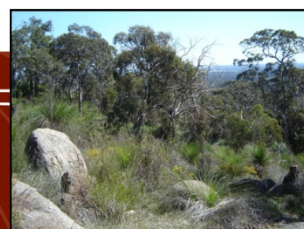


# Special Council Meeting

Minutes for Monday 12 June 2017

**UNCONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.00pm, welcoming Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Michael Fernie		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

##### Members of Staff

Rhonda Hardy		Chief Executive Officer
Natalie Martin Goode		Director Development Services
Dennis Blair		Director Asset Services
Gary Ticehurst		Director Corporate & Community Services
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal	
Darrell Forrest	Manager Governance, Strategy & Legal Services	
Rob Korenhof		Manager Asset Delivery
Andrew Fowler-Tutt		Manager Approval Services
Donna McPherson	Executive Research Officer to Chief Executive Officer	
Sara Slavin		Council Support Officer

**Members of the Public** 2

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Tracy Destree	North Ward
John Giardina	South East Ward

##### Members of Staff

2.3 **Leave of Absence Previously Approved** Nil.

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### **3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

### **4.0 PETITIONS/DEPUTATION**

4.1 Nil.

### **5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION**

5.1 The Presiding Person advised that Staff from the Public Transport Authority (PTA) were in attendance, and could assist in answering any questions that Councillors may have tonight.

### **6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

6.1 **SCM 09. CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1708)** – Provided under separate cover.  
*Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

### **7.0 DISCLOSURE OF INTERESTS**

#### **7.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

#### **7.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

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**8.0            REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**SCM 08. Proposal to construct Site Facilities and Temporary Stockpiling of Fill – Lot 500 (765) Abernethy Road, Forrestfield**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	AB-03/765
Applicant	Public Transport Authority
Owner	Public Transport Authority
Attachment 1	Locality Plan
Attachment 2	Site Plan – Office and Maintenance Area
Attachment 3	Site Plan – Ultimate Setup

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a planning application for the construction of site facilities and temporary stockpiling of excavated fill at Lot 500 (765) Abernethy Road, Forrestfield (the subject site). Refer Attachment 1.
2. The proposal comprises part of the Forrestfield Airport Link (FAL) Project a \$2 billion infrastructure project that comprises an 8.5 kilometre spur rail line to Forrestfield from the east of the Bayswater Station, including three stations at Airport West, the Perth International Airport and Forrestfield.
3. The scope of the proposed development comprises the following:
  - use of the existing limestone pad for the temporary treatment of soils;
  - construction of associated site facilities; and
  - the temporary stockpiling of excavated material.
4. Whilst not specifically mentioned by the Public Transport Authority (PTA) in their application, the Department of Environmental Regulation (DER) has advised the Shire that they are aware that the excavated material may contain perfluoroalkyl and polyfluoroalkyl substances (PFAS), but have limited detail of the level of the chemical that might be contained in the excavated fill. Noting that the PTA has environmental management plans in place, the DER have stated that they have no objection to the proposed development. Notwithstanding the advice from the DER, conditions have been included to specifically address the management of PFAS on site. More detail on this contaminant can be found in point 20 of the report.
5. The officer recommendation is to approve the application subject to conditions.

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## BACKGROUND

### 6. Land Details:

Land Area	28.7846ha
Local Planning Scheme Zone	General Industry & Local Open Space
Metropolitan Regional Scheme Zone	Industrial

7. At its Special Council Meeting held on 10 October 2016 (SCM 10/2016), Council resolved to recommend to the Western Australian Planning Commission (WAPC) that the planning application for construction of site early works incorporating various construction activities and supporting infrastructure be approved subject to conditions. The approval was for land vested in the Public Transport Authority (PTA) between Dundas Road and the Forrestfield Marshalling Yards, several freehold lots east of Dundas Road and Ibis Place recently acquired by the PTA, and portions of Dundas Road, Sultana Road West and Ibis Place road reserves. The application was approved by the WAPC on 25 October 2016.
8. The approval for the early works enabled the PTA to use their site on Dundas Road for the temporary storage of excavated fill from the tunnel prior to the material being taken off site and disposed. It is understood that with the issue of the PFAS being known, the PTA is unable to dispose of the fill as previously planned, hence the need for the current application to temporarily store fill on the subject site.
9. At its Ordinary Council Meeting held on 27 February 2017 Council resolved to recommend to the WAPC that the application for the Forrestfield Train Station, portal building, stowage area and civil works (excluding the car parking area) be approved subject to conditions. The Shire is presently waiting on formal approval from the WAPC.
10. The subject site is located on the southern end of Abernethy Road adjacent to the Forrestfield Marshalling Yards to the east and Perth Airport land to the west. The surrounding area is characterised by a variety of industrial land use activities.

## LOCALITY PLAN

11.



