

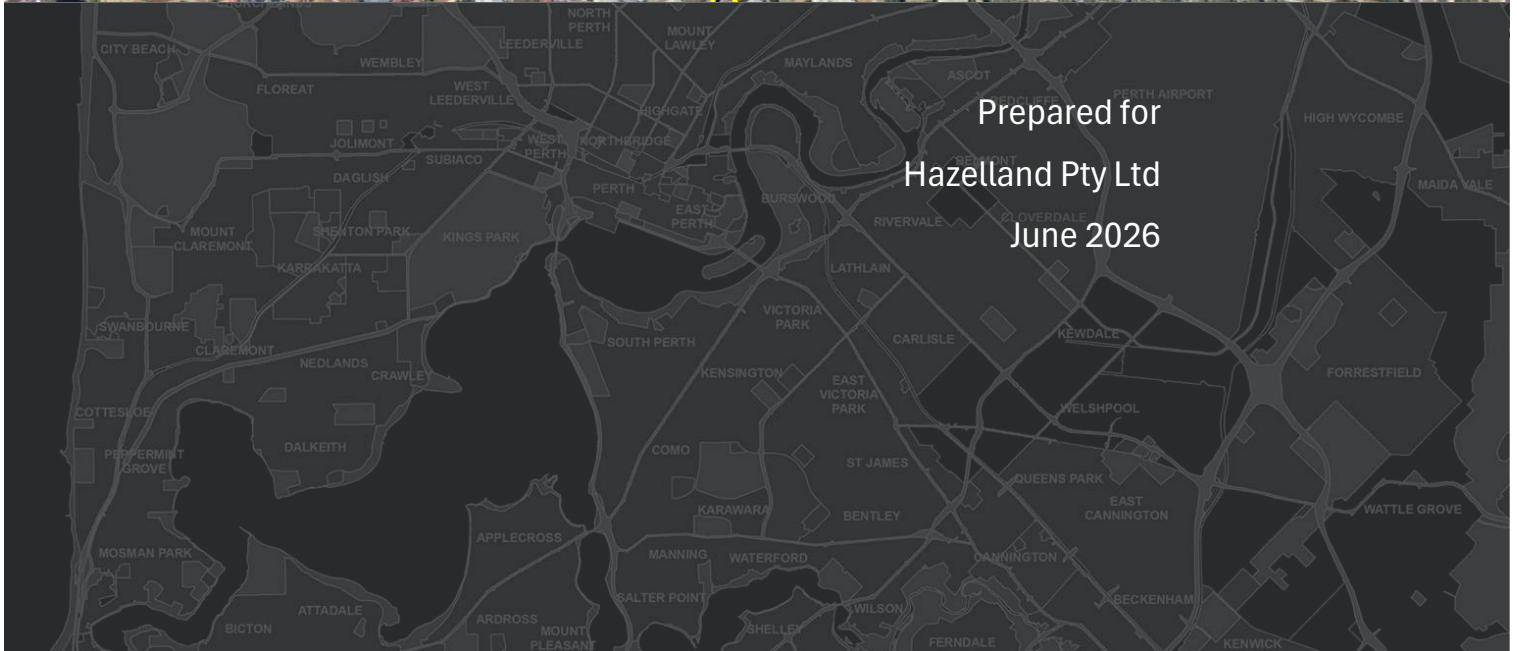
Development Application Report

Earthworks and site contouring
(associated with site remediation)

Lot 20 Adelaide Street
Hazelmere

PLANNING SOLUTIONS
URBAN & REGIONAL PLANNING

PS



Prepared for
Hazelland Pty Ltd
June 2026

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Document Control

Version	Purpose	Date	Author
Rev A	Draft DA report for client review	6 February 2026	JC
Rev B	Revised Draft DA report for project team review	15 June 2026	JC
Rev 0	Finalised DA for lodgement	18 June 2026	JC

