



8.5.1 COMMERCIAL LEASES ON LOT 300 (FORMER RESERVE 27101) – DENMARK HAULAGE, DENMARK EARTHMOVING & SOIL SOLUTIONS

File Ref:	A1077, A2228, A3123 & A5561
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Lot 300, Mt Barker Rd, Denmark
Disclosure of Officer Interest:	Nil
Date:	27 August 2015
Author:	Dale Stewart, Chief Executive Officer
Authorising Officer:	Dale Stewart, Chief Executive Officer
Attachments:	No

Summary:

This report discusses the potential extension of lease on behalf of two of the lessees occupying portion of Lot 300, Denmark-Mount Barker Rd, Denmark, to tie in with the rights of the third lessee who leases a third portion of the lot.

Background:

Vancouver Waste Services, trading as Soil Solutions, has a lease expiring on 31 December 2015, with an option to extend the lease for a further two year term (at the Lessors discretion) to 31 December 2017.

Their lease comprises 9,804 sqm with an annual rental of \$35,000 plus GST, reviewable on renewal for the purposes landscape supplies, truck and earthmoving storage and greenwaste.

Acecoast Pty Ltd, trading as Denmark Earthmoving, has a lease expiring on 31 December 2015, with no option to renew or extend (it was the balance of a 21 year lease).

Their lease comprises 8,100 sqm with an annual rental of \$17,997 plus GST, for the purposes of earthmoving, storage and operations including transport.

Their current lease has a standard sub-let clause that allows the lessee to sub-let, but requires lessor permission (clause 9.6).

Acecoast have written to Council requesting;

- An extension for a further five years;
- A change to the permitted use to include “concrete batching” and “hydraulic hose repairs”; and
- Option to sub-lease at their discretion.

Avalon Pty Ltd, trading as Denmark Haulage, has a lease expiring on 31 December 2015, with no option to renew or extend (it was the balance of a 21 year lease).

Their lease comprises 3,600 sqm with an annual rental of \$13,230 plus GST, for the purposes of Truck Maintenance/Transport.

With respect to Denmark Haulage, Council at its meeting of 25 March 2014 (Resolution No. 190314), resolved as follows;

“That with respect to Denmark Haulage’s request to extend their lease, Council agree to a lease extension pursuant to Clause 2 of the Lease to the 31 December 2015 noting that Council, at its absolute discretion, may permit a further extension not later than 30 June 2018, subject to the Lessee agreeing to meet the cost of valuation and paying the resultant lease fee.”

Consultation:

The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council’s Community Engagement Policy P040123 and the associated Framework and believes that

apart from statutory advertising, referred to under the heading 'Statutory Obligations', no additional external/internal engagement or consultation is required.

Statutory Obligations:

Pursuant to the Local Government Act 1995, Section 3.58 is required to be adhered to where a local government proposes to lease land not covered by an existing as of right lease entitlement (renewal right) as is the case relating to the requests by Denmark Earthmoving and Denmark Haulage;

9. *Disposing of property*

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

a) *the highest bidder at public auction; or*

b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

a) *the names of all other parties concerned; and*

b) *the consideration to be received by the local government for the disposition; and*

c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

- d) *any other disposition that is excluded by regulations from the application of this section.*

Policy Implications:

There are no policy implications.

Budget / Financial Implications:

The extension of the leases to Denmark Haulage, Denmark Earthmoving and Soil Solutions cases should collectively provide annual revenue of \$66,227, however this would be subject to a new valuation with respect to each lease being obtained (at the cost of the lessees). The Council's 2015/16 Financial Year Budget is premised on receipt of this predicted revenue for the full year (to 30 June 2016).

Strategic Implications:

The report and officer recommendation is consistent with Council's adopted Mission and Vision and assists achieve the following specific adopted Strategic Objectives and Goals.

Employment: ...identify the key economic drivers in the region and develop, implement and advocate for policies that will provide and assist viable and acceptable employment opportunities for residents and ratepayers.

Funding: ...be fiscally responsible and seek to develop both safe income generating assets and the maximisation of external funding, that will benefit the community and assist in meeting its aims and obligations.

Provision of another two year term, as proposed by the Officer, will enable the businesses to continue to operate from their current sites with certainty whilst the Council's Industrial Area planned for McIntosh Road is developed. The development of this precinct is still at least two years away and is subject to rezoning and obtaining grants.

There would appear to be no real commercial value in 'tendering' the sites to potential and unknown 'higher' or 'better' bidders for a two year term when existing businesses have been occupying the sites for many years (up to 21 years), and indeed it could simply serve to undermine the viability of existing long serving lessees and local businesses, employing a number of local persons.

Agreeing to a term greater than two years might undermine the viability of the Industrial Area, with the core tenants proposed to be the existing lessees of the 'service park' site. If the Industrial Area is not ready in two years' time then there would be nothing to stop the Council agreeing to another extension on a case by case basis.

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation.

➤ **Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation.

➤ **Economic:**

Providing certainty to three businesses that employee several local person will provide continued local employment and economic activity associated with their operations. As there is currently no suitable land for the businesses, other than the existing 'service park' site, a continuation of their operation is recommended for at least another two years, until the proposed Industrial Area (and lots therein) is available for subdivision / acquisition.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

➤ **Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That the Council agrees to an extension without advertising.	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
That the Council does not agree to an extension of lease.	Possible (3)	Minor (2)	Moderate (5-9)	Not Meeting Community expectations	Accept Officer Recommendation

Comment/Conclusion:

The Officer has recommended a two (2) year lease extension with respect to each of the leases due for expiry on 31 December 2015.

The lessees would prefer longer – and Denmark Earthmoving have requested a five (5) Year extension.

Denmark Earthmoving (and or its proposed sub-lessee Denmark Concrete Pty Ltd) have also requested consideration of approving the ‘use’ or ‘purposes’ of lease being amended to include ‘Concrete Batching Plant’ and ‘Hydraulic Hose Repairs’. Indeed they have already lodged a development application with Planning Services for the former to occur.

The concrete batching will need to be referred to the Department of Environment Regulation, as it requires a works approval from that Department.

The permission of Council as the landowner for the development application to be lodged, is required and is recommended by the officer. The application will be independently assessed, but dependent upon the granting of the lease extension and subject to planning approval being obtained, which, will no doubt, have conditions associated, if approved. This will be emphasised to the applicant.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

ITEM 8.5.1

MOVED: CR OSBORNE

SECONDED: CR MORRELL

That with respect to the two commercial leases due to expire on 31 December 2015 on portion of lot 300, Denmark-Mount Barker Road, Denmark, Council;

1. Authorise the Chief Executive Officer to exercise an extension of the lease to Soil Solutions for a further two year term to 31 December 2017, should they request it;
2. Honour the principles of its previous commitment to Denmark Haulage pursuant to resolution number 190314, to extend their lease under the same terms and conditions at present, until 31 December 2017, subject to advertising the proposed private treaty arrangement, considering submissions, and seeking a new valuation at the expense of the lessee; and
3. Agree to the principle of a new lease to Denmark Earthmoving, under the same general terms and conditions at present, inclusive of the existing sublet clause, until 31 December 2017, subject to advertising the proposed private treaty arrangement, considering submissions, and seeking a new valuation at the expense of the lessee; and
4. Authorise the Chief Executive Officer, as the landowners representative, to sign the development application by Denmark Earthmoving and or its proposed sub-lessee for the application for planning consent for the proposed 'Concrete Batching Plant' to be assessed.
5. Agree in principle with the Denmark Earthmoving sub-lease subject to planning approval being obtained.