## DETAILS

12. The scope of the proposed development requires approval for the following (Attachments 2 and 3):

- use of the existing limestone pad for the temporary treatment of soils;
- construction of associated site facilities; and
- the temporary stockpiling of excavated material.

13. In more detail, approval is sought for the following:

### **Temporary Stockpiling of Excavated Material:**

- a total of 50,000 cubic metres of excavated material is anticipated to be stored on the subject site for a period of up to two years, subject to the Department of Environmental Regulation (DER) releasing amendments to its regulations which will allow for the reuse of the excavated material within State land. The 50,000 cubic metres will primarily comprise soil excavated from the dive structure. Some of the soil from the dive structure has already been excavated and is currently being temporarily stored within the Forrestfield Station Construction Site and some of the soil has yet to be excavated. Some of the fill may also come from other excavations within the project footprint, e.g. the Emergency Egress Shaft on Abernethy Rd.
- The excavated fill will be stockpiled to a maximum height of 4 metres.
- The temporary stockpiling will be staged over a period of time and a further development application will be submitted in the future.



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**Associated Site Facilities:**

- portable site buildings, offices, laboratory, ablutions and crib room;
- a maintenance area, comprising two 40 foot containers with a shade between, for the maintenance of plant and equipment used in the stockpiling operation;
- a self-contained diesel storage cell for refuelling of mobile plant and equipment;
- a Genset may be required in the leachate collection area for the operation of associated pumps and equipment; and
- use of a number of existing facilities constructed as part of the Gateway Project, these include tyre wash down, concrete washout and parking area.

14. In support of the proposal, the applicant has provided the following information:

- Over the coming two years the project will generate approximately 1 million cubic metres of spoil from the Forrestfield Station development, including egress shaft, dive structure and tunnel construction. In the long term the PTA does not want to retain material on site. However, a solution which utilises the subject site for temporary material storage is required, until a permanent solution is found. This solution may cover the following phased spoil generation activities:
  - Forrestfield Dive Structure excavation – immediate – end of July 2017.
  - Tunnel Boring Machine (TBM) – mid July 2017 – mid 2019
  - TBM 2 – mid September 2017 – late 2019.
  - Belmont Station and egress shaft excavations – mid September 2017 – mid 2018.
- The land subject to this proposal is approximately 16 hectares which excludes the compensating basin to the north and the category wetland to the south of the subject site.
- The subject site contains an existing compacted Acid Sulphate Soils (ASS) compliant Pad (300mm deep limestone) that was constructed as part of the previous Gateway Project. This area is well graded and includes fall to the north east corner to the existing lined leachate collection area.
- In regard to traffic generation, all heavy vehicles will approach the subject site from the south along Abernethy Road, entering the site from one of three existing crossovers. All vehicles exiting the site will use the northern crossover which will allow for a left and right hand turning movement onto Abernethy Road.
- It is anticipated that the type of vehicles will comprise semi-trailers with the potential for the use of double semi-trailers (maximum length of 27.5m) for the spoil material. The expected traffic volumes will vary from 8 to 15 truck movements per hour, 7am to 7pm weekdays and Saturdays.
- The estimated trucking period for the majority of the 50,000 cubic meters of fill is 8 to 12 weeks. There may be additional truck movements beyond this period though the number of movements per hour will likely be reduced.

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## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

15. In accordance with Table 1 of Local Planning Scheme No.3 (the Scheme) the proposed land use of 'Storage' is identified as a "P" use, which means that the use is permitted. The associated site facilities are classified as incidental to the predominant use of storage.

### Planning and Development (Local Planning Schemes) Regulations 2015

16. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) requires Council to have due regard to a number of matters, including:
- the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.
  - the compatibility of the development within its settings;
  - amenity in the locality;
  - the amount of traffic to be generated by the development, particularly in relation to the capacity of the road system and effect of traffic flow and safety.
  - the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource; and
  - any environmental protection policy approved under the *Environmental Protection Act 1986*.
17. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

## POLICY CONSIDERATIONS

18. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

19. Noting the location and zoning of the land, in accordance with Policy DEV 45 – Public Notifications the proposed development was not required to be advertised to surrounding land owners.

## Internal Referrals

20. **Health Services:**  
Health Services have indicated they have no objection to the proposed development subject to appropriate conditions relating principally to the management of the contaminated fill on site. In this regard the following comments are provided in respect to PFAS:
- These substances are a family of manufactured chemicals which do not occur naturally in the environment. They are contaminants of emerging concern in Australia and internationally. They have been identified in the

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environment at a number of known and suspected contaminated sites in Western Australia.