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1 EXECUTIVE SUMMARY

Development description	Earthworks and site contouring associated with the containment and capping of contaminated landfill materials.
Zoning	MRS Zone: Urban LPS17 Zone: General Rural
Land use class / permissibility	Not applicable
Approval pathway	Development Assessment Panel
Decision sought	Exercise of discretion to grant development approval
Key planning instruments	<u>Subsidiary Legislation</u> • <i>Metropolitan Region Scheme</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>City of Swan Local Planning Scheme No. 3</i> <u>State planning policies</u> • <i>State Planning Policy 3.7 – Bushfire</i> <u>Local planning policies</u> • <i>POL-C-061 Filling of Land</i>
Other relevant legislation	• <i>Contaminated Sites Act 2003 (CS Act)</i>
Nature of discretion	Development complies with the aims and provisions of LPS3 with all relevant matters to be considered accepted to have been addressed by either this application or environmental approvals processes under separate legislation.
Key discretionary outcomes	• Exemption under <i>State Planning Policy 3.7 – Bushfire</i>
Environmental constraints	Classified as ‘Contaminated – Remediation required’ under the CS Act
Consultation requirements	Discretion of the Shire
Statutory referrals	Clause 58(6) of CS Act – Department of Water and Environmental Regulation

2 PRELIMINARY

2.1 Introduction

Planning Solutions acts on behalf of Hazelland Pty Ltd, the registered proprietor of Lot 20 Adelaide Street, Hazelmere (**subject site**).

The subject site is occupied by a former inert landfill facility and classified as ‘Contaminated – Remediation Required’ under the *Contaminated Sites Act 2003 (CS Act)*. It is a legal requirement that the site be remediated and reclassified under the CS Act before any development can take place.

As a site classified as contaminated under the CS Act, and subject to Hazard Abatement Notice, no remediation works can take place on site without the approval of the Department of Water and Environmental Regulation (**DWER**) and the oversight of an independent Environmental Auditor.

In consultation with DWER and the independent Auditor, a staged method has been selected for the remediation of the site. The three stages are summarised as follows—

- The first stage is focused on levelling and capping the landfill with half a metre of clean cobble keeping contaminated materials in place. This will take an estimated 12 months.
- The second stage involves testing and monitoring to confirm the environmental status of the completed landform and determine what additional controls, if any, are required before the land can be development for an approved purpose(s). This will take approximately 6-12 months.
- The final stage will involve the construction of pavement and built form as a permanent barrier layer over the remediated area to facilitate development.

The changes to the levels of the site as a result of landfill materials being levelled, capped and contained in stage 1 are works requiring development approval under the *Planning and Development Act 2005*.

Planning Solutions has prepared the following report in support of an application for development approval, which has been elected for determination by the Metro Outer Development Assessment Panel.

3 BACKGROUND

3.1 Site history

The subject site contains a legacy landfill site operated under license between 1987 and 1997.

Investigations of the landfill materials have been undertaken in 2006, 2023 and 2024 and confirmed the presence of the following wastes within a silky sand matrix—

“Electrical conduit, PVC piping, concrete, rubber matting, ceramic tiles, carpet, tyres, fabric, foam, wire, rope, flashing, glass, shade cloth, and fragments of asbestos containing materials. Some hydrocarbon-stained materials, and a noticeable hydrocarbon odour was detected in localised waste deposits.”¹

The presence of waste deposited during this time has been identified to a depth of up to 7-8 metres across 85% of the site. The remaining balance of the site to the south and west was undisturbed during the operation of the landfill and contains virgin sand.

We understand that some potential asbestos fragments on the site surface are attributable to illegal dumping following the closure of the active landfill.

3.2 Previous remediation proposals

In 2008, the landfill was acquired by Hazelland Pty Ltd.

Hazelland Pty Ltd initially progressed a remediation proposal from 2013 to 2017 involving the excavation and removal of contaminated materials alongside waste processing activities. The proposed activity received development approval on 22 October 2015, but was **unsuccessful** in obtaining the necessary **works approval** from DWER in relation to the remediation. The proposal was subsequently withdrawn.

A second, more limited remediation proposal was lodged with DWER from 2018 to 2022. Whilst consistent DWER’s preferred methodology, the proposal was reliant on site investigations undertaken in 2006 and did not resolve the uncertainty around potential landfill gas, groundwater conditions and the content of the landfill. Consequently, the proposal was withdrawn to allow for the completion of further site investigation and analysis.

3.3 Moltoni Group

In 2021 the Moltoni Group took control of Hazelland Pty Ltd. We understand that the Moltoni Family have successfully completed many similar remediation projects, including the award-winning Beaconsfield / Salentina Ridge in Western Australia, Gen Fyansford Estate in Victoria, and the New Economy Business Park in Ambridge (Pennsylvania) to name a few.

Following transfer of ownership, the Moltoni Group engaged a new project team to reassess the remediation methodology, incorporate feedback, address community concerns and identify opportunities to shorten timelines and reduce risks.

