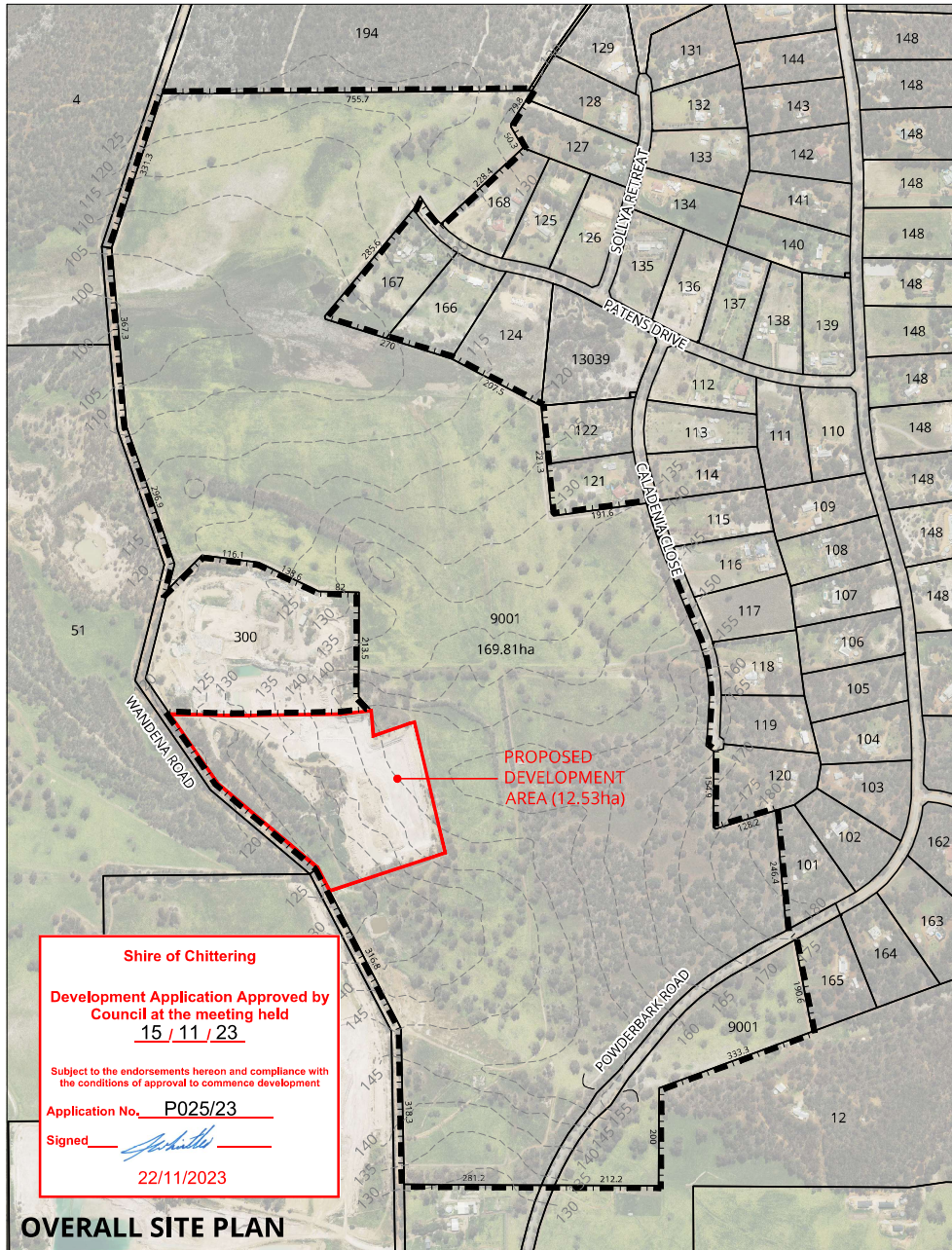




**DEVELOPMENT SERVICES ATTACHMENTS
ORDINARY MEETING OF COUNCIL
WEDNESDAY 17 JUNE 2026**

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
DS01 – 06/26	Lot 301 (No. 88) Wandena Rd, Lower Chittering – State Administrative Tribunal Reconsideration - Amendment to Development Approval for Construction and Demolition Landfill Attachments 1. Map Lot 301 Wandena Road, Lower Chittering 2. Application to Amend Development Approval P025-23 4. Schedule of Submissions <i>* Attachments 3 & 5 are included in the confidential papers</i>	01 – 40



Shire of Chittering

Development Application Approved by Council at the meeting held 15 / 11 / 23

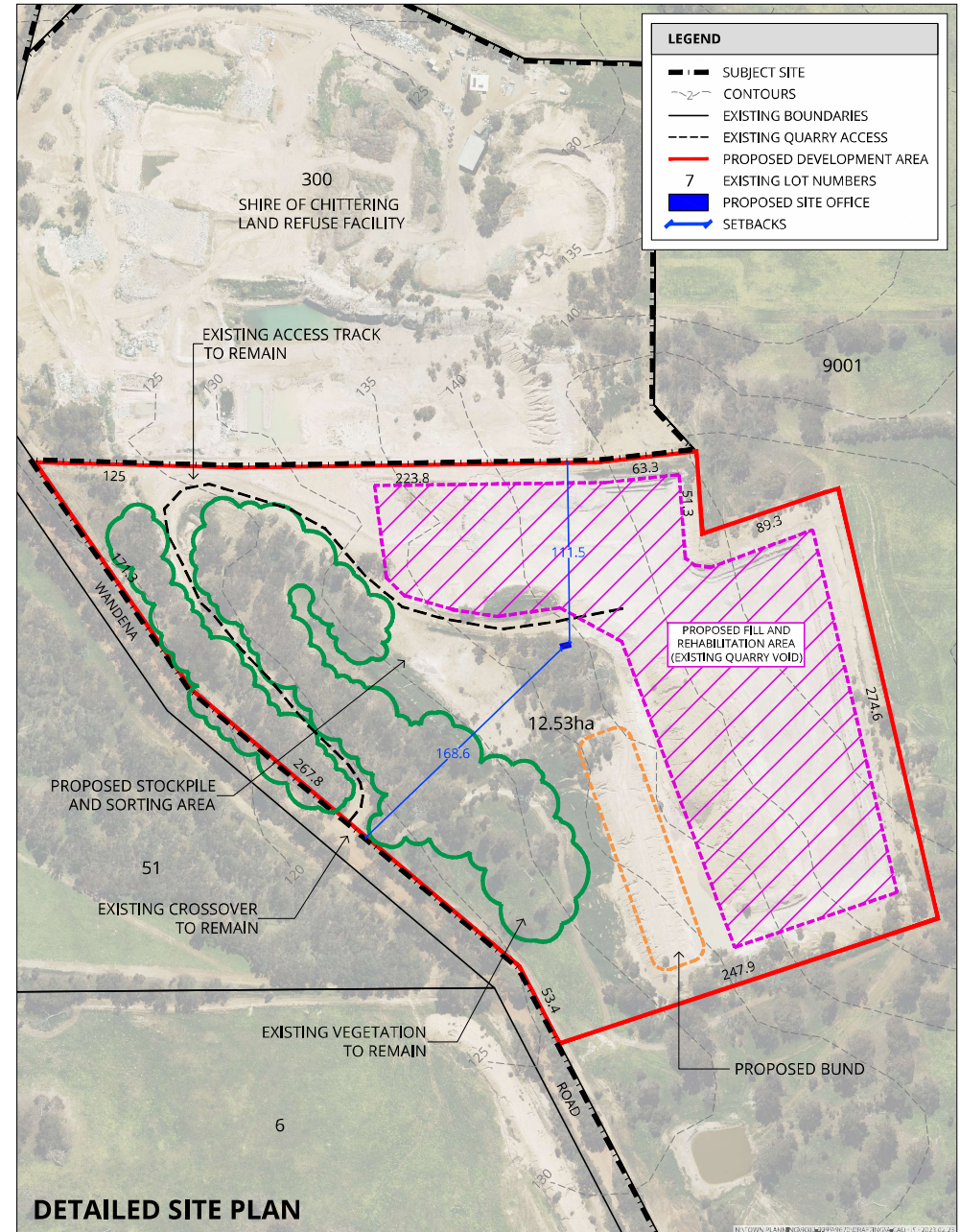
Subject to the endorsements hereon and compliance with the conditions of approval to commence development

Application No. P025/23

Signed *[Signature]*

22/11/2023

OVERALL SITE PLAN



LEGEND	
	SUBJECT SITE
	CONTOURS
	EXISTING BOUNDARIES
	EXISTING QUARRY ACCESS
	PROPOSED DEVELOPMENT AREA
	EXISTING LOT NUMBERS
	PROPOSED SITE OFFICE
	SETBACKS

DETAILED SITE PLAN

SITE PLAN
 LOT 9001 No.88 CALADENIA CLOSE
 LOWER CHITTERING



DRAWN: JS
 DATE CREATED: 2023.02.23
 PROJECT: NGA400 COBHAM LANDGATE
 CADASTRE:
 This document may not be reproduced without the written consent of Rowe Group. All areas and dimensions are subject to survey.



Job Ref: 9670
16 September 2025

Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Attention: Development Services

Dear Sir/Madam

Application to Amend Development Approval - Delete Condition 9 and Modify Condition 13 - Lot 301 Wandena Road, Lower Chittering

Rowe Group acts on behalf of '*Demo Investment 3 Pty Ltd*' (our **client**), the landowner of Lot 301 Wandena Road, Lower Chittering (**subject site** or **site**).

Refer **Attachment 1 – ASIC Company Extract**.

Our client has instructed us to lodge this Amended Development Application (**Subject Application**) to delete Condition 9 and modify Condition 13 of the existing Use Not Listed (Landfill and Rehabilitation) Development Approval (*ref. P025/23*). No changes to the approved development plans are proposed.

In support of the Subject Application, please also find enclosed;

- Shire of Chittering's (**Shire**) Development Application Form and associated Checklist;
- Certificate of Title and Deposited Plan;
- The Landfill and Rehabilitation Development Approval; and
- A copy of the Stormwater Management Plan relating to Condition 13.

SUBJECT SITE

The subject site comprises one land parcel and is legally identified as Lot 301 on DP427146, contained within Volume 4056, Folio 155.

Refer **Attachment 2 – Title Documents**.

The relevant portion of the subject site is located approximately 1.2km north of the Wandena Road/Muchea East Road intersection. The Shires's 'Muchea Landfill' site immediately abuts this portion of the subject site.

RELEVANT BACKGROUND

At its 15 November 2023 Meeting (*ref. P025/23*), the Shire's Council approved a Development Application for a Use Not Listed (Landfill and Rehabilitation of a Clay Quarry) (**2023 Approval**).

Refer **Attachment 3 – 2023 Approval**.

Condition 9

Condition 9 of the 2023 Approval imposes a restriction to asbestos containing material being disposed on-site, as follows:

“No asbestos containing material is permitted to be disposed of at the subject site. Any asbestos containing material that is imported to the site shall be managed in accordance with the Asbestos Management Plan dated 7 February 2023 at all times to the satisfaction of the Shire.”

Condition 13

Condition 13 of the 2023 Approval relates to stormwater and states;

“A stormwater management plan shall be prepared and approved by the Shire to demonstrate how stormwater will be contained within the development site. The approved Stormwater Management Plan shall be implemented prior to the commencement of any landfill operations to the satisfaction of the Shire, and maintained for the life of the development.”

A Stormwater Management Plan (**SMP**) was prepared in response to Condition 13 and was submitted by our client to the Shire on 19 February 2025 to the attention of the Shire's Mr Isaac Parfrey.

Refer **Attachment 4 - Condition 13 Stormwater Plan**

Our client has not received any formal feedback in relation to the submitted SMP. Accordingly, it is assumed that the SMP has been accepted by the Shire for the purposes of satisfying Condition 13.

PROPOSAL

Delete Condition 9

This Application seeks to amend the 2023 Approval by firstly deleting Condition 9 in its entirety.

Condition 9 impermissibly seeks to impose a restriction on the receipt of Asbestos Containing Material (**ACM**) that duplicates or seeks to operate in parallel with regulation by the Department of Water and Environmental Regulation (**DWER**) under the *Environmental Protection Act 1986*, through its licencing process. It is noted that the Shire has acknowledged this in Advice Note 4 of its 2023 Approval which states;

“The applicant is advised that the Department of Water and Environmental Regulation will require an application for a Works Approval as a Class 1 Inert Landfill Site.”

The assessment, regulation and annual reporting/monitoring of ACM is a separate process that falls outside the scope of a development application consideration (and is a separate, and subsequent process). This separate process would consider matters such as dust suppression, wrapping and disposal requirements, disposal docket, logbook monitoring etc. and would form part of DWERs assessment pursuant to the *Environmental Protection Act 1986* and associated relevant environmental regulations. In this regard, an updated Asbestos Management Plan would be submitted to DWER for its determination as part of an amended Works Approval application.

The proposed acceptance of asbestos would not alter the approved ‘Use Not Listed (Landfill and Rehabilitation)’ land use. The 2023 Approval determined that the ‘Use Not Listed’ classification is consistent with the objectives of the ‘*Agricultural Resource*’ zone as *inter alia* rehabilitation of the site will enable its future use for agricultural purposes. Accordingly, consistent with Clause 3.4.2(a) of the Shire’s *Local Planning Scheme No. 6*, it is submitted that public advertising of this Subject Application is not required.

Based on all the above, the deletion of Condition 9 is therefore appropriate.

Modify Condition 13

We understand that our client had the abovementioned SMP prepared in its current form (in response to feedback from the Shire at the time) to satisfy Condition 13. This was to ensure the landfill operations could commence and not be held up, pending resolution of a SMP that was satisfactory to both our client and the Shire.

Notwithstanding, our client has concerns regarding the “rigid” design (as per the Shire’s request) of the SMP, pertaining to prescriptive basin storage levels, capacity amounts etc. We accept the Shire needs to be satisfied drainage can be contained on-site. However, neither the SMP (in its current form) nor the wording of Condition 13 is sufficiently flexible to respond to the “fluid” nature of the landfill and rehabilitation operation and its approved staging of operations.

Refer Attachment 5 - Staging Plan (Extract from 15 November 2023 Council Minutes).

For example, fill/material may be shifted, either permanently or temporarily, into different cells as part of the approved staging. Should additional material be brought on-site for disposal that could not have been reasonably foreseen, there may be a further need for relocation of material to accommodate any extra amount. Either of these circumstances would result in levels being changed over the lifecycle of the overall operation and having fixed drainage levels, capacities etc. that do not acknowledge these changing conditions has the effect of frustrating our client’s implementation of its approval.

Accordingly, we request Condition 13 be modified to make more explicit reference to need for changes/refinements as the staging of the fill and rehabilitation operation evolves. To facilitate further discussion with the Shire, it is proposed that it be worded as follows [refer proposed bold additions and strikethrough removal]:

*"A stormwater management plan shall be prepared **(and may be subsequently modified to suit the relevant stage/operations of the site) and approved** by the Shire to demonstrate how stormwater will be contained within the development site **for the life of the development**. The approved Stormwater Management Plan **(as subsequently modified)** shall be implemented **upon** ~~prior to the commencement of~~ **any the relevant stage of** landfill operations to the satisfaction of the Shire, and maintained for the life **of the relevant stage.** ~~development.~~"*

A "clean" version of the above is contained as follows:

"A stormwater management plan shall be prepared (and may be subsequently modified to suit the relevant stage/operations of the site) and approved by the Shire to demonstrate how stormwater will be contained within the development site for the life of the development. The approved Stormwater Management Plan (as subsequently modified) shall be implemented upon commencement of the relevant stage of landfill operations to the satisfaction of the Shire, and maintained for the life of the relevant stage."

CONCLUSION

The Subject Application proposes to amend the existing Landfill and Rehabilitation Development Approval to delete Condition 9 (relating to receipt of Asbestos Containing Material). Condition 9 impermissibly duplicates or seeks to operate in parallel with environmental legislation regulated by the Department of Water and Environmental Regulation. The suitability of the site to accommodate Asbestos Containing Material disposal is assessed, and annually monitored and inspected by the specialist regulator, being Department of Water and Environmental Regulation (not the Shire).

Modifying Condition 13 (relating to drainage) to provide a more explicit reference for changes to the stormwater management plan as each stage of the operation commences is required in order to properly respond to the fluid nature of the use and its evolving nature over the lifecycle of the use. Accordingly, it is requested that the Shire approve the above modifications.

Should you require any further information or clarification in relation to this matter, please contact the undersigned on 0423 590 088 or ryan.munyard@rowegroup.com.au.

Yours faithfully,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a checkmark-like flourish.

Ryan Munyard

Senior Town Planner

Rowe Group

Attachment One

ASIC Company Extract



ASIC

Australian Securities & Investments Commission

Current Company Extract

Name: DEMO INVESTMENT 3 PTY LTD

ACN: 612 211 533

Date/Time: 12 September 2025 AEST 10:23:17 AM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

EXTRACT

Organisation Details	Document Number
Current Organisation Details	
Name: DEMO INVESTMENT 3 PTY LTD	2E3639202
ACN: 612 211 533	
ABN: 15612211533	
Registered in: Western Australia	
Registration date: 04/05/2016	
Next review date: 04/05/2026	
Name start date: 04/05/2016	
Status: Registered	
Company type: Australian Proprietary Company	
Class: Limited By Shares	
Subclass: Proprietary Company	

Address Details	Document Number
Current	
Registered address: SHREEVE & CARSLAKE PTY LTD, Unit 1, 467 Scarborough Beach Road, OSBORNE PARK WA 6017	7ECQ82882
Start date: 15/04/2024	
Principal Place Of Business address: 1913 Great Northern Highway, BULLSBROOK WA 6084	2E3639202
Start date: 04/05/2016	

Contact Address
Section 146A of the Corporations Act 2001 states 'A contact address is the address to which communications and notices are sent from ASIC to the company'.
Current
Address: PO BOX 221, MOUNT HAWTHORN WA 6915
Start date: 17/05/2016

Officeholders and Other Roles	Document Number
Director	
Name: ADRIAN PETER BRAJKOVICH	2E3639202
Address: 1913 Great Northern Highway, BULLSBROOK WA 6084	
Born: 08/10/1974, PERTH, WA	
Appointment date: 04/05/2016	
Secretary	
Name: ADRIAN PETER BRAJKOVICH	2E3639202
Address: 1913 Great Northern Highway, BULLSBROOK WA 6084	
Born: 08/10/1974, PERTH, WA	
Appointment date: 04/05/2016	

Share Information

Share Structure					
Class	Description	Number issued	Total amount paid	Total amount unpaid	Document number
ORD	ORDINARY SHARES	100	10.00	0.00	2E3639202

Members					
<p>Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.</p>					
<p>Name: KRISTY MONIQUE BRAJKOVICH Address: 1913 Great Northern Highway, BULLSBROOK WA 6084</p>					

Class	Number held	Beneficially held	Paid	Document number
ORD	100	no	FULLY	2E3639202

Documents					
<p>Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.</p>					
Date received	Form type	Date processed	Number of pages	Effective date	Document number
08/04/2024	484B Change To Company Details Change Of Registered Address	08/04/2024	2	08/04/2024	7ECQ8288 2

End of Extract of 2 Pages

Attachment Two

Title Documents

WESTERN



AUSTRALIA

TITLE NUMBER

Volume Folio

4056 155

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 301 ON DEPOSITED PLAN 427146

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

DEMO INVESTMENT 3 PTY LTD OF 1686 GREAT NORTHERN HIGHWAY UPPER SWAN WA 6069
(AF Q069918) REGISTERED 19/7/2024

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 4390/1927.
2. F824729 EASEMENT TO SHIRE OF CHITTERING FOR ACCESS PURPOSES - SEE DEPOSITED PLAN 427146. REGISTERED 9/3/1995.
3. G237598 EASEMENT TO SHIRE OF CHITTERING FOR ACCESS PURPOSES - SEE DEPOSITED PLAN 427146. REGISTERED 25/7/1996.
4. P455140 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 20/2/2023.
5. Q069920 CAVEAT BY BGC (AUSTRALIA) PTY LTD LODGED 19/7/2024.



Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.


-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP427146
PREVIOUS TITLE:	2789-776
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY:	SHIRE OF CHITTERING

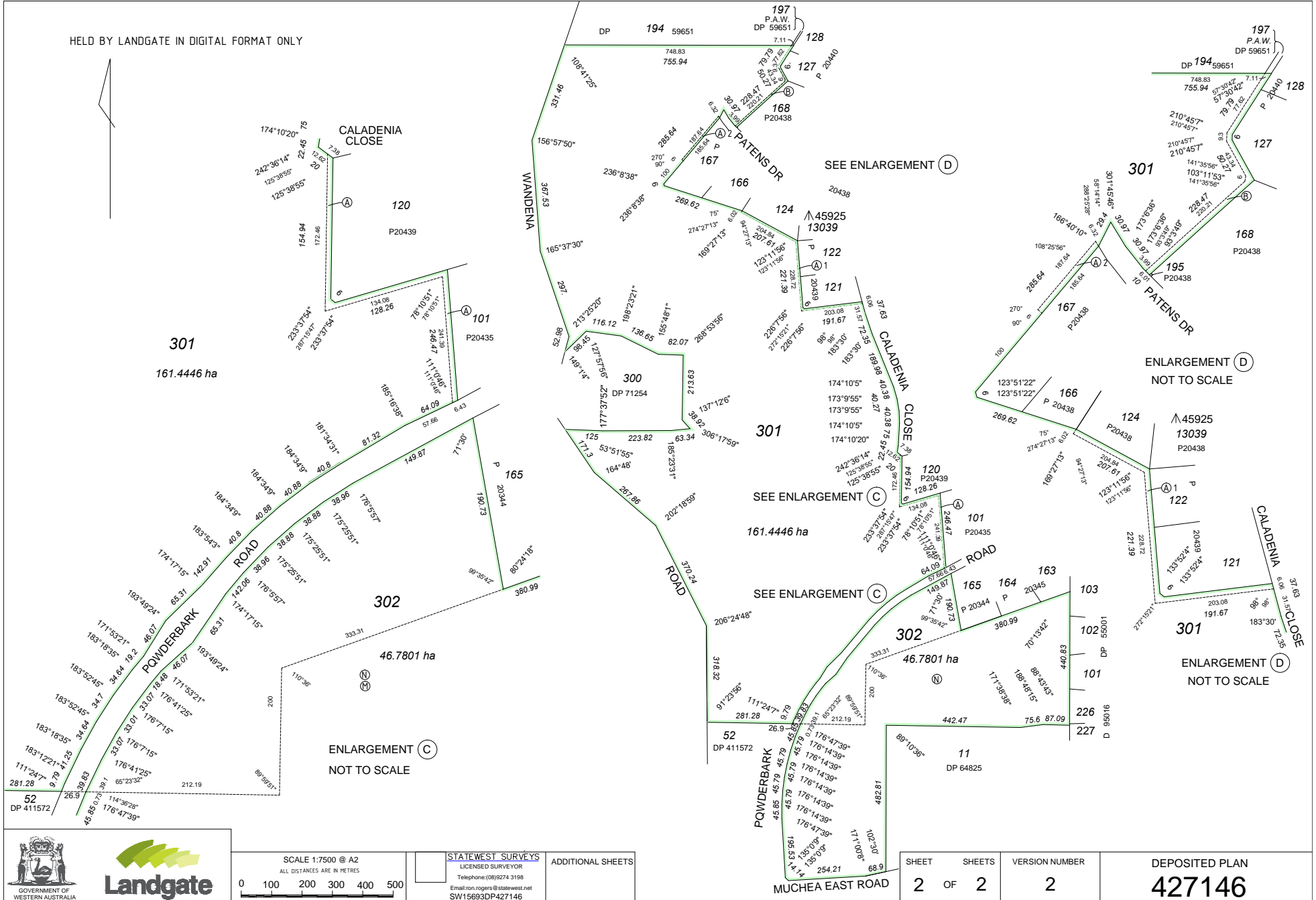
Plan Information	
Tenure Type	Freehold
Plan Type	Deposited Plan
Plan Purpose	Subdivision
Plan Heading	
LOTS 301 & 302	
Locality and Local Government	
Locality	LOWER CHITTERING
Local Government	SHIRE OF CHITTERING
Department of Planning, Lands and Heritage	
File Number	
Examination	
Examined	E. Milewska 3.11.2023
Date	
Planning Approval	
Planning Authority	WAPC
Reference	WAPC 163713
	
16-Nov-2023	
Delegated under S. 16 P&D Act 2005	
Date	
In Order For Dealings	
Subject To	Two Owners
	
16.11.2023	
For Inspector of Plans and Surveys	
Date	
Plan Approved	
	
19.7.2024	
Inspector of Plans and Surveys / Authorised Land Officer	
Date	

Survey Details	
Field Record	COMPILED
Declared as Special Survey Area	No
Survey and Plan Notation	
COMPILED PLANS	
Survey Details	
Compiled From	FB 97062 , FB 117137 , DP 64825 and DP 71254
Declared as Special Survey Area	No
Survey Certificate - Regulation 4 Compiled Plan	
I, R.J.M. Rogers hereby certify that this compiled plan is accurate - (a) is a correct and accurate representation of the survey(s) of the subject land ; and (b) is in accordance with the relevant law in relation to which it is lodged.	
 <p>R.J.M.Rogers 2023.11.02 20:23:13 +08'00'</p>	
Licensed Surveyor	Date
Survey Organisation	
Name	STATEWEST SURVEYS
Address	3 TWYFORD COURT DUNCRAIG WA 6023
Phone	92743198 Mobile 0408945055
Fax	
Email	ron.rogers@statewest.net
Reference	SW15693DP427146