- PFAS are widely used in a range of industrial applications, such as textiles, preservatives, fluoropolymer and fluoroelastomer production, surface treatment, food packaging, hydraulic oil for aeroplanes, cosmetics, floor wax, polish, paint and lacquer, as well as fire-fighting foams.
- PFAS are known to be persistent, bioaccumulative and toxic. Due to their persistence in the environment and moderate solubility, they can be transported long distances (potentially kilometres) in water and air, and transfer between different media (e.g. soil, sediment, surface water and groundwater). PFAS have been detected worldwide in fauna, ecosystems and humans since first use in the 1950s. In August 2010, nine new chemicals, including PFOS, PFOS salts and perfluorooctane sulfonyl fluoride (PFOSF), were added to Annex B3 of the Stockholm Convention on Persistent Organic Pollutants.

Due to the potential risk relating to the storage of the contaminated fill on site, the Shire will require confirmation the Stockpiling Management Plan for the site be approved by the Contaminated Sites Auditor accredited by the DER.

21. **Assets Services**

Assets Services have indicated they have no objection to the proposed development subject to appropriate conditions relating to the following issues:

- dust management
- traffic impact assessment
- road conditioning and wear
- haulage
- fill and drain

**External Referrals**

22. **Department of Environmental Regulation**

The Shire has received the following advice from the Acting Director General in respect to the proposed development:

- *The Department of Environment Regulation (DER) is aware that the excavated fill may contain per- and polyfluoroalkyl substances (PFAS) but has limited detail of the level that might be contained in the excavated material.*
- *In respect to the Environmental Protection Act 1986 (EP Act) and as part of the Forrestfield-Airport Link (FAL) project area, DER considers that temporary stockpiling of excavated materials at the Abernethy Road, Forrestfield site would not meet the definition of any prescribed premises category as per Schedule 1 to the Environmental Protection Regulations 1987. Consequently, the works approval and licence provisions in Part V Division 3 of the EP Act do not apply to the current proposal.*
- *In respect to the Contaminated Sites Act 2003 (CS Act), the Abernethy Road, Forrestfield site is classified as remediated for restricted use under the CS Act. One of the restrictions on use is that the land use is restricted to commercial/industrial use with open space areas. The proposed site facilities and temporary stockpiling of excavated materials are consistent with commercial/industrial use and the site is therefore considered suitable for the proposed use provided the site-specific management measures in the Auditor-approved "Forrestfield Grain Silo Land, Lot 13575 and Lot 500,*

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*Abernethy Road, Forrestfield, Site Management Plan" (Golder Associates Pty Ltd, November 2012) are implemented if asbestos is encountered during any subsurface works.*

- *On the basis of the above, and noting that the Public Transport Authority (PTA) has environmental management plans in place, DER has no objection to the PTA proposal to stockpile excavated material at the 777 Abernethy Road site (Area C).*

23. At the time of writing this report, no recommendations in respect to conditions of approval have been received from the DER. If however recommended conditions are received prior to the Special Council Meeting, these will be included as an addendum to the report.

24. **Western Australian Planning Commission**

Under the Metropolitan Region Scheme Abernethy Road is classified as a Category 2 road, which requires referral to the WAPC where development has the potential to significantly increase traffic. In this instance however the Shire has received advice from the WAPC that a referral is not required in this instance.

## **FINANCIAL CONSIDERATIONS**

25. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

26. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

## **SUSTAINABILITY**

### **Social Implications**

27. The subject lot is located in a general industrial area, with vehicles bringing fill to the site only travelling through industrial land uses. On this basis any potential amenity impacts are considered unlikely.

### **Economic Implications**

28. The FAL Project represents a \$2 billion investment in infrastructure. The storage of the excavated fill will facilitate the commencement of the TBM on site in July.

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## Environmental Implications

29. The proposed development is subject to the provisions of Schedule 10 – Environmental Conditions of the Scheme relating to the Forrestfield Marshalling Yards and surrounds which requires the following Plans to be prepared:
- Drainage and Nutrient Management Plan;
  - Soil Contamination Remediation Plans;
  - Groundwater Contamination Remediation; and
  - Groundwater Abstraction Plan.
30. The applicant has advised that the following plans prepared by Salini Impreglio and NRW Joint Venture as part of the environmental management framework, agreed to by the EPA, for the FAL Project:
- Acid Sulphate Soils and Dewatering Management Plan – approved by the DER.
  - Spoil and Contamination Management Plan – approved by the Contaminated Sites Auditor.
  - Groundwater Abstraction License – approved by the Department of Water.
- The applicant notes the above-mentioned plans coupled with existing legislation, policy and guidelines are adequate to manage the potential impacts and satisfy the intent of Schedule 10 of the Scheme.
31. The proposed development will be undertaken in accordance with all Federal and State Environmental Guidelines. The proposal will also satisfy the following existing plans previously prepared and approved by the Shire for the FAL Project:
- Construction Environmental Management Plan
  - Construction Plan
  - Air Quality and Dust Management Plan
  - Spoil and Contamination Management Plan (approved by the Contaminated Sites Auditor)
  - Acid Sulphate Soils and Dewatering Management Plan (approved by the DER)
  - Construction Noise and Vibration Management Plan.
32. In addition to the above, all works will be carried out in accordance with the site specific Stockpiling Management Plan, which sets out specific measure for managing key issues associated with the proposed development. These include:
- i) segregation of spoil;
  - ii) stockpiling testing;
  - iii) monitoring;
  - iv) dust suppression, stormwater management; and
  - v) traffic management.