¹ Letter from the Department of Health to the Department of Water and Environmental Investigation, dated 3 December 2025

3.4 Community engagement

In October 2023, the site owner engaged project communications experts, 361 Degrees Strategic Engagement and Communications to prepare and implement a comprehensive engagement and communications strategy to communicate how the project proposes to respond to the concerns raised in earlier consultations and manage the impacts associated with remediation.

In January 2024, they re-engaged the households immediately adjacent to Lot 20, as well as other key stakeholders including the local member of parliament and local Councillors. Detailed information sheets explaining the remediation methodology were prepared, distributed to households and made available on a new [project website](#)².

This engagement identified key community concerns, summarised as follows—

- Dust and noise levels during construction
- Maintaining air quality and avoiding health impacts from airborne contaminants
- Rubbish from the site blowing onto residential properties once the work starts
- Smells and odours if the former tip is disturbed
- Damage to kerbs and verges by trucks, especially on the corner of Bowen and Adelaide Street
- Management of water runoff to avoid any impact on Hazelmere Lakes
- Lack of understanding about remediation methodology
- Lack of understanding about the kinds of hazardous materials in the landfill
- Opposition to more heavy vehicle traffic on Adelaide Street

Community concerns will be addressed by the environmental approvals process, although a summary is provided elsewhere in this report.

On 9 June 2026, local residents were invited to participate in an online webinar involving project team representatives who provided a briefing on town planning processes, environmental considerations and construction methodologies.

² hazelmerehub.com.au

4 SITE DETAILS

4.1 Land description

Refer to **Table 1** below for the lot details and a description of the subject site.

Table 1 – Lot details

Lot	Deposited Plan	Volume	Folio	Area (m ²)
20	76128	2054	299	17.28

A review of the certificate of title identifies the following encumbrances, relevant to this application—

- **Notification K606823** (26/5/2008) is a Section 70A notification advising that the land is registered under the *Contaminated Sites Act 2003* and also subject to a development approval which contains certain conditions that may require the registered proprietors' compliance. This notification has no direct relevance to this application as it merely duplicates the existing memorials registered under the CS Act and refers to an expired development approval.
- **Memorial L520703** (30/12/2010) under the *Contaminated Sites Act 2003*, which classifies the site as 'Contaminated Site – Remediation Required'. Pursuant to clause 58(6) of the CS Act, this memorial creates a statutory requirement for the decision maker to take into account the advice of DWER prior to the approval of an application under the local planning scheme.
- **Memorial N513447** (19/12/2016) under the *Contaminated Sites Act 2003*, which advises of a Hazard Abatement Notice issued on 9 December 2016. The Hazard Abatement Notice requires the management of asbestos in soils, known to be present on site, and the written approval of DWER before any earthworks can proceed. The site auditor has confirmed that the Environmental Construction Management Plan is currently with DWER for review and approval, in accordance with the requirements of the Hazard Abatement Notice (refer **Appendix 5**).

Refer **Appendix 1** for a copy of the certificate of title and **Appendix 2** for a copy of the associated notifications and memorials.

4.2 Location

The subject site is located at the southern end of the Hazelmere Enterprise Area, with industrial land uses to the north and west, residential housing to the south and a vacant lot to the east.

Refer



Figure 1 aerial photograph.

4.3 Topography

The topography of the subject site has been shaped by historic landfill activities. Landfill occurred predominantly in the centre of the site which reaches a maximum height of 37m AHD whereas non-filled portions of the site have a gentle slope from the south-west corner level of 27m AHD to the southeastern boundary level of 33m AHD.

Refer **Appendix 3** for a copy of the feature survey.



Figure 1 – Aerial figure

5 PROPOSED REMEDIATION STRATEGY

5.1 Current remediation proposal

Abacus Environmental has prepared a Remediation Action Plan (2025) outlining the proposed strategy and methodology for rehabilitating the site, summarised as follows—

- The first stage is focused on levelling and capping the landfill with half a metre of cobble. This will take an estimated 12 months.
- The second stage involves testing and monitoring to confirm the levelled land is suitable for its intended purpose. This will take approximately 6-12 months.
- The final stage will involve the construction of a permanent barrier layer over the landfill to facilitate the development of buildings on the site.