Amendments						
Version	Lodgement Type	Amendment Description	Authorised By	Date		
2	Amendment	Plan Examination Requirements	R.J.M.Rogers	2/11/2023		
Former Tenure						
New Lot / Land	Parent Plan Number	Parent Lot Number	Title Reference	Subject Land Description		
301	DP 71254	PT.9001	2789/776			
302	DP64825	12	2764/135			
	DP 71254	PT.9001	2789/776			
Former Tenure Interests and Notifications						
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Benefit To	Comments
	MINERAL RESERVATION		DOC.T4390/1927	ALL LOTS	SEE DOCUMENT	
	MEMORIAL	SOIL AND LAND CONSERVATION ACT 1945	DOC.F817411	Pt.LOT 302 (Formerly Portion of Lot 15 On D65522)	SEE DOCUMENT	AGREEMENT TO RESERVE As to portion only-refer to Document
(A)	EASEMENT		DOC.F824729	LOT 301	SEE DOCUMENT	SHIRE OF CHITTERING ACCESS
(A)1	EASEMENT		DOC.F824729	LOT 301	SEE DOCUMENT	SHIRE OF CHITTERING ACCESS
(A)2	EASEMENT		DOC.F824729	LOT 301	SEE DOCUMENT	SHIRE OF CHITTERING ACCESS
(B)	EASEMENT		DOC.G237598	LOT 301	SEE DOCUMENT	SHIRE OF CHITTERING ACCESS
(N)	NOTIFICATION	SEC 70A OF THE TLA	DOC.L486910	Pt.LOT 302 (Formerly LOT 12 On DP64825)	SEE DOCUMENT	PROXIMITY TO RESOURCE LOCATION
New Interests						
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Benefit To	Comments
New Memorials and Notifications						
Subject	Purpose	Statutory Reference	Origin	Land Burdened	Benefit To	Comments

LANDGATE COPY OF ORIGINAL NOT TO SCALE 24/09/2024 11:12 AM Request number: 67182320

HELD BY LANDGATE IN DIGITAL FORMAT ONLY



SCALE 1:7500 @ A2
ALL DISTANCES ARE IN METRES

STATEWEST SURVEYS
LICENSED SURVEYOR
Email:ron.rogers@statewest.wa.gov.au
Telephone:(08)9274 3198
SW15693DP427146

ADDITIONAL SHEETS

SHEET	SHEETS	VERSION NUMBER
2	OF 2	2

DEPOSITED PLAN
427146

Attachment Three

2023 Approval

22 November 2023

Rowe Group

Emailed to:

claire.richards@rowegroup.com.au

allyson@bdemo.com.au

Dear Sir/Madam

**COUNCIL RESOLUTION – APPLICATION FOR DEVELOPMENT APPROVAL
(USE NOT LISTED) – LANDFILL AND REHABILITATION OF A CLAY QUARRY – LOT 9001 WANDENA
ROAD, LOWER CHITTERING**

The above application has been considered by Council at its Ordinary Council Meeting held on 15 November 2023. Council, at that meeting, resolved to approve the application as per the attached Notice of Determination on Application for Development Approval.

Should you be aggrieved by a part or all of this determination, please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the State Administrative Tribunal.

If you require further information please contact Jake Whistler Executive Manager Development Services by email on chatter@chittering.wa.gov.au or telephone 08 9576 4600.

Yours faithfully



Jake Whistler

Executive Manager Development Services

Enc: Notice of Determination on Application for Development Approval

Cc: LOWER CHITTERING & MUCHEA PTY LTD

LVL 3, 338 BARKER ROAD

SUBIACO WA 6008



NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Planning and Development Act 2005

Shire of Chittering

Location	LOT 9001 WANDENA RD LOWER CHITTERING 6084		
Lot	9001	Plan/Diagram	P71254
Vol. No.	2789	Folio No.	776
Application Date	10/3/2023	Received on	10/03/2023

Description of proposed development: Landfill and Rehabilitation of a Clay Quarry

Land use: (Use Not Listed) – Landfill and Rehabilitation

The application for development approval is approved subject to the following conditions:

Conditions:

1. This Development Approval shall be valid for a period of 20 years from the date of this approval.
2. All landfill and rehabilitation works within Lot 9001 shall be undertaken in accordance with the approved development plan.
3. Dust mitigation measures in accordance with the Dust Management Plan dated 7 February 2023 shall be implemented at all times. Dust from operations must not cause nuisance to neighbouring properties to the satisfaction of the Shire.
4. Noise mitigation measures in accordance with the Noise Management Plan dated 6 October 2023 shall be implemented at all times to the satisfaction of the Shire.
5. All vehicle loads entering and exiting the site shall be fully covered and secured prior to and upon leaving the site to prevent any spread of material on the local road network to the satisfaction of the Shire.
6. Operation of the proposed landfill site shall be in accordance with the Environmental Management Plan submitted with the subject application at all times, unless otherwise approved through a condition of this development approval, to the satisfaction of the Shire.
7. The proposed development is only permitted to operate at the following times:
 - Monday – Friday: 0700 – 1800;
 - Saturday: 0700 – 1500; and
 - No works are permitted on Sundays and Public Holiday

8. Material being imported to the site for fill shall be restricted to 'inert waste' only, comprising 'construction and demolition waste' as those terms are defined in the Department of Environment and Conservation (DEC) Landfill Waste Classification and Waste Definition 1996 (as amended 2019) and meeting the requirements for a 'Class 1 – Inert Landfill Site' as defined in Environmental Protection Regulations 1987 to the satisfaction of the Shire.
9. No asbestos containing material is permitted to be disposed of at the subject site. Any asbestos containing material that is imported to the site shall be managed in accordance with the Asbestos Management Plan dated 7 February 2023 at all times to the satisfaction of the Shire.
10. Prior to the commencement of any landfill operations the entire development site shall be fenced off with the fencing maintained in a condition so as to prevent illegal access and unauthorised dumping of waste to the satisfaction of the Shire and thereafter maintain for the life of the development.
11. Prior to the commencement of any landfill operations, appropriate signage shall be installed on the entry gate/fencing advising that the landfill site is not open to the general public to the satisfaction of the Shire, and maintained for the life of the development.
12. A report shall be submitted annually to the Shire that includes:
 - The progress of the landfill activity including the total tonnage of material imported to the site;
 - Any reportable incidents and any mitigating actions ;
 - Complaints received from the public and any mitigating actions; and
 - Groundwater quality monitoring results.
13. A stormwater management plan shall be prepared and approved by the Shire to demonstrate how stormwater will be contained within the development site. The approved Stormwater Management Plan shall be implemented prior to the commencement of any landfill operations to the satisfaction of the Shire, and maintained for the life of the development.
14. Prior to the commencement of any landfill operations, the existing crossover servicing Lot 9001 from Wandena Road shall be upgraded to a sealed standard in accordance with the Shire's specifications and maintained for the life of the development.
15. Prior to the commencement of any landfill operations, a rehabilitation plan shall be prepared and submitted to the Shire for approval and shall demonstrate how the progressive rehabilitation of the site shall occur including revegetation, re-contouring of the land and ongoing maintenance and management to ensure the success of the rehabilitation. The approved Rehabilitation Plan shall be implemented progressively throughout the life of the proposed development with full rehabilitation of the site to have been completed within 12 months from the expiry of this approval or at the cessation of landfill operations, whichever occurs first, to the satisfaction of the Shire.
16. No vehicles carrying landfill material to be deposited at Lot 9001 Wandena Road are to use the section of Wandena Road north of the proposed vehicle access to the landfill site. Vehicles carrying landfill material are to use the portion of Wandena Road to the south of the proposed vehicle access to the landfill site and its connection with Muchea East Road to the satisfaction of the Shire.
17. A contribution towards the repair and maintenance of the local government managed roads used for the truck haulage route, calculated by reference to the WALGA publication "User Guide: Estimating

the Incremental Cost Impact on Sealed Roads from Additional Freight Tasks”, shall be paid to the Shire on an annual basis for the life of the proposed development. That contribution amount shall be calculated with reference to the WALGA User Guide (May 2015) and that amount is to be agreed between the landowner of Lot 9001 and the Shire prior to the commencement of any landfill operations. Council delegates to the Chief Executive the authority to negotiate and agree a fair and equitable contribution on behalf of Council and with the landowner of Lot 9001, to meet this condition. The contribution shall be calculated by the amount of material reported to be imported for fill in the required annual progress report and paid to the Shire within 30 days of the Shire’s receipt of the annual progress report.

Advice notes:

- Note 1** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
- Note 4** The applicant is advised that the Department of Water and Environmental Regulation will require an application for a Works Approval as a Class 1 Inert Landfill Site.
- Note 5** Any onsite waste water treatment facilities are to be approved by the Department of Health.
- Note 6** The applicant is to at all times be compliant with the requirements of the Environmental Protection (Noise) Regulations (1997).
- Note 7** With regard to Condition 6. the Environmental Management Plan includes, but is not limited to, the following aspects which need to be adhered to at all times:
- Fire management;
 - Odour management;
 - Chemical and fuel storage;
 - Incident prevention;
 - Unacceptable waste material management; and
 - Groundwater and surface water monitoring.
- Note 8** With regard to Condition 14. the applicant is advised that a crossover application is required to be submitted to the Shire, and approval granted prior to any works commencing on the crossover.
- Note 9** With regard to Condition 15. the Rehabilitation Plan shall include the final land contours of the site, proposed revegetation species and areas, timelines for the progressive rehabilitation of the site to occur, and the indicators for success and management measures for any failures of survival of the revegetation. Any adjustments required to the approved Rehabilitation Plan at the end of the approval timeframe may be made through negotiations with the Shire, as the implementation of the Plan is to the satisfaction of the Shire.

Date of determination 15 November 2023

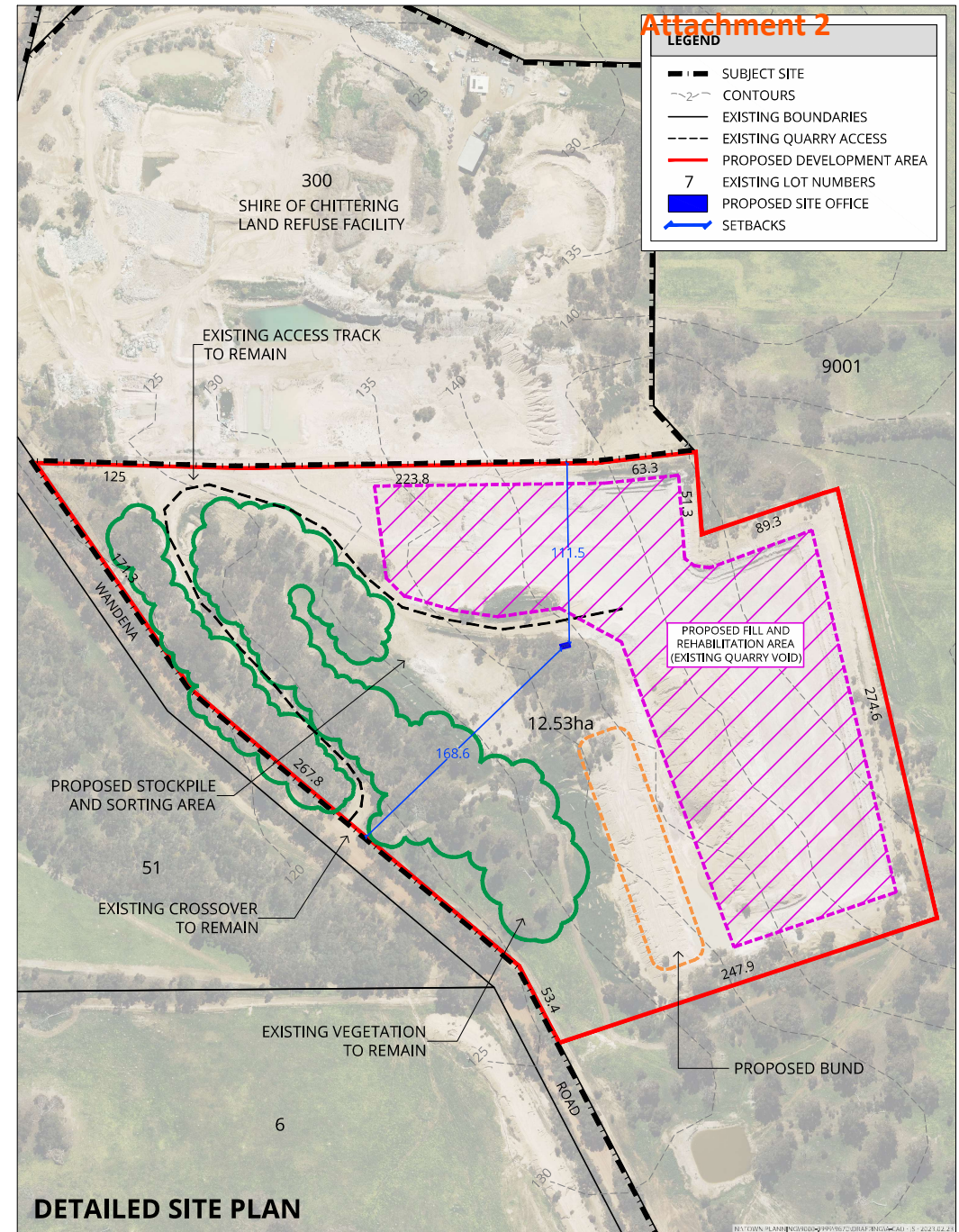
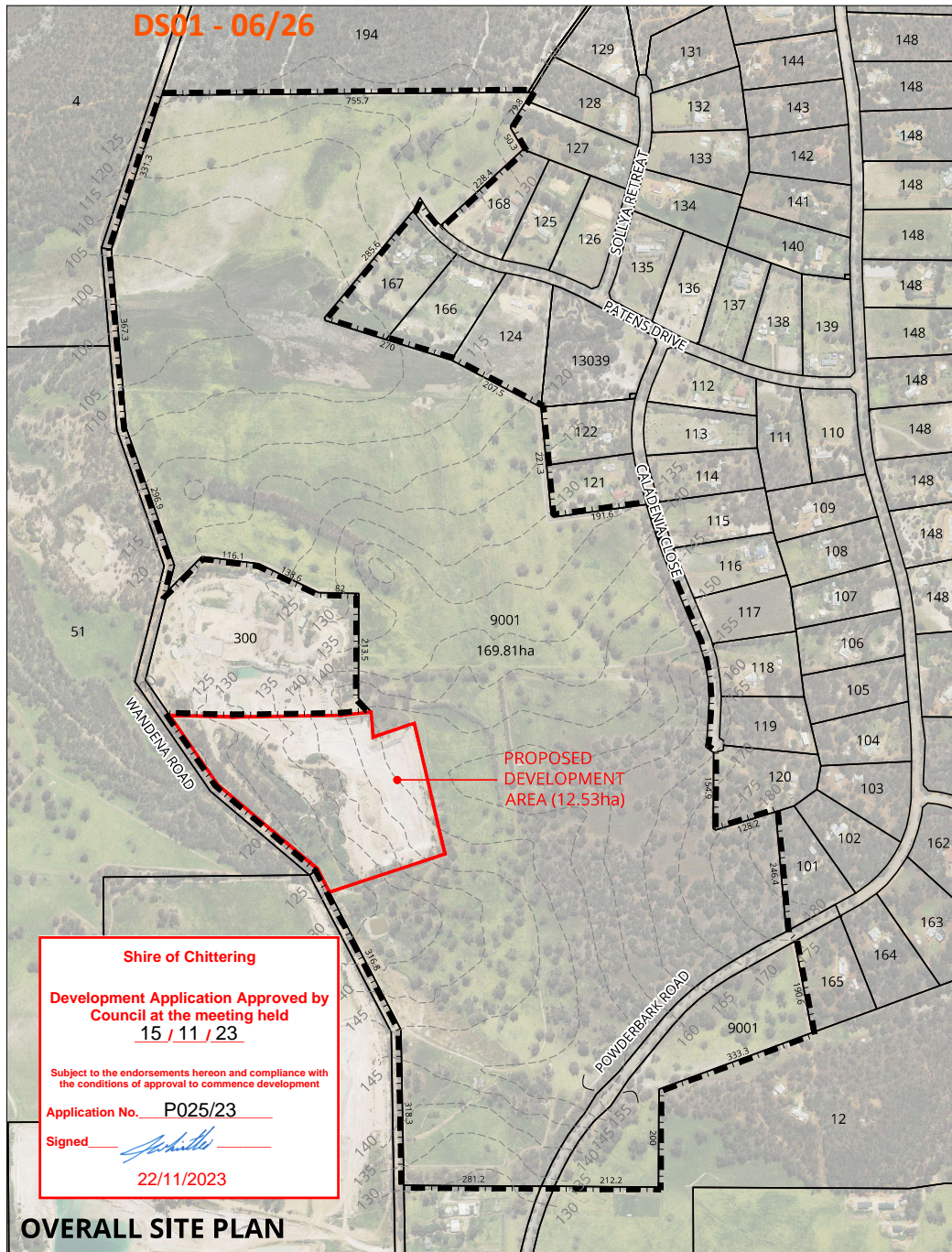
This approval is hereby issued in accordance with the resolution of Council.

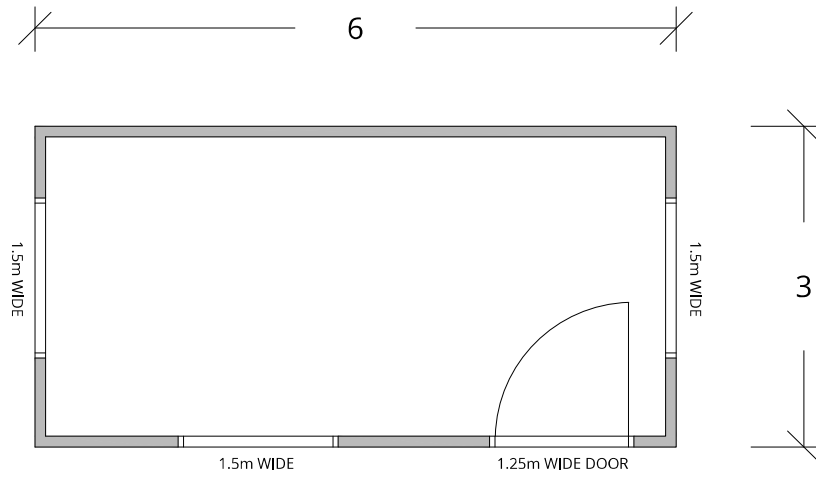


Signed

Dated 22/11/2023

For and on behalf of the Shire of Chittering





FLOOR PLAN
SCALE 1:200

Shire of Chittering

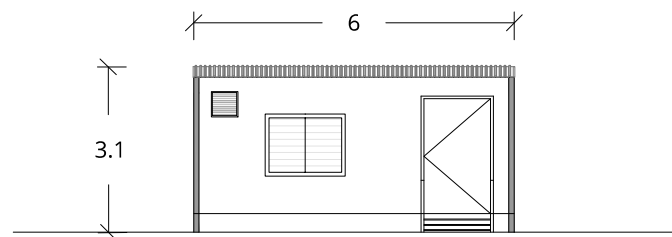
**Development Application Approved by
Council at the meeting held
15 / 11 / 23**

Subject to the endorsements hereon and compliance with
the conditions of approval to commence development