The PTA have advised that the Stockpiling Management Plan has been endorsed by the DER accredited Contaminated Sites Auditor for the FAL project.

33. On the southern portion of the subject site is a Resource Category Wetland. The proposed location of the excavated fill will need to be managed through the Stockpile Management Plan to ensure the environmental value of wetland is not compromised.

### Environmental Protection Act 1986

34. In respect to the *Environmental Protection Act 1986* and as part of the Forrestfield-Airport Link (FAL) project area, the DER have advised that the temporary stockpiling of excavated materials at the Abernethy Road, Forrestfield site would not meet the definition of any prescribed premises category as per Schedule 1 to the *Environmental Protection Regulations 1987*. Consequently, the works approval and licence provisions in Part V Division 3 of the EP Act do not apply to the current proposal.

### Contaminated Sites Act 2003

35. In respect to the *Contaminated Sites Act 2003* (CS Act) the subject site is classified as *remediated for restricted use* under the CS Act. One of the restrictions on use is that the land use is restricted to commercial/industrial use with open space areas. DER have advised that the proposed site facilities and temporary stockpiling of excavated materials are consistent with commercial/industrial use and the site is therefore considered suitable for the proposed use provided the site-specific management measures in the Auditor-approved "Forrestfield Grain Silo Land, Lot 13575 and Lot 500, Abernethy Road, Forrestfield, Site Management Plan" (Golder Associates Pty Ltd, November 2012) are implemented if asbestos is encountered during any subsurface works.

### RISK MANAGEMENT CONSIDERATIONS

- 36.

<b>Risk:</b> The excavated fill may contain PFAS which may contaminate the groundwater of the site and surrounding areas		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Ensure the DER accredited Contaminated Sites Auditor signs off on the site specific Stockpiling Management Plan for the site and all management measures contained therein are complied with.		

<b>Risk:</b> The proposed haulage route will potentially impact on the condition of the road infrastructure		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Include conditions requiring the applicant to undertake monitoring of the road condition and undertake improvements where necessary		

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**OFFICER COMMENT**

37. The FAL Project represents a major financial investment by the State Government in rail infrastructure and a significant transport initiative for the Shire of Kalamunda. The proposal to temporarily store 50,000 cubic metres of excavated fill on the site represents an important element of the project given the commencement of the TBM's is contingent on the existing fill excavated partially from the dive structure being removed from the site.
38. The Shire understands from advice received from the DER, that the excavated fill may contain the contaminate PFAS and that the exact levels of the contaminate are unknown at this point in the process. The on site management of the PFAS contaminate represents an environmental risk which therefore needs strict management controls in place.
39. Noting the above, the PTA have advised the Shire that a site specific Stockpiling Management Plan has been prepared for the site. The plan addresses all aspects of the site management and in particular contains specific management measures for the temporary storage of spoil which contains detectable concentrations of PFAS. The PTA have also advised that the plan has been endorsed by the DER accredited Contaminated Sites Auditor for the FAL project. In the event that Council supports the proposal, a condition will be included requiring the PTA to provide a copy of the plan with the auditor's approval for review and compliance.
40. In regard to traffic generation, the applicant has advised that the movement of the fill from the current PTA site on Dundas Road will generate between 8-15 truck movements per hour 6 days per week Monday to Saturday. The traffic component represents a significant element of the proposal with implications from an infrastructure costs perspective. Whilst amenity is always a consideration, the proposed route along Dundas Road and Abernethy Road is through predominantly industrial land uses.
41. Assets Services have requested the inclusion of a number of conditions to address the impacts of the number of vehicle movements relating to road conditioning, cost of the road wear and required maintenance. These conditions are considered appropriate in the context of the number and frequency of the haulage vehicles entering and leaving the site has the potential to impact on the road condition. Such conditions would in most instances require the applicant to satisfy the conditions prior to commencement of the approval. It is understood however, from the PTA that Salini Impreglio – NRW joint Venture are seeking to commence the transportation of the material within days of receiving the planning approval from the Shire. Understanding the significance of the FAL Project to all levels of government, Council could give consideration to include such conditions to be met within a certain timeframe, i.e. 21 days, thus enabling the applicant to meet its project deadline as indicated in Point 12 of the report.
42. For consistency, conditions recommended to the WAPC as part of the early works approval have been included, where appropriate, in the recommended conditions for the proposed development.

