

Our Ref: 21897 – 20191218 – SJ

22 January 2020

Heather O'Brien
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Via email: hobrien@sjshire.wa.gov.au

Dear Heather

**PA19/764 – PROPOSED TRANSPORT DEPOT
LOTS 598 & 599 KARNUP ROAD AND LOT 597 WALKER ROAD, SERPENTINE**

Reference is made to a meeting held on 5 December 2019 at the Shire of Serpentine-Jarrahdale offices to discuss the above Development Application. It is understood that as a result of this meeting, the Shire require additional information on a number of matters prior to making a favourable recommendation to Council. This letter has been provided to give clarity on each of the matters raised, each as discussed at this meeting.

DETAILS OF PRODUCTS

This application proposes the transportation and occasional overnight storage of low-grade explosive products. The types of product stored are Class 1.4s detonators, in accordance with the *Australian Standard 2187.1*. There are 2 main types of detonators which Blast-Tech import, as pictured in **Figures 1 & 2 (overleaf)**. These detonator products are used to sequence blasts and to initiate other high explosives products. These 1.4s detonators are packaged in a way that they are deemed safe enough by regulations to be transported on passenger aircrafts. Class 1.4s detonators will not sympathetically detonate, which means that if one explodes, it will not set off any others. This also means there is no likelihood of a mass detonation.

OPERATIONAL DETAILS & LEGISLATIVE REQUIREMENTS

This Application proposes the subject site to be developed as a 'Transport Depot' for use by Blast-Tech Australia. Blast-Tech is an importer of explosives products that are used in the mining and construction industries.

Blast-Tech Australia receive shipments approximately once a month (of approximately 30 – 60kg of Class 1.4s product) transported in retrofitted shipping containers prepared in accordance with the Australian Explosives Code (AEC). It is proposed to transport the container to the subject site to be stock checked, audited and loaded for final delivery (i.e. sorted to reflect final destination orders). These products are then transferred to the Blast-Tech purpose-built rigid vehicle for transport to their final destination. The transfer of goods between vehicles is required to ensure the safest possible transportation of the material, ensuring a responsible and appropriate chain of custody and safety for all employees.

This development includes the following built features:

- Construction of a new, purpose built storage facility with an area of approximately 140m², located to the rear of an existing shed; and
- The formalisation of an existing driveway traversing Lot 599, and extension to the proposed storage shed including surrounding hardstand.

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Ordinary Council Meeting - 15 June 2020

PS 536019



FIGURE 1 - DETONATOR
110mg – Net Explosive Quantity
Used to sequence blasts



FIGURE 2 - DETONATOR
720mg – Net Explosive Quantity
Used to initiate other high explosive products (Not distributed by Blast-Tech)

The storage facility is required by the Department of Mines, Industry Regulation and Safety (DMIRS) to ensure products are safely stored in the event of a delay in transport (i.e. scheduling, vehicle maintenance). Generally, where possible, the product will be transported to the site, palletised and reloaded into the purpose built rigid vehicle and driven to their final destination within the same day.

The operational activity will be governed by the DMIRS in accordance with *Dangerous Goods Safety (Explosives) Regulations 2007* and *Australian Standard 2187.1*, which determines the amount of product able to be safely stored on site depending on the distance to the nearest uncontrolled boundary (i.e. adjoining properties not owned by the Proponent). The separation distances are conservative distances calculated based on a worst-case emergency event, which is scientifically calculated to ensure that no land outside of the Proponent's land would be impacted.

The closest uncontrolled boundary, as illustrated on the Development Plans and within the Development Application Report, is 222.6m to the north from the edge of the proposed storage unit. This distance permits the safe storage of a maximum of approximately 2000kg of product and will be reflected on the forthcoming DMIRS license. It is noted that each incoming shipment of products equates to approximately 30 - 60kg per container, confirming that the proposed separation to neighbouring landowners is more than adequate for the quantity of product proposed. In any event, the amount of product on site would not be permitted to exceed the maximum amount as determined by the separation distance.

Each stage of the transportation process requires a license (i.e. License to import, License to sell, License to Store (following DA) and License to Transport). Further, each of the storage vessels (incoming sea container, storage facility and rigid truck) are required to be constructed to the standard set out in *Australian Standard 2187.1*.

The landowner advises that the site will be visited every day in any case to:

- a) Monitor the facility (staff or covert security); and
- b) Continue the operation of the rural activities already occurring on site (attending to horses).