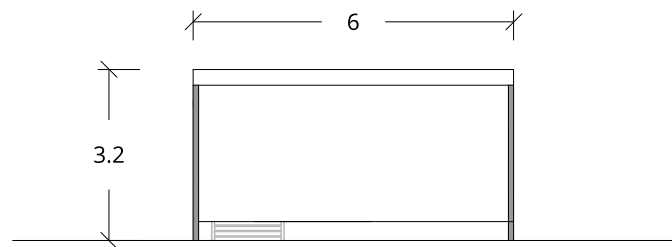
Application No. P025/23

Signed *[Signature]*

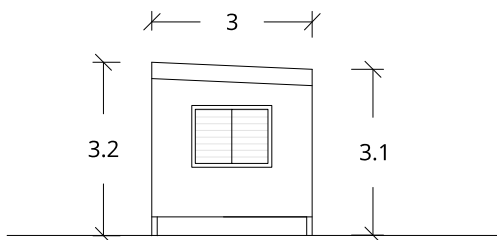
22/11/2023



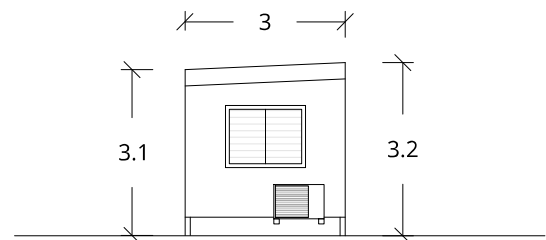
ELEVATION 1
SCALE 1:100



ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100

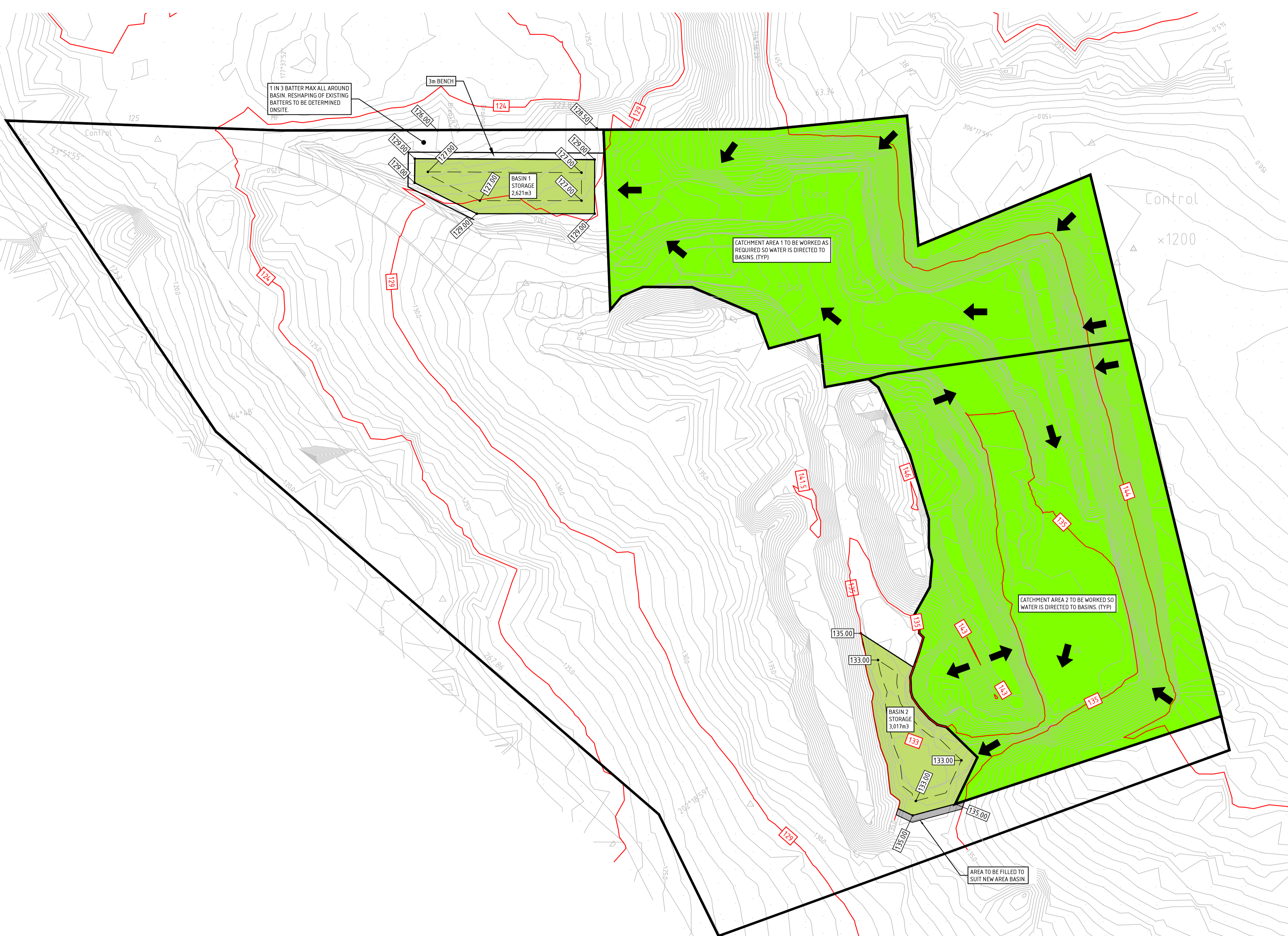


ELEVATION 4
SCALE 1:100



Attachment Four

Condition 13 Stormwater Management Plan

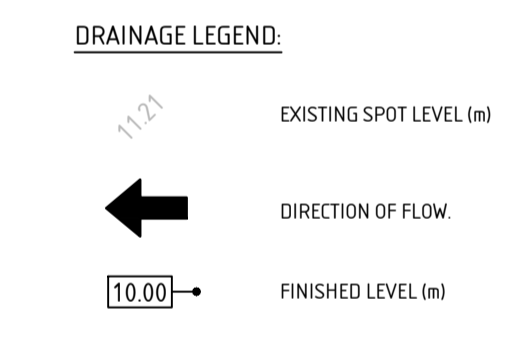


- NOTES:**
- CHECK ALL DIMENSIONS ON SITE READ ALL ENGINEERING DRAWINGS IN CONJUNCTION WITH ARCHITECTURAL & SURVEY DRAWINGS. ANY DISCREPANCIES BETWEEN ENGINEERING DRAWINGS AND ARCHITECTURAL DRAWINGS SHALL BE CONFIRMED PRIOR TO COMMENCING CONSTRUCTION. DO NOT SCALE FROM THESE DRAWINGS.
 - ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITION OF "AS3500 PLUMBING & DRAINAGE", THE "BUILDING CODE OF AUSTRALIA (BCA)", THE "NATIONAL CONSTRUCTION CODE (NCC)" AND THE LOCAL AUTHORITY'S STANDARD SPECIFICATIONS.
 - BEFORE CONSTRUCTION COMMENCES, THE CONTRACTOR SHALL:
 - CHECK ON SITE THE LOCATION OF THE EXISTING SERVICES WITH THE APPROPRIATE AUTHORITY. ENSURE PROPOSED STORMWATER PIPE DOES NOT CLASH WITH ANY EXISTING SERVICES.
 - CONFIRM THAT BOUNDARY PEGS OR OTHER SURVEY REFERENCE POINTS TO BE USED IN SETTING OUT OF THE PROJECT ARE LOCATED IN THE CORRECT POSITIONS.
 - ENSURE A PERMIT & REINSTATEMENT SPECIFICATIONS ARE OBTAINED FROM THE LOCAL AUTHORITY IF EXCAVATION WILL BE IN A ROAD RESERVE OR RIGHT OF WAY.
 - ENSURE ALL DETAILS HAVE BEEN CHECKED AND THAT NO DISCREPANCIES EXIST. ALL QUERIES AND DISCREPANCIES ARE TO BE RESOLVED PRIOR TO COMMENCING WORKS.
 - RESIDENTS SHALL BE KEPT INFORMED THROUGHOUT & SITE SECURITY SHALL BE MAINTAINED.
 - ALL EXCAVATIONS SHALL BE SECURED & MADE SAFE IN ACCORDANCE WITH REQUIREMENTS OF THE WORKS & HEALTH & SAFETY ACT 2020, THE OCCUPATIONAL SAFETY & HEALTH REGULATION 1996 & OF ANY RELEVANT REGULATORY BODY.
 - PROPERTIES WHICH HAVE BEEN EXCAVATED SHALL BE RETURNED TO AT LEAST A SIMILAR CONDITION TO THAT WHICH EXISTED PRIOR TO CONSTRUCTION.
 - TRENCH BACKFILL SHALL BE CLEAN GRANULAR MATERIAL, COMPACTED TO A LEVEL NOT LESS THAN THAT OF THE SURROUNDING UNDISTURBED GROUND, FOR THE FULL DEPTH OF EXCAVATION. BACKFILL UNDER ROADS SHALL BE COMPACTED TO THE REQUIREMENTS OF THE LOCAL AUTHORITY.
 - THIS DRAINAGE SPECIFICATION IS TO BE READ IN CONJUNCTION WITH CLIENT'S ARCHITECTURAL DRAWINGS (PARTIALLY REPRODUCED HERE).
 - CLIENT IS TO ENSURE LOCAL AUTHORITY HAVE APPROVED THESE DRAWINGS BEFORE BEING ISSUED FOR PRICING, TENDER & CONSTRUCTION.
 - IF GROUND WATER IS ENCOUNTERED DURING THE WORKS THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY.

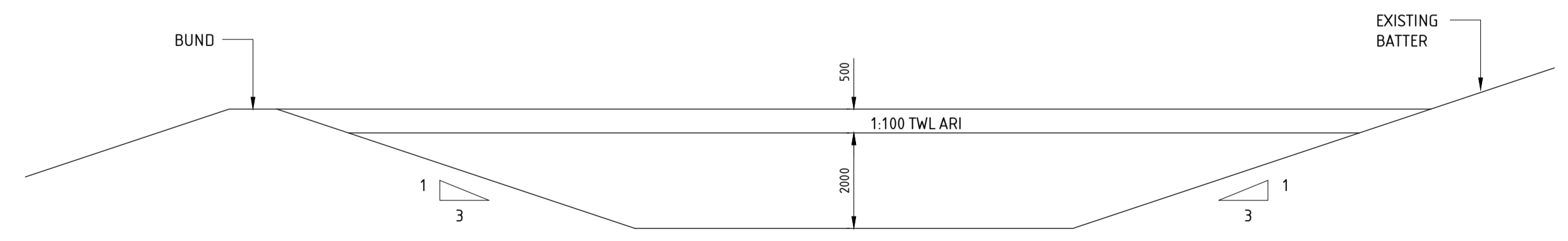
- CLEARING / DEMOLITION NOTES:**
- THE CLEARING AND DEMOLITION SHALL CONSIST OF THE REMOVAL OF ALL SHRUBS, TREES, VEGETATION, EXISTING PAVEMENTS, DRAINAGE INFRASTRUCTURE, ABANDONED SERVICES, RUBBISH, BOULDERS, PERISHABLE MATERIALS AND ANY OTHER ITEMS AS INDICATED ON THE ARCHITECTURAL DRAWINGS, AND SHALL BE LIMITED TO THE PROPERTY BOUNDARIES.
 - NO CLEARING OR DEMOLITION SHALL TAKE PLACE OUTSIDE THE EARTHWORKS AREA UNLESS APPROVED BY THE LOCAL AUTHORITY.
 - THE CLEARING SHALL INCLUDE THE GRUBBING OUT OF ALL STUMPS AND TREE ROOTS TO A DEPTH OF 600mm BELOW THE NATURAL SURFACE OR 400mm BELOW THE FINISHED CUT SURFACE, WHICHEVER IS THE LOWER, AND DISPOSING OF ALL SPOILS RESULTING FROM THE CLEARING AND GRUBBING.
 - ANY HOLES LEFT AFTER CLEARING OR DEMOLITION SHALL BE FILLED AND COMPACTED TO THE SAME DENSITY AS THAT OF THE SURROUNDING UNDISTURBED SOIL.
 - AS LITTLE AS POSSIBLE OF THE SURFACE SOIL SHALL BE REMOVED DURING CLEARING OPERATIONS.
 - THE CONTRACTOR SHALL TAKE PRECAUTIONS TO MINIMISE DAMAGE TO GROWING TREES AND SHRUBS, FENCES AND OTHER IMPROVEMENTS OUTSIDE THE DESIGNATED AREAS, AND ANY DAMAGE SHALL BE MADE GOOD. THE SPOILS OF ALL DEMOLITION, CLEARING AND GRUBBING OPERATIONS SHALL BE STOCKPILED AWAY FROM THE BUILDING SITE.

- TOPSOIL NOTES:**
- THE CONTRACTOR SHALL CLEAR ALL VEGETATION FROM THE EARTHWORKS AREA AND STOCKPILE LOCALLY AWAY FROM THE BUILDING SITE.
 - THE EXISTING TOPSOIL SHALL BE STRIPPED FROM ALL AREAS AND STOCKPILED LOCALLY AWAY FROM THE BUILDING SITE.

STORMWATER MANAGEMENT PLAN	
1. DESIGN CRITERIA - SHIRE OF CHITTERING - 1 IN 100 YEAR STORM EVENT OF A CRITICAL DURATION	
DRAINAGE CALCULATIONS	
CATCHMENT 1 IMPERVIOUS AREA (m²)	17900
VOLUME TO STORE (m³)	2447.00
SWALE 1 VOLUME (m³)	2621
CATCHMENT 2 IMPERVIOUS AREA (m²)	22300
VOLUME TO STORE (m³)	2883.14
SWALE 2 VOLUME (m³)	3017



STORMWATER DRAINAGE PLAN
SCALE 1:1000



REV	BY	ISSUE / REVISION DESCRIPTION	DATE	DRAFTER	W REYNOLDS
A	WR/DB	ISSUED FOR REVIEW - NOT FOR CONSTRUCTION	31/5/24	DESIGNER	W REYNOLDS
0	WR/DB	ISSUED FOR CONSTRUCTION - SUBJECT TO COUNCIL APPROVAL	5/6/24	CHECKER	D BLAZESKI
				DATE	31/5/24
				APPROVED BY:	

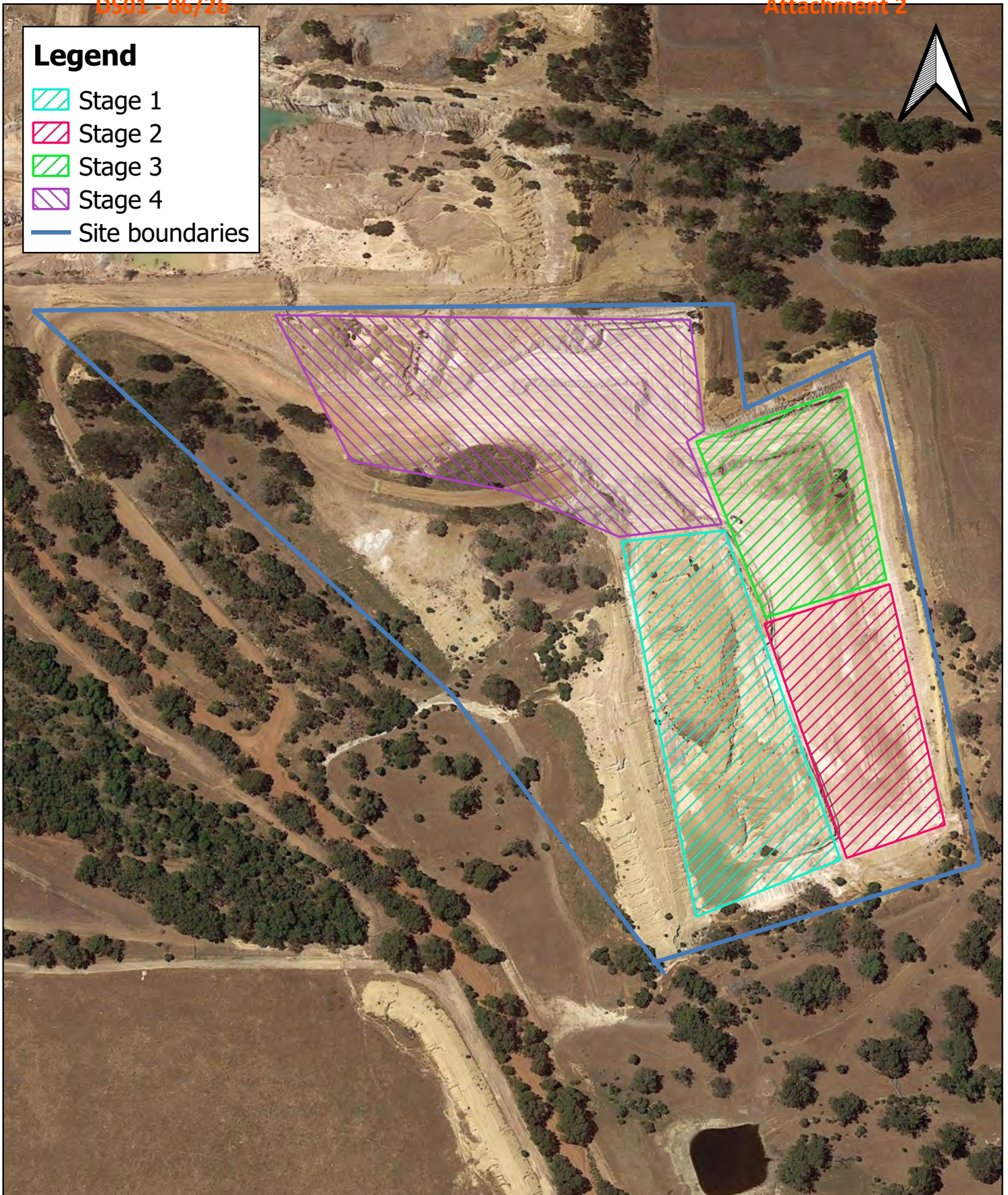


PROJECT No.	D336477	PROJECT	PROPOSED DEVELOPMENT ON LOT 9001 (#88) CALEDONIA CL, LOWER CHITTERING
SCALE	AS SHOWN	SIZE	A1
SHEET	1 of 1	REV	0
CLIENT	BRAJKOVICH DEMOLITION & SALVAGE PTY LTD		