*Amendments to the published recommendation were foreshadowed by Shire Staff and accepted. These amendments to the recommendation are highlighted below.*

<b>Voting Requirements: Simple Majority</b>
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RESOLVED SCM 88/2017

That Council:

1. Approve the proposal to construct Site Facilities and Temporary Stockpiling of Fill – Lot 500 (765) Abernethy Road, subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) Pursuant to Clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the time for which this development approval is valid lapses two years from the date of this approval. ~~The use of the site for stockpiling of fill shall cease on or before 12 June 2019.~~ **On or before 12 June 2019, the use of the site for stockpiling of fill shall cease and any remaining stockpiled materials shall be removed to the satisfaction of the Shire of Kalamunda on advice from the Department of Environmental Regulation.**
  - c) A copy of the site specific management plan referred to as “Stockpiling Management Plan Site C” approved **and any subsequent amendments approved** by the Contaminated Sites Auditor **as the case may be, by the Contaminated Sites Auditor** to be complied with at all times to the satisfaction of the Shire of Kalamunda on advice from the Department of Environmental Regulation.
  - d) The applicant to provide confirmation from the Environmental Protection Authority within 14 days of the issue of the approval that the following plans: Drainage and Nutrient Management Plan, Soil Contamination Remediation Plan, Groundwater Contamination Remediation Plan, and Groundwater Abstraction Plan as required under Schedule 10 of Local Planning Scheme No 3 have been satisfied through the preparation of the following documents:
    - i) Acid Sulphate Soils and Dewatering Management Plan
    - ii) Spoil and Contamination Management Plan
    - iii) Groundwater Abstraction License.
  - e) A Water Contamination Management Plan detailing how the risk of contaminants, in particular **Per – and Poly –** -fluoroalkyl Substances (PFAS) and Acid Sulfate Soils, will be prevented from impacting groundwater and water ways, is to be:
    - i) Prepared and submitted by an independent specialist for the applicant within 21 days of the approval, for the approval of the Department of Environment Regulation and the Shire of Kalamunda, and



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- ii) The approved plan being implemented upon approval being granted.
  - f) A Dust Management Plan detailing how dust and contaminated dust will be controlled and managed, is to be:
    - i) Prepared and submitted by the applicant within 21 days of the approval, for the approval of the Department of Environment Regulation and the Shire of Kalamunda; and
    - ii) The approved plan being implemented upon approval being granted.
  - g) A Haulage management plan must be provided, detailing the haulage routes to be used, and all preventative measures taken to prevent contaminated dust from leaving haulage vehicles, and prevent dissolved contaminants from leaking from haulage vehicles. The plan is to be:
    - i) Prepared and submitted by the applicant within 14 days of the approval, for the approval of the Department of Environment Regulation and Shire of Kalamunda, and
    - ii) The approved plan implemented upon approval being granted.
  - h) Within 21 days of the date of the approval the land being filled, stabilised, drained, and/or graded as required to ensure that:
    - i) The lot can accommodate the intended development,
    - ii) Finished ground levels at the boundaries of the lot(s) the subject of this application match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting, and
    - iii) Stormwater (not leachate) is contained on site, or appropriately treated and connected to the local drainage system.
  - i) Within 14 days of the date of this approval crossover(s) shall be designed and constructed to the specifications and satisfaction of the Shire of Kalamunda.
  - j) A Traffic Impact Assessment is required to be prepared by the applicant for the approval of the local government within 14 days of the development approval, and the recommendations of the assessment implemented upon approval of the assessment.
  - k) Haulage operations relating to the transport of spoil and raw materials to the site subject to this application is limited to occur between 7:00am and 7:00pm Monday through Saturday only.
  - l) A road pavement assessment of the proposed haulage routes is to be undertaken by a suitably qualified engineer, and documented as a Condition Assessment Report within 28 days of the approval being granted, to the specification of the Shire of Kalamunda.
  - m) The Applicant shall contribute to the cost of road wear from the commencement to completion of the haulage operation on the proposed route through payment to the Shire of Kalamunda at cost/tonne.km rate independently calculated for the haulage based on the WALGA User Guide
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titled "Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks – May 2015/Version No: 1".

- n) Within 60 days of the date of the approval the Applicant shall enter into a Financial Agreement with the Shire of Kalamunda which establishes the:
  - i) Timing of payment in relation to Condition m); and
  - ii) Basis of a proportionate financial contribution by the applicant to the Shire of Kalamunda for maintenance arising on the haulage routes during the period of haulage operations subject to this application.
  
- o) Within 21 days of the date of this approval the Public Transport Authority (PTA) is to indemnify the Shire of Kalamunda against any reasonable costs incurred as a result of the PTA failing to either provide the Shire with all plans and approvals specified in the conditions, and/ or not subsequently doing everything reasonably necessary to ensure ongoing compliance with the same to the Shire's satisfaction."**

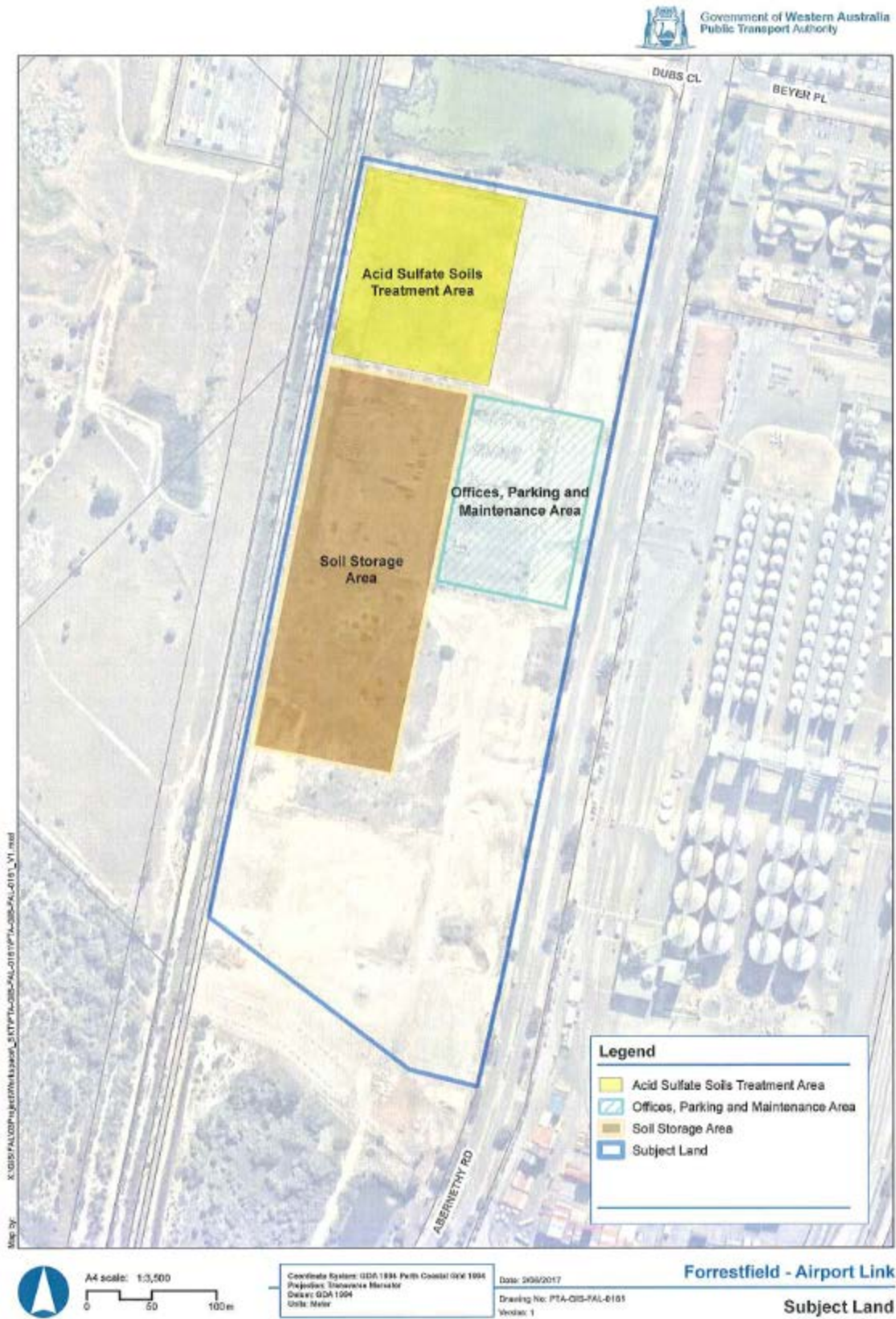
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

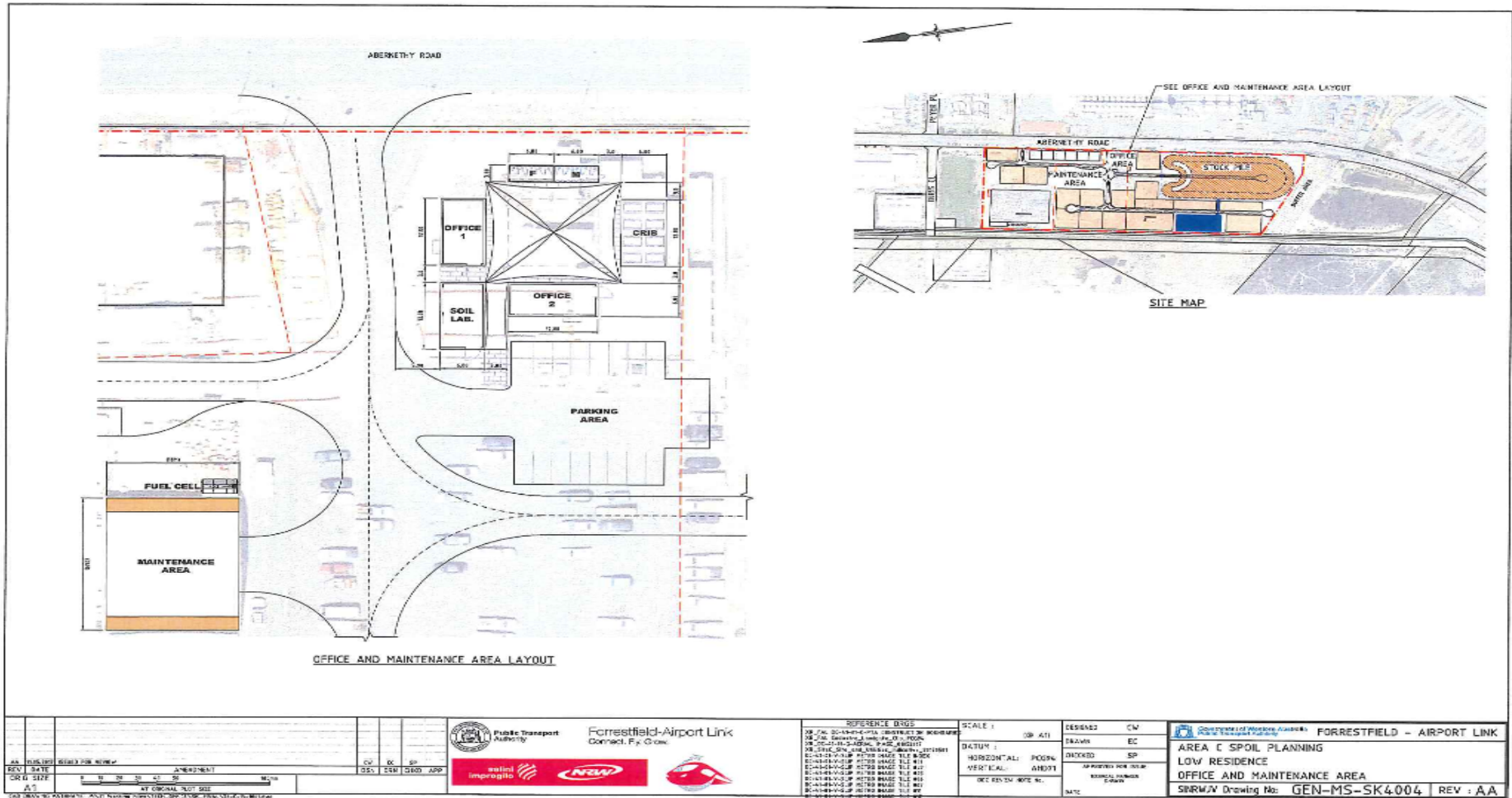
### Attachment 1

Proposal to construct site facilities and temporary stockpiling of fill – Lot 500 (765)  
Abernethy Road, Forrestfield  
**Locality Plan**