Security measures are also set out within the *Australian Standard 2187.1* and governed by DMIRS throughout the Licensing, Building Permit and Auditing processes.

Storage of product requires the following methods to ensure complete security:

- Construction of the storage unit ('magazine') to the standard of AS 2187.1 – including solid steel construction and one operational opening only.
- Construction of a security fence around the magazine including lock and key, barbed wire and chain mesh construction.
- Live monitoring of the site by security cameras.

The Proponent has advised that it is their standard practice to conduct security patrols to monitor the site throughout the day.

LAND USE CLARIFICATION

The Shire of Serpentine-Jarrahdale have raised concern about the correct land use classification applicable to the proposed operation of the site, citing 'Warehouse' as a more appropriate land use. This submission seeks to provide supporting rationale as to the reasons it is more appropriately classified 'Transport Depot' with incidental storage, in lieu of a 'Warehouse'.

The definition of a Transport Depot is set out in Appendix 1 of the Shire's TPS 2 as follows:

"Transport Depot - means land or buildings designed or used for one or more of the following purposes:

- a) *The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.**
- c) *The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above."*

This application proposes the following operational activity:

- The transport of material from the Fremantle Port to the subject site, in a retrofitted sea container;
- The transfer of goods from the container to a purpose built explosives truck at the subject site;
- The transport of material to private customers throughout the state; and
- The occasional storage of material in a purpose built facility when unable to complete delivery to the final destination on the same day.

The predominant purpose of this facility is to provide a safe and responsible location to undertake the transfer of explosive material from one vehicle to another to improve the chain of custody of this material. The incidental storage component associated with this application is merely a contingency, required by the DMIRS as part of licensing, to ensure that product is able to be safely stored in the event of any delay to delivery.

It is therefore considered that the proposed development can be appropriately classified as a 'Transport Depot' with incidental storage in accordance with the definition set out in Appendix 1 of TPS 2, for the following reasons:

- The subject site will be used to park the purpose-built rigid vehicle in between deliveries;
- It is proposed that the subject site would be the location in which the transfer of goods occurs (from one vehicle to another);
- The incidental storage of product would only occur in extreme circumstances which prevent same-day delivery; and
- In these extreme events requiring storage, a single shipment only (30 - 60kg) would be required to be stored, usually for less than a week (but more likely being overnight).

Reference is also made to the Shire of Serpentine-Jarrahdale's draft Local Planning Scheme No. 3 (LPS 3), which introduces a new definition for 'Transport Depot', generally consistent with the Model Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*. This definition incorporates ancillary storage of goods, hence recognising is an inherent component of this type of land use, which is consistent with the proposed development. It is further noted that 'Transport Depot' remains an "A" use in the Rural zone within the draft LPS 3.

OBJECTIVES OF THE RURAL ZONE

The stringent legislative safety requirements set by DMIRS for this product, in terms of achieving the required separation distances, it is most practical and appropriate to accommodate this particular land use within a 'Rural' zone. A large landholding in the order of at least 100ha is required to accommodate the necessary separation distances set out in *Australian Standard AS 2187.1* to achieve the safety buffer within land completely in control of the Licensee (controlled area). Whilst lots of sufficient size occur in the 'Rural' zone, locating this land use within an industrial estate would effectively 'sterilise' the industrial area, and be an underutilisation of 'Industrial' zoned land.

The proposed development has been prepared having regard to the property zoning, being 'Rural' in accordance with the Shire of Serpentine-Jarrahdale TPS2. The purpose and intent of the 'Rural' zone is set out in Clause 5.10.1 of TPS 2 as follows:

"To allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."

The activities that are being proposed ('Transport Depot') are an SA use in the Rural zone; implying that this use, at some scale, is considered appropriate within the zone. The proposal is entirely consistent with the purpose and intent of the 'Rural' zone, given the minimal on-site activities (approximately four truck movements per month). All of the proposed physical development is minor in nature and concealed from surrounding lots and public roads by existing infrastructure. The proposal readily satisfies the setback requirements from all of the site boundaries required under TPS 2.

The actual development and use of the site is limited to the proposed purpose-built storage unit (140m²), a new hardstand and an extension to an existing driveway. The remaining land is included only for the purpose of achieving a compliant separation distance to adjoining neighbours and will retain its current rural infrastructure and equestrian land uses.