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Attachment Five

Staging Plan (Extract from 15 November 2023 Council Minutes)



Legend

-  Stage 1
-  Stage 2
-  Stage 3
-  Stage 4
-  Site boundaries

TITLE			 SERS Site Environmental and Remediation Services	
Figure 2. Phase Stages of Landfill				
PROJECT	Lot 9001 (88) Caladenia Close, Lower Chittering		PROJECT CODE	166898
CLIENT	Brajkovich Landfill and Recycling Pty Ltd	VERSION	DATE	31/10/2022
DESIGN/DRAW	DC	APPROVED BY:	MC	SOURCE
				Coordinate System GDA2020. Basemap 1: Google Maps Terrain and Satellite.
			SCALE 0 25 50 m 	
			26	

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

AGENCY SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
Department of Water and Environmental Regulation	Thank you for providing the proposed amendments for the Department of Water and Environmental Regulation (DWER) to consider. DWER has no objection or comments to provide on the proposed amendments to approval conditions 9 & 13.	Noted. DWER is the primary statutory authority responsible for regulating waste facilities, including asbestos acceptance, handling and disposal, under the <i>Environmental Protection Act 1986</i> . Its role includes technical assessment, licensing, monitoring and enforcement of environmental risks associated with such activities. The absence of objection indicates that DWER does not consider the proposed amendments to give rise to environmental risks that cannot be appropriately managed within its regulatory framework. In this context, the retention or imposition of planning conditions duplicating or pre-empting DWER’s regulatory functions is not an appropriate or effective mechanism, and may lead to inconsistency or regulatory overlap. The proposal should therefore be assessed on planning grounds, with detailed waste management controls appropriately addressed through the DWER works approval and licensing process.	Noted. DWER has advised it has no objection to the proposed amendments to Conditions 9 and 13. As the primary environmental regulator, DWER’s position is afforded significant weight in relation to waste classification, environmental risk and licensing matters. No further planning response is considered necessary in respect of this submission.
Department of Health	<p>The Department of Health provided its comment on this proposal to the Shire of Chittering in 2023 (please see attached).</p> <p>The Department of Health role’s in planning matters is to provide advice on risk to health to decision makers. Please note our comment on this proposal did not include stormwater management.</p> <p>2023 Comment: Thank you for your email of 11 August 2023, requesting comments from the Department of Health (DoH) on the above proposal. The DoH provides the following comment which is in addition to and not in derogation of advice provided by your local environmental health services in relation to this proposal: Wastewater Management The development application does not contain information on wastewater management during the development stage. If an onsite wastewater system is proposed, approval is required from the DoH. The following documents and information will need to be submitted to the DoH:</p> <ul style="list-style-type: none"> • A site-specific Site and Soil Evaluation report for onsite sewage management of the subject lot, undertaken by a qualified consultant during the wettest time of the year, as per AS/NZS 1547:2012, and addressing Government Sewerage Policy requirements. • A recommended onsite system design to be proposed in accordance with Government Sewerage Policy requirements and AS/NZS 1547:2012. • The disposal area must be adequately sized based on the findings of the Site and Soil Evaluation report and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1972. • An application to construct or install an apparatus for the treatment of sewage must be submitted to the DoH. (Link: https://www.health.wa.gov.au/~media/Files/Corporate/general-documents/water/Wastewater/Septic-Application.pdf). <p>If any future unsewered development (residential/commercial or rezoning of the area) is required, then suitability for on-site sewage treatment and effluent disposal in compliance with the Government Sewerage Policy 2019 will need to be demonstrated.</p> <p>Drinking Water Management All drinking water provided on site must meet the health-related requirements and risk management framework set out in version 3.7 of the Australian Drinking Water Quality Guidelines 2011. These are highlighted in principle in the following link: Reticulated drinking water scheme providers (health.wa.gov.au). Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements.</p>	<p><u>2023 Comment</u> We note the Department of Health’s overarching advice in its 2023 submission, and its role in providing health-based input to decision-makers. The submission is noted as advisory in nature and does not raise an objection to the proposal.</p> <p><u>Drinking Water Management</u> The proposal does not alter these obligations. These matters are therefore outside the scope of the current amendment.</p> <p><u>Chemical hazards</u> The proposal remains subject to the DWER licensing framework, which is the primary mechanism for regulating waste classification, acceptance, handling and disposal. We note DoH’s conditional support in this regard. Accordingly, we consider that the matters raised by DoH are appropriately managed through existing regulatory mechanisms, and do not necessitate further modification to the development approval.</p> <p><u>Dust Management</u> The current plan was prepared by SERS in response to the approved use (earthworks and rehabilitation) and reflects standard dust control measures for those activities. Asbestos-specific management is typically addressed through environmental licensing and operational management plans required by DWER, rather than through planning approval documentation.</p>	The Department of Health’s comments are noted. The submission primarily relates to public health, wastewater, drinking water and chemical hazard matters, which are addressed through separate regulatory processes and specialist approvals where required. In planning terms, the comments do not identify any additional land use issues that would warrant refusal of the proposed amendment but support the need for ongoing regulation through the appropriate State agencies.

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

	<p>Chemical Hazards The proponent is a part of a well-known company, Brajkovich Landfill and Recycling Pty Ltd, involved in managing construction and demolition waste. Such activities have the potential for asbestos contamination of the waste materials to occur. The DoH provides conditional support that is contingent on routine reporting, with evidence that the material going into the landfill is fully compliant with the Department of Water and Environmental Regulation (2019), Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) (https://www.der.wa.gov.au/images/documents/our-work/licences-and-works-approvals/WasteDefinitions_revised.pdf#:~:text=not%20present%20%20Landfill%20class%20%20,%20...%20%20Putrescible%20Landfill%20%20). The Dust Management Plan (SERS Feb 2023) does not refer to measures to monitor and manage any asbestos fibres that may be generated from the site.</p>		
<p>Department of Biodiversity, Conservation and Attractions</p>	<p>I just wanted to clarify that this relates to your ref O23145940? I have the referral address as Lot 9001 Wandena Rd, Lower Chittering. DBCA did not make any comments on this referral providing a ‘no comments’ response on 15 August 2023. We would not be able to comment regarding the proposed condition amendments.</p>	<p>Noted</p>	<p>Noted. DBCA confirmed it did not provide comments on the original referral and cannot comment on the proposed condition amendments. Accordingly, no issues arise from this submission that require further consideration in the planning assessment.</p>
<p>Chittering Landcare</p>	<p>I have looked at the amendments and find no real issues with them. As long as asbestos is buried to the regulation depth then it is safe if left undisturbed. So moving the landfill around may constitute disturbance of asbestos containing waste. However, I am not sure, even though I looked at regulations and the Contaminated Sites legislation, what can be done on a contaminated site once completion has occurred. One assumes that any dewatering would require DWER and /or Local Government permission to do so. This could happen if they start to move the landfill around. I also assume that these changes will be incorporated into the Works Approval through DWER that they will seek to continue the landfill site.</p>	<p>We thank the Chittering Landcare Group for its considered submission and notes its generally supportive and pragmatic position. The applicant concurs with the submission that asbestos, when properly handled and buried in accordance with regulatory requirements, can be managed safely and with minimal environmental risk. The proposal does not seek to change that regulatory framework, but rather operates within it. In particular, we note that:</p> <ul style="list-style-type: none"> • Any acceptance of asbestos-containing material would be subject to approval and regulation by DWER, including works approval and licensing requirements; • These controls mandate strict procedures for: <ul style="list-style-type: none"> ○ Inspection and acceptance of waste ○ Containment and handling ○ Burial at appropriate depths ○ Immediate covering to prevent exposure • The material would be placed in a manner that ensures it remains stable and undisturbed, consistent with best practice landfill management. <p>In relation to the potential disturbance of buried material and future site management, we confirm that:</p> <ul style="list-style-type: none"> • The site will be operated in accordance with all applicable approvals and licence conditions; • Any future works (including dewatering or ground disturbance) would be subject to separate approvals, as required under relevant legislation; and • Post-rehabilitation land use and any long-term constraints will be governed by the applicable regulatory framework, including (where relevant) 	<p>The submission is noted and generally acknowledges that the relevant environmental risks are regulated through DWER’s approvals framework. To the extent the submission raises concerns about disturbance of buried material, dewatering or future site management, these are matters that would be subject to separate statutory controls and are not determinative planning considerations for the present amendment request.</p>

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

		<p>the Contaminated Sites Act 2003.</p> <p>We also agree that the proposed amendments would need to be reflected in, and are contingent upon, subsequent DWER approvals. The proposal does not seek to bypass or alter those requirements; rather, it recognises that asbestos disposal is a regulated activity requiring separate technical assessment.</p> <p>Overall, we appreciate the Landcare Group’s acknowledgement that, with appropriate regulatory oversight, the proposal can proceed in a manner that is consistent with environmental protection objectives and the rehabilitation of the site.</p>	
PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
<p>Submitter in Proximity: 1</p>	<p>I am writing to object to the modification of Point 9.</p> <p>I am against the dumping of any asbestos containing material at all at Lot 301 Wandena Road, Lower Chittering. I am happy with the duplication even if it is regulated by DWER. It would allow for two avenues to prosecute if any ACM is illegally dumped at the site. It appears that the owner of the property does not even reside in the Shire of Chittering but rather the City of Swan, they can dump any ACM there and enjoy it's benefits.</p> <p>I refer also to the mess at the end of Powderbark Road and Wandena Road in the same vicinity which has cause much annoyance to the local residence, with dust, noise and truck movements that does not appear to be policed by the Shire. We don't need another cluster at the other end of Wandena Road effecting local residence lifestyle.</p>	<p>The concerns regarding asbestos disposal and enforcement are noted. The proposal does not remove regulatory oversight; rather, any acceptance of asbestos would be subject to DWER licensing, compliance monitoring, and enforcement. Amenity issues such as dust, noise and traffic are addressed through existing approval conditions and are not altered by the amendment, which relates to waste type rather than operational scale.</p> <p>The residence of the landowner is not a relevant planning consideration.</p> <p>Likewise, the property at the corner of Powderbark Road and Wandena Road is unrelated to this application.</p>	<p>The objection is noted. Concerns regarding the handling and disposal of asbestos are understood; however, these matters fall primarily within DWER’s environmental licensing and enforcement jurisdiction. From a planning perspective, the amendment does not alter the approved land use or overall scale of the operation. The landowner’s place of residence and unrelated compliance matters at other properties are not relevant planning considerations in determining this application.</p>
<p>Submitter in Proximity: 2</p>	<p>The <i>redacted</i> would like to express that we do not want the modifications to the application.</p> <p>Regarding asbestos, the change would allow it to be buried there instead of the shire’s rules of no asbestos.</p> <p>In regard to the drainage, we believe any lowering of the standard would put our area into jeopardy during heavy rain events.</p> <p>Please see our environment scientist report we have commissioned regarding these matters.</p> <p><i>*See Appendix 1</i></p>	<p>Noted. Asbestos can only be accepted subject to DWER approval and strict handling controls. Drainage and stormwater management remain regulated through planning conditions and engineering requirements, and are not reduced by the amendment. DWER licencing would consider stormwater in its assessment. Any other technical matters raised in the submitter’s report would be assessed through the relevant DWER processes.</p> <p>The matters raised within the Smithson Environmental Report these are all matters to be considered in the DWER licencing process.</p>	<p>The objection is noted. The issues raised in relation to asbestos, drainage and stormwater are primarily matters for technical assessment under DWER’s licensing processes and any relevant engineering approvals. In terms of planning, the proposed amendment does not remove the need to comply with those separate statutory requirements. The attached technical material may inform the State regulatory assessment but does not of itself establish a planning basis to refuse the amendment.</p>
<p>Submitter in Proximity: 3</p>	<p>I wish to submit my strong opposition to the amendments mentioned in your email (subject 025164720). My property and all the residents on Caladenia Close are within 1000M of the proposed demolition material dumping site at the disused quarry. It is my contention that dumping of any asbestos related material at this site would create an unacceptable risk to people living east / north east of the site especially under the influence of south westerly winds. ANY dust creating activity is undesirable. Due to the holiday festive season and some people away on holiday I wish to respectfully request more time (e.g. 12 January) for neighbouring residents to be given the opportunity to consider the full ramifications of the proposed use of the site on Lot 301. To myself and my fellow neighbours, air quality and property values are important.</p>	<p>The manner by which advertising is undertaken, is a matter for the Shire.</p> <p>Concerns regarding airborne asbestos risk and wind conditions rely on scenarios involving uncontrolled or uncontained material, all of which are matters covered within the DWER licencing process.</p>	<p>The objection is noted. Concerns regarding airborne asbestos, dust and wind effects are acknowledged, however these matters are regulated through DWER’s licensing regime and associated operational controls. The request to extend the advertising period relates to Shire’s consultation process rather than the planning merits of the amendment itself, and is a procedural matter separate</p>