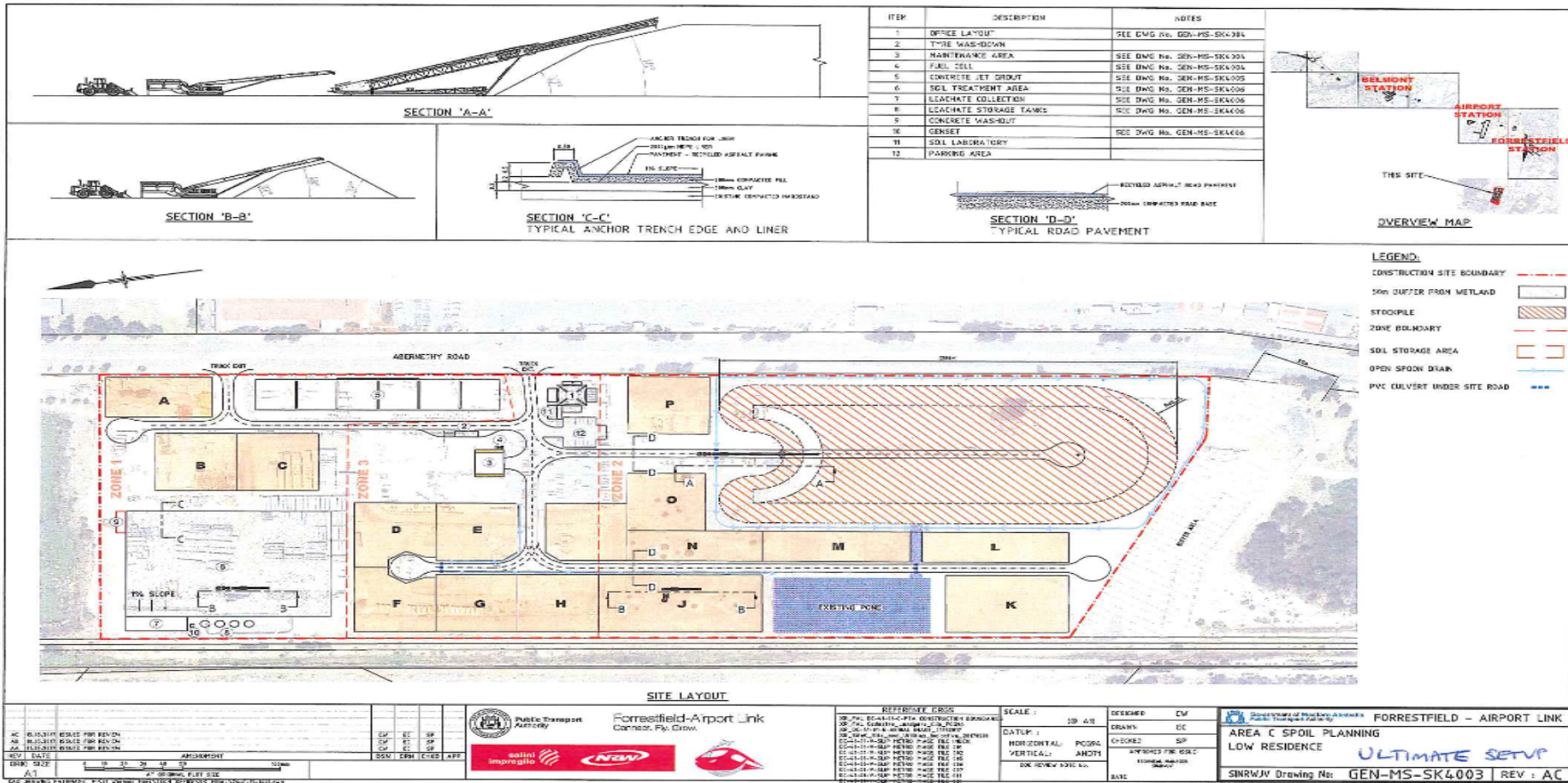
## Attachment 2

Proposal to construct site facilities and temporary stockpiling of fill – Lot 500 (765) Abernethy Road, Forrestfield  
**Site Plan – Office and Maintenance Area**



### Attachment 3

## Proposal to construct site facilities and temporary stockpiling of fill – Lot 500 (765) Abernethy Road, Forrestfield Site Plan Ultimate Setup



**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**SCM 09. CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1708)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Previous Items	OCM 170/2010 Blair, D. (2016). <i>Kalamunda Town Centre-Geotechnical Testing</i> [email] OCM 46/2017 SCM 49/2017
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	RFT 1708
Applicant	N/A
Owner	N/A
Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Tender Evaluation Report - Kalamunda Town Centre Drainage Upgrade (RFT 1708)

**Voting Requirements: Simple Majority**

RESOLVED SCM 90/2017

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Densford Civil Pty Ltd for the Construction of Kalamunda Town Centre Stormwater Drainage (RFT 1708) for its tendered lump sum price of \$997,474.35 (excluding GST).

Moved: **Cr Sue Bilich**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**This report item was circulated to all Councillors under separate cover and was discussed at point 9 of this Agenda.**

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**9.0 MEETING CLOSED TO THE PUBLIC**

**9.1 Meeting Closed to the Public**

RESOLVED SCM 89/2017

That the meeting be closed to the public to discuss Confidential Item SCM. 09 (provided under separate cover).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*The meeting closed at 6.06pm. All members of the public left the gallery.*

- 9.2 SCM 09. CONFIDENTIAL ITEM – Consideration of Tenders for the Construction of Kalamunda Town Centre Stormwater Drainage Upgrade (RFT 1708)** Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

<b>Voting Requirements: Simple Majority</b>
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RESOLVED SCM 90/2017

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Densford Civil Pty Ltd for the Construction of Kalamunda Town Centre Stormwater Drainage (RFT 1708) for its tendered lump sum price of \$997,474.35 (excluding GST).

Moved: **Cr Sue Bilich**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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9.3 **Meeting Reopen to Public**

RESOLVED SCM 91/2017

That the meeting reopen to the public following consideration of Confidential item SCM 09. (provided under separate cover).

Moved: **Cr Allan Morton**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*The meeting reopened to the public at 6.08pm, no members of the public returned to the gallery. The Presiding Member then read the resolutions.*

**10.0 CLOSURE**

10.1 There being no further business, the Presiding Member declared the meeting closed at 6.11pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017