



Form 1 - Responsible Authority Report

(Regulation 12)

Property Location:	Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans
Application Details:	Construction and use of Allawuna Farm for the purposes of a Class II landfill.
DAP Name:	Wheatbelt Joint Development Assessment Panel
Applicant:	SITA Australia Pty Ltd
Owner:	Robert Henry Chester
LG Reference:	P899
Responsible Authority:	Shire of York
Authorising Officer:	Jacky Jurmann, Manager of Planning Services, Shire of York
Department of Planning File No:	DP/14/00039
Report Date:	27 March 2014
Application Receipt Date:	17 December 2013
Application Process Days:	107 Days (Extension of Time Approved)
Attachment(s):	1: Submitted Plans (ALLA-EPA-01 to 11) 2: Additional Submitted Plans (2A to 2F) 3: Schedule of Submissions 3A: Copy of Submissions 4: Schedule of Referral Responses 4A: Copy of Referral Responses 5: Council Report 4 February 2014 6: Council Report 31 March 2014 7: Extension of Time Approval 8: DAP Secretariat Email 9: Department of Planning Letter 10: Main Roads Road Upgrade Design 11: Geoscience Australia Mapping 12: Department of Agriculture Mapping 13: Emergency Procedures Guideline 14: Supplementary Traffic Assessment

Recommendation:

That the Wheatbelt Joint Development Assessment Panel resolves to:

Refuse DAP Application reference DP/14/00039 and accompanying plans ALLA-EPA-01 to ALL-EPA-11 (Revision A) dated 9 November 2012 (inclusive) in accordance with Clause 8.6 of the Shire of York Town Planning Scheme No. 2, for the following reasons:

Reasons:

1. The proposed landfill is not permitted in the General Agriculture zone given that the proposal is not consistent with the objectives and purpose of the zone in accordance with Clause 3.2.4(c) of the York Town Planning Scheme No. 2.
2. The proposed landfill does not ensure the continuation, retention or expansion of broad-hectare agriculture as the principal land use in the district, which is inconsistent with the objectives and purpose of the General Agriculture zone as outlined in Clause 4.15.1(a) of the York Town Planning Scheme No. 2.

3. The applicant has failed to demonstrate that the proposed landfill will be of benefit to the district, which is inconsistent with Clause 4.15.1(b) of the York Town Planning Scheme No. 2.
4. The proposal presents an unacceptable risk to the environment and natural resources, which is inconsistent with Clauses 1.7(f) and 4.15.1(b) of the York Town Planning Scheme No. 2.
5. The proposal is likely to adversely impact the amenity of the locality, which is inconsistent with Clause 4.15.1(d) of the York Town Planning Scheme No. 2.
6. The proposed landfill is likely to affect the amenity, health and convenience of the Scheme Area and residents, which is inconsistent with the objective (b) (Clause 1.7) of the York Town Planning Scheme No. 2.
7. The proposed landfill may impact sustainable agricultural production and does not preserve or enhance the environment and natural resources, which is inconsistent with Sections 2.4.1 and 2.4.4 of the York Local Planning Strategy.
8. The proposed landfill is not consistent with the principles of sustainable development, which is inconsistent with State Planning Policy No. 1 – State Planning Framework Policy.
9. The proposed landfill is ad hoc and based on the economic needs of the applicant, which is inconsistent with State Planning Policy No. 1 – State Planning Framework.
10. The proposed landfill is not sustainable development and presents an unacceptable risk to the environment and future generations, which is inconsistent with the 'precautionary principle' and therefore State Planning Policy No. 1 – State Planning Framework.
11. The proposed landfill reduces land for primary production, is not supportive of primary production, does not value add to primary production and is inconsistent with the zone objectives, which is inconsistent with State Planning Policy No. 2.5 – Land Use Planning in Rural Areas.
12. The applicant has failed to quantify that the proposal will grow economic base or actively support local businesses and service provision, which is inconsistent with the York Community Strategic Plan.
13. The proposed landfill will adversely impact the environment and the rural nature of the locality, which is inconsistent with the aims and objectives of the York Community Strategic Plan.
14. There is substantial community opposition to the proposal.
15. The applicant has failed to demonstrate an adequate sustainable water supply required for environmental management, fire fighting and potable purposes.
16. The proposed landfill is ad-hoc and is not considered proper and orderly planning.

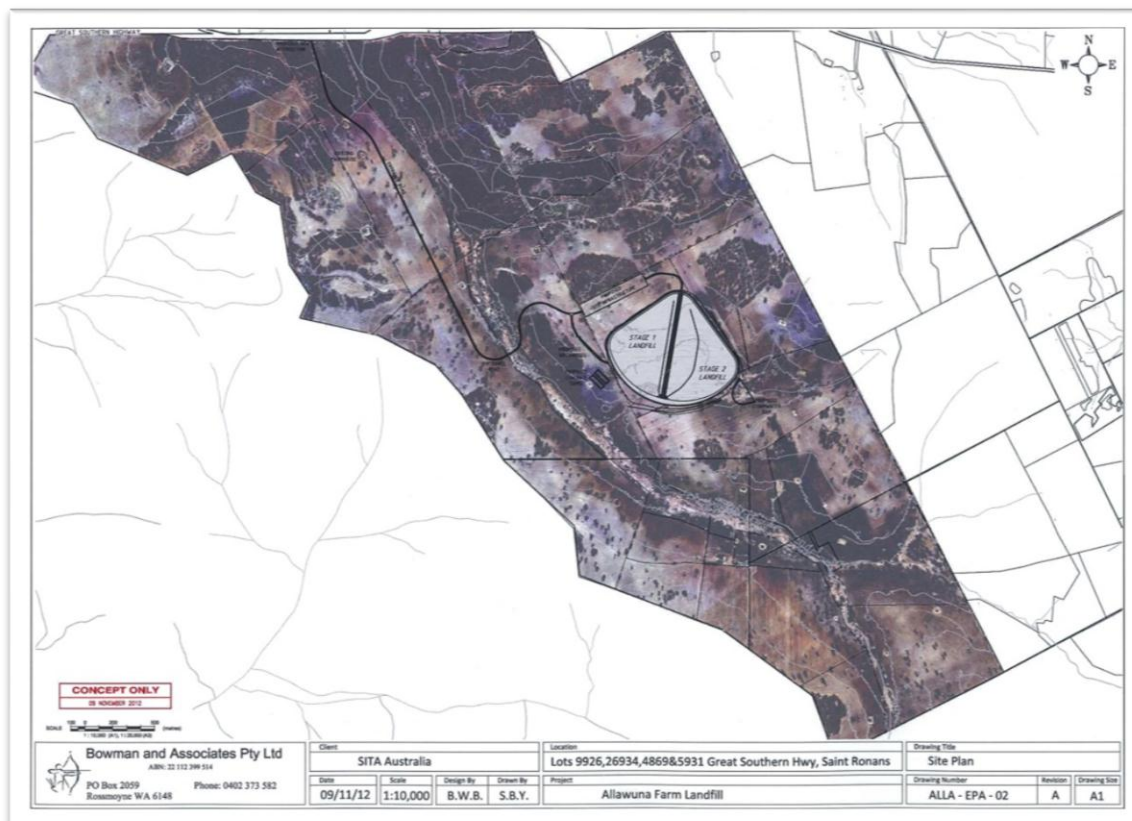
Background:

Insert Property Address:	Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans	
Insert Zoning	MRS	N/a
	TPS:	General Agriculture
Insert Use Class:	Use Not Listed	
Insert Strategy Policy:	Shire of York Local Planning Strategy	
Insert Development Scheme:	Shire of York Town Planning Scheme No. 2	
Insert Lot Size:	1512.7 hectares (total area of lots combined)	
Insert Existing Land Use:	Farming - cropping	
Value of Development:	\$46 million	

Subject Site

Allawuna Farm is located approximately 18 kilometres from the York town centre in the locality of Saint Ronans and has an area of 1,512.7 hectares. The property has been historically used for cropping and grazing and it is proposed to construct a Class II landfill for the burying of wastes. The applicant describes the area as “an area centrally located under crop comprising approximately 52 hectares or 3.5% of the total site area”. (It should be noted that the EPA assessment advised that 70 hectares will be affected and that 25% of the site is remnant bushland.)

Figure 1: Site Plan

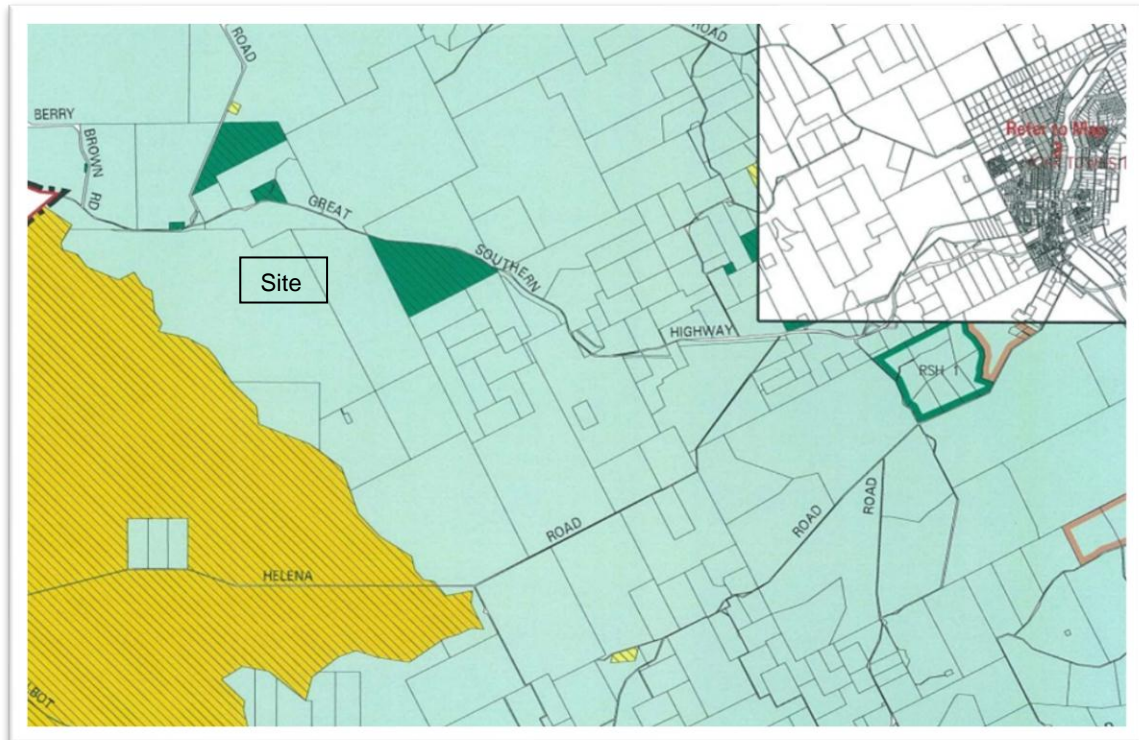


The farm is currently accessed from the Great Southern Highway and adjoins the Mount Observation National Park to the west and privately owned broad hectare agricultural properties on all other boundaries, with some families farming the same properties for generations.

Zoning

The subject site is zoned 'General Agriculture' under the provisions of the York Town Planning Scheme No. 2 (the Scheme).

Figure 4: Zoning map



Zones Legend: Light green – General Agriculture; Dark Green Striped; Open Space & Recreation Reserve; and Yellow Striped – State Forrest.

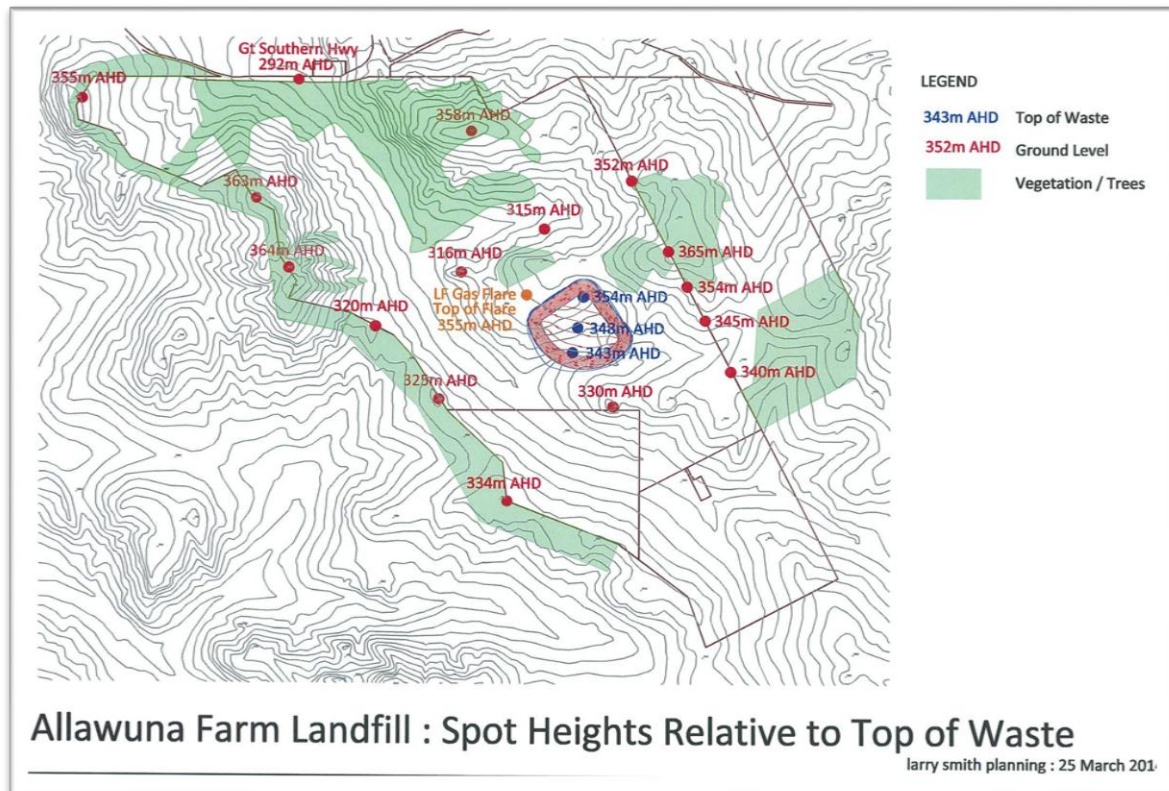
Development Proposal

The applicant proposes to construct and use a portion of Allawuna Farm as a Class II Landfill that will replace their existing facility located in Byford, which caters for wastes generated from their Perth waste collection services.

It is estimated that the landfill will have a nominal life of 37 years based on between 150,000 and 250,000 tonnes of waste per annum and will have a footprint of 52 hectares (EPA states 70 hectares) accommodating 11.1 million cubic metres (or 7.4 million tonnes based on 200,000 tonnes per annum) of waste (estimated by the applicant as approximately 3.5% of the total farm area, although it should be noted that 25% of the farm consists of remnant bushland).

When complete the landfill will be 25 metres deep and have a finished height of 327m AHD (approximately 20 metres above existing natural ground). It is proposed to develop the landfill in two major stages comprising 11 cells that will each have a life of 2 to 3 years. Refer to Figure 5 below for spot heights relative to the finished levels of the landfill and surrounding lands.

Figure 5: Plan showing spot heights relative to proposed finished level



The Planning Report submitted with the planning application states that the facility will only accept Class II wastes, despite being constructed to Class III standards and being submitted to the Environmental Protection Authority as a Class II or III waste facility. This application has been assessed as a Class II facility that will include municipal solid waste, wastes from commercial, retail and industrial premises and construction wastes. It is also stated in the Planning Report that no hazardous, liquid, noxious or radioactive waste or toxic chemicals will be accepted at the facility.

The Works Approval application document indicates that the proposed landfill will be developed to an appropriate standard for licensing as a 'Prescribed Premises Category 64 Class II Putrescible Landfill' and that the landfill will only accept Class II wastes. In accordance with the Landfill Waste Classification and Waste Definitions 1996 (as amended December 2009; DEC 2009) for a Class II landfill, the proposed facility may receive the following types of waste:

- Clean Fill – material that will have no harmful effects on the environment and which consists of rocks or soil arising from the excavation of undisturbed material.
- Type 1 Inert Waste – non-hazardous, non-biodegradable (half-life greater than two years) wastes containing contaminant concentrations less than Class I landfill criteria but excluding paper and cardboard (paper and cardboard are biodegradable materials and are therefore considered as putrescible waste), and materials that require treatment to render them inert (e.g. peat, acid sulphate soils).
- Putrescible Waste – component of the waste stream likely to become putrid, including wastes that contain organic materials such as food wastes or wastes of animal or vegetable origin, which readily biodegrade within the environment of a landfill.

- Contaminated Solid Waste Meeting Waste Acceptance Criteria Specified For Class II Landfills (Possibly With Specific Licence Conditions) – waste containing chemical substances or wastes at concentrations above background levels that present, or have the potential to present, a risk of harm to human health or the environment.
- Type II Inert Waste (With Specific Licence Conditions) – waste consisting of stable non-biodegradable organic materials such as tyres and plastics, which require special management to reduce the potential for fires.
- Type I Special Waste – waste which includes asbestos and asbestos cement products.
- Type II Special Waste – waste consisting of certain types of biomedical waste that are regarded as hazardous but which, with the use of specific management techniques, may be disposed of safely within specific classes of landfill.

Wastes will be transported by 27.5m pocket road trains from SITA transfer stations located in Welshpool and Landsdale and will enter and exit the site from a new access point west of the existing access on the Great Southern Highway. A fleet of 8 road trains will be required to service the facility leaving the transfer station every 20 minutes totalling 24 deliveries to the site per day. The Planning Report indicates that additional truck movements may be required if cover material is imported (which have not been included in the Traffic Impact Assessment).

The proposed hours of operation of the landfill facility are from 6am to 5pm Monday to Friday and from 6am to 4pm on Saturdays and public holidays, with the exception of closures on Christmas Day, New Year's Day and Good Friday.

