

**TG & VM Medlen
PO Box 126
Williams 6391**

Attention: Williams Shire Councillors and CEO,

We have some queries relating to the Concrete Batching plant proposed at Lot 401 (No. 2) Marjidin Way, Williams.

We currently own a concrete business within Williams and have serviced the community for the past 3 decades. We understand that economic competition is not a planning consideration itself however in a community with 1000 people we do believe some consideration to our operation is necessary.

Section 67 of the Planning and Development Act

Section 67 of the Planning and Development Regulations deals with matters that are required to be considered when assessing a development application. Part v) states:

“The potential loss of any community service or benefit resulting from the development other than the potential loss that may result from economic competition between new and existing business.”

The Medlen family currently operate a concreting business but beyond that they have serviced the community in the following ways:

- Donation of concrete to the St Johns Ambulance
- Donation of concrete to the Williams Skate Park
- Donation of concrete to the Williams Primary School
- Donation of concrete and labour to the Tennis Club, Hockey Club, Bowling Club, Footy Club and Cricket Club.
- Donation of equipment and machinery to various community groups and labour.
- Sponsorships to local sporting teams.

Beyond the operation of a concrete business the Medlen family have provided a considerable number of services to the community. The Medlen family have remained in Williams for their concreting business, these services they provided beyond their business would be lost as they would no longer undertake concrete therefore, they would be lost to the community. The approval of the batching plant would render our business unviable for any future operation or resale. Therefore, we believe it is a planning consideration under Clause 67 of the Planning and Development Regulations. One that our Shire and Councillors have failed to consider upon assessing the development application.

There has been an example of planning case law on this matter which found that the threat of economic competition cannot be a planning consideration alone, but it is required to be accompanied by the prospect of an adverse effect upon the extent and adequacy of the facilities available to the community. Can the Shire Councillors honestly believe that the proposed concrete batching plant will donate _____ to the

Ambulance, will they spend their Sunday in town, will they provide concrete to install the football score board? Or the cricket pitch, I do not think so.

Local Planning Scheme & EPA

We believe the purpose of Town Planning is to assess a proposed development to ascertain its impact to the existing amenity and character within a Town. This has not been undertaken within the assessment of the application for the proposed concrete batching plant. Section 4.6 of Williams Local Town Planning Scheme States:

“g) any industry subject to a buffer separation distance to sensitive land uses in accordance with the Environmental Protection Area guidelines must demonstrate compliance with the applicable buffers, or lodgement of a site-specific environmental analysis demonstrating that the use will not negatively impact on the amenity of sensitive land uses to the satisfaction of the Council. In assessing any proposal which does not comply with generic buffer guidelines, Council has the discretion to refer to the EPA for comment.”

The proposed application does not meet the EPA buffer recommendation of 300m – 500m. Has Council received site specific environmental analysis to satisfy a variation in the buffer? Given that a sensitive land use is proposed within a 120m of the proposal did the referral process to the EPA occur in accordance with the Local Planning Scheme? Upon reading the Council Minutes of the 22nd of July 2024 it does not appear that any additional information has been submitted regarding how the development will deal with noise or dust. These are town planning concerns, not just dealt with by the EPA, so why have they not been considered as part of the Development Application process?

Upon reading the Shires minutes, it is evident some councillors identified that the road was not suitable for the proposed use. Traffic, dust, and noise are the major amenity concerns for proposed development. There is no information submitted for the later 2 and the councillors themselves identified potential traffic issues, so how has the current amenity of Williams been considered, how has the impact of this development been considered? Buffers are required to protect amenity, yet these have been waived without any additional information to support it. It does not appear that any regard has been given to the current amenity of the town.

Towns of comparable size surrounding Williams do not have two batching plants as it is unviable. The Shire has failed to assess the impact of amenity from the proposed development, failed to assess the development application under Clause 67 of the Planning and Development Regulations and failed to adequately assess the application under their own Local Planning Scheme. Beyond that, the Councillors have failed to represent the existing business within their town and consider their local families who have served them for the past 30 years, which is truly disheartening.

Queries we have to the Shire:

- Why was Section 67 not considered within the Development Application for the proposed batching plant?
- Why was the application advertised on the website from the 12th of August to the 21st of August (9 days) in lieu of the statutory 14 or 28 days?
- Why has the Shire given its support to a noxious industry within a recommended buffer distance of the EPA, with additional information on noise or dust mitigation measure to warrant a variation to the standard?
- What provisions have been discussed for expansion as this changes the Buffer zone significantly? EPA recommendation attached. (Guidance for assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses)
- The proposed development is a permanent infrastructure therefore its not only here for the wind towers.
- The planning process of this development hasn't been respected in terms of the EPA recommendations process before going to planning, residence in the buffer zones haven't been consulted.

Councillor's Role: As a councillor you are expected to represent the views of the community while making decisions in their interests, demonstrate conduct that the community expects of its elected representatives, and plan and oversee the running of a significant and complex business.

If we were able to respond to this application, we would have explained that we have been in the process of purchasing extra equipment for concrete, with vision to expand.

Regards

Tim, Vicki Medlen