

 9 Brooking St
PO Box 96
WILLIAMS WA 6391

 (08) 9885 1005

 www.williams.wa.gov.au
shire@williams.wa.gov.au

CASHIER HOURS
8:00am - 5:00pm
MONDAY - FRIDAY

XX.XX.XXXX

TG & VM Medlen
PO Box 126
Williams 6391

Dear Tim,

In response to your letter expressing concern about the proposed concrete batching plant for Lot 401 (No 2) Marjidin Way, Williams and our meeting on Wednesday 30 October 2024 I provide the following response;

1. Public Advertising

a. The Shire of Williams apologises that it did not provide the public notice on this matter for the required number of days. As agreed at our meeting the public notice was re advertised commencing the 4 November 2024 to rectify this and the period for public comment will close 4pm 25 November 2024. The advertisement has been placed in The Williams newsletter, on Facebook and the Shire website.

b. You have queried why a sign was not placed at Lot 401 (No 2) Marjidin Way, Williams giving public notice of the proposed development.

Placing a sign on the property or close by is not mandatory. Various local governments, including the Shire of Williams have been exempt from this requirement since 2022, and it is my view that a sign there would not add greatly to public awareness given the limited number of people using Marjidin Way.


c. Two public comments were received following the letters and emails sent to close neighbouring property owners supporting the proposal.


2. Community Contribution

a. The contribution of the Medlen family, its business, and that of yourself to the community over many years is appreciated.

b. You have expressed concern that due attention was not given to the Planning and Development (Local Planning Schemes) Regulations 2015, clause 67 (v).



 9 Brooking St
PO Box 96
WILLIAMS WA 6391

 (08) 9885 1005

 www.williams.wa.gov.au
shire@williams.wa.gov.au

CASHIER HOURS
8:00am - 5:00pm
MONDAY - FRIDAY

Clause 67 (v) states;

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

This clause makes it clear that local government is not to consider potential business competition in making planning determination.

The Planning and Development (Local Planning Schemes) Regulations 2015 does not provide a definition of *community service or benefit*.


Community service in the context of the above Regulations seems to relate to recreation, education, childcare, health services and the like. Such services are not materially impacted by the proposed batching plant.

- c. It is not appropriate that the Shire comment about what a proposed business might do, or not do, in terms of donating to community benefit in the future, and that cannot be a valid consideration in a planning decision.


3. Proposal Impacts

- a. The planning approval consists of three components, an office, a workshop, and a concrete batching plant. The proposed office and workshop do not seem to be in contention.
- b. Concrete batching operations of 100 tonnes or over, are a “prescribed premise” under the Environmental Protection Regulations 1987. As such the concrete batching plant will need a Works Approval and Licence under the Environmental Protection Authority legislation. This legislation specifies offences and penalties for non-compliance. It follows that if the proponent does not evidence the Works Approval and License with any conditions within two years of the Planning Approval being issued then the Planning Approval will lapse.
- c. You have referred to Section 4.6 of the Williams Local Town Planning Scheme which states :
“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



 9 Brooking St
PO Box 96
WILLIAMS WA 6391

 (08) 9885 1005

 www.williams.wa.gov.au
shire@williams.wa.gov.au

CASHIER HOURS
8:00am - 5:00pm
MONDAY - FRIDAY

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."

Council for the Shire of Williams has determined as follows;

- *give in principle support for the proposed office, workshop and concrete batching plant for Lot 401 (No 2) Marjidin Way, Williams, as requested subject to:*
 - a. *the applicant lodging an application to the Environmental Protection Authority for a separate works approval and providing a copy of that to the Shire for its records and consideration.*
 - b. *the required advertising for public comment being undertaken by the Chief Executive Officer, given the proposed reduced front boundary setback from 16.5m to 13.5m for the proposed office/workshop building.*
- *pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for an office/workshop and general industry (concrete batching plant) Lot 401 (No 2) Marjidin Way, Williams, after consideration of public comments.*
- *Council to advise applicant of current road access requirements*

Regarding the Council decision above I advise that the proponent, as of the date of this letter, has not lodged an application with the Environmental Protection Authority for a Works Approval. If the proponent lodges application for the Works Approval and Licence, then it must provide a copy of that to the Shire of Williams. The Shire will then consider the documentation including the site-specific environmental analysis demonstrating that the use will not negatively impact on the amenity of sensitive land uses.


The Shire will, if necessary, request specific EPA comment on potential Works Approval and Licence conditions to mitigate perceived impacts.


It is common that conditions be applied to such approvals and licences.

If the proponent does not gain a Works Approval and Licence to operate the proposed batching plant, then it will not proceed.

- Road Access



 9 Brooking St
PO Box 96
WILLIAMS WA 6391

 (08) 9885 1005

 www.williams.wa.gov.au
shire@williams.wa.gov.au

CASHIER HOURS
8:00am - 5:00pm
MONDAY - FRIDAY

- a. The issue the intersection of Marjidin Way and Narrogin Road not being designed and approved for of Restricted Vehicle Access(RAV) has been known since Marjidin Way was constructed. The Council decision in this respect was to make that clear to the proponent.
- b. It is Councils intent to rectify that intersection so that it is approved for RAV access in order to support a larger industrial area across the 23 hectares of land remaining there that the Shire owns for this purpose.

I trust this letter provides further explanation, albeit that it may not satisfy your concerns.

In closing, I say again that the contribution of your business and family to the Williams community is appreciated, and the Shire thanks you for that. The Council decision and Planning Approval is the start of a process, to give a proponent the opportunity to gain the approvals they need to operate. If they cannot do that then it will not proceed.

Regards



Peter Stubbs
Chief Executive
Shire of Williams

8 November 2024