SITA Australia's Planning Consultant states in the Report in the Section titled 'Need for the Facility', in the context of the WA State Government's "Western Australian Waste Strategy – Creating the Right Environment" (2012), that although there are efforts to significantly reduce waste volumes to landfill, such as Alternative Waste Treatment technologies, access to landfill to dispose of treatment residues and as a backup when the new technologies malfunction, is still required. It is also stated that within 10 years there will only be two Metropolitan landfill sites, which will be exhausted by 2030, thereby justifying the need for this facility to continue to maintain waste disposal costs at reasonable levels for the Perth Metropolitan region.

The site has been chosen by the applicant to replace SITA's South Cardup facility and was selected for a number of reasons, including on-site buffers, accessibility from the Great Southern Highway and the travel distance from SITA's transfer stations.

This report considers the proposal as submitted by the applicant in the context of the provisions of the York Town Planning Scheme No. 2, including the objectives of the General Agriculture zone and the submissions received from the community and government referral agencies.

Legislation & Policy:

Legislation

- *Planning and Development Act 2005*: Part 5 of the Act provides a statutory head of power for the Shire of York to prepare, adopt and implement a local planning scheme.

- *Planning and Development (Development Assessment Panels) Regulations 2011*: the value of the development exceeds \$7 million and is therefore a 'mandatory' DAP application where the Wheatbelt Joint Development Assessment Panel becomes the determining authority.

The DAP Secretariat acknowledged receipt of the application (Ref: DP/14/00039) and fee payment on 16 January 2014.

An extension of time to submit the Responsible Authority Report of 4 weeks was requested by the Shire with agreement from the applicant due to the complexities of the application and timing of lodgement, which was granted by the Presiding Member on 5 February 2014.

- *Environmental Protection Act 1986*: defines Class II or III putrescible landfill sites in Category 64 of Schedule 1 as:

"Premises on which waste (as determined by reference to the waste type set out in the document entitled *Landfill Waste Classification and Waste Definitions 1996*) is accepted for burial with a production or design capacity of greater than 20 tonnes or more per year."

The proposal was formally referred to the Office of the Environmental Protection Authority in 2012 under section 38 of the *Environmental Protection Act 1986* by the applicant outside and separate to the planning approval process. 131 comments were received by the EPA.

The EPA determined that the proposal did not require formal environmental impact assessment under Part IV of the Act, which was appealed. The Minister for the Environment dismissed the appeals. The EPA have noted in their assessment that approval is required for clearing of native vegetation under Part V of the Act.

The Shire of York was requested to provide comments on the submissions received by the Office of the Appeals Convenor. Many of the issues raised in the appeals are consistent with the issues raised by the submissions received opposing to this planning application.

The Department of Environment and Regulation have received from the application an application for Works Approval under Part V of the Act. Part V of the Act provides for the licensing and registration of prescribed premises. The application has been advertised and 64 individual submissions were received raising concerns regarding the proposal and particularly water related issues that are currently under further investigation. The DER has advised that the application will not be finalised until such time as the planning application has been determined.

- *Waste Avoidance & Resource Recovery Act 2007*: identifies the following principles that underpin the WA Waste Strategy:
 1. Intergenerational equity – ensuring that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
 2. Waste minimisation and waste avoidance – in which all reasonable and practicable steps should be taken to minimise the generation of waste and its discharge to landfill and the environment.
 3. Promoting the most efficient use of resources, including resource recovery.
 4. Considering management options against the waste hierarchy of avoidance, recovery (including reuse, reprocessing, recycling and energy recovery) and disposal.

5. User pays and polluter pays – where those who generate waste bear the full lifecycle cost of managing their waste.

The Waste Authority has advised that a Strategy is currently under development for the management and disposing of wastes generated in the Perth and Peel regions. The Strategy will focus on maximising avoidance and reuse, and identifying suitable strategically located sites consistent with the principles of the WARR Act.

- *Main Roads Act 1930*: the Great Southern Highway is a road under the control of Main Roads who have advised that they have reviewed and approved the Traffic Impact Statement dated 15 October 2013, and have given support for the proposed new access design concept dated 20 December 2013. (Design attached at Appendix 4A.)
- *York Town Planning Scheme No. 2*: was first gazetted on 17 May 1996 and applies to all land within the York Local Government Area, including the subject site that is zoned General Agriculture. The Scheme does not define, identify or make mention of landfill (or waste management facilities).

State Government Policies and Strategies

- *Draft State Planning Strategy (WAPC 2012)*: identifies waste disposal, treatment and recycling facilities as an essential infrastructure item related to Western Australia's growth. The Strategy identifies that a network of strategically located waste management facilities and infrastructure sites are required to cater for this growth.
- *Draft Wheatbelt Land Use and Infrastructure Strategy (WAPC 2014)*: provides an overview of regional planning issues and a basis for ongoing planning and development.

The WAPC have stated in the document that they favour the identification and zoning of landfill sites through a scheme amendment process as it firstly requires a local government to agree to initiate a scheme amendment, then if initiated early referral to the Environmental Protection Authority and opportunities for public submissions. The scheme amendment process also provides the ability to establish special conditions for the site prior to development.

Also recommended in the draft Strategy is for landfill sites to be located adjacent to the major transport routes of the Great Eastern Highway, Great Northern Highway and Brand Highway, subject to environmental and land use suitability.

- *Avon Arc Sub-Regional Strategy (2001)*: provides a regional framework for long-term land use within the Avon Arc that forms part of the western portion of the Wheatbelt region, including York.

The subject property is located in the Darling Range Eastern Slope Land Planning Unit area. The vision for the area is "Open rolling rural landscape with an array of agriculture activities intertwined with pockets of remnant vegetation and woodlands", which is also consistent with the objective of the area in the York Local Planning Strategy.

The Preferred Land Use and Management Guidelines for the area aim to maintain the rural agriculture landscape and that any proposed changes in land use must complement the natural environment.

Section 5.9 of the Strategy discusses Infrastructure needs and opportunities. In relation to Waste Management, the Strategy identifies the longer term scenario should be for total re-use of wastes and not for larger disposal sites, which is particularly relevant where waste disposal sites are close to townsites, within water catchment areas or near water bodies (ground and surface).

The Strategy also identifies the strategic regional importance of the Avon Arc area as a source for waste recycling, which should be investigated further and could become a local employment industry.

- *State Sustainability Strategy (2003)*: establishes a sustainability framework containing principles, visions, and goals. It seeks to ensure that sustainability is considered and incorporated into decisions and actions for the future of Western Australia at all levels.
- *SPP 1 – State Planning Framework Policy*: sets out the general principles for land use planning and development in the State and aims to provide a framework to provide for the sustainable use and development of land. The Framework is supported by five principles, which are:
 1. Environment: To protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles.
 2. Community: To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities.
 3. Economy: To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.
 4. Infrastructure: To facilitate strategic development by making provision for efficient and equitable transport and public utilities.
 5. Regional Development: To assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

Furthermore, Judge Parry in the case of *Wattleup Road Development Company Pty Ltd And Western Australian Planning Commission* [2011] [WASAT 160] describes the purpose of the Planning and Development Act, is “to ‘promote the sustainable use and development of land in the State’, the precautionary principle is also implicitly recognised in State Planning Policy No 1 – State Planning Framework Policy (SPP 1).”

- *SPP 2.5 – Land Use in Rural Areas*: provides guidance to consider the need to provide economic opportunities for rural communities and to protect the State’s primary production and natural resource assets. The Policy provides the framework for the WAPC to promote rural zones in schemes as highly flexible zones that cater for a wide range of rural land uses supporting primary production and value adding, small-scale tourism, environmental protection and biodiversity conservation; together with considering the differing needs of the various regions and regional variations.
- *WAPC’s Rural Planning Guidelines (2014)*: provides guidance on the interpretation of SPP 2.5 and considers ‘other non-rural uses’ such as waste management. The Policy recommends when considering non-rural uses to think about the planning framework, its ability to manage ad-hoc proposals, and emphasises that in such cases, rural zone objectives become critical to the decision-making process.

- *SPP 2 – Environment & Natural Resources*: identifies the key to sustainability in the planning sector is to integrate ecological, economic and social considerations into decision-making, including resolution of conflicts between land use and protection of natural resources, giving consideration to potential impacts on the environment, community lifestyle preferences, and economic values. Decision-making should aim to avoid development that may result in unacceptable environmental damage.
- *SPP 4.1 – State Industrial Buffer Policy (1997) & Draft Policy (2009)*: in the assessment of new development interests of affected landowners in surrounding areas must be considered. The 2009 draft Policy attempts to simplify this position and states that if proposals satisfy recommended buffer distances in *Guidance for the Assessment of Environmental Factors No 3 Separation Distances between Industrial and Sensitive Land Uses* (Environmental Protection Authority, June 2005) then they are deemed to comply with the objectives of the policy.
- *EPA Guideline Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses*: recommends a buffer distance of 150 metres between a Class II or Class III landfill and a single residence. The distance between the site of the landfill and the nearest single residence is 1900 metres. It is also recommended a buffer distance of 35 metres between a Class II or III landfill and the boundary on which it is located. The proposal is located 600 metres from the property boundary. The proposed buffers indicate that the location of the landfill will comply with SPP 4.1.
- *EPA Draft Siting, Design, Operation and Rehabilitation of Landfills (2005)* recommends that a landfill should not be located where it is not needed for the disposal of a community's waste. In the hierarchy of preferred sites, valley fill landfills should be avoided as they have inherent environmental problems such as unstable slopes, water infiltration and leachate seepage.
- *WA Waste Strategy (Waste Authority 2012)*: aims to reduce the environmental impact of waste and maximise conservation of natural resources through reduced overall material use and increased materials and energy recovery. Its success will be measured against its effectiveness in reducing the amount of waste generated, increasing the proportion of material recovered from the waste stream and reducing the proportion of waste destined for landfill. There is no recycling proposed as part of this development, this is an 'end of lifecycle' proposal.

Local Policies

- *York Local Planning Strategy*: identifies the site in the Darling Plateau (1a) and Western Slopes (2b Conservation) Precincts, predominantly in the latter.

The objectives of the Darling Plateau (1a) Precinct are to protect sustainable agricultural production and to preserve and enhance the environment and natural resources. The objectives of the Western Slopes (2b Conservation) Precinct are to preserve and enhance the environment and natural resources; support continued sustainable agricultural production; promote farm diversification; and to recognise the likelihood that existing lots may be redeveloped.

Supporting strategies in both Precincts include the general presumption against subdivision; preservation and enhancement of the environment and natural resources; supporting continuation of sustainable agricultural production; not to support development requiring large scale clearing; requiring development to be

setback from waterways; promotion of farm diversification; and to actively promote and encourage eco-tourism and agricultural tourism.

- *York Community Strategic Plan*: is a visionary document to ensure the future of York is sustainable. There are three main goals of the Plan as follows:

Social

- *Manage population growth, through planned provision of services and infrastructure.*
- *Strengthen community interactions and a sense of a united, cohesive and safe community.*
- *Build and strengthen community, culture, vibrancy and energy.*

Environmental

- *Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.*
- *Support sustainable energy and renewable resource choices.*

Economic

- *Build population base through economic prosperity.*
- *Value, protect and preserve our heritage and past.*
- *Grow the economic base and actively support local businesses and service provision.*

In considering this proposal, the goals relating to Economic Development aim to attract business that 'value add' to primary industry; and the goals relating to the Environment relate to preservation, maintaining rural identity and efficiently using natural resources, including development of a Regional Waste Management Strategy Plan with 'region' referring to the Avon Valley and Wheatbelt building on the work commenced by the SEAVROC group (further discussion on the Plan follows below.)

- *SEAVROC Strategic Waste Management Plan (2009-2013)*: was developed in 2009 to guide the region's overall waste management direction and to reduce waste going to landfill, with an ultimate goal of zero waste to landfill.

Recommendations in the Plan include a study into the feasibility of a regional landfill and collection service to cater for the waste needs of the SEAVROC Region, and any opportunities for the potential for income through the importation of waste to the region from other local governments, particularly metropolitan areas. The Plan scheduled completion of the Feasibility Study in December 2009, but as it was not considered high priority for the group and consequently the Study was not initiated. The Plan today continues to be a reference document, but is acknowledged by the SEAVROC Shires as being out of date and requiring a comprehensive review.

Consultation

Public Consultation

The application was advertised in accordance with Clause 8.3 of the York Town Planning Scheme No. 2 from 15 February to 17 March 2014 (inclusive) and was advertised in the following manner:

- an advertisement was placed in the Avon Valley Gazette (a locally circulating newspaper) in the edition published on 15 February 2014;

- a Notification of Development sign was placed on site for the duration of the advertising period;
- nearby landowners were notified directly by letter;
- interested persons were advised by email or letter of the advertising period;
- copies of the application were placed on Council's website for viewing and download; and
- a copy of the application was on display and available for viewing at the Council Office.

All advertising material identified the application as a Development Assessment Panel application in accordance with the DAP Regulations.

During the advertising period 211 submissions were received from 240 persons containing 210 objections to the proposal and one submission in support of the proposal from the landowner. One late submission was also received objecting to the proposal.

The Schedule of Submissions attached to this Report at Appendix 3 contains a summary of the main points of the submissions and it is acknowledged that many of the submissions contain invaluable local knowledge, historical information, media articles and photographs. Copies of the submissions (in their entirety) are attached at Appendix 3A.

Refer to matter (g) in the Planning Assessment section of this Report for a summary of the main issues raised in the submissions and planning comments.

Consultation with other Agencies or Consultants

Referrals were sent to 28 government and service agencies requesting comment on the subject development proposal, with 18 responses received. A list of the agencies, responses received and planning comments is attached is the Schedule of Referral Responses attached to this Report at Appendix 4. Copies of the responses (in their entirety) are attached at Appendix 4A.

The main responses and points of consideration are summarised below:

- Department of Parks and Wildlife requests that if the application is approved that the following conditions be imposed:
 1. Prior to the commencement of development works an environmental management plan for black cockatoos is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
 2. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by development works, prior to commencement of development works.

Recommends also:

- Proposals likely to have a significant impact on black cockatoo habitat are required to be referred to Commonwealth.
- Suggests that the proponent refer to the *Environment Protection and Biodiversity Conservation Act 1999* draft guidelines.

- Department of Water has assessed the proposal and has concluded that there are no significant concerns with regards to the protection of water sources. It is recommended, however, that:
 - An assessment should be made of the maximum extent and height of any leachate mounding under the landfill site;
 - The calculations of groundwater travel times in sections 4.11.2 and 4.11.3 of the works approval need to be reviewed and verified by SITA. *Further conversations with the Department of Water sought clarification of this comment that have advised that the groundwater travel times calculated by the applicant's consultant are incorrect and that should leakage occur the travel time is likely to be in the vicinity of 10 years to reach the Avon River, which is considered as an acceptable low risk;*
 - If sandy gravelly material is encountered under the landfill subgrade then it will need to be replaced by low permeability clayey material to maintain a 3m deep low permeability clayey barrier under the landfill liner system;
 - A landfill operating strategy, that includes groundwater and surface water monitoring, should be forwarded to Department of Water for review;
 - An acceptable monitoring bore network needs to be installed and monitoring should occur between the landfill, the leachate dams and 13 Mile Brook;
 - Additional pre-development groundwater levels and groundwater and surface water quality monitoring should be undertaken to ensure a substantial baseline data set. A comprehensive geotechnical investigation across the entire site of the landfill footprint should also be undertaken; and
 - Rehabilitation and revegetation of the Thirteen Mile Brook should be considered as an additional, final resort minor treatment system and general best management practice for development adjacent to degraded waters.
 - Discussions between the applicant and Department of Water continue at the time of writing this Report.

- Department of Planning (Tourism) have advised that there is no surrounding land is specifically zoned for tourism however Wandoo National Park abuts the site and Wambyn Nature Reserve is within the vicinity of the site. As it is a requirement of landfill sites is to manage noise, dust and odour, these impacts are unlikely to pose an issue from a tourism planning perspective. However, they do recommend that the site be considered from any major vantage points (such as tourist lookouts) that may be in the area, including its visibility from the Great Southern Highway.

- Main Roads advised that the Traffic Impact Statement submitted to them by the applicant has been approved and support has been given for the proposed new access design concept dated 20 December 2013 attached to their response is attached at Appendix 10 of this Report.

Following receipt of this response, a further enquiry was made with Main Roads to determine if traffic impacts from the site to the York townsite had been assessed, particularly considering the applicant contends that there is a possibility that the trucking contract could be awarded to a York business. Main Roads has confirmed that no information or assessment has been carried out, that their assessment assumes only passenger and light vehicles may access York townsite, and that there would be a need for further assessment should the pocket road trains originate from York or eastern surrounds.

- Department of Fire and Emergency Services has raised significant concerns that the applicant has not consulted with DFES during the design phase of this development and an explicit Emergency Management Plan, including a

comprehensive Fire Management Plan has not been developed or submitted with the application.

DFES are also concerned about the capacity and safety of the local volunteer emergency services to respond to landfill fire incidents that will also involve gas emissions, and major traffic accidents. DFES advise that they needed to be involved during the development and operation to ensure that community protection is not compromised.

- Wheatbelt Development Commission (WDC) was requested to provide comments from a regional point of view. Their response acknowledges that Perth will not be able to provide for all its waste management needs and that it is inevitable that the Wheatbelt will become the focus for Perth's waste management, particularly from an economic point of view. Although these proposals may offer some economic benefits to the region in terms of employment and investment contribution, they are potentially in conflict with the lifestyle amenity of these peri-urban areas and therefore should be carefully considered.

The WDC recommends a proactive approach to identify suitable sites for this type of development could provide more palatable options for this development. The WDC supports the development of private enterprise waste management services where these can demonstrate economic benefit to local communities and where there is no detrimental effect to the environment and potential conflict with the lifestyle amenity of the region is mitigated.

It is WDC's position that the site selection should be related to the best place to put waste based on infrastructure (such as road and rail transport), environmental impact, local government and community support, and lifestyle amenity considerations.

- Wheatbelt NRM has provided a response based on the assumption that best environmental management practice in accordance with relevant acts and regulatory standards will be adhered to throughout the entirety of the project life until final approval for closure by DER and note that their comments are only relevant for the current proposal as Class II sanitary landfill site; a change in class or size would require a new list of recommendations.

Comments were provided for ground and surface water; impacts on agriculture; impacts on biodiversity; flora and fauna; and birds and feral animals with the following recommendations:

- Application of the precautionary principle in the decision making process to reduce negative impacts on biodiversity.
 - An appropriately qualified and diverse advisory group be established to guide environmental risk mitigation for the site.
 - Planning approval be subject to a comprehensive environmental management plan addressing the impacts discussed above.
 - Effective monitoring regime be put in place and reviewed regularly to understand efficacy of risk mitigation.
 - A bio-security plan be developed to mitigate the risk of incursions through landfill activities – so that there is a predetermined framework for responding to bio-security incursions.
- Waste Authority of WA support managing waste as close as possible to the point of generation to avoid associated transport impacts and to reduce the transfer of impacts associated with the landfilling of waste from one community to another.

The Authority is providing the Minister for Environment with a Waste and Recycling Infrastructure Plan investigation report for Perth Metropolitan and Peel Region in first half of 2014 which will assist future landfill demand planning and siting considerations.

- Shire of Mundaring (SoM) has recommended refusal of the application for the following reasons:
 1. Shire of York (SoY) does not have a community need for a major landfill and is therefore an unnecessary additional requirement. SoM, in combining with other LG's in the Eastern Region has fulfilled that responsibility.
 2. Additional heavy traffic travelling through SoM carting waste from Perth to SoY is detrimental.
 3. Though the South Cardup landfill will close in 2015/2016 there is substantial capacity at other sites with the Perth area. New landfills in North Bannister has been approved and two at Dardanup.
 4. The WA Waste Strategy's success will be measured in increasing material recovery and reducing waste to landfill. In allowing the landfill in York without requiring SITA to demonstrate overall need or requiring investment in recovery facilities is contrary to the State's policy.
 5. Approval is likely to reduce the viability of proposed resource recovery projects.
- Department of Health recommends that the Shire of York ensure proposal is in accordance with DER's Works Approval and advise they have concerns that the topography of the site suggests collected leachate and water captured by interdunal swales may discharge into the creek at the base of the landfill that would find its way to the Avon River by tributary particularly during winter. It is recommended that the Shire seek assurances that the concern is addressed.
- Geoscience Australia has advised the seismicity of the proposed landfill site is at the threshold of moderate. In terms of engineering design, the application of current design and construction standards along with appropriate analysis and detailing will ensure a safe facility. A Map (attached at Appendix 11) has been provided showing earthquakes with a magnitude higher than 3.5 within the vicinity of the site over the past 50 years.
- Department of Food and Agriculture has prepared a number of maps using their regional scale soil-landscape mapping and interpreted land use capability assessments for the subject land and adjacent areas that provide a guide to land capability. These regional scale maps show that the area proposed for the landfill has more than 70% high land capability for annual horticulture, perennial horticulture and vines; more than 70% of the land with moderate to high capability for cropping and grazing (with cropping and grazing the current use). The maps are appended to this Report at Appendix 12.

If approved, DAFWA recommends:

- The landfill facility requires suitable fencing to prevent the incursion of feral pigs onto the site from nearby forested areas.
 - A vegetated buffer around the landfill site would help prevent the drift of wind blown material from the landfill site onto adjacent farm land.
- Department of Environment and Regulation is in the process of assessing the application for a works approval to construct the Class II landfill at Allawuna Farm. DER has received 70 detailed submissions from concerned community members

following the advertising of the works approval application in the Hills/ Avon Valley Gazette and the West Australia Newspaper. DER is not likely to finalise the assessment of the application and the submissions until May 2014.

- Responses were also received from the Public Transport Authority, State Heritage Office, Western Power, Department of Mines and Petroleum, Department of Aboriginal Affairs and Office of the Environmental Protection Authority and did not generally raise any issues requiring further consideration.

Planning assessment

1. Land Use Classification

There is no specific land use definition or land use classification for a 'landfill' or 'waste management facility' in the Shire of York Town Planning Scheme No. 2, which may indicate that the proposed land use was not considered or anticipated when the Scheme was drafted.

Accordingly, the application has been accepted by the Shire of York and processed as a 'use not listed'.

Council at a Special Meeting held on 4 February 2014 determined in accordance with Clause 3.2.4(b) of the Scheme that the proposal may be consistent with the objectives of the General Agriculture zone.

The resolution was affected by Council with the understanding, and from the advice provided by the DAP Secretariat (attached at Appendix 8), that it would not influence the outcome of the application and would enable community consultation to ensure a thorough assessment of the proposal.

It is worth noting when considering the land use classification, that the proposal is not defined as an 'Industry – Noxious', although a landfill facility would meet the definition of 'noxious' in that it requires licensing under the Environmental Protection Act, a landfill does not meet the base definition of industry as defined in the Scheme. This interpretation is supported by the Department of Planning in their advice dated 27 May 2013 (copy attached at Appendix 9).

This assessment will conclude that after full assessment of the application, it is recommended that the Development Assessment Panel determine that the proposal is not consistent with the zone objectives, and is therefore not permitted in the zone.

2. Assessment of the Relevant Provisions of the Scheme

The subject land is identified on the Scheme Map No. 1 as being zoned General Agriculture in accordance with Clause 3.1.2.

The application has been submitted as a 'use not listed' in accordance with the provisions of Clause 3.2.4. Refer to point 1 of this assessment.

Clause 4.15.1 outlines the objectives for the General Agriculture zone. An assessment has been undertaken to determine if the proposed land use is consistent with the objectives of the zone as follows:

- (a) *To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.*

The proposed landfill will enable continuation or expansion of broad-hectare agriculture on a productive agricultural property as the principal land use and will in fact become a secondary land use on the property. It may also impact bio-security and organic/free-range activities of adjoining farmers. Based on the Department of Agriculture mapping for 2014, York is predicted to produce one of the highest wheat yields in the State.

The Local Planning Strategy envisages that this area will continue broad-hectare agricultural activities supported by State planning policies that prevent fragmentation of farming land by subdivision and intrusion of lifestyle lots.

In the Planning Report, the applicant argues that there will be minimum impact on farming activities on the site as a result of the proposal due to the intention of the continuation of the farming activities on the remainder of the site.

The selected area for the construction of the landfill is an area that has been used for cropping and grazing (evidenced at the time of the site inspection). This 70 hectares that will contain up to 7.4 million tonnes of waste (200,000 tonnes/year for 37 years) and result in the creation of a mound 20 metres higher than natural ground level will be contaminated and degraded, requiring rehabilitation prior to regaining any potential (not guaranteed) for using it again for farming purposes.

This development proposal is not consistent with this objective.

- (b) *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*

Although the applicant states that there will be a benefit to the district through employment and economic benefit to businesses, this benefit is unquantified.

The benefit of a development should be considered holistically. How will the development benefit the community, not only economically, but socially and environmentally?

The applicant has failed to demonstrate that the proposal will be beneficial to the district, particularly considering the benefit as a whole and not just from an economic point of view.

An attempt by the applicant has been made in the application documents to prove economic benefit to York, by indicating that services and supplies could be sought from businesses in the York region, there has been no quantification of this statement.

For example, the applicant has suggested that the haulage contract could be awarded to a York business; however, the applicant has also confirmed (in the addendum to the Traffic Impact Assessment) that there will be no heavy vehicles accessing the York townsite. Most recently, the applicant has advised that if the haulage contract was awarded to a York company, the trucks would be parked overnight at the landfill site. It is therefore reasonable to conclude that fuel would not be purchased in York and that it would be unlikely that the trucks would be serviced by a York business.

No similar effort has been made by the applicant to exhibit any overall benefits to the locality. Many members of the community claim that any economic benefits that the proposal may bring to the district would be outweighed by the negative impacts.

With regards to the second part of objective (b), again conclusive evidence has not been provided that the proposal will not be detrimental to natural resources or the environment. The site contains 25% remnant bushland and the quality of the bushland is protected under a Conservation Covenant and it is proposed to construct creek crossings and diversions. The proposal will impact on the farmland as a natural resource able to produce food and the EPA in their determination has indicated that the impacts associated with the development can be managed through the DER Works Approval.

This development proposal is not consistent with this objective.

- (c) *To allow for facilities for tourists and travellers, and for recreation uses.*

The proposal does not provide for tourists or travellers, or for recreation uses. The majority of objectors have concerns regarding impacts on tourism as a result of the proposal as a result of increased truck traffic on the highway and visual impacts of the facility.

This development proposal is not consistent with this objective.

- (d) *To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities.*

Although the buffers proposed comply with the relevant guidelines, a landfill facility will impact on neighbours, their lifestyle and amenity as a result in the change to the rural character and amenity of the area, environmental impacts, increase in traffic and the like as discussed in this Report.

This development proposal is not consistent with this objective.

In conclusion, the development is not considered consistent with the objectives and purposes of the zone, and is therefore not a permitted use in accordance with Clause 3.2.4(c) "determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted".

