



AGENDA

Special Council Meeting
2 March 2023

**SHIRE OF BROOMEHILL-TAMBELLUP
NOTICE OF MEETING**

**A Special Council Meeting of the Shire of Broomehill-Tambellup will be held
in the Tambellup Council Chambers, 46-48 Norrish Street, Tambellup
on Thursday 2 March 2023 commencing at 5.00pm.**



**Anthony Middleton
Chief Executive Officer**

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Broomehill-Tambