

SCHEDULE OF SUBMISSIONS

**PROPOSAL: DA15/0340: Use Not Listed (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials),
Lot 6 (Hse 19) Cable Sands Rd, Yalyalup**

OFFICER: Andrew Watts

Submission No	ADDRESS	NAME	Nature of Submission	Officer Comment
GOVERNMENT SUBMISSIONS				
1		Main Roads Western Australia	No objections to the proposal.	Noted
2		Department of Health	No specific comment on the proposal provided that the development complies with the Department of Environment Regulation (DER) requirements and is operated in accordance with plans and documentation submitted	The applicant has applied for DER approval and if DER approval is obtained would be required to comply with its conditional requirements.
3		Department of Water	<p>The site is located within the Busselton-Capel Groundwater Area as proclaimed under the 'Rights in Water and Irrigation Act 1914'.</p> <p>The subject site has a high watertable, as noted in the application documentation.</p> <p>DoW identifies the following risks associated with the proposal:-</p> <ul style="list-style-type: none"> • Contamination of groundwater due to the release of hydrocarbons/chemicals from minor and major spills during vehicle/plant maintenance (and refueling) • Seepage of hydrocarbons/chemicals through the workshop area floor and vehicle wash-down area (if insufficiently impermeable) • Breach of contaminants through the bunded area during major storm events, due to insufficient bund height or poor maintenance • Sufficient water to meet the needs of the operation <p>To mitigate against the risks, DoW recommends the following measure:</p>	<ul style="list-style-type: none"> • <i>Contamination of groundwater due to the release of hydrocarbons/chemicals from minor and major spills during vehicle/plant maintenance (and refueling)</i> <p>This risk is common to many industrial facilities and as part of any DER approvals would be required to be managed appropriately by the business.</p> <ul style="list-style-type: none"> • <i>Seepage of hydrocarbons/chemicals through the workshop area floor and vehicle wash-down area (if insufficiently impermeable)</i> <p>This risk is common to many industrial facilities and as part of any DER approvals would be required to be managed appropriately by the business.</p>

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		<ul style="list-style-type: none"> • A detailed ‘Stormwater Management Plan’ should be provided to the satisfaction of the City of Busselton, showing clearly the surface flow directions and infrastructure locations (offices, vehicle wash-down area, workshop area & chemical storage area, location of all bunds, sumps, drains and the waste oil storage tank). The stormwater management measures contained on pg. 31 of the referral documentation should be incorporated into the ‘Stormwater Management Plan’. • In accordance with DoW’s Water Quality Protection Note (WQPN) No. 61 - <i>‘Tanks for ground level chemical storage (July 2008)’</i>; spilt chemicals should drain into a contained recovery pit that is capable of containing potential chemical spills, plus any stormwater intrusion, from at least a 24-hour, two-year average-return-interval, storm event (Appendix A, reference 6 of WQPN 61) (see attachment). • In accordance to WQPN No.10 - <i>‘Contaminant spills – emergency response (February 2006)’</i>, an effective Emergency Response Plan (ERP) should be prepared, maintained and implemented by anyone who stores, transports, handles or uses chemicals or other substances that have the potential to contaminate water resources (see attachment). Emergencies may arise as a result of equipment malfunctions, operating accidents, employee malpractice, fires, natural events (eg storms, earthquakes), and occasionally as result of civil disturbances and unauthorised site access by intruders. The most important concern after 	<ul style="list-style-type: none"> • <i>Breach of contaminants through the bunded area during major storm events, due to insufficient bund height or poor maintenance</i> <p>Page 31 of the referral documentation submitted for the application contains stormwater management measures aimed to satisfy DER approval requirements.</p> <ul style="list-style-type: none"> • Sufficient water to meet the needs of the operation <p>The applicant advises that the site has an existing dam which provides water for existing dust suppression activities. The applicants advises that the dam provided sufficient water for dust suppression activities for previous timber milling activities and is anticipating that this will meet ongoing needs.</p> <ul style="list-style-type: none"> • DoW recommends the following measures, in line with the DoW’s WQPN No 68 – <i>‘Mechanical equipment wash down (Sept 2013)’</i>:- <p>This risk is common to many industrial facilities. BCP has constructed a concrete washdown bay with concrete collector pit aimed at satisfying City, DoW and DER requirements.</p>
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			<p>making the site safe should be to contain then recover as much of the spilt chemical as practical prior to any escape of residues into the environment.</p> <ul style="list-style-type: none">• Spill containment compounds should be constructed of waterproof reinforced concrete, or approved equivalent material, that is chemically resistant. For more information, see DoW's WQPN No 27 - '<i>Liners for containing pollutants using engineered soils</i>' and No. 26 - '<i>Liners for containing pollutants using synthetic membranes</i>' (attached).• All chemical transfer activities (into and out of tanks) should occur on an impervious sealed floor, which is kerbed, graded or banded to prevent liquid run-off into the environment. <p>DoW recommends the following measures, in line with the DoW's WQPN No 68 – '<i>Mechanical equipment wash down (Sept 2013)</i>':-</p> <ul style="list-style-type: none">• Equipment wash down should be contained on an impervious pad, such as reinforced concrete or plastic liner (for temporary facilities), with a perimeter kerb or bund wall (ideally within a weather-proof building). If unroofed, the pad should be kept to the smallest practical surface area to minimise stormwater access and fully contain wash down residue. The wash down pad should drain to a collector pit.	
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			<ul style="list-style-type: none"> • Water collected from the wash down pad should drain from the collector pit via a pipe or culvert into a sediment basin to settle and allow removal of soil and other solid contaminants. The basin should provide for effective gravity settling of solids with a minimum water detention capacity of one hour under peak flow conditions. • Sediment traps, de-emulsification basins and water treatment vessels should have an impervious lining and minimum freeboard to contain wash-water and any captured stormwater from a minimum two-year return frequency, 24-hour storm. Methods to calculate runoff from storms are described in Australian rainfall and run-off (reference 5). • All equipment wash down should occur on a contained impervious pad that drains to wastewater detention and treatment facilities. • Petroleum hydrocarbons recovered by the oil separator and emulsion break residues should be collected and securely stored in weather-proof containers for recycling, destruction by incineration or disposal at a site approved in accordance with the 'Health Act 1911' 	
4.		Department of Environment Regulation (DER)	<p>The proposal is for facility that is categorised as Prescribed Premises as per the <i>Environmental Protection Regulations 1987</i> and as such requires works approval from DER to be obtained.</p> <p>The proponent has contacted DER regarding works approval application requirements.</p> <p>Works approval may not be issued until such time as planning approval has been granted.</p> <p>The referral application indicates that DER issues licences for a period of 5 years, however</p>	<p>The applicant was seeking temporary Planning Consent, for a period of 5 years. Based on concerns raised in submissions in respect to anticipated development timeframes, the applicant has advised City staff that they are willing to reduce the requested term of planning approval from 5 years to 3 years.</p> <p>Advice has been received by City staff that DER has provided a Draft Works Approval to the applicant which they are prepared to issue subject to advice from the City that Development Approval has been granted for the proposal. DER approval duration would be for the same period of time as any Development Approval from the City (if granted).</p>

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			since November 2014 DER issued guidance that it supports a 20yr duration on licences with consideration of a number of other factors including the duration of other statutory approvals.	
PUBLIC SUBMISSIONS				
5.	Satterley Property Group (2 x submissions, 1 during each of the first and second rounds of advertising)	<p>Objection</p> <p>Lot 6 abuts the northern boundary of the currently undeveloped portion of Satterley’s Provence Estate and on its eastern boundary Lot 6 abuts Lot 203 which is also controlled by Satterley.</p> <p>Satterley is currently reviewing future plans for Provence including Lot 203, which will consider the staging and timing of future residential development. At this stage the anticipated date for commencement of development of DAP8 and Lot 203 could be as early as two years.</p> <p>Concerned about the impacts of the proposal on the amenity of current and future residents of Provence and Lot 203 due to noise (plant and truck movements), dust (incl asbestos) and visual intrusion. Whilst recognising measures are proposed to put in place by BCP to minimise impacts, not satisfied that the measures proposed will address the potentially adverse impacts of the proposal on Satterley’s land.</p> <p>In response to second round of advertising Satterley advised that development of land in close proximity to Lot 6 Cable Sands Rd is anticipated to occur within approximately 12 months</p>	<p>The applicant is seeking temporary approval for the proposed use. Based on the concerns raised by the submitter in respect of its anticipated development timeframes, the applicant has advised City staff that they are willing to reduce the requested term of planning approval from 5 years to 3 years. This timeframe could fit with the submitters anticipated date of commencement (2yrs) plus the time it takes from this date to undertake civil works and satisfy all WAPC subdivision requirements prior to issue of future titles.</p> <p>Concerns regarding potential impacts on the amenity of current and future residents within the submitters development area should be suitably addressed via proposed measures outlined in the application and conditions requirements set out by City and DER approvals.</p> <p>Modification to relevant Structure Plan will need to be approved prior to subdivision approval. Officer recommendation to include condition requiring proposed concrete crushing to cease at point in time when residential and commercial development comes sufficiently close to Lot 6 that prescribed noise level requirements can not be achieved.</p>	