Clause 4.15.2 requires development in the General Agriculture zone to have regard to the scenic values of the district and the views from roads and permits the local government to refuse an application for planning consent if the development if approved will have a detrimental effect on the rural character and amenities, which have been considered during the assessment of this proposal, particularly in view of the objectives of the General Agriculture zone.

Planning applications must be submitted with accompanying material as outlined in Clause 8.1 that all provides the local government with the ability to request additional information and specialist reports to enable the application to be determined. The information submitted to the Office of the Environmental Protection Authority was not submitted with the planning application. Following an initial assessment, this information was identified as fundamental to the assessment of the application, and accordingly requested from the applicant. Throughout the assessment of the application further information and clarification has been sought from the applicant.

Clause 8.3 relates to advertising of applications, with clause 8.3.1 specifically requiring applications involving SA uses and uses not listed to be advertised in accordance with clause 8.3.3. Clause 8.4 enables the local government to consult with any other statutory, public or planning authority it considers appropriate. Comments were sought from 26 relevant authorities. Refer to the Consultation Section of this Report for further discussion.

The matters for consideration when determining applications for planning consent are set out in Clause 8.5 of the Scheme and have been assessed as follows:

- (a) *The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*

The objectives of Scheme are:

- a) *to zone the scheme area for the purposes described in the scheme.* The property is zoned General Agriculture for agricultural purposes. The proposal is not consistent with the purpose of the zoning.
 - b) *to secure the amenity health and convenience of the scheme area and the residents thereof.* It is likely that the amenity, health and convenience of residents will be impacted by the proposed landfill, due to the nature of the development.
 - c) *to make provisions as to the nature and location of buildings and size of lots when used for certain purposes.* Proposed buildings and infrastructure are ancillary to the proposed use.
 - d) *the preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest.* Mt Observation National Park is considered a place of natural beauty and its flora and fauna making it a place of scientific interest; St Ronan's Well is a State listed place of heritage significance; and York is Western Australia's oldest inland town. It is inconclusive whether the proposal will impact on any or all of these places. It is possible that the landfill will be visible from Mt Observation, a concern raised by the Tourism section of the Department of Planning.
 - e) *to make provision for other matters necessary or incidental to town planning and housing.* There are no provisions in the Scheme relating to or making provision for waste management facilities indicating that this type of development was not considered or anticipated during the development of the Scheme.
 - f) *to make provision for the protection and management of the natural environment within the scheme area.* Landfills by nature of the type of activity impact on the natural environment for an extended period of time, in this case 37 years during operation and many following years whilst the land is being rehabilitated. All of the information provided by the applicant and expert opinions confirms that there is risk of environmental impact associated with the proposal.
 - g) *to recognise the special historic significance of the town of York to Western Australia and to preserve this through the implementation of design guidelines.* Many of the community members in their submissions have raised concerns about the impacts of a landfill being established in their historic town. York is recognised as a historic town by the State Heritage Office and the National Trust. It is inconclusive whether the proposal will impact on York's historic significance.
- (b) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.*

Scheme Amendment No. 50 was initiated by Council at its Ordinary Meeting held on 19 November 2012. The amendment is an omnibus amendment and contains proposals to amend the land use definitions and table, rezoning proposals for individual properties and changes to reserved land.

Relevant to the subject development proposal, the land use table and definitions were proposed to contain definitions and land uses relating to waste management facilities. The original version of the amendment was advertised to the community and a significant number of submissions were received from the community strongly objecting to the inclusion of waste management facilities as 'SA' uses and other non-rural uses in the General Agriculture zone.

When the Shire of York became aware of this proposal, it was decided that any references to waste management facilities should be removed to prevent any delays in the approval of the amendment and to prevent any potential conflicts of interest for those Councillors that would be Development Assessment Panel members. This version was finally adopted by Council on 15 April 2013 and forwarded to the Western Australian Planning Commission for final approval.

The amendment was considered by the WAPC's Statutory Planning Committee on 23 July 2013 as a confidential item and to date, Council has not been advised of the outcome. Council's Planning Manager has however been advised by Officers of the Department of Planning that the land uses and definitions relating to waste management have been re-included in some form in their recommendations to improve the current uncertain situation in the Scheme, with a view of achieving consistency for a similar amendment that is pending in the Shire of Toodyay. (Note: The Shire of Toodyay amendment has been gazetted prohibiting waste disposal and treatment facilities in any zone within the Shire.)

The amendment was not gazetted at the time of writing this report and therefore does not carry any significant weight of consideration.

With regards to orderly and proper planning, this proposal is considered ad hoc and without strategic context, and therefore not orderly and proper planning, particularly taking into account that many of the State, regional and local strategies identify the need for the State government to plan for landfill sites.

For example, the draft State Planning Strategy identifies the need for a network of strategically located waste management facilities and infrastructure sites to cater for WA's population growth and recommends sites be located adjacent to the major transport routes of the Great Eastern Highway, Great Northern Highway and Brand Highway, subject to environmental and land use suitability.

Additionally, in the draft Wheatbelt Land Use and Infrastructure Strategy the WAPC recommends the identification and zoning of landfill sites through a scheme amendment process as a more strategic and rigorous assessment process.

- (c) *Any approved statement of planning policy of the Commission.*

Refer to the Legislation and Policy section of this Report.

- (d) *Any approved environmental protection policy under the Environmental Protection Act 1986.*

Refer to the Legislation and Policy section of this Report.

- (e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*

Refer to the Legislation and Policy section of this Report.

- (f) *Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.*

There are no local planning policies applicable to this proposal.

- (g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

The land is not reserved under the Scheme.

- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.*

The proposal was referred to the State Heritage Office who have advised that the proposal will not significantly impact on the identified cultural significance of *St Ronan's Well*, *York*, or any other place of State cultural heritage significance.

- (i) *The compatibility of a use or development with its setting.*

The subject land has historically been used for broad-hectare farming, which is similar to the surrounding privately owned land. On the western boundary of the property is Mount Observation National Park and nearby is the Wambyn Nature Reserve and St Ronans Well that all contain significant flora and fauna. The northern neighbouring property has been allowed to regrow by the landowner and also contains significant flora and fauna, which was recognised in the recent refusal of a rezoning and subdivision proposal.

Many of the submissions raise concerns regarding the compatibility of the proposal with the uses on neighbouring properties, impacts on bio-security and impacts on organic and general farming activities.

Compatibility is defined as:

1. *capable of existing or living together in harmony;*
2. *able to exist together with something else;*
3. *consistent; congruous.*

The proposed use of the property for the purposes of burying wastes as a large-scale landfill to cater for metropolitan Perth's waste is not congruent with the setting as it will result in the degradation of productive agricultural land, or consistent with relevant strategic directions for the area that aim to enhance and preserve agricultural activities in the district.

- (j) *Any social issues that have an effect on the amenity of the locality.*

Social impacts are a consequence of a landfill's existence, which primarily represent the environmental disamenity (the unpleasant quality or character of something) near the facilities.

Unlike physical impacts, such as land degradation and contamination, social impacts are the indirect factors effecting on the host community regardless of whether the landfill produces any physical impacts. Such impacts include increased traffic, noise, unpleasant odours, aesthetic degradation and property devaluation in the landfill surroundings.

The cost of social impacts reflects the value of the environmental disamenity which the host community have to suffer due to the existence of the landfill. It is widely accepted that this cost could vary with the size of the site, and hence directly to the tonnage throughput. (*Measuring the Cost of Landfill, University of Queensland, undated*)

In many cases the true costs of poor landfill practices to the environment and the community are not borne by those who produce or dispose of the waste. Rather, they leave an environmental legacy for future generations to address. For instance, in 1999 the City of Yarra spent one million dollars rehabilitating contamination in Edinburgh Gardens, North Fitzroy, which had been caused by the use of the site as a landfill in the nineteenth century. (EPA Victoria, 2004)

There are clearly social impacts associated with this proposal for nearby landowners and the community, and may not be apparent due to the inconsistencies and information gaps in this application and the environmental risks associated with landfill operations.

(k) *The cultural significance of any place or area affected by the development.*

York is recognised by the State Heritage Office and the National Trust for its significance of the development of Western Australia as the State's first inland town. Many of the submissions have raised concerns regarding the potential impact on this significance of this proposal.

The farming area is of cultural significance to the district as many of the farms have been owned and operated by generations of the same family. The Wheatbelt area is well known as a farming area with rural character, which is recognised in the local Community Strategic Plan envisioning York to be the 'Rural Gateway'.

(l) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*

The EPA have determined that "although the proposal raises a number of environmental issues, the EPA considers that the potential environmental impacts are not so significant to warrant formal environmental impact assessment and the subsequent setting of formal conditions by the Minister for Environment under the *Environmental Protection Act 1986* (EP Act). This is because the potential environmental impacts can be regulated and managed effectively under Part V of the EP Act."

The issues considered in the EPA assessment included: flora and vegetation; terrestrial fauna; terrestrial fauna – Black Cockatoo; hydrological processes; inland waters environmental quality; heritage; amenity – odour, and other issues: traffic, agriculture; and earthquake.

In their Report, the EPA notes that the Department of Agriculture and Food, Department of Water and the former Department of Environment and Conservation's Air Quality Branch all recommended further investigation was required.