CARRIED UNANIMOUSLY: 8/0

Res: 100915



8th August 2015

Chief Executive Officer
Shire of Denmark
953 South Coast Highway
Denmark W.A. 6333

Att: Dale Stewart.

Dear Dale

Re: Development Application for Concrete Batching and production of Pre cast concrete products 832 South Coast Hwy Denmark

This development application has been lodged by Denmark Concrete Pty Ltd, the parent company of Denmark Mini Mix and Denmark Pre cast Concrete to facilitate the construction of a small scale concrete batching plant as well as the production of pre cast concrete products.

Attached to this development application please find enclosed the following:

- A cheque for \$441.00, being the fee for the lodgement of a retrospective development application with a completion value of \$35000.00.
- A completed development application form;
- Two copies of the site plan and batching plant and associated washdown/water recycling plan for development approval.

Background

In brief the entity of Denmark Concrete was established in 2015 with the view to providing two specific products and services not provided in the town or currently considered to be inadequately serviced. The three directors of Denmark Concrete are all involved in small businesses in the town related to construction and earthmoving.

Critical items of plant and equipment necessary for the batching of concrete and production of pre cast concrete products have been procured and will be used for this development.

As an adjunct to this application we are currently negotiating and working through registration of our plant with the Department of Environment and Regulation.

The intended location of the operation was selected as it facilitated multiple advantages with the current leasee's business, ie earth moving. Equipment as well as raw materials used in the production of concrete and other concrete products are available on site.

With respects to emissions from the plant. Denmark Concrete is committed to and will comply to DER regulations regarding the operation of Concrete Batching and Cement Manufacturing Regulations 1998 (Concrete Batching regulations).

As a result emissions from the operation will be minimal noting that the closest residence is 640 metres away and the W.A College of Agriculture Denmark residential houses are 380m to the north west.



Proposal

This proposal aims to seek approval for the proponents to set up a mobile concrete batching plant in a static mode with the construction of multiple pre cast side walls coupled with positive drainage areas draining into a common salvage sump. (see Appendix 1)

The plant will be constructed in such a way as to comply with DER regulations regarding Cements products and is described in the attached documents.

The standard hours of operation for this plant will be 6.30am to 5.30pm weekdays however on occasions the plant could be used minimally on Saturdays.

There will be no exterior lighting that will illuminate neighbouring properties or general public areas during production times

There will be no public access to the production area.

Access and egress points to the plant will be through the existing crossover which all trucks and heavy earthmoving equipment have utilised for the last fifteen years.

Currently this lot is zoned General Use and concrete batching is a class not listed. However the sites location with respects to surroundings, residents and other uses do not create any conflict with regard to emissions.

Conclusion

This application provides the necessary details for the construction, conduct and compliance of a small format concrete batching plant as well as the format and conduct of a small scale pre cast concrete production business. Council's earliest approval of this is respectfully requested.

Should you have any questions in relation to this application, please do not hesitate to contact myself on 0427 482921

Yours Faithfully,
Denmark Concrete PTY LTD

A handwritten signature in blue ink, appearing to read "Brenden Smith", is written over a faint circular stamp.

Brenden Smith
Director/ Secretary.

Denmark Concrete Pty Ltd

Directors : Brenden Smith, Andrew Finigan, Kenneth Burke.

Postal Address: P.O Box 1119 Denmark W.A 6333

Plant address: 832 South Coast Hwy Denmark. W.A 6333

Absolute location: Plantagenet Loc 6917 and 7327 (Reserve No 27101)

Background Information.

Denmark Concrete Pty Ltd was formed by Andrew Finigan, Kenneth Burke and Brenden Smith in February 2015 with the view to producing precast concrete products and supply of small batch volumes of concrete to the town and surrounding area.

The ethos of the company is very pure and simple “ Keep it Local”. Historically materials and services have been primarily sourced from within the immediate boundaries of the Shire. Due to exterior market pressures and economies of scale a greater volume of product now comes from production facilities outside the town of Denmark. Some of these products can not be feasibly made locally however a greater volume of the market requirement can be effectively serviced from within the Shire with a local production plant such as that which we now propose.

Two Products were identified as “ Materials and Services” that could be produced and provided. (1) Pre Cast Concrete Products and (2) Mini Mix Concrete. These products are required and utilised by the three individual directors of the company in their own day to day local businesses.

Currently, one of these services is provided in the town namely “Pre cast concrete”. We will add another dimension to this service.

The other service, Mini Mix Concrete, is not currently provided locally and we intend to address this market and enhance logistical issues that have not and can not be addressed by the current provider and local Shire i.e. the service of small batch concrete supply to the town. Presently the existing commercial provider of ready mix concrete batches in large 5m³ trucks. This creates many challenges to concrete workers on sites with difficult access, clearance and obstructed entry.

With these two items in mind we are proposing a small scale batching plant/ mini mix delivery and pre cast concrete plant.

Leased area and Requirement.

The production area for the proposed concrete business is at 832 South Coast Hwy Denmark. (See Diagram 1.1, 1:500, Diagram 1.2, 1: 250, Scale Diagram). The entity Denmark Concrete has negotiated potential for a sub lease of a portion of this location.

Plant and Equipment.

(1) Mobile Batch Plant.

Denmark Concrete Pty Ltd has sourced plant from areas throughout WA and gathered equipment that is compliant and has existing certification. The mobile batching plant was sourced specifically due to its compliant OHSA features.

The Gross batching plant is a hopper that is completely mobile and can be loaded with various volumes of aggregate, fines and sand that are constantly weighed within 10kg of each batch.

This material is accurately loaded into the hopper and then discharged in to the agitator truck.

The hopper is fed with the use of a loader with sand, aggregate and fines depending on the required batch needed.

The Batch plant also facilitates the accurate delivery of water volume inclusion for precise desired concrete slump.

The batch plant is electrically driven as is the control system.

(2) Cement Silo.

In the production process the correct mass of cement is dispensed into the agitator truck.

A specifically purchased cement silo is utilised to dispense accurate volumes of cement during the batching process. The cement silo accurately dispenses within a 2 Kg range the required volume of cement for any batch.

The cement is dispatched thru the silo and auger system directly into the down chute of the batching plant and is dispensed together with the other raw materials which creates a downward force that is effectively drawn into the agitator truck.

During this loading process a water atomiser spray in the drop hopper area is incorporated to eliminate any dust that could emerge from the loading zone

(3) Gross raw products.

The gross products required for concrete production are varying sizes of blue metal aggregate, sand and cement.

The Gross raw products are managed thru an existing drained bunted area (Diagram 1.1). All products are kept segregated thru a system of concrete walls and are drained so as not to create waterlogging issues.

During dry and summer months a sprinkler/ irrigation system is installed to ensure dust migration to adjacent areas is kept to a minimum.

Loading of these banded areas is thru normal truck filling process

Cement is delivered to the site via sealed one tonne bulk bags and is stored in an air and water tight container until required.

(4) Pre Cast Concrete Forms and Machinery.