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6.		Georgiana Molloy Anglican School	Strongly object. Concerns regarding health, safety and wellbeing of students, staff and parents at the school.	The Environmental Protection Authority (EPA) recommends separation distances for waste storage and crushing of building materials at 200m and 1000m respectively. The Georgiana Molloy Anglican School is approximately 1500m away.
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		<p>Concerned with dust, particularly for asthmatics at school. Part of children’s curriculum includes playing outside and children, teachers and parents may be put at adverse risk because of emitted dust, reduce the time that students could be outside and have detrimental effect on their learning.</p> <p>Concerned the site will have some asbestos delivered despite inspections by supervisors. When crushed and in a friable state asbestos is at its most dangerous.</p> <p>Also concerned about noise levels that will travel to the school and neighbouring Provence estate where a lot of the school’s families live. Continuous exposure to noise and vibration is jarring, annoying and leads to increased anxiety and blood pressure.</p>	<p>Compliance with DER requirements to manage dust appropriately (including no asbestos on site) are proposed to be implemented in accordance with a Dust Management Plan to be approved and enforced by DER.</p> <p>Details of noise assessment submitted with the proposal concluded that with proposed noise mitigation measures (including 5m high noise barrier around the facility) crushing operations would comply with assigned levels under the <i>Environmental Protection (Noise) Regulations 1997</i>. This is an element that is considered and enforced by DER as part of their approvals process and therefore noise will be required to be maintained at acceptable levels in accordance with relevant legislation.</p>
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7.		Dynamic Planning & Developments (on behalf of adjoining landowner Dodd & Dodd Pty Ltd)	<p>Objection.</p> <ul style="list-style-type: none"> • Outlines the Strategic planning documents of relevance to the site and area e.g. Busselton Airport Structure Plan and Airport North Development Guide Plan and believes the proposal is not in keeping with these Strategic Planning documents, the land uses and zoning that they intend to provide for being future residential developments. • Questions if the proposal complies with LPS No.21 clause 4.11 'Extensions and Changes to a Non-conforming Use' as the proposed use is more detrimental to the amenity of the locality than the current uses. • Does not comply with environmental guidelines for this type of development including not meeting the 1000m separation distance. 	<p>The land is in a deferred development zone and the proposal is an interim use. Due to its temporary nature and anticipated development timeframes, the proposal if approved is not likely to compromise the intended land use as per referred strategic planning documents for the future or undermine planned development of the surrounding land.</p> <p>That the proposed use is more detrimental to the amenity of the locality than current use of the site is subjective and it could be suggested that the previous timber mill use had the same level of impact. Mitigation measures to address impacts if development approval is granted will be required to be implemented and reinforced by imposed conditions administered by both Council and DER approvals.</p> <p>Subsequent to originally being presented to Council staff have determined that the processing and consideration of the proposal is more currently dealt with under Use Not Listed provision of the Scheme and proposal was re-advertised.</p> <p>The recommended separation distance by the EPA is a default position. If measures and/or circumstances support recommended separation distances to be varied, consideration to a proposed use at a reduced distance can be considered by the local government and/or DER</p>
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8.		<p>16 submission from surrounding landowners raising a variety of concerns (2 x submissions received in second round of advertising from persons who had not previously made submission)</p>	<p>16 x Objections making the following comments:</p> <ul style="list-style-type: none"> • Support the principles of recycling and reduction of waste material going to landfill. • Questions the accuracy of some aspects of the DA report e.g distance of development site to Busselton Town Centre • Properties will be devalued due to the destruction by industry of the lifestyle chosen by owners in the area. • Concerned about operation being proposed 6 days per week from 7am – 5pm. If approved operating on Saturdays, Sundays and public holidays should not be permitted. • If approved operation should be restricted to 8:30am – 3:30pm, 5 days per week only. • Believe proposal should be located further away from residential areas, preferably in an Industrial or Rural area. • Why is the Rendezvous Rd site not being used for this proposal. • Proposal is less than the 1000m from sensitive premises specified by the EPA Guidance Statement No.3. The proposal is approximately half of this distance, this variation is too great. 	<p>Noted</p> <p>The distance of the development site to the Busselton town Centre as stated in the DA report is approximate</p> <p>The use is proposed to be temporary for a period of three years and located in an area which currently experiences use of heavy vehicles and adjacent to a major highway.</p> <p>The hours of operation proposed are between 7.00am and 5.00pm Monday – Saturday. The applicant advises that it is expected crushing will only be carried out approximately 5 days a week and anticipate that only 15,000 tonnes per annum will be crushed in the first year of operation with potentially moderate increases thereafter and if crushing 100 tonnes in a day, then 15,000 tonnes per annum equates to approximately 15 days crushing per annum (3 weeks assuming 5 days per week). The application submitted does however state a throughput of 70,000 tonnes per annum. Consideration could be made by Council to limiting the hours of operation and the total volume of waste put through.</p> <p>Proposal is for a temporary use that if environmental approval is granted by DER will be required to achieve acceptable environmental assessment outcomes.</p> <p>The City needs to assess the application that has been lodged, and the potential or otherwise of alternative sites is not a question that can or should be addressed unless and until it has first been determined that the application site is not appropriate (if this were a strategic planning process, the scope of considerations would be broader and could include the consideration of potential alternatives).</p> <p>The recommended separation distance by the EPA is a default position. If measures and/or circumstances support recommended separation distances to be varied, consideration to a proposed use at a reduced distance can be considered by the local government and/or DER.</p>
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			<ul style="list-style-type: none"> • Wish for confirmation that if approved the operations at the site will not be for a maximum period of 5 years and that this timeframe will be enforced and not extended. • The timeframe for operation if approved should be limited to that needed to deal with the waste from the hospital demolition. • Confirmation needed that industrial type of activities will not be approved for extension onto adjoining land. • Believes that the proposal represents too significant a change in use from the current activities on the site with too significant impacts. • Concerned about the impact of environmental emissions on local flora and fauna, which are believed to be greater in variety than that mentioned in the application 	<p>The proposed timeframe requested has been revised by the applicant to be 3 years.</p> <p>The applicant has advised that it is not commercially viable to establish the facility solely to process demolition waste from the Hospital.</p> <p>Noted. The application relates to the subject land only, no request has been made or is being considered for operations on any other land</p> <p>That the proposed use is more detrimental to the amenity of the locality than current use of the site is somewhat subjective and it could be suggested that the previous timber mill use had the same level of impact, especially given that the proposal is for a temporary approval timeframe. Mitigation measures to address impacts if development approval is granted will be required to be implemented and reinforced by imposed conditions administered by both Council and DER approvals.</p> <p>The area is earmarked for urban development and the proposed temporary land use is needs to meet with all environmental requirements set by the DER as part of the environmental approval process before being able to operate.</p>
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