Significantly, the existing 'Rural' (equestrian related) activities occurring on site will continue to operate as the predominant use on site, and the approval of this application in no way diminishes the ability of the landowner to retain rural capacity of either the subject land or the surrounding rural landholdings. Rather, the proposed use is of a scale and type which can operate in a manner that is entirely complementary to the existing rural (and predominant) land use.

This application for development approval represents the first step in a comprehensive approval and licensing process; with detailed subsequent stages including building permit and premises licensing with DMIRS.

BUSHFIRE MANAGEMENT PLAN

The Development Application and its supporting Bushfire Risk Management Plan (BRMP) were referred to the Department of Fire and Emergency Services (DFES) for comment in August 2019. Comments were received from DFES in November 2019, requesting various amendments to the BRMP and clarification of the proposal. The following table represents the Applicant's comments on each of the matters raised by DFES.

DFES COMMENTS	ACTION	EMERGE RESPONSE
The photo points should be marked on an aerial map. The BMP states that the photo points are marked on Figure 2, however there are no photo location points marked.	Modification to the BMP is required.	The BMP has been updated, to include the photo points which were erroneously left off the initial map.
It is unclear if the site is appropriately licensed as an explosives facility with the Department of Mines, Industry Regulation and Safety (DMIRS) and that the Shire's Bushfire Brigades are aware of the potential for explosives to be held on the property. DMIRS should confirm that one of their accredited consultants has assessed the compliance of the facility with explosives legislation and relevant standards.	The decision maker to be satisfied.	This detail is not relevant to the BMP, and therefore no response has been provided within the BMP. The client has had preliminary advice from DMIRS; however there is an inability for a formal application to store products to be submitted until after DA stage/pre building permit stage. The client currently have current licenses to sell, transport and import explosives. Storage would require an additional license (Post DA approval).
The BMP states that 2 x 25,000L are available for firefighting purposes. It is unclear if these tanks are dedicated for firefighting purposes or if they are dual-purpose tanks. The tanks are required to be dedicated for firefighting purposes. Further, one of the tanks is serviced by a well, there is no guarantee that this is a permanent and secure water supply.	Modification to the BMP is required.	One of the tanks will serve as a dedicated firefighting tank, whilst both of them will be vested in the Shire of Serpentine Jarrahdale for firefighting purposes. As included in Table 8 of the BMP, the proponent will ensure that the tanks are maintained at full capacity at all times, however does not preclude them from using the tanks in any other situations should the need arise.

TABLE 1 – APPLICANT RESPONSE TO DFES COMMENTS

CONCLUSION

Based on the responses provided above, as well as the supporting studies attached, it is now considered that this Application is capable of the Shire's technical officer's support, and ultimately, positive recommendation by the Council. This submission, as with previous submissions, has demonstrated the legislative environment that ensures the regulation and safety measures are implemented, maintained and overseen. It is considered that this low intensity operation will offer positive benefits to the Shire of Serpentine- Jarrahdale and is an appropriately located site for the proposed use.

Yours sincerely



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APPLICABLE LEGISLATION

- Australian Code for the Transport of Explosives by Road and Rail - 3rd edition (“Australian Explosives Code”)
https://www.safeworkaustralia.gov.au/system/files/documents/1702/australian_code_transport_explosives_road_rail_3rd_edition.pdf
- Australian Standard 2187.1-1998 Explosives – Storage, transport and use (“AS 2187.7-1998”)
<https://www.standards.org.au/standards-catalogue/sa-snz/manufacturing/ce-005/as--2187-dot-1-1998>
- Dangerous Goods Safety Act 2004
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_27595.pdf/\\$FILE/Dangerous%20Goods%20Safety%20Act%202004%20-%20%5B01-e0-04%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_27595.pdf/$FILE/Dangerous%20Goods%20Safety%20Act%202004%20-%20%5B01-e0-04%5D.pdf?OpenElement)
- Dangerous Goods Safety (Explosives) Regulations 2007
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_42105.pdf/\\$FILE/Dangerous%20Goods%20Safety%20\(Explosives\)%20Regulations%202007%20-%20%5B02-q0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_42105.pdf/$FILE/Dangerous%20Goods%20Safety%20(Explosives)%20Regulations%202007%20-%20%5B02-q0-00%5D.pdf?OpenElement)