For example, the Department of Water in their response have again requested further information and investigation, particularly with regards to data integrity.

(m) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

The land is identified and acknowledged as having a relatively low earthquake risk, a high risk of bushfire and risks of flash flooding.

GeoScience Australia was contacted for comment regarding earthquake risk and has advised the seismicity of the proposed landfill site is at the threshold of moderate. In terms of engineering design, the application of current design and

construction standards along with appropriate analysis and detailing will ensure a safe facility.

The site is also considered to have a significant bush fire risk. The Department of Fire and Emergency Services have commented on the proposed and have raised concerns that they were not consulted by the applicant, that a Fire Management Plan has not been prepared and that the local volunteers do not have the capacity to respond to fires involving landfills.

Anecdotal evidence has been provided in the submissions of risk of flooding. Flood mapping is not available for the site from the Department of Water, however they have advised that they consider the risk of water pollution low. DER are considering surface water flows currently in their assessment of the Works Approval Application, and have verbally advised that they have some level of concern regarding the information provided in the hydrological assessment.

Refer to the responses from the relevant authorities in the Consultation Section of this Report.

(n) *The preservation of the amenity of the locality.*

The amenity of the locality can be characterised as an area used for broad-hectare agriculture, consisting of large cropped paddocks and grazing land with surrounding areas of high quality natural bushland.

The Model Scheme Text in Appendix B of the *Town Planning Regulations 1967* defines 'amenity' in the following terms:

"'Amenity' means all those factors which combine to form the character of an area and include the present and likely future amenity."

It is proposed to use a portion of the site historically and currently used for farming as a landfill, which is a land use that is simply not in character with the area and is not considered in the desired future character of the area.

Amenity impacts that could result from the landfilling activities include dust and odour emissions, increase vermin and pest activity, litter impacts and potential property devaluation for neighbouring farmers and property owners. Broader amenity impacts will include increased heavy vehicle traffic for road users, any visual impacts, population growth, tourism and perception.

(o) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

As indicated in the assessment of matter (n) above, the proposal has the potential to affect the amenity of the locality. The construction of a landfill on productive agricultural land is inconsistent with the objectives of the zone and aims of the Local Planning Strategy.

The scale of the facility proposed is to cater for 37 years of disposal of Metropolitan Perth's rubbish, and does not represent a scale that would be required to cater for York's, or SEAVROC's, rubbish disposal needs.

The appearance of the proposal will be inconsistent with the appearance of land in the locality that predominantly consists of broad-hectare agricultural cropping and grazing activities, and natural bushland. The proposed landfill activities and finished form that is proposed at approximately 20 metres above natural ground level is likely to be seen from neighbouring properties and publicly accessible areas of Mount Observation National Park. (Refer to Figure 5 for graphical depiction of the heights provided by the Applicant.)

The majority of the community submissions mention concerns about the potential visual impact of the proposal for neighbours, road users and tourists.

- (p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

The property has frontage to and is accessible from the Great Southern Highway and for this reason the application was referred to Main Roads. Main Roads have assessed the Traffic Impact Statement prepared by Shawmac on behalf of the applicant dated 15 October 2013 and have given support for the proposed new access design concept dated 20 December 2013. (A copy of the design is attached at Appendix 10.)

- (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

Main Roads have assessed and approved the Traffic Impact Assessment submitted to them by the applicant, including the intersection redesign and upgrade. Main Roads in their assessment acknowledge that the increase in traffic will equate to one to two years normal traffic growth (2.8-5.7%). Variances due to whether site works travel to the site from the east or west.

During the assessment, questions were raised with the Applicant regarding heavy trucks travelling east of the site and it was advised that no heavy trucks will be travelling east from the site and in the event that a York business was successful in being awarded the haulage contract, the trucks would be parked on site overnight. An Addendum to the Traffic Impact Assessment was prepared by the Applicant's Consultant considering potential traffic travelling east of the site consisting of light and passenger vehicles.

Shawmac in their assessment acknowledge that there will be increased risks of accidents and fatalities for road users as a result of the proposal. The majority of the community members in their submissions raised concerns about increasing the number of heavy vehicles on the Great Southern Highway to road users, and potentially to tourism as many day trippers bring expensive and valued historic vehicles, sports cars, and motorbikes.

- (r) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*

Not applicable to this proposal.

- (s) *Whether public utility services are available and adequate for the proposal.*

There are no water or sewer services available to the site and anecdotally, power services are provided through aging infrastructure. The applicant has not demonstrated a sufficient water supply, particularly during the summer months, will be available for dust suppression, fire fighting or potable needs.

- (t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*

Not applicable to this proposal. It can be reasonably expected, due to the location of the site and distance from nearest towns that employees and other visitors to the site will travel via motor vehicle.

- (u) *Whether adequate provision has been made for access by disabled persons.*

Disabled access may be required for employees or visitors in accordance with the provisions of the Building Code of Australia.

- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

The proposal has been assessed by the EPA, and currently under assessment by the DER with the application of a Works Approval, for environmental impacts.

Some clearing of remnant vegetation is proposed as part of the sites works to establish a new access to the site and for the siting of internal infrastructure.

The Department of Water have recommended that the applicant should consider the rehabilitation and revegetation of the Thirteen Mile Brook as an additional, final resort minor treatment system and general best management practice for development adjacent to degraded waters.

- (w) *Whether the proposal is likely to cause soil erosion and degradation.*

Section 8.6 of the Planning Report identifies the need for the development of a Water Management Plan (WMP) to address the maintenance of the dam, drains and culverts on the site, prevention of erosion, response to extreme storm events and contingency plans for release of potential contaminants into the surrounding surface water environment, which is considered acceptable as it is normally a requirement that is addressed as a condition of approval. The WMP will also need to address soil removal for re-use as cover material and storage of the soil whilst awaiting future use. As mentioned earlier, an adequate water supply has not been demonstrated by the applicant for this and other site needs.

With regards to soil degradation, it is accepted that using land for burying of wastes as proposed will result in soil degradation, and long term contamination. Following completion of the landfilling activities, the site will need to be rehabilitated in accordance with an approved Rehabilitation Plan (not submitted to date). The Planning Report does not identify an end use following rehabilitation, which may or may not return the land to productive agricultural land. There are no details of potential land use opportunities post-rehabilitation in the application documents.

- (x) *The potential loss of any community service or benefit resulting from the planning consent.*

The loss of agricultural land, which benefits the community and State, through the production of crops and meat, could be described as the loss of a community benefit. Many members of the community feel that the minor economic benefits of the landfill are outweighed by the negative impacts.

- (y) *Any relevant submissions received on the application.*

112 submissions from the community were received regarding the proposal. Refer to Table 1 below for details of the submissions and comments on the main points from a planning point of view.

Table 1

Main Points
<ul style="list-style-type: none">• 211 submissions received• 210 objections received• 1 supporting letter from subject land owner

<ul style="list-style-type: none"> 1 petition received containing 1,372 signatures (590 York ratepayers and 782 from surrounding towns and visitors) 	
Main Reasons for Objections	Planning Comment
1. The proposal is not consistent with any State, regional and local strategic plans and policies, including the Town Planning Scheme, Local Planning Strategy and Community Strategic Plan.	It is agreed that the proposal is not consistent with the State, regional and local policies. This matter has been considered throughout this assessment.
2. Use of prime, productive agricultural land for a landfill.	The land has been historically used for cropping and grazing purposes. It is located in the western slopes in an area of higher rainfall when compared to York farming properties located east of the townsite. All of the strategies and plans aim to preserve, enhance and protect broad-hectare agricultural properties. This matter has been considered throughout this assessment.
3. There will be no benefits for the York community as a result of the proposal.	The Applicant has failed to demonstrate conclusively the benefits to the York community as a result of the proposal beyond minor economic benefits for some local businesses. Information has been provided of the potential for employment and provision of services and supplies, but there is no guarantee and will be an economic based decision. Refer to the assessment of the zone objectives.
4. There is no strategic context for the proposal. The State government should be responsible for managing Perth metro's waste.	It is agreed there is no strategic context. The Waste Authority and a number of other government agencies, including the WAPC, are developing a strategic plan for waste management in WA and siting of facilities.
5. The proposal will impact on amenity, heritage and lifestyle.	Impact on amenity (and lifestyle) of neighbouring properties and the locality has been assessed specifically under matter (n) and throughout this report. The State Heritage Office has been consulted with regards to heritage impacts.
6. The proposal will contaminate and pollution land, water, air and surrounding farms, nature reserves and National Parks.	All landfills have the potential to contaminate and pollute. The proposal has been assessed by the EPA and currently by the DER to ensure that the construction of the landfill will manage any environmental impacts to best practice standards. These issues and risks have also been considered in the assessment.
7. Concerns that the liner integrity cannot be guaranteed and it will rupture and leak.	The Applicant states that the liner will be managed under a quality assurance program. The DER was assessing the Works Approval Application at the time of writing this Report, including the construction of the landfill and the proposed liner system.
8. The site is located in the catchment area that will result in	The Department of Water have advised that the site is not within a drinking water