The RAP also specifies the required civil works and environmental and safety controls to be implemented during construction to manage amenity impacts and ensure that there is no risk to human health. Specifically, monitoring and controls are identified for the following—

- Asbestos monitoring to ensure airborne asbestos does not impact the public.
- Dust monitoring at the site boundary and controls to ensure dust does not impact the public.
- Cobble systematically inspected to ensure that the capping layer over landfill materials is not contaminated.
- Sand validation (before excavation and stockpiling) to ensure that sand re-used on site is not contaminated.
- Cap thickness validation to ensure that the final cap achieves a minimum depth of 0.5 metres.
- Noise and vibration controls to prevent nuisance to the public during construction.
- General site safety and environmental controls, including traffic management, odours, storage of equipment, etc.

AEA has reviewed the RAP, and concluded that implementation of the RAP, together with appropriate environmental management and safety controls, will ensure the site is remediated to a condition that is safe, compliant, and suitable for its intended future use (refer to letter from AEA in **Appendix 5**).

The auditor recommends that, following verification and approval of a Construction Environmental Management Plan, the remediation works commence according to the RAP.

5.2 Environmental approvals

For context, a letter from the project's independent Environmental Auditor has been attached (refer **Appendix 5**) confirming the key steps in environmental approvals processes, as follows—

- The site is subject to a Hazard Abatement Notice that requires DWER approval before any earthworks can commence. The proponent has also been directed under Regulation 31(d)(i) and (ii) of the *Contaminated Sites Regulations 2006* to provide a mandatory auditor's report prior to commencement of any remediation works.
- We understand that DWER will grant approval once they are satisfied with the Remediation Action Plan, the Interim Mandatory Auditor's Report (**IMAR**), and a Construction Environmental Management Plan (**CEMP**).

- The RAP has been conditionally approved by DWER on 11 December 2025, with an updated IMAR and completed CEMP lodged in May 2026.

We understand that once the CEMP has been approved, no further environmental approvals are required before the commencement of earthworks on site.

5.3 Relevance of environmental approvals

A letter from the project's independent Environmental Auditor has been attached (refer **Appendix 5**) confirming that *"the environmental management of remediation of this nature should fall under the purview of the audit system"*. In our opinion, this limits the scope of the relevant matters to be considered as part of the development assessment process.

5.4 Site investigations

The current remediation proposal is supported by additional technical investigations undertaken by Thuroona and Pendragon in 2024 and 2025. This included digging 73 new test pits up to a depth of 7 metres to conduct visual surveys and soil sampling.

The investigations were evaluated by an independent environmental auditor, who accepted that the investigations adequately demonstrated that the site was contaminated with asbestos, heavy metals, hydrocarbons and other chemicals, such that remediation is required in order to deem the site suitable for future use and development.

6 PROPOSED DEVELOPMENT

6.1 Development summary

The purpose of the proposed earthworks is to make the site safe by physical rehabilitation of contaminated landfill materials so that it can be used for its intended purpose, and to achieve this in a manner that is protective of workers, future receptors and the local community.

The details of the proposed development are summarised as follows—

- The levelling, compaction and capping of the landfill materials with 0.5m of clean sand or cobble.
- The re-contouring the site to create level, trafficable sites areas stepping up from west to east and setback 42 metres from Adelaide Street.
- The construction of one in three batter slopes around the northern, eastern, southern and western boundaries of the three areas.
- The re-contouring of the land within the Adelaide Street setback to following the natural gradient of the road by maintaining a level difference of 0.5 to 1 metre.

This application does not seek approval for the use of the site. All activity relating to the excavation, levelling, compaction and filling of the land is directly related to the rehabilitation of the landfill site and will cease once the approval has been implemented.

A future development application will be required before any additional works or land use activities can commence. Whilst the proposed contouring of the site is consistent with a future development outcome, further earthworks, including the construction of retaining walls, will be required to facilitate any future development.

Refer **Appendix 4** for a copy of the development plans showing the proposed site levels.