Forms required for the production of concrete products are made of steel and are stored on site. Equipment such as loaders and Skid steer loaders will be used for batching concrete and also for finished concrete product logistics.

The Process.

(1) Loading and Batching

The batching plant is loaded using a large skid steer or articulated loader. The gross products are loaded into the hopper and then discharged. The cement is also discharged into the truck via the silo. At this time the correct amount of water is also introduced to the mix.

The concrete truck is placed under the discharge chute (Diagram 1. 5) to receive the measured raw materials. The truck when loaded is ready for "slumping".

(2) Slumping

Slumping of the concrete load is the act of turning over the mixing bowl rapidly to mix the contents to a homogenous mixture. This is done over a 2 to 3 minute period.

During the slumping process the agitator truck will be situated in the wedge pit area as designated (Diagram 1.3). During this time the truck is washed down of any aggregate, cement or road dirt that may have settled on the truck and body. This wash down material once washed off the truck flows into the wedge pit (Diagram 1.3) to be recycled.

(3) Clean up and Wash down

As per the slumping process, after the truck has dispensed its load either off site or to precast onsite, it is washed down in the slumping area (Diagram 1.3) where the remnant materials are washed into the wedge pit and are subsequently recycled to raw materials.

Any concrete product that has not be used by the client is returned to the batching yard and is used in pre cast concrete products so that zero materials are wasted. Effectively there will not be an issue with disposal of solid concrete waste.

(4) Pouring of Pre Cast Forms

Once the batching process has been completed the truck is directed to the pre cast area for discharge (Diagram 1.2). A portion of the forms are poured directly from the truck and are leveled off and finished. A majority of the products require the use of a skid steer loader and a “Kibble Bucket” to be poured. This kibble bucket is a modified hopper that enables the operator to accurately direct concrete to where it is required in the form.

The forms once poured are finished if a surface is required and then allowed to cure for 48 hours to achieve 65% strength.

After 48 hours all forms are removed cleaned and then reassembled to receive the next load.

The finished concrete products are staked and stored for sale, ready for dispatch.

Design and Physical Properties.

Batching plant.

The batching plant has been purchased with the potential for the fact that it is totally movable and mobile however in this instance we are advocating a static plant.

In the past this plant has been used on a mobile basis on mine sites and was constantly on the move. We are using this plant as a static plant.

The plant is situated on the leased area as per (Diagram 1.1, 1.2, 1.3, 1.4) which indicates levels and elevations. The drainage of the upper and lower loading areas, the loading and slumping areas and the wash down areas.

Primarily three very important issues have and will be addressed.

(1) Waste water

Water is an essential component of the mixture, process and wash-down and will be in regular use. Any discharge of product on private property and consequent wash-down will be at the discretion of the landowner. However every effort will be made to ensure remnant material is contained.

Slumping, and wash-down at the processing plant will take place in the wedge pit (Capacity 3.75m³) wash-down area (Diagram 1.3, 1.4, 1.5 & 1.6) Storm water and loading area run off will also be directed to the wedge pit so that all contaminated water is contained

The area has been designed to recycle all water that is used in these three processes, Loading, Slumping and Wash down.

On all levels, grades and slopes have been designed to direct all water to the wedge pit.

The wedge pit has been designed to enable settled water to be pumped to a holding tank and consequently used in batching and wash down. This will eliminate any water contamination to the environment.

(2) Dust suppression/ minimisation.

The suppression of dust from aggregates or cement is a priority and will be addressed in multiple areas.

The suppression of dust from the aggregates is not an issue during the higher rainfall months but can be in the drier months. To combat this, the aggregates are watered with a sprinkler system in the bunkered areas.

During the batching process it is important for the aggregates to have a degree of moisture as low water content can cause issues with slumping, conversely too much water also causes problems with concrete strength.

The suppression of cement dust is addressed with the use of a dedicated silo that augers the exact volume directly into the downward draught of the other aggregates during loading into the hopper of the concrete agitator. Further to this an atomiser type water sprayer is located above the downward chute to ensure any dust is not released into the environment.

(3) Solid waste

After discharge of the slumped concrete, any equipment that is soiled with either aggregates, cement or concrete are washed into the wedge pit (Capacity 3.75m³). This could be the agitator itself, the batching plant or the slumping and wash down area.

The water is allowed to settle. Usually the settling process is quite quick (approximately half an hour) and the clear water can then be drawn off to the recycle tank (Diagram 1.3). The remaining slurry will be re-used in to the next load of concrete for pre cast. Effectively minimal materials are lost and all materials are subsequently recycled.

Times of Operation

The plant will be operated between the hours of 6:30am and 5:30pm weekdays. Occasionally, the plant may be used on Saturdays,

Access and Egress Points

Entry and exit from the production area will be via the existing heavy vehicle crossover on to South Coast Highway.

Exterior lighting

There will be no exterior lighting

Noise

The batching operation will not increase general noise levels above that which already exist at the current location generated by the existing earthmoving operation.

Marieke de Vries

From: Kylie Smith <ksbnsmith@bigpond.com>
Sent: Thursday, 19 November 2015 6:52 AM
To: Marieke de Vries
Subject: ICR151136618 - Re: Request for Further Information - Retrospective General Industry (Concrete Batching) - No. 832 (Lot 300) South Coast Highway, Denmark (2015/144; A1077)

SynergySoft: ICR151136618

Hey Marieke

Thanks for the email.

-Denmark Concrete will use the existing toilet facility that is at Denmark earthmoving.

-The entity "Denmark Concrete" is purely a phone number at the site and all office work is done at our own home.

-With respects to the parking bays I will come in this morning and delineate the areas on the diagrams.

-Denmark Concrete will use existing bunded areas for the raw materials provided by Denmark Earthmoving.

-Denmark concrete will be employing two part time contract personal.

-All products will be delivered and as a result there is not a need for clients to visit the site.

-All plant and equipment will be serviced at a fully compliant mechanical service centre in the light industrial area in the Shire of Denmark.

King regards Brenden.

On 18/11/2015, at 2:05 PM, Marieke de Vries wrote:

Hi Brendan

As discussed, can you please clarify/provide additional information relating to the following:

- In relation to the proposed sub lease area, can you please clarify which portions of the site you are proposing to share with Denmark Earthmoving beyond the area identified on the site plan as being used solely by Denmark Concrete (i.e. toilets, office, parking, open air storage etc.);
- Mark up parking area on the site plan to be used for staff (and number of staff/parking bays);
- Advise whether customers will be accessing the property (to place orders/pick up products etc.);
- Advise where vehicles/plant equipment will be repaired/serviced as required.

Please do not hesitate to contact me with any queries relating to the above.

Kind regards

Marieke de Vries

Senior Town Planner, Shire of Denmark, PO Box 183, Denmark WA 6333
Phone: (08) 9848 0315 Mobile: 0458 853
029 Email: planner3@denmark.wa.gov.au Website: www.denmark.wa.gov.au

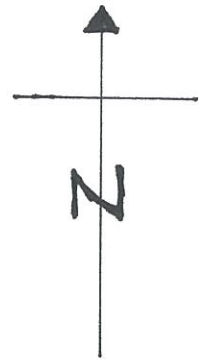
Please consider the environment before printing this email.

Disclaimer:

This email message and any attached files may contain information that is confidential and subject of legal privilege intended only for use by the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient be advised that you have received this message in error and that any use, copying, circulation, forwarding, printing or publication of this message or attached files is strictly forbidden, as is the disclosure of the information contained therein. If you have received this message in error, please notify the sender immediately and delete it from your Inbox. The views expressed in this email are those of the author, and do not represent those of the Shire of Denmark unless this is clearly indicated. You should scan this email and any attachments for viruses. The Shire of Denmark accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this email.

PLANTAGENET LOC 6917

RESERVE No 27101



EXISTING AGGRIGATE STORAGE

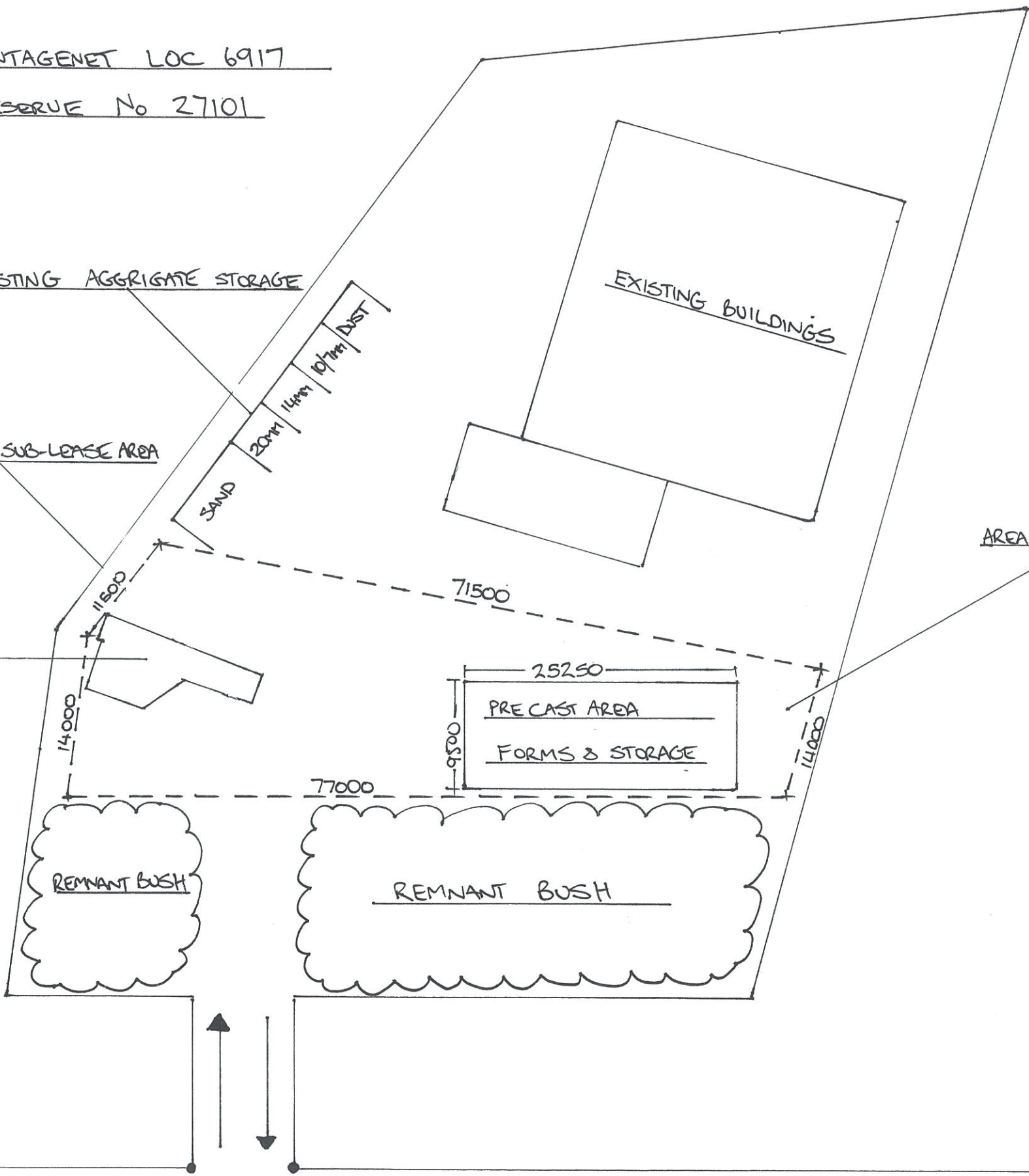
EXISTING BUILDINGS

APPROXIMATE SUB-LEASE AREA

AREA DELINEATED WITH WHITE PEGS

BATCHING PLANT

DENMARK - MT BARKER RD.



PROPOSED DENMARK CONCRETE DEVELOPMENT

SOUTH COAST HIGHWAY

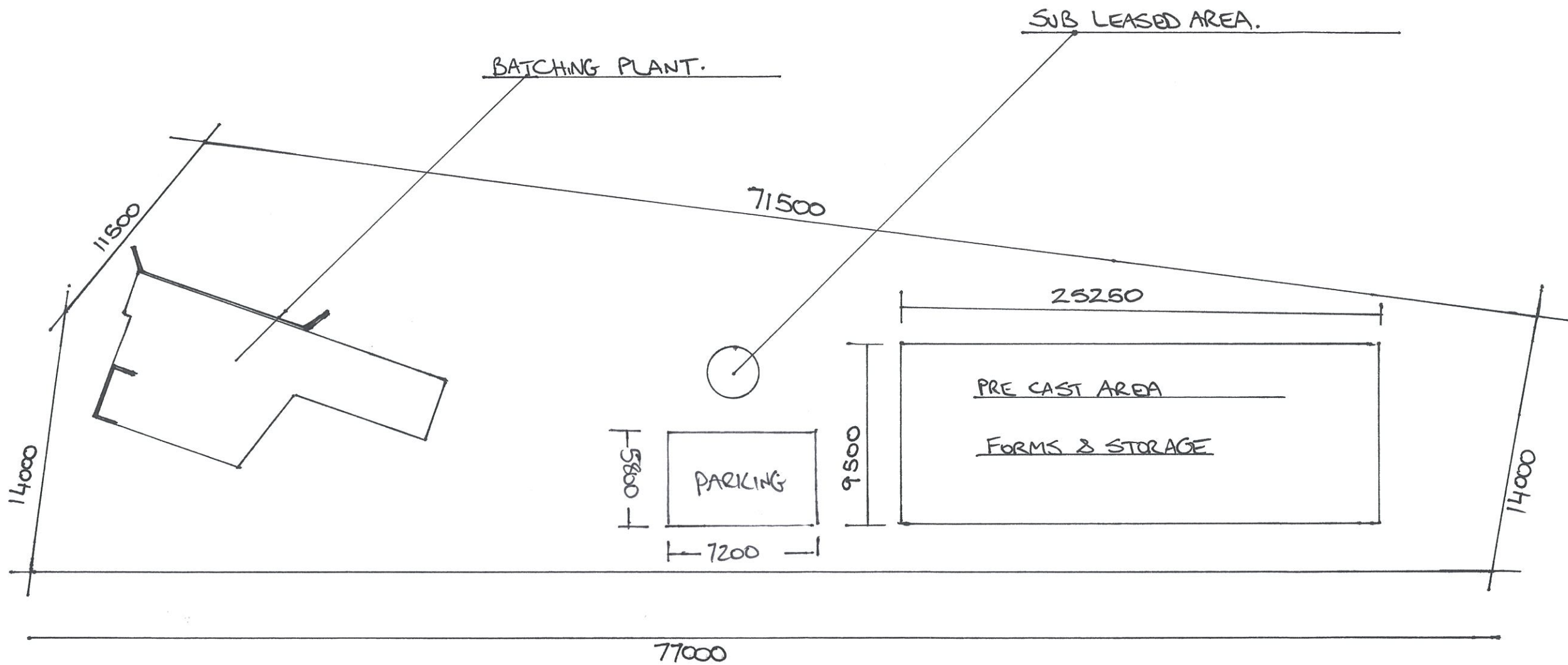
OVERALL SITE PLAN.

DIAGRAM. 1.1

SCALE 1:500

OFFICE COPY

RECEIVED
14 AUG 2013



PROPOSED DENMARK CONCRETE DEVELOPMENT

BATCHING PLANT PLAN

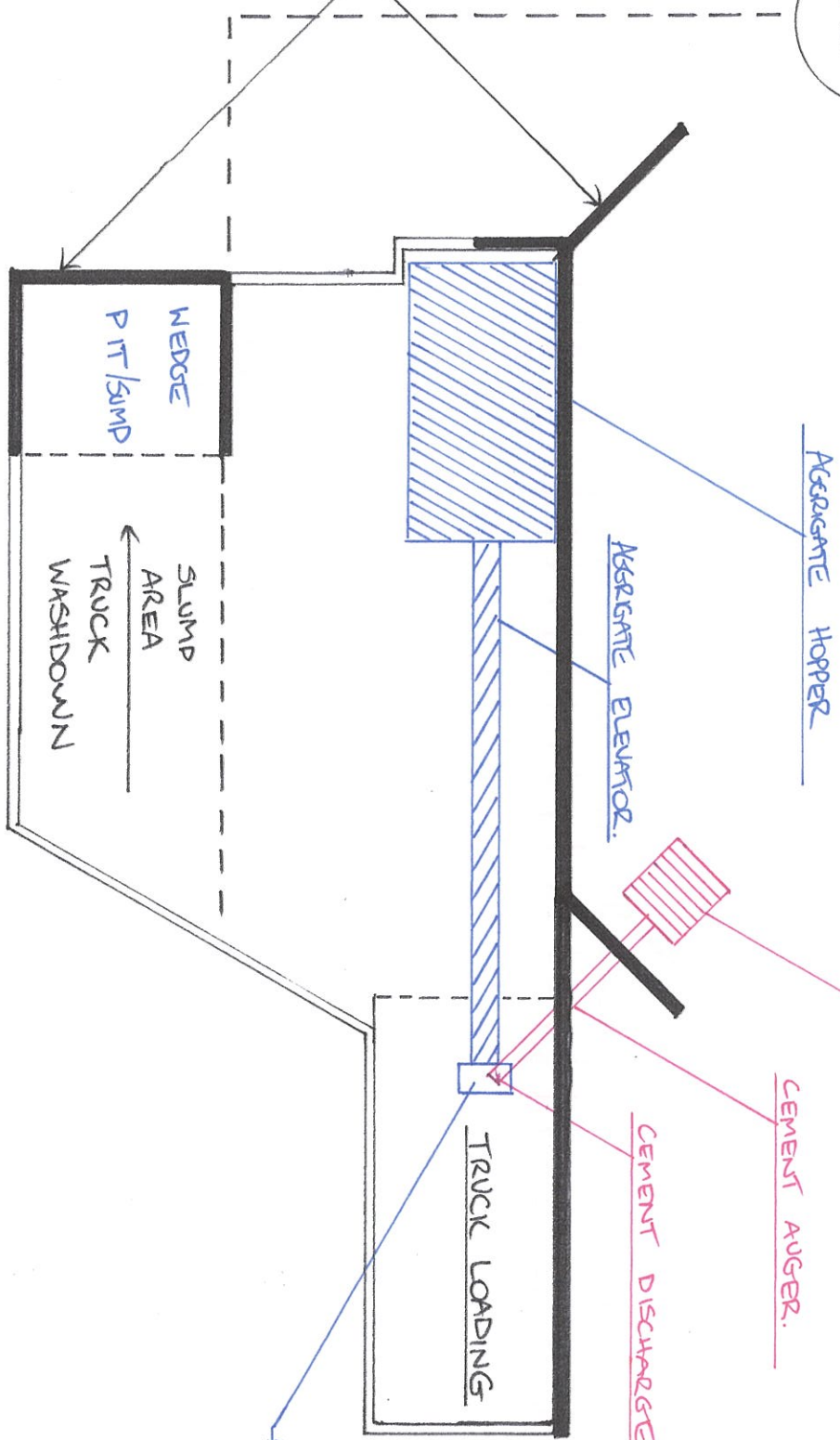
SCALE 1:250

DIAGRAM 1.2

RECEIVED
14 AUG 2013

RECYCLED WATER TANK

PROPIN WALLS RETAINED



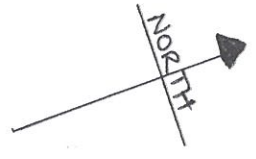
1800 500 2600 1200 4000 1000 1900 5700