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

			to the land use assessment. Property value impacts are not a relevant planning consideration.
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SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

<p>Submitter in Proximity: 4</p>	<p>I was recently made aware of requested amendments with regard to the rehabilitation of the clay quarry, Lot 301 Wandena Rd, Lower Chittering (O25164720)</p> <p>I do not agree that the amendment re the disposal of asbestos containing material should be approved.</p> <p>It is well known Mesothelioma (an aggressive cancer with a very poor prognosis) is strongly linked to prior asbestos exposure. I find it very surprising this proposal would even be considered given the proximity to residents. The Shire will surely be put in a very difficult position with the potential for litigation in the future.</p> <p>Generally when I have spoken to other residents in the neighbourhood they like us chose this area as a lifestyle choice. We came here for many reasons but having a clean environment was a big decider. It is also very disturbing that our property values will be negatively impacted when it becomes apparent such a health risk is located so close by. Although it is approximately one kilometre away it is well known we have very severe winds in this area for most of the year which would result in dust from the site potentially affecting our neighbourhood. I would find it interesting if yourself or other Shire Councillors would feel comfortable with such proposal so close to their own dwelling ? Given the urban sprawl of the Perth metropolitan area, it is way too close to a residential area and I am sure there are much more appropriate sites within the Shire that will not impact ratepayers.</p> <p>Given the time of the year with so many people away it is only reasonable to extend the time for those to have the opportunity to respond on an issue that will have serious ramifications to them.</p>	<p>The <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection Authority's Guidance for the Assessment of Environmental Factors</i> recommend a minimum 150m buffer between inert landfill facilities and sensitive (residential) land uses. The proposed landfill and rehabilitation area is located a distance of approximately 630m from the nearest residential dwelling and in this regard, satisfies the recommended environmental buffer.</p>	<p>The objection is noted. The submitter's concerns regarding health impacts, proximity to residences, wind conditions and potential amenity effects are acknowledged. In assessing the planning merits of the amendment, weight is given to the separation distance to nearby dwellings and the fact that asbestos acceptance, handling and burial would remain subject to DWER licensing and strict operational controls. Property value concerns are not a relevant planning consideration, and the request for a longer consultation period is a procedural matter rather than a land use issue.</p>
<p>Submitter in Proximity: 5</p>	<p>My husband and I wish to strongly oppose the amendments contained within the landfill of Lot 301 Wandena Road. Lower Chittering.</p> <p>We did oppose the initial project due to a number of factors: noise, dust and truck traffic through the area. With the new amendment proposal and this next stage of work now proposed that is under 1 km from our property and the developer suggesting the deletion of Condition 9 alarms us immensely, as if DWER does allow them a licence to dump potentially dangerous asbestos filled demolition material, we are at extreme risk from airborne asbestos fibres.</p> <p>Our property is in direct line of this site and we are constantly subject to high southerly winds coming from this direction. DWER and other agencies may not realise that all of our rainwater is caught directly from our house roofs and fed into storage tanks that provide us with life sustaining water.</p> <p>A quick search provides you with the following information:</p> <p><i>Yes, asbestos dust can contaminate drinking water through degrading asbestos-cement pipes, roofing, or natural sources but health risks from ingested fibers are considered very low, as they rarely pass into the body; the primary danger of asbestos is inhaling the dust from disturbed materials, not drinking water containing fibers. While levels are usually low, some areas have higher concentrations, leading to concerns about potential long-term risks, although most health bodies don't set strict limits due to lack of consistent evidence for harm from drinking it.</i></p> <p><i>How it gets in the water</i></p> <ul style="list-style-type: none"> <i>Deteriorating pipes: Asbestos-cement pipes, used for water mains and household plumbing, can release fibers as they age and corrode.</i> <i>Roofing & tanks: Rainwater collected from asbestos roofing or stored in asbestos tanks can carry fibers.</i> <i>Natural erosion: Erosion from natural asbestos deposits.</i> <i>Industrial discharge: Manufacturing processes can introduce fibers into water systems.</i> <p><i>Health concerns</i></p> <ul style="list-style-type: none"> <i>Ingestion vs. inhalation: The main risk from asbestos is from inhaling fibers, which causes lung diseases like mesothelioma and asbestosis.</i> 	<p>The <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection Authority's Guidance for the Assessment of Environmental Factors</i> recommend a minimum 150m buffer between inert landfill facilities and sensitive (residential) land uses. The proposed landfill and rehabilitation area is located a distance of approximately 630m from the nearest residential dwelling and in this regard, satisfies the recommended environmental buffer.</p> <p>The acceptance, handling and disposal of asbestos are strictly regulated by DWER under the <i>Environmental Protection Act 1986</i>, including requirements for containment, controlled handling and immediate burial to prevent fibre release.</p>	<p>The objection is noted. The concerns raised regarding dust, rainwater collection and the potential long-term implications of asbestos burial are acknowledged. These matters are primarily addressed through DWER's licensing, waste classification and environmental management requirements rather than through duplication in planning conditions. The proposed amendment does not of itself authorise uncontrolled disposal, and any asbestos-related activity would remain subject to separate environmental approval and compliance obligations.</p>

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

	<ul style="list-style-type: none"> • <i>Low risk from drinking: Ingested asbestos fibers are largely passed through the body, with very few penetrating the gastrointestinal lining.</i> • <i>Uncertain long-term effects: While major health organizations state the risk is minimal or zero, some studies and groups raise concerns about potential gastrointestinal cancers from long-term ingestion as pipes fail, noting no safe level of a carcinogen.</i> <p><i>Asbestos can get into the water in a couple of ways. For instance, asbestos can get into water supplies from contaminated soil. Natural disasters, industrial sites, improperly disposed of asbestos waste, and demolished buildings with asbestos can release fibers into both soil and nearby waterways or groundwater.</i> In terms of waterways, our roof is defined as a catchment area.</p> <p>Whilst the ingestion of fibres from our roof into our water tank may be considered low, it is also considered a long term risk. The provision of a Reverse osmosis (RO) or nanofiltration system which can effectively remove asbestos from our tap water might be something that the developer could consider supplying and installing to every affected house in the shire at their cost.</p> <p>However the asbestos fibres released into the wind would reach our property within 1-2 minutes of being dumped and this is not an acceptable risk to our short term or long term health.</p> <p>I commend the shire for inserting the original Condition 9 clause which may be preventing the applicant from going to DWER to apply for a licence and from any litigation in the future from any Chittering residents that may report any health issues from the ingestion or inhalation of toxic asbestos building material.</p> <p>As previously stated, we opposed the initial project due to noise, dust and traffic, but the new amendments to Modify Condition 13 to allow them the rights to make any adjustments as they see fit to landfill levels and movements is not and will never be acceptable to us as adjacent land owners who live and breathe in this estate trying to enjoy the joys of nature and clean living. We also enjoy fruit of our trees that are not contaminated by asbestos dust.</p> <p>So in summation, we vehemently oppose any changes to the original landfill and rehabilitation project at Lot 301 Wandena Road, Lower Chittering.</p>		<p>The objection is noted. The submitter raises concerns regarding public health, rainwater contamination, future disturbance of buried material and the broader implications of amending Conditions 9 and 13. These matters have been considered; however, the technical regulation of asbestos acceptance, separation to groundwater, containment and long-term site controls sits principally with DWER and other relevant State regulators. From a planning perspective, the proposed amendment is to be assessed on its land use merits, having regard to separation, approved rehabilitation outcomes and the operation of those external statutory controls.</p>
<p>Submitter in Proximity: 6</p>	<p>In regard to the proposed amendment to approved landfill & rehabilitation of clay quarry (Lot 301 Wandena Road, Lower Chittering).</p> <p>I wish to strongly object to the proposal of dumping asbestos at the said address (Lot 301 Wandena Road, Lower Chittering).</p> <p>My concerns relate to not only contamination of soil, water and air as these will affect everybody within the proposed zone.</p> <p>This to us is unacceptable in any form.</p>	<p>General concerns regarding contamination of air, water and soil are noted. The acceptance, handling and disposal of asbestos are strictly regulated by DWER <i>under the Environmental Protection Act 1986</i>, including requirements for containment, controlled handling and immediate burial to prevent fibre release. These controls are specifically designed to remove the airborne exposure pathway.</p>	<p>The objection is noted. Concerns regarding contamination of air, water and soil are acknowledged. These matters are regulated through DWER’s licensing and compliance framework, and are not new land use impacts arising from the amendment itself. Property value impacts are not a relevant planning consideration in the assessment of the proposal.</p>
<p>Submitter in Proximity: 7</p>	<p>I believe the neighbours in Wandena Estate who are unaware of amendment to approved landfill & rehabilitation of clay quarry (Lot 301 Wandena Road, Lower Chittering) have until 8th January to put in an objection.</p> <p>I wish to submit strong opposition to the amendments to approved landfill & rehabilitation of clay quarry (Lot 301 Wandena Road, Lower Chittering) as the proposed dumping of demolition material including asbestos is a risk to my health and my family's health as the winds would bring dust from this site to our address on Patens Drive, Lower Chittering.</p> <p>I already suffer from asthma and do not also want to be at risk of any dust from the winds / breeze which could bring asbestos particles.</p> <p>Please do not allow this to occur to ourselves and our neighbours who moved out here for a healthy lifestyle.</p>	<p>The acceptance, handling and disposal of asbestos are strictly regulated by DWER <i>under the Environmental Protection Act 1986</i>, including requirements for containment, controlled handling and immediate burial to prevent fibre release. These controls are specifically designed to remove the airborne exposure pathway.</p> <p>The Department of Health submission is acknowledged as providing advice in relation to public health risks associated with the proposal, including potential exposure pathways and environmental health considerations. These matters are appropriately addressed through existing regulatory frameworks, including DWER licensing and standard public health approvals, and do not raise issues</p>	<p>The objection is noted. The submitter’s concerns regarding airborne exposure, personal health impacts and the adequacy of public health oversight are acknowledged. These matters are principally addressed through DWER’s environmental licensing regime and the advice of relevant health authorities, rather than through duplication in planning controls. In planning terms, the proposal must be assessed having regard to land use compatibility, separation and the operation of those external statutory</p>

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

		requiring further planning controls.	safeguards.
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SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

<p>Submitter in Proximity: 8</p>	<p>The thought of this proposed demolition and dumping ground for building waste is a health hazard , and property values are important factors to be clearly discussed I totally do not want this to go ahead</p>	<p>General concerns regarding contamination of air, water and soil are noted. These risks are addressed through the DWER licensing system and are not inherent to the approved rehabilitation use. Property values is not a relevant planning consideration..</p>	<p>The objection is noted. The submission raises concerns regarding health risk and local amenity. While those concerns are acknowledged, the management of asbestos acceptance, handling and disposal is governed through DWER’s licensing and compliance framework. Property value impacts are not a relevant planning consideration, and the submission does not identify additional land use planning issues beyond those already addressed in the assessment.</p>
<p>Submitter in Proximity: 9</p>	<p>I am writing to formally object to the proposed asbestos dumping site located approximately 700 metres from my property.</p> <p>I have serious concerns regarding the potential health, environmental, and safety risks associated with the storage or disposal of asbestos materials so close to residential properties. Asbestos is a well-documented hazardous substance, and even minimal airborne exposure poses long-term risks to human health, including respiratory disease and cancer. The proximity of this site to homes, families, and potentially schools or community facilities is deeply concerning.</p> <p>I am particularly worried about the possibility of asbestos fibres becoming airborne due to transportation, handling, weather events, or site disturbance. Even with management plans in place, accidents, containment failures, or long-term degradation can occur, and the consequences for nearby residents could be severe and irreversible.</p> <p>In addition to health concerns, the proposed site may negatively impact property values, local amenity, and the overall sense of safety within the community. Residents should not be expected to live with the anxiety of hazardous waste being stored or dumped so close to their homes.</p> <p>I respectfully request that the Council reconsider this proposal and explore alternative locations that are significantly farther from residential areas, or consider safer waste management options that do not pose a risk to the local community. I also ask that the Council ensure full transparency, independent environmental assessments, and meaningful community consultation before any approval is granted.</p> <p>Thank you for taking the time to consider my concerns. I trust that the Council will place the health, safety, and wellbeing of residents as a top priority in its decision-making.</p>	<p>The <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection Authority’s Guidance for the Assessment of Environmental Factors</i> recommend a minimum 150m buffer between inert landfill facilities and sensitive (residential) land uses. The proposed landfill and rehabilitation area is located a distance of approximately 630m from the nearest residential dwelling and in this regard, satisfies the recommended environmental buffer.</p> <p>The acceptance, handling and disposal of asbestos are strictly regulated by DWER under the <i>Environmental Protection Act 1986</i>, including requirements for containment, controlled handling and immediate burial to prevent fibre release.</p>	<p>The objection is noted. The issues raised regarding health risk, safety, amenity and the desire to consider alternative locations are acknowledged. In planning terms, the assessment must focus on the subject site and the proposed amendment before the Shire. The management of asbestos handling, transport, burial and contingency responses is regulated under DWER’s statutory framework. Property value and general community anxiety, while understandable, are not determinative planning considerations.</p>

SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

<p>Submitter in Proximity: 10</p>	<p>Having read though the proposed amendments to the approved landfill & rehabilitation of the clay quarry at Lot 31 Wandena Road, Lower Chittering, I have major concerns regarding the proposed deletion of Condition 9 (which prohibits the disposal of asbestos-containing materials) in close proximity to private residences within the area and request a rejection of the application to delete Condition 9.</p> <p>As you are aware, asbestos poses well documented health risks, particularly when fibres become airborne. While I understand that modern disposal methods aim to minimise these risks, the potential decision to allow asbestos-containing material burial so close to residential areas raises significant questions about long term safety, environmental impact, and the adequacy of ongoing monitoring.</p> <p>My concerns include:</p> <ol style="list-style-type: none"> 1. Potential disturbance of buried asbestos-containing material due to future land use changes, natural soil movement, or extreme weather events. 2. Insufficient transparency regarding how the council will ensure compliance with safe burial standards over time. 3. The impact on residents’ peace of mind, property values, and confidence in local planning decisions. 4. The lack of community consultation, particularly with those who will be most directly affected. I understand only approximately twenty (20) residences were contacted directly for comment which I believe is far too low given that residents in the Old Winery Estate, Powderbark Road and adjacent streets and others closer to the clay quarry were not contacted at all. I understand that the properties adjacent to the site are at greatest risk, however asbestos fibres can travel kilometres in extreme weather conditions. <p>Residents deserve assurance that their health, safety, and wellbeing are being prioritised. I urge the council to reject this amendment and, commit to a more transparent and community focused decision making process. In summary due to the</p>	<p>The acceptance, handling and disposal of asbestos are strictly regulated by DWER under the <i>Environmental Protection Act 1986</i>, including requirements for containment, controlled handling and immediate burial to prevent fibre release.</p>	<p>The objection is noted. The submission raises concerns regarding long-term disturbance of buried material, future compliance monitoring, consultation and impacts on residents’ confidence in the decision-making process. These matters have been considered; however, the detailed regulation of asbestos burial standards, monitoring and operational compliance rests with DWER and associated environmental approvals. Property value impacts are not a relevant planning consideration, and the consultation issues raised are procedural matters rather than determinative planning grounds.</p>
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SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

	<p>risks I believe exist in the handling and disposing of asbestos containing material, I reiterate that the Shire should reject the developers application to delete Condition 9.</p>		<p>The objection is noted. The submission raises concerns regarding long-term disturbance, compliance monitoring, transparency and the extent of consultation undertaken. In planning terms, the amendment application is capable of being assessed without requiring a wholly new development application, provided the decision-maker is satisfied that the proposed change has been properly advertised and assessed on its merits. The detailed regulation of asbestos burial standards, groundwater separation and future compliance rests with DWER and associated environmental approvals. Property value impacts are not a relevant planning consideration.</p>
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SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

<p>Submitter in Proximity: 11</p>	<p>I am writing as a resident/ratepayer of Lower Chittering to formally lodge my objection to the proposed removal of condition 9 to permit burial of asbestos containing materials (ACM) at 301 Wandena Road Lower Chittering.</p> <p>The deletion on condition 9 means the whole application must be completed and approved again to ensure the policies and procedures align with the ‘new’ amendments.</p> <p>The site was initially approved for a Class 1, which carries the least risk of off-site impacts to groundwater due to the inert, non leaching nature of materials. It has the potential to pose a risk to air and water qualities- where controls would be in place to minimise any effect.</p> <p>The re-establishment of natural ground levels on the site by filling of pre-extraction surface contours and rehabilitating the filled area will remove an existing ‘scar’ on the landscape. It will enable the site to be returned to agricultural use and in doing so, will benefit the community as a whole.</p> <p>This is what we were told and deleting condition 9 means this is no longer the case.</p> <p>Does deleting condition 9 mean they can also dump other hazardous materials that were banned on the initial application?</p> <p>My objection is based on significant concern regarding groundwater integrity, the protection of endangered local fauna and flora as well as compliance with Western Australia environmental standards.</p> <p>Lower Chittering relies heavily on bore water for domestic and agricultural use. Under the landfill waste classification and waste definitions 1996, asbestos requires a minimum of 2.0 meters of vertical separation between the waste and highest seasonal groundwater level.</p> <p>As this site does not have any groundwater data available on the Perth groundwater Atlas and given the porous nature of Lot 301 Wandena Road has the shire verified - via a minimum of 12 months of bore monitoring data - exactly where the peak winter water table sits and can guarantee this 2.0m buffer will not be breached during a high rainfall winter?</p> <p>I request that the shire provides the specific measurements and hydrogeological assessment proving that the 2.0metre buffer can be maintained during peak winter rainfall.</p> <p>Given the porous nature of gravel and clay pits in the region, What upgrades are being made to handle asbestos safety? What engineering lining systems are proposed to prevent the migration of fibres into any local aquifers? Is this quarry being licensed as Class I,II or III?</p> <p>What is the 30yr monitoring plan for groundwater bores and rainwater tanks (ensuring no airborne asbestos particles contaminate tanks) surrounding the quarry?, and who remains legally liable if asbestos fibres are detected in local aquifers or rainwater tanks in the future?</p> <p>Chittering is a known habitat for species protected under the Biodiversity Conservation Act 2016 (WA) and federal EPBC Act. Eg. Carnaby’s black cockatoo, the surrounding Wandoo and Mardi woodlands are critical foraging and nesting sites. Contamination of groundwater that sustains these trees constitutes a ‘significant impact’ under federal law. Burrowing Fauna species such as Chuditch and Woma Python (Priority 1) inhabit this region. A standard 1m cap is insufficient to guarantee that these animals will not disturb and inhale friable asbestos fibres while burrowing. The nearby Muchea Limestone communities are highly sensitive to changes in water chemistry. Leaching from this site poses an unacceptable risk to these Threatened Ecological Communities. Even our ‘Declared Rare Flora’ that have very small specific populations like Grevillea Corrugata known from one tiny area in Chittering (less than 1sq km), the dust from the dumping alone could be enough to trigger a federal intervention. All this fauna and flora is all located within a 10km radius. Why potentially put our community and wildlife at risk, especially when it is 100% preventable.</p>	<p>The submission raises detailed concerns regarding groundwater, ecology and site suitability. These matters are addressed through DWER licensing, which includes ongoing compliance and reporting requirements. The potential for future disturbance is managed through regulatory controls and does not, in itself, render the proposal unacceptable.</p> <p>The site is currently licenced as a Class 1 site, under the requirements of the EP Act.</p>	<p>The objection is noted. The submission raises a broad range of concerns regarding groundwater, ecology, contaminated sites, bushfire, long-term liability and perceived community benefit. While these matters are important, most fall within the jurisdiction of DWER, the Department of Health and other State regulatory processes, rather than being matters controlled exclusively through planning conditions. The planning assessment is concerned with whether the proposed amendment remains acceptable having regard to land use compatibility, separation and the operation of those parallel statutory controls. The Shire’s consideration of the amendment does not of itself override or replace any requirement for State environmental approvals.</p>
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SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

	<p>Reference to local Precedent: Bullsbrook PFAS Contamination</p> <p>The Shire must look at nearby catastrophic groundwater contamination in Bullsbrook as a warning. The RAAF base Pearce leak proved that ‘safe’ burial and containment strategies frequently fail due to the complex hydrogeology of the Darling Range fringe. This resulting in a \$132.7 million dollar class action settlement and permanent devaluation of local properties highlight the extreme financial and social risk of allowing hazardous legacy waste near our aquifers. The people of Bullsbrook are still suffering.</p> <p>We cannot allow Lower Chittering to become the next ‘Bullsbrook’ due to failure to apply the precautionary principle regarding asbestos migration.</p> <p>The Bullsbrook PFAS plume migrated over 4kms from the source point through the same regional aquifer systems. Permitting asbestos burial in a quarry- where protective clay linings are already compromised by historical excavation- creates a pathway for similar multi-million dollar contamination event.</p> <p>Will this site be classified as a ‘Contaminated Site- Restricted use’ under the Contaminated Sites Act 2003? If so, how will this affect the property values and building permits of neighbouring residents?</p> <p>Given that Lot 301 Wandena Road is located within a sensitive groundwater recharge zone and serves as a habitat for protected species, has the Shire commissioned an Independent Environmental Impact Statement (EIS) and a Social Impact Statement (SIS)? If not, does the shire intend to refer this proposal to the EPA under section 38 of Environmental Protection Act 1986 before any further burial activities are permitted?</p> <p>These statements should include but not limited to (EIS) -Hydrogeological modeling showing where a leak would go in 10,20 and 50 years - An Aerosol Risk Plan for bushfire events (SIS) -A property value assessment comparing the site to other ‘contaminated sites’ in W.A. -A community Health risk report regarding the use of local bores and rainwater tanks. -Mental Health checks for residents, nobody wants to live next door to an asbestos dump with fear.</p> <p>In a semi rural area like Chittering one of the other ecological threats is mobility. Fire, Wind and Rain. If the quarry is filled with asbestos and a bushfire passes through, the vegetation holding the top soil is destroyed allowing the wind and rain to uncover the asbestos, turning a localised burial site into a landscape wide contamination event for all.</p> <p>The burial of hazardous legacy waste in a high conservation, groundwater dependent area like Lower Chittering is an outdated practice that presents an unacceptable risk to our environment and community health. I urge the council to reject the removal of condition 9 and to seek alternative Class II and Class III facilities outside of our environmentally sensitive zone. As a community we don’t want asbestos dumped in our Shire and as councillors you should be supporting your local residents.</p> <p>Also to add to my objection below, could you please outline all of the benefits in allowing asbestos to be used as landfill? I can’t understand why there is a need to change the original approval when there is completely zero benefit to the community. Unless there are some financial gains or benefits the Shire will receive in allowing this to proceed without community knowledge.</p>		
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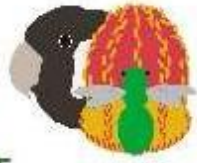
SCHEDULE OF SUBMISSIONS – AMENDMENT TO APPROVED LANDFILL & REHABILITATION OF CLAY QUARRY (USE NOT LISTED); LOT 301 WANDENA RD, LOWER CHITTERING

<p>Submitter in Proximity: 12</p>	<p>I wish to submit my strong opposition to the amendments mentioned in your email (subject 025164720). My property and all the residents on Caladenia Close are within 1000M of the proposed demolition material dumping site at the disused quarry. It is my contention that dumping of any asbestos related material at this site would create an unacceptable risk to people living east / north east of the site especially under the influence of south westerly winds. ANY dust creating activity is undesirable. I feel with the south westerly winds we get most afternoons and the close nature to our homes of this proposed dumping ground, it is disappointing the shire is even considering to allow this.</p> <p>To myself and my fellow neighbours, air quality and property values are important. My family have only moved into this location quite recently and we would hate to see such a beautiful location wrecked by heavy industrial depos and Asbestos dumping sites being allowed for everywhere.</p>	<p>Concerns regarding windborne dust, proximity to residences and property values are noted. These matters are addressed through DWER licensing, which includes ongoing compliance and reporting requirements. The potential for future disturbance is managed through regulatory controls and does not, in itself, render the proposal unacceptable.</p>	<p>The objection is noted. Concerns regarding windborne dust, proximity to homes and local amenity are acknowledged. These matters have been considered in the context of the site’s separation from surrounding dwellings and the continuing role of DWER in regulating any asbestos-related handling and disposal. Property value impacts are not a relevant planning consideration. On balance, the submission does not identify additional planning issues beyond those already addressed in the assessment.</p>
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*Note: Comments are as per original submission received by the Shire.

Appendix 1: Attachment from Submitter in Proximity: 2

Smithson
Environmental
ENVIRONMENT



Environmental Advice:
Landfill & Rehabilitation, Lot 301
Wandena Road, Lower Chittering



Client and Address	WAMIA, Muchea Livestock Centre 121 Lot 5 Muchea East Road Muchea
Local Government	Shire of Chittering
Stage	Advice
Report Date	9 December 2025
SEB Job Reference Number	250130