6.2 Construction process and remediation activities

6.2.1 Construction methodology

The proposed construction methodology is set out within the Remediation Action, summarised as follows—

- **Step 1** – Clean, native sand will be excavated from the western portion of the subject site and used to construct a temporary swale along the length of the site, starting from the western boundary and moving east. This swale will be covered with hessian and provide a barricade that minimises dust and noise impacts to residents to the south.
- **Step 2** – All buried waste will be excavated from area to the south of the swale—test pits have confirmed this to comprise concrete, brick, wire, plastic, rubber and cloth and some asbestos containing materials. The materials will be moved north of the swale to create a bund with controls to ensure asbestos containing materials do not impact the public.
- **Step 3** – A 6 metre wide trench will be excavated north of the swale down to the clay. The excavated sand will be used to complete construction of the Step 2 bund. The resulting buffer trench will be backfilled with cobbles generated during the subsequent Step 4.
- **Step 4** – The undulating surface of the subject site north of the buffer will be levelled by pushing landfill material into the trench. During this process, materials are vibrated to separate cobbles larger than 90mm from other fill materials. Larger materials (eg tree stumps and concrete blocks) that are unsuitable for compaction to be removed and stockpiled.

- **Step 5** – Following Step 4, landfill materials will be compacted.
- **Step 6** – The future industrial area of the site will be capped with a cobble and sand layer over the top of compacted landfill materials. Current estimates confirm that there is sufficient clean fill within the site to cap the landfill. In the event that additional fill is required—it will be imported from off-site and vetted by an environmental consultant.

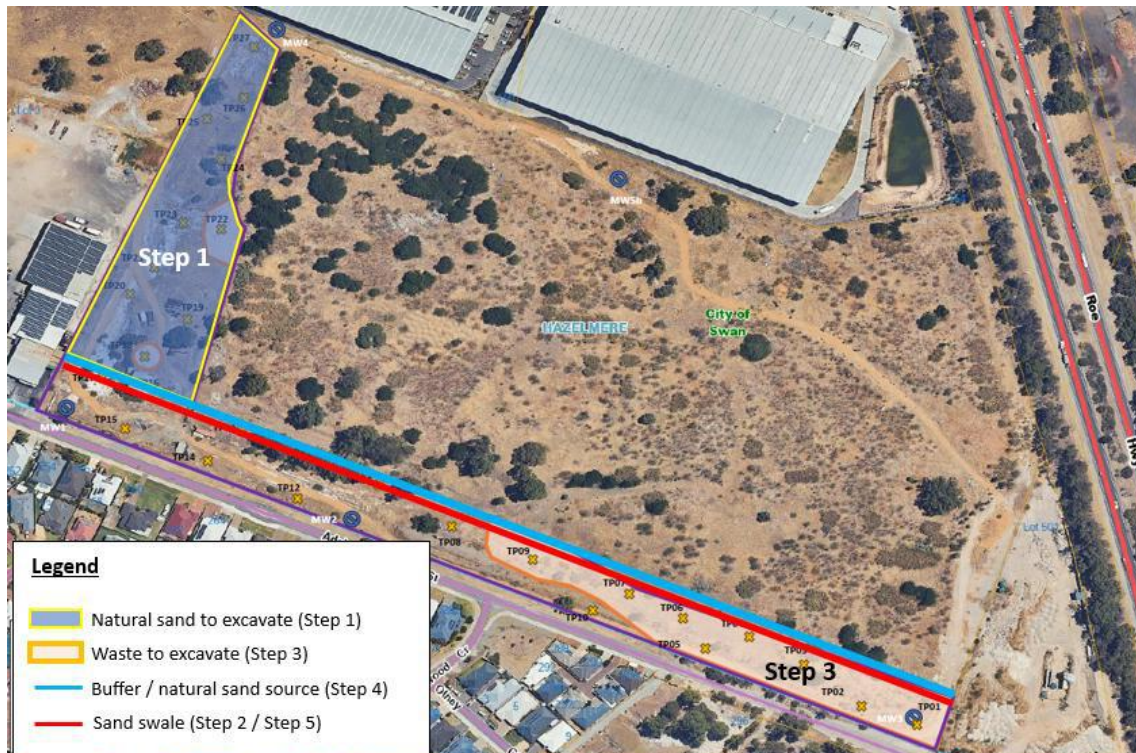


Figure 2 – Illustration of Proposed Remediation Areas and Steps – all locations approximate (Source: RAP, 2025)

6.2.2 Construction management

Any amenity impacts arising from construction activities required to implement a development approval would typically be addressed with a condition of approval requiring the submission of a Construction Management Plan (**CMP**).

On this occasion, a condition requiring the preparation of a CMP is not required given that Construction Environmental Management Plan has already been prepared and will be overseen by DWER and the independent Environmental Auditor.