PROPOSED DENMARK CONCRETE DEVELOPMENT

BATCHING PLANT PLAN

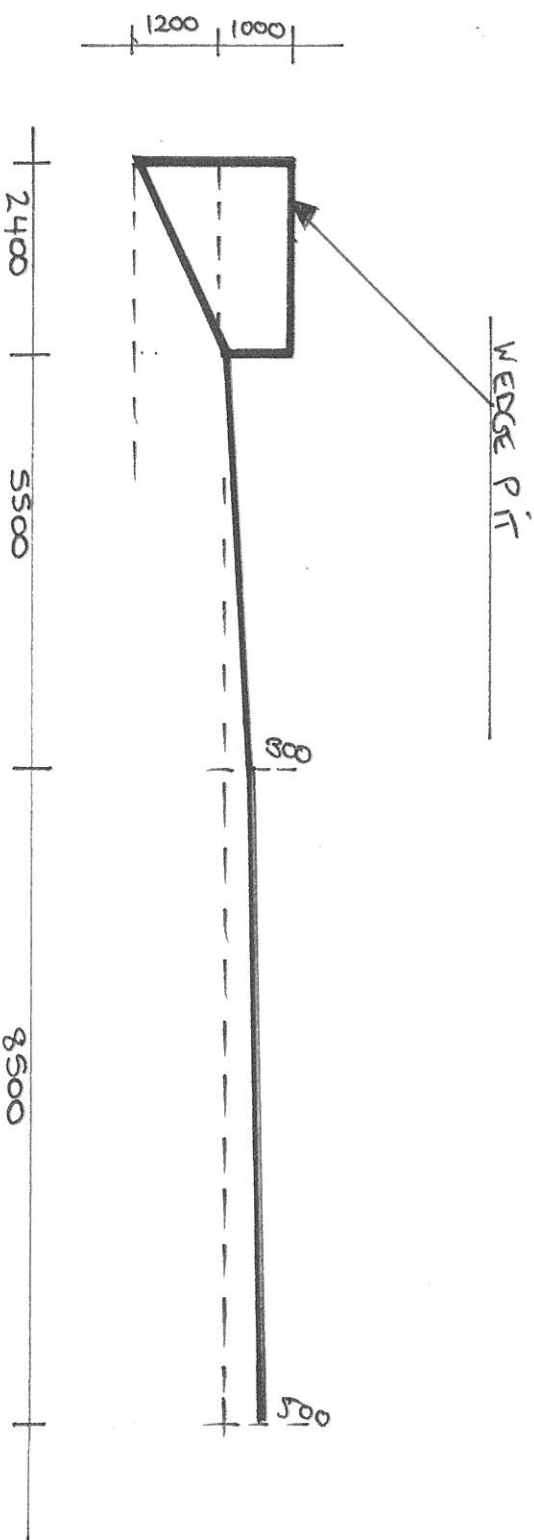
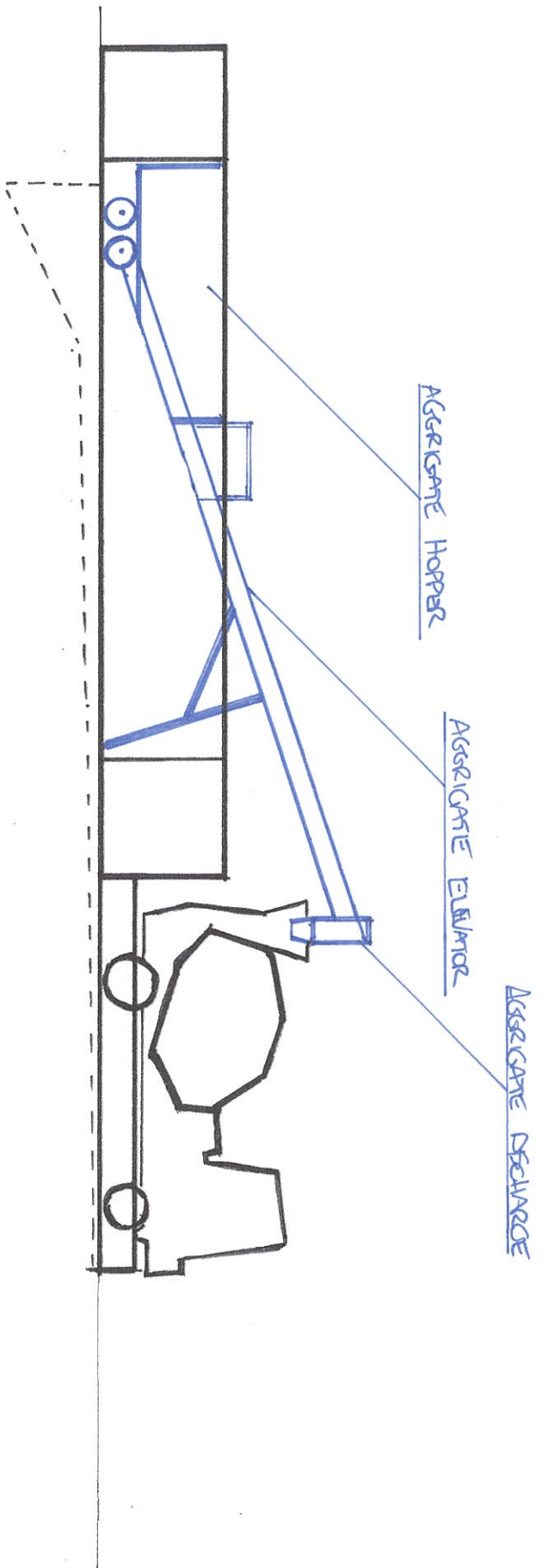
SCALE 1:100

DIAGRAM 1.3



3100 1800 200 2400 1800

RECEIVED
14 AUG 2015

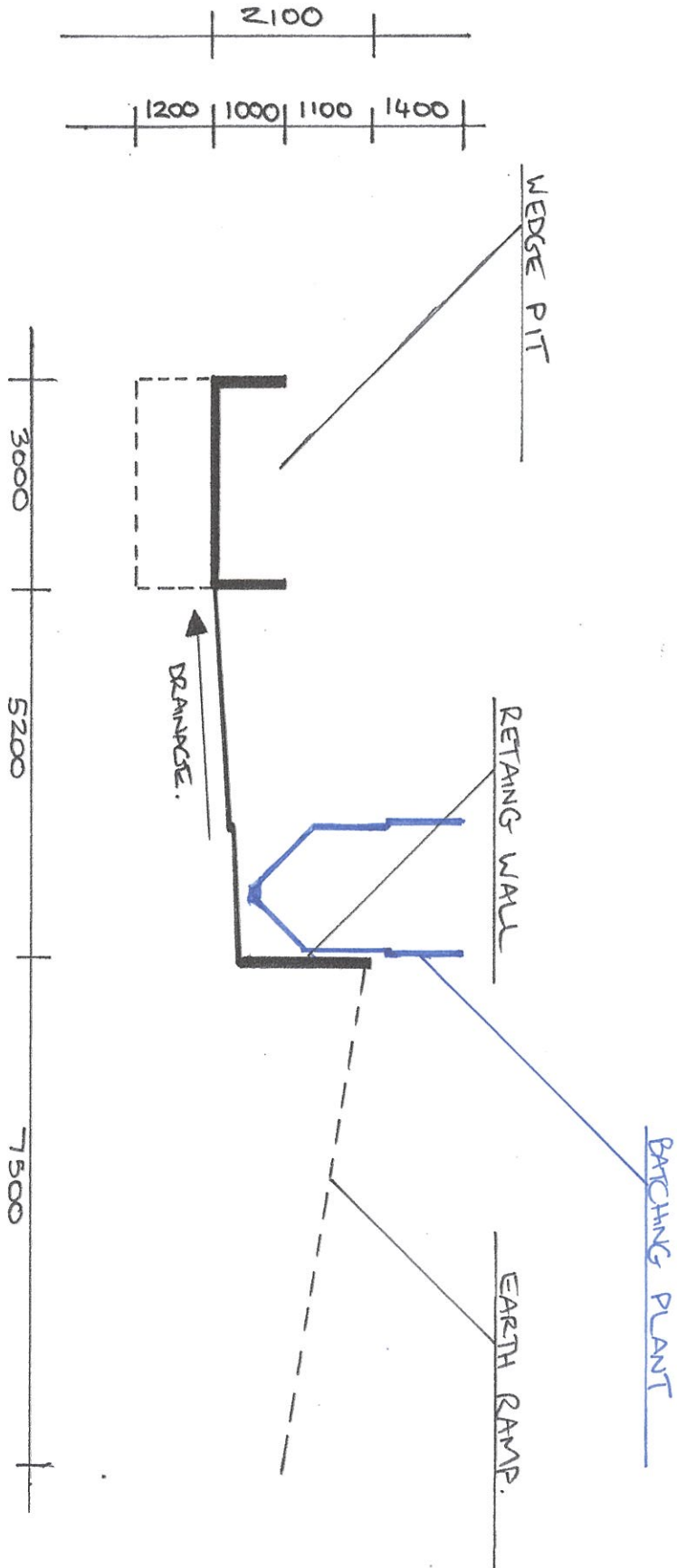


PROPOSED DENMARK CONCRETE DEVELOPMENT

BATCHING PLANT PROGRAM 1.5

SCALE 1:100.

