMP is required to inform the design for the facility including the leachate ponds and the constructed wetland. The design plans for the facility shall be amended as required and with regard to the recommendations of the RBAMP, DWER advice and to the satisfaction of the Shire. The RBAMP shall be implemented on site from the commencement of works and at all times thereafter.
14. Prior to the commencement of works, details shall be provided to the satisfaction of the Shire to demonstrate that the hardstand (as shown on approved plan 'P1') proposed for the composting area and liner for the dams (leachate ponds) are adequate to ensure there is no seepage of leachate into the groundwater resource.
15. Prior to the commencement of works, a Monitoring and Maintenance Plan and Schedule shall be prepared by a suitably qualified professional and shall be implemented upon practical completion of works to the satisfaction of the Shire. The Monitoring and Maintenance Plan and Schedule is required to ensure that the integrity of the Compost Facility and long term maintenance including of the leachate pond liner.
16. In the event there is any breach of the leachate pond liner or leachate overflow, the Shire be notified immediately and appropriate mitigation shall be taken by, and at the full cost of, the operator and/or land owner.
17. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.
18. Prior to the commencement of works, a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and shall show the following:
  - a) the location, name and mature heights of proposed plantings in the Constructed Wetland and Tree Break to demonstrate nutrient stripping function and visual screening buffer (refer to advice note 'k'); and

- b) a planting and maintenance schedule for these areas including weed management.
19. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
  20. Composting operations shall be conducted on a bunded and or graded impermeable hardstand to ensure all leachate from composting operations is captured and diverted to an impermeable leachate treatment and storage facility to the satisfaction of the Shire.
  21. Manure and putrescible waste shall not be stored onsite in any manner and in any quantity that causes or is considered to cause a nuisance and or unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
  22. The hours of operation are limited to 7am until 5pm Monday to Saturday and operation is not permitted on Sundays and Public Holidays.
  23. Prior to commencement of the use of the Compost Facility, the crossover shall be sealed to the specifications and satisfaction of the Shire (refer to advice note 'n').

#### ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
  - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
  - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Reference should be made to the Department of Water and Environmental Regulations Draft *Guideline: Better Practice Composting*, May 2020.
- c) Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
- d) The applicant be advised that they may wish to apply for a works approval and licence under the EP Act if production of compost at or above the 1,000 tonnes per year threshold is foreseeable (contact: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000).
- e) The development/use the subject of this approval shall not cause or allow any material prescribed in the *Environmental Protection (Unauthorised Discharges) Regulations 2004*, to be discharged into the environment.
- f) The Department of Water and Environmental Regulation (DWER) regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the *Environmental Protection Act 1986* (EP Act).
- g) The proponent is advised to contact DWER's Busselton Water licensing branch on 9781 0188 to amend their surface water licence to cover the intended composting landuse including any ancillary usages associated with the facility.
- h) The proponent to refer to the following DWER Water Quality Protection Notes as practical and appropriate to their situation to ensure no seepage of leachate into the groundwater resource:
  - a. WQPN 26 - Liners for containing pollutants, using synthetic membranes (Aug 2013);
  - b. WQPN 27 - Liners for containing pollutants, using engineered soils (Aug 2013);
  - c. WQPN 39 - Ponds for stabilising organic matter (Feb 2009); and
  - d. WQPN 90 - Organic material - storage and recycling (June 2011).
- i) Chemical use, storage, mixing, preparation and wash down facilities shall comply with the *Health (Pesticides) Regulations 1956* and *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*.
- j) The storage and handling of garden soil associated with the use/development of premises shall comply with *Health (Garden Soil) Regulations 1998*.
- k) Rehabilitation/landscaping should utilise native plant species which naturally occur in the area (i.e. endemic plant species; local provenance plant stock). The Cape to Cape Landcare Companion is a useful reference available from Nature Conservation Margaret River Region.
- l) The crossover is required to be sealed for at least 20m from the road edge to allow for trucks to achieve traction when leaving the property. Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. The Proponent shall submit and implement a Traffic Management Plan prepared by an accredited Traffic Manager in accordance with the Main Roads WA Traffic Management Code of Practice, and Australian Standards AS 1742.3 – 2009 for any works on or within the road reserve (including road).