6.2.3 Access

Access for construction vehicles and machinery will occur from the existing crossover to Adelaide Street in the south-western corner of the subject site. Vehicle movements will be limited, likely involving the following—

- The delivery of six earthmoving machines or equipment at the project outset.
- Up to three deliveries of fuel per week.
- Up to one service vehicle access per month for maintenance purposes.
- Up to four semi-trailer movements per month to remove materials unsuitable for on-site storage.
- Up to eight workers' cars entering and exiting the site per day.

7 STATUTORY PLANNING FRAMEWORK

7.1 Metropolitan Region Scheme

The subject site is zoned Urban under the provisions of the *Metropolitan Region Scheme (MRS)*. The gazettal of MRS Amendment No. 1375/27 transferring the subject site into the Urban zone triggers an obligation on the City to progress an amendment to the local planning scheme to bring the zoning under the local planning scheme into alignment with the MRS. The City initiated *Amendment No. 88* to LPS17 on 18 November 2020.

The subject site abuts land reserved Primary Regional Road (Category 1)—being Roe Highway. Pursuant to the Instrument of Delegation 2022/03, the proposed development application does not include earthworks that have the potential to impact upon the road reserve and therefore the development does not warrant referral to Main Roads.

7.2 City of Swan Local Planning Scheme No. 17

7.2.1 Zoning

The City Swan *Local Planning Scheme No. 17* (LPS17) applies to the subject site. The subject site is zoned ‘General Rural’ under the City of Swan *Local Planning Scheme No. 17* (**LPS17**).

7.2.2 Land use permissibility

The proposed remediation activities are indistinguishable from the construction activities necessary to alter the ground levels of the subject site. Furthermore, construction activity will cease once the site has been recontoured in accordance with the levels plan provided. For this reason the proposed development does not seek approval for the use of the land—only approval for the works required to implement the approval.

7.2.3 Development standards and requirements

The filling, excavation and alteration of ground levels to achieve the proposed site levels falls within the definition of ‘development’ under the deemed provisions and require approval. However, no specific development standards and requirements are applicable to the earthworks under LPS17.

7.2.4 Matters to be considered

Notwithstanding the lack of specific requirements, clause 67 of the deemed provisions requires an assessment of the proposed earthworks against the relevant matters to be considered. This is provided elsewhere within this report.

7.3 Local Planning Policies

7.3.1 Local Planning Policy – POL-C-061 Filling of Land

The City’s *POL-C-061 Filling of Land (Filling LPP)* local planning policy is applicable to the filling and alteration of ground levels within the General Rural zone.

The intent of the policy is for all applications to fill land be justified in terms of the purpose of the fill and against the intent of the zone. An assessment is provided in the following table—

Table 2 – Assessment against applicable provisions of POL-C-061

Policy provisions	Assessment
6.1 All applications to fill land in rural zones and development zones should be justified in terms of the purpose of the fill. The purpose shall then be assessed against the purpose and intent of the zone within which the filling is proposed.	The purpose of the earthworks is to contain the existing landfill including contaminated materials. This is a necessary step in the process of remediating the site to facilitate reclassification under the CS Act.
6.2 Where the proposed filling of land is justified on the basis of a future use or development, which requires further development approval, the Council will generally require that the fill application be considered as part of the application for the substantive development of the land, unless extenuating circumstances dictate dealing with the issues separately.	The proposed earthworks are justified on the basis of the site classification as ‘Contaminated – Remediation required’ under the CS Act. Any future use or development of the site will first require reclassification.
6.4 Council will generally not support the filling of land, which would substantially alter existing surface drainage patterns, unless the application is part of a co-ordinated proposal to manage surface water runoff in a comprehensive manner.	The proposed remediation works will not affect any overland flow paths as none are identified in the District Water Management Strategy (2010) or the CEMP (refer Appendix 6). The final surface will remain unsealed (soil and sand cover rather than hardstand) so the existing surface drainage patterns are not expected to be substantially altered.
6.5 A retaining wall or other type of soil retaining method must be installed where the proposed finished level is more than 1.5m greater than the existing ground level, unless the land is battered at a grade of at least 1:2 (height : length) for sand and clay and at least 1:4 for silt.	All land will be battered at a grade of 1:3. No retaining walls are proposed.
6.8 There is a general presumption against filling of land where the fill material is not clean fill, or comprises waste (including green waste), or rubble, unless no objection to the proposal is received from the Department of Environmental Protection.	The alteration of the site levels involves moving existing landfill waste materials within the site and capping it with 0.5m of clean sand taken from areas outside of the historic landfill area but within the lot boundaries (refer Figure 2 above). The methodology, as outlined in the proposed Remediation Action Plan is supported by the independent environmental auditor, and conditionally approved by DWER, subject to a requirement that a Construction Environmental Management Plan (CEMP) be prepared to the satisfaction of the auditor and submitted to DWER. The CEMP (refer Appendix 6) outlines the soil sampling methodology that will be utilised to ensure that fill soils are appropriate for use on site. This application will be referred to DWER, and their written approval is required before earthworks can proceed (refer Appendix 6) in accordance with the requirements of the Hazard Abatement Notice.