RECEIVED
14 AUG 2015



PROPOSED DENMARK CONCRETE DEVELOPMENT

BATCHING PLANT DIAGRAM 1.6

SCALE 1:100

RECEIVED
14 AUG 2015

**SCHEDULE OF SUBMISSIONS: RETROSPECTIVE GENERAL INDUSTRY (CONCRETE BATCHING) –
NO. 832 (LOT 300) SOUTH COAST HIGHWAY (A1077; 2015/144)**

Submission Number	Name & Address	Verbatim Submission	Planning Services Comment
S1	Main Roads WA	<p>Thank you for requesting a response from Main Roads WA regarding this Development Application.</p> <p>Main Roads WA has previously responded to Edge Planning, Porter Engineering and Landcorp regarding this proposed development.</p> <p>Please find enclosed a copy of that advice [<i>refer attachment below</i>].</p> <p>Additionally please note that Main Roads WA will require that “driveway one” shall be rebuilt to current Main Roads WA standards to a level consistent with the expected use of trucks accessing the site.</p> <p><u>Addendum to Submission – Provided by Email dated 17/11/2015:</u> Thank you for your phone call this morning. I have expressed your arguments concerning this lot with respect to existing leases, sub leases, timing remaining for lease termination and crossed boundaries to my Network Manager.</p> <p>Main Roads WA Policy with Access to a Main Road is: only one access per Lot.</p> <p>There are presently three accesses to the lot.</p> <p>Main Roads only reviews access to its Network under the following circumstances:</p> <ol style="list-style-type: none"> 1. Subdivision 2. Change of Use 3. Upgrade to existing <p>The driveways may remain in place for the present time provided none of the above circumstances affects the lot.</p> <p>Main Roads WA still objects to the concrete batching plant operating from this lot.</p> <p><u>Additional Addendum to Submission – Provided by Email dated 20/11/2015:</u> Per previous advice: MRWA will require the closing of driveway (3) on the South Western Highway if the batching plant is allowed to be commissioned and operated.</p>	<ul style="list-style-type: none"> • South Coast Highway, as well as Denmark-Mt Barker Road, are Main Roads WA controlled roads. Consequently they have the authority/ability to restrict/prevent access accordingly and in this instance they have advised that if the additional use of ‘Concrete Batching Plant’ is granted approval then it is subject to access to the site being restricted to Denmark-Mt Barker Road only (i.e. the current crossover onto South Coast Highway would need to be closed) – noting if usage is restricted to current Denmark Earthmoving operations then the current crossover can remain in place. • In light of Main Roads WA advice, relevant conditions are recommended accordingly to provide for access via Denmark-Mt Barker Road only.

		<p>MRWA will accept the use of driveway (2) for access to the batching plant for a short period only.</p> <p>I believe you mentioned a 2 year temporary lease for the use by the batching plant. This time frame of 2 years would be acceptable to MRWA as a condition of use.</p> <p>In the instance of a vehicular accident at the access, MRWA may close driveway (2), as the safest driveway access is driveway (1).</p> <p>MRWA will review all access to the Lot as the current lease(s) end, with the likely outcome that only one access to the Lot will be allowed into the future.</p> <p>MRWA also notes that RAV 4 trucking may access each of Denmark-Mount Barker Road and the South Western Highway. This limits the size of the loads that may be carried to and from the site.</p>	
S2	<p>Details omitted as per Council Policy.</p> <p>Submitter is an adjoining landowner.</p>	<p>Thank you for your letter dated 29 October 2015 regarding the Development Application Referral for the Concrete Batching Plant at No. 832 (Part Lot 300) South Coast Highway, Scotsdale.</p> <p>The <i>{details omitted by Planning Services}</i> has spoken with the <i>{details omitted by Planning Services}</i>, regarding this proposal who has advised that the <i>{details omitted by Planning Services}</i> objects to the proposed development application for the following reasons;</p> <ul style="list-style-type: none"> • Concerns regarding the dust emitting from the site being blown by winds over the school site. • The site is not an appropriate location for this type of business. • The College had sold land to the Shire which it had been intimated would be used for the development of an industrial site. It was envisaged that this proposed industrial site would accommodate such businesses away from the Agricultural College. 	<ul style="list-style-type: none"> • In relation to dust, it is advised that this is to be managed via a condition of development approval. In the event that the Shire of Denmark is aware of, or is made aware of, the existence of a dust problem, the proponent will be required to manage the issue to the satisfaction of the Shire. <p>It should also be noted that the business will require a Works Approval and Registration from the Department of Environment Regulation to be granted, and dust management will be a requirement of those approvals as well.</p> <ul style="list-style-type: none"> • Lot 300 is currently utilised by Denmark Earthmoving, Denmark Haulage and Soil Solutions. Use of the site for concrete batching plant purposes is considered complementary to the current land uses on-site and can be appropriately managed via development approval conditions and/or Works Approval/Licensing requirements of the Department of Environment Regulation. • It is acknowledged that the Shire has bought land from the Department of Education/WA Agricultural College to facilitate the development of an industrial area. The development of the industrial area is progressing (rezoning documentation is currently being prepared and grants are being sought), however it is likely it will be at least 2 years away before lots are developed and ready for occupancy. <p>Approval to this proposal would be for a short-term</p>

			<p>period only, consistent with the head lease proposed to be negotiated with Acecoast Pty Ltd t/as Denmark Earthmoving for a period of 2 years (expiring on 31 December 2017).</p>
S3	<p>Department of Environment Regulation – Contaminated Sites Branch</p>	<p>The Department of Environment Regulation (DER) has reviewed the information submitted in regard to the proposed development (Application Number 2015/175) of the above-mentioned lot.</p> <p>As per the requirements under Section 58(6)(b) of the <i>Contaminated Sites Act 2003</i> (CS Act), advice is required in regard to the suitability of the land for the proposed development of a concrete batching plant at Lot 300 South Coast Highway, Scotsdale. DER understands that Lot 300 is zoned “public use” under the Shire of Denmark’s Town Planning Scheme No. 3.</p> <p>Under the CS Act, DER classified land at Lot 300 on Plan 46811, as shown on Certificates of Title 2741/297, as <i>possibly contaminated – investigation required</i> on 18 July 2001 and a memorial (reference number L709116ML) was placed on the Certificate of Title.</p> <p>The classification was based on hydrocarbon-impacted soils visually identified to the drum storage area and above-ground fuel storage tanks located in the southern portion of the site.</p> <p>Based on available information, DER has identified that the proposed location of the concrete batching plant is in the south-west corner of the site and approximately 50 metres from the previously identified hydrocarbon-impacted soils. Therefore, given that there is no information to suggest that soils beneath the proposed location of the concrete batching plant are potentially contaminated, DER has no objection to the proposed development of a concrete batching plant at Lot 300 on Plan 46811, and recommends that a contamination condition is not required in this instance.</p> <p>However, given the risks associated with the potential disturbance of hydrocarbon-impacted soil, DER recommends that the following advice note is placed on the development approval.</p> <p><i>“Due to the potential risk of encountering hydrocarbon-impacted soil at the site, a site-specific health and safety plan should be developed and implemented to address the risks to the health of any workers undertaking intrusive works.”</i></p> <p>Please note that this advice relates to potential contamination and acid sulphate soil issues only. If additional advice is required in relation to other factors within the jurisdiction of DER, please contact the Land Use Planning Coordinator on LUP.Advice@der.wa.gov.au.</p>	<ul style="list-style-type: none"> • Noted – advice note has been added to officer recommendation.