pollution of drinking water and ground water.	catchment area. They do however recommend additional investigation and testing, and question the groundwater data provided by the Applicant. Refer to the Consultation with Agencies section of this Report.
9. Impacts on natural disasters and local weather events, including earthquakes, high winds and flash flooding on infrastructure.	The site is identified as having a high bushfire and low earthquake risk. Refer to matter (m) above for an assessment of these risks.
10. Impacts of additional large trucks using the Great Southern Highway.	Main Roads have assessed and approved the Applicant's submitted Traffic Impact Assessment, including the plan for upgrading the access to and from the site. The traffic growth has been equated to one to two years normal growth in traffic. Shawmac in their Report make note that the increase in traffic accidents and facilities is modelled within acceptable levels.
11. Impacts on nearby farms, particularly on stock, stock water supplies, bio-security and organic status.	The EPA and DER have or are in the process of assessing the environmental aspects and impacts of the proposal. Landfills, if not properly managed, can impact on the environment and locality. DAFWA have advised that a level of monitoring is carried out as part of regulating and protecting the agricultural sector.
12. Impacts on tourism – road users, such as motorbikes and vintage cars and perception by tourists.	Impacts on tourism are difficult to quantitatively assess. The Department of Planning's Tourism section have commented on the proposal and have recommended that the site be considered from any major vantage points (such as tourist lookouts) that may be in the area, including its visibility from the Great Southern Highway, which has been taken into account throughout this assessment.
13. Impacts on flora and fauna as a result of clearing, increased vermin and pests.	The EPA have issued a 'not to be assessed' determination, which was upheld by the Office of the Appeals Convenor, and have recommended that any environmental impacts can be managed under a Works Approval issued by the DER (under assessment at the time of writing this report). The applicant has identified vermin and pests as an issue requiring specific management through preventative measures, such as covering wastes daily.
14. Lack of ability for local volunteer emergency services to respond to incidents.	DFES and York's CESM have been consulted during the assessment process and agree that this issue requires further consideration, in conjunction with the development of a Fire Management Plan (which was being prepared at the time of writing this report).
15. Concerns that the size and/or classification of the facility will be modified in the future.	The application is for the construction and use of a Class II facility, and must be assessed as submitted. The applicant may or may not

	wish to expand the facility (if approved) in the future, which would need to be assessed in a future separate application process.
16. Concerns regarding inconsistencies in documents provided to the Shire, EPA and DER.	It is acknowledged that there are inconsistencies in the documents. The applicant has provided an explanation to the inconsistency regarding the levels and finished heights. However, the inconsistency in the groundwater travel data was still being considered by the Department of Water at the time of writing this Report. Similarly, the hydrological data was still being analysed by the DER.
17. Better alternative sites available utilising rail for transport and existing mine pits.	The EPA's <i>draft Siting, Design, Operation and Rehabilitation of Landfills (2005)</i> and the WAPC's <i>draft Wheatbelt Land Use and Infrastructure Strategy (2014)</i> are consistent with this comment. However, the planning application must be assessed as submitted in accordance with the provisions of the <i>Planning and Development Act 2005</i> .
18. Landfill technology is out of date and there are better alternatives.	Planning applications must be assessed as submitted by the applicant regardless if there is a better site or alternative technology available.
19. Concerns for legacy and impacts for future generations.	The principles of sustainable development and the precautionary principle have been considered in this assessment. Refer to matter (zb) below.

(z) *The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.*

Other than highway traffic noise, the locality is typical of a rural setting with very low background noise, particularly of a night. Noise during the construction and operation phase of the use will be audible to neighbouring properties, described by the applicant as within 'guideline limits'. It is proposed to manage the noise emissions through noise management procedures and technologies.

It is also acknowledged by the applicant that dust emissions will require management to ensure no loss of amenity to closest neighbouring properties. The Planning Report identifies the landform, remnant vegetation and intervening measures as management actions.

The applicant in their report also concludes from a detailed odour investigation that all odours will be kept within their property's boundaries, and similarly to noise, that odour emissions will be within appropriate guidelines.

Litter is another potential pollutant impacting on neighbouring properties where it is proposed to construct a 1.8 metre high fence around the site to contain litter. Concerns have been mentioned in the submissions that high winds and frequently occurring 'willy willys' will carry litter onto neighbouring properties and into dams contaminating stock water. It is noted in the Planning Report that operations may need to be suspended on high wind days in order to manage litter.

Light pollution from the site has also been raised in the submissions. The proposed day time operating hours should minimise any impacts, although the applicant does note that portable floodlighting may be necessary during overcast winter days, however this would be an intermittent need.

- (za) *The comments or submissions received from any authority consulted under clause 7.4.*

Referrals were sent to 26 government and service agencies requesting comment on the subject development proposal with 15 responses received. A list of the agencies, responses received and planning comments is attached as the Schedule of Referral Responses attached to this Report at Appendix 4. Copies of the responses (in their entirety) are attached at Appendix 4A.

- (zb) *Any other planning consideration the local government considers relevant.*

The community in their submissions have raised concerns regarding the impact and legacy of the proposal for future generations. In this respect, the principles of sustainable development, the precautionary principle and intergenerational equity must be considered in the assessment of this proposal.

As indicated earlier in this Report, SPP 1 provides a framework to provide for the sustainable use and development of land with the precautionary principle implicitly recognised in the Policy (J Parry [WASAT 160]).

The purpose of the *Planning and Development Act 2005* is to promote the sustainable use and development of land in the State. 'Sustainable development' has been defined by the Report of the World Commission on the Environment and Development (WCED), "as development that meets the needs of present generations while not compromising the ability of future generations to also meet their needs."

The precautionary principle: "where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- (i) Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment;
- (ii) An assessment of the risk-weighted consequences of various options." (Intergovernmental Agreement on the Environment)

The principle of intergenerational equity states that 'the present generation should ensure that the health, diversity and productivity of the environment, is maintained or enhanced for the benefit of future generations.

Considering these principles with regards to this development proposal, and in the context of SPP 1, there are risks of environmental degradation and impacts on productivity of the land. There is no demonstrated need for the construction of a large landfill in the community that may inherit the impacts into the future.

The proposed development is not considered to be consistent with the principles of sustainable development.

- Clause 8.6 enables a local government to approve an application with or without conditions or refuse an application. It is recommended that the DAP (being the local government in this case in accordance with the DAP Regulations) refuse the application for the reasons outlined in this Report.

- A number of the submissions have made mention of seeking compensation from the Shire should the development be approved. Clause 9.4 only enables persons injuriously affected by the making or amendment of the Scheme to make a claim for compensation under section 11(1) of the Planning and Development Act. It is not proposed to make a new Scheme or amend the Scheme to permit this development and therefore under the provisions of the Scheme no compensation is able to be claimed.

Conclusion

As the proposed development is not consistent with the zone objectives, and therefore it is not permitted under the Scheme and is not capable of approval in the exercise of planning discretion for the following reasons:

1. The proposal does not ensure the continuation of broad-hectare agriculture as the principal land use.
2. The proposal does not encourage retention or expansion of agricultural activities.
3. The proposal will not benefit the district.
4. The proposal will be detrimental to natural resources.
5. The proposal will be detrimental to the environment.
6. The proposal does not allow for facilities for tourists and travellers or for recreation uses.
7. The proposal does not have regard for residential use of adjoining land.
8. The proposal does will not avoid adverse effects on local amenities.

Since the proposal is not consistent with the zone objectives and is therefore not permitted for the reasons outlined above, a merit assessment is not normally undertaken. However, to ensure that a comprehensive assessment has been undertaken and in the applicant's and community's interest, the merits of the application were considered.

This assessment has determined that, if the proposed use were capable of approval under the Scheme, the application would warrant refusal in the exercise of planning discretion. In particular, the proposed use is not compatible with the existing and likely future character of the locality as contemplated in the Local Planning Strategy, because a large-scale landfill operation catering for wastes generated in the metropolitan areas of Perth is inconsistent with the general rural character and the predominant rural uses in the locality.

Having regard to the matters for consideration in clause 8.5 of the Scheme, it is considered that, if the proposed development were capable of approval under the Scheme, development approval should be refused in the exercise of discretion for the following reasons:

1. There is no facility of this type in the locality and that the proposed facility is foreign to rural amenity.
2. The proposed facility is incompatible with the existing and proposed future character of the immediate locality.
3. There are environmental risks associated with the proposal.
4. There may be impacts on groundwater as a result of the development.

5. The proposal will result in land contamination and degradation.
6. There will be a loss and reduction of productive agricultural land.
7. There will be disamenity impacts on the neighbouring residents and locality.
8. There are no quantified benefits to the community.
9. The proposal will result in an unacceptable risk to the community, road users and the environment.
10. There is substantial community objection to the proposal.
11. The proposal will put undue and unnecessary strain on local emergency services volunteers.
12. Approval of a landfill as a 'use not listed' in the General Agriculture zone would set an undesirable precedent for similar development in the zone and Shire.
13. The proposal is not consistent with the principles of sustainable development.
14. The proposal is not consistent with State and Regional Strategic Plans and Policies for use of rural land.
15. There are sufficient landfills available to cater for metropolitan Perth's waste.
16. The proposal is ad-hoc and is not considered proper and orderly planning.