In light of this table, the proposed earthworks are demonstrated to comply with the relevant provisions of the policy and warrant approval accordingly.

7.4 State Planning Policies

7.4.1 State Planning Policy 3.7 – Bushfire

The subject site is identified as bushfire prone by the Department of Fire and Emergency Services (**DFES**) mapping system. *State Planning Policy 3.7 (SPP3.7)* is the overarching policy for land use planning within bushfire prone areas. Section 4 of the policy applies to a planning proposal or development that meets one of the following criteria—

- *results in the intensification of development (or land use); or*
- *results in an increase of visitors, residents or employees; or*
- *adversely impacts or increases the bushfire risk to the subject site or surrounding sites.*

The proposed development is exempt from SPP3.7 as it does not meet these criteria. It involves the modification of the site levels to contain the existing landfill. Following the completion of works the site will remain vacant until the reclassification and lodgement of a future development application. There will not be an increase in visitors, residents or employees following the implementation of this approval.

The temporary works and construction activities associated with the remediation of the subject site and the earthworks do not fall within the scope of SPP3.7 and do not require assessment under the development assessment process.

On this basis, the proposed development is exempt under SPP3.7 and warrants approval accordingly.

8 MATTERS TO BE CONSIDERED

Having established that the proposed earthworks satisfy the requirements of the local planning framework, it is necessary to consider all applicable discretionary considerations, pursuant to Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows—

8.1 Aims and provisions of the local planning scheme

Pursuant to 67(2)(a), the proposed development has been assessed against the applicable provisions of the City of Swan *Local Planning Scheme No. 17*. It has been demonstrated to be capable of approval as a works application. Remediation activities have been identified as necessary construction activity to implement the proposed works and not a specific land use that requires approval within the zone.

8.2 Requirements of orderly and proper planning

Pursuant to 67(2)(b), consideration has been given to draft *Local Planning Scheme No. 240 (LPS240)* and Draft *Local Planning Scheme No. 18*.

LPS240 was initiated 10 June 2026 but has not yet received consent to proceed with public consultation. Draft SA240 proposes to rezone the subject site for industrial development consistent with the Urban zone under the MRS, whilst keeping open the option of a residential interface along Adelaide Street subject to reclassification for that purpose under the CS Act.

Draft *Local Planning Scheme No. 18* has been reviewed and does not propose any changes relevant to the exercise of discretion in relation to this application.

8.3 State planning policies

Pursuant to 67(2)(c), State planning policies have been considered, with none identified as relevant or applicable to the proposed development. An exemption from providing additional bushfire assessment documentation has been claimed under *State Planning Policy 3.7 – Bushfire* on the grounds that the development does not entertain any permanent employment or occupation within the site.

8.4 Local planning policies

Pursuant to 67(2)(g), the development has been assessed against the one local planning policy identified as applicable: *POL-C-061 Filling of Land*. The proposed earthworks have been demonstrated to satisfy the relevant provisions of the policy and warrant approval accordingly.

8.5 Amenity impacts on the locality

Clause 67(2)(n) requires that consideration be given to any amenity impacts arising from the proposed earthworks. Once completed, this application does not propose any further site activity. Consequently, the only potential amenity impacts are those associated with the **construction activity itself**. A CEMP has been prepared to control and manage these impacts, including—

- Traffic
- Dust and air quality
- Noise
- Vibration
- Odours

Given that the CEMP will be approved by DWER under a separate regulatory regime, it is not necessary that this, or a separate Construction Management Plan, be subject to a condition of development approval.

8.6 Impact of development on the natural environment or water resources

Pursuant to clause 67(2)(o), consideration of the risk of the proposed development impacting groundwater and surface water resources is occurring under a separate legislative regime. DWER has considered the groundwater risks associated with the proposed earthworks and supported the proposed remediation methodology, subject to the preparation of the attached CEMP to manage risks.

The subject site does not contain any surface water flows and is undeveloped—meaning that water is expected to be retained on site. Notwithstanding, the CEMP identifies a risk of erosion and sediment transport from disturbed surfaces and stockpiles discharging off-site into drains and nearby properties. It provides controls and procedures to preventing uncontrolled discharge from the site.

Given that a separate regulatory regime under the CS Act and EP Act is administered by DWER, it is not necessary that these management practices be subject to the detailed assessment and approval of the City.

8.7 Potential risks affecting the suitability of the land for the development

Pursuant to 67(2)(q), the primary risks relating to the development of the subject site is likely to be the subsidence of landfill materials. However, this risk is not relevant to the proposed application which proposes only the compacting and capping of landfill materials. Any development of the subject site will require the site to be re-classified under the CS Act as suitable for development and the lodgement of a future development application. This will only occur once additional monitoring has been undertaken to the satisfaction of DWER.

8.8 Potential risks to human health or safety arising from development

Clause 67(2)(r) requires potential risks to human health or safety arising from development to be considered. The 2016 Hazard Abatement Notice identifies a potential risk to human health. This is summarised by DWER's Basic summary of records as follows—

“Due to the presence of asbestos, a Hazard Abatement Notice requires a site-specific health and safety plan to address the risks to the health of any workers undertaking intrusive works at the site and to prevent any public health risk.”

The Hazard Abatement Notice requires DWER's approval before the proposed earthworks proceed. Proposed asbestos controls have been supported by the Auditor's IMAR and conditionally approved by DWER in September 2025, subject to the preparation of a CEMP. The finalised CEMP outlines detailed management procedures and controls necessary to address the risks of mobilising airborne asbestos fibres.

Given that a separate regulatory regime under the CS Act and EP Act is administered by DWER for the management of asbestos containing materials, it is not necessary that these management practices be subject to the detailed assessment and approval of the City. The development is acceptable in terms of risk.

8.9 Traffic, access and delivery arrangements

Clauses 67(2)(s) and (t) requires consideration of the amount of traffic generated by the development, proposed means of access and egress from the site and the arrangements for loading, unloading, manoeuvring and parking of vehicles. The proposed development does not seek any permanent vehicle access points once the earthworks have been completed, and it will not generate any ongoing traffic.

Management of traffic, access and deliveries associated with the remediation and construction of earthworks is appropriately addressed via a Construction Management Plan as a condition of development approval. A draft CMP has been provided in support of this application—inclusive of a Traffic Management Plan. This proposes to access the subject from Adelaide Street for the duration of construction activities. This will cease once the development has been completed.

8.10 Site history

The history of the site as a former landfill facility has been addressed in detail in **section 3.1** of this report. Pursuant to 67(2)(w), the history of the site is a relevant consideration in so far as it identifies the proposed development as delivering a net benefit outcome for the subject site and the area as a whole by minimising the disturbance and exposure of the underlying waste body.

9 CONCLUSION

The proposed levelling, compacting and containment of landfill materials on the subject site is development which is consistent with aims and provisions of the City's LPS17 and applicable local planning framework, specifically—

- The proposed development will minimise the disturbance and exposure of the underlying waste materials.
- Any amenity impacts arising from the remediation process will be managed and controlled to avoid unreasonable impacts on the community.
- The existence of a separate regulatory regime ensuring that asbestos containing materials are managed and controlled confirms the development to be acceptable in terms of risks to human health and safety.

Land use planning has always been about balancing different, often competing, interests. Indeed, the very essence of a sustainable land use planning system, which is the lodestar established by s.3(1)(c) of the PD Act, involves a balancing of environmental, economic and social considerations.³

It is considered the proposal should be favourably determined, on individual merit, recognising the proposal is broadly consistent with the statutory planning framework for the subject site and specific provisions for which a variation has been sought have been sufficiently addressed in this report.

The development application therefore warrants support and approval by the Metro Outer Development Assessment Panel.

³ *Hutchings and Shire of Augusta Margaret River [2023] WASAT 96* at [43]

Appendix 1:
Certificate of Title

Appendix 2:

Notifications on title

Appendix 3: Feature survey

Appendix 4:

Development plans

Appendix 5:

Letter from environmental auditor

Appendix 6:

Environmental Construction Management Plan