S4	Department of Environment Regulation – Land Use Planning	<p>I refer to the letter dated 29 October 2015 from Ms Annette Harbron, Director of Planning and Sustainability, to the Department of Environment Regulation (DER) regarding a planning application for a concrete batching plant at the above location.</p> <p>The referral relates to a facility that is categorised as prescribed premises (Category 778: Concrete batching or cement products manufacturing) as per Schedule 1 Part 2 of the Environmental Protection Regulations 1987 (EP Regulations). As such the Environmental Protection Act 1986 (EP Act) requires a works approval to be obtained before constructing a prescribed premises and make it an offence to cause an emission or discharge, unless a registration (for operation) is held for the premises.</p> <p>The purpose of a works approval is to allow DER to assess the environmental acceptability of a proposal against standards and policies. Works approvals also contain conditions to ensure the premises can operate in an environmentally acceptable manner and that the works themselves do not cause unacceptable environmental impacts. DER assesses proposals for their potential to cause emissions and discharges.</p> <p>I can advise that DER officers have met with the proponent to discuss requirements for applications under the EP Act. However, to date, no application has been received and no specific comment on design aspects can be made.</p> <p>Note also that conditions are not attached to registrations granted under regulation 5B of the EP Regulations. With regard to ongoing management of operations, concrete batching is subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998. It is an offence to operate in contravention of the regulations.</p> <p>Proponents may submit their works approval applications prior to receipt of planning approval. DER will undertake parallel processing of applications, however works approvals may not be granted until such time as planning approval is in place.</p>	<ul style="list-style-type: none"> • Noted – advice note has been added to officer recommendation.
----	--	---	---

Attachment Referenced in Submission 1 from Main Roads WA

PARKER Don (AMO)

From: FLETT Murray (AMO) <murray.flett@mainroads.wa.gov.au>
Sent: Thursday, 10 September 2015 9:56 AM
Subject: RE: Proposed Denmark Industrial Estate & Service Park - attention: Murray Flett
Attachments: D15#491222 Map with Notes on Opportunities and Constraints EP 150719 04....pdf;
HPRM: RE: 15-06-091 - Denmark Proposed Light Industrial Site - Alternati... (132 KB)

Hi Steve

Sorry for the late reply on this one.

We have previously provided comment on Items 1 and 2 in our reply to Brad Harris (attached) concerning the McIntosh Road development.

In relation to Item 3, we have checked the sight lines at the existing three driveways on the Denmark Mount Barker Road (shown on the attachment as One, Two and Three).

- Driveway One is located on top of a crest on Denmark Mount Barker Road and has very good sight distances in both directions.
- Driveway Two has very poor sight lines to the north due to the crest and adequate south.
- Driveway Three has poor sight lines to the north due to the crest and adequate to the south.

The driveway on South Coast Highway has very good sight lines both to the east and west. However, given the close proximity of the left turn pocket on SC Hwy, Main Roads would not support the development of this access.

All access to the development is to be from the Denmark Mount Barker Road at driveway one (as shown on the attachment).

The reasons for this include;

- There are suitable turn treatments in place at the intersection of SC Hwy/Denmark Mount Barker Road to provide safe turn movements for all vehicle types.
- Eliminates having an access (including possible turn treatments) at the start of the left turn pocket on SC Hwy.
- Traffic volumes on Denmark Mount Barker Road are significantly lower than on SC Hwy.
- Traffic speeds are lower on Denmark Mount Barker Road than on SC Hwy (60km/hr compared to 90km/hr)

Predicted traffic volumes generated by the development will determine the requirements for any intersection treatments at this access.

Regards

Murray Flett

Asset Management Officer
Great Southern Region
Metropolitan and Southern Regions
p: 08 9892 0549 m: 0427 088 586
w: murray.flett@mainroads.wa.gov.au



mainroads
WESTERN AUSTRALIA



METRO
TRAFFIC



REGIONAL
TRAFFIC



f in



CONTEXT, OPPORTUNITIES AND CONSTRAINTS

Lot 300 South Coast Highway
Scotsdale
Shire of Denmark

NOTES

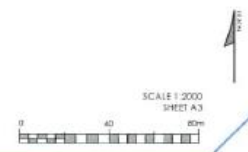
1. Leaseholder Denmark Earthmoving
2. Leaseholder Denmark Haulage
3. Truck breakdown area
4. Significant vegetation buffer
5. Sale yards / cattle holding pens are vacant.
6. Land owned freehold by the Shire with land currently leased to haulage and earthmoving businesses.
7. The site is classified as a Bushfire Prone Area.
8. The site generally slopes from the north-west to the south and there is a significant drain in the South Coast Highway reserve.
9. Lot 300 is referenced as 'Possibly Contaminated - Investigation Required.' Remediation will be dependent on what land uses are proposed.
10. South Coast Highway and Denmark Mount Barker Road are State roads.
11. Speed zoning adjoining the site is 90kph on South Coast Highway and 110kph on Denmark Mount Barker Road.
12. There are currently 3 crossovers to the Denmark Mount Barker Road. There are opportunities to rationalise this to 1 or 2 crossovers subject to detailed design including providing access to customers and to service vehicles.
13. The existing crossover to the South Coast Highway has good vehicular sight distances and could be retained.
14. The proposed service park will complement but not compete with the Denmark town centre. Expected uses are service and rural related businesses that require large areas for the delivery, handling, display and storage of products.
15. The site is within close proximity to Denmark, is gentle sloping, it has considerable passing traffic and has ample space for service vehicles and customer parking.
16. Most vegetation will be conserved given the site is an important gateway into Denmark, there is a need to conserve Denmark's character and the vegetation has environmental values. There is however expected to be a need for some clearing and thinning to accommodate development and provide filtered views into the site to assist with commercial feasibility.
17. The truck breakdown area and sale yards will in time be removed from Lot 300 and relocated to appropriate alternative sites.
18. There is a need for appropriate servicing which is responsive to site conditions.
19. Signage needs to be effectively located, designed and controlled.
20. Soil Solutions (landscape suppliers).

- SUBJECT LAND
- 303 EXISTING LOT DETAILS
- CONTOURS
- OVERHEAD POWER LINE
- UNDERGROUND WATER PIPE
- EXISTING CROSSOVER

REV	DESCRIPTION	BY	DATE	APP'D
B	ADDITIONS	150819	SJ	ST
A	BASE PLAN	150729	SJ	ST
REV	DESCRIPTION	YVMKDD	DRAWN	APPRV

edge
PLANNING PROPERTY
Edge Planning & Property
118 High Street, Albany, Western Australia 6172
PH: 08 9422 4444
WWW.EDGEPLANNING.COM.AU
E: info@edgeplanning.com.au

DRAWN: ISSUED: RPB
EP 150719 04 B



SCALE 1:2000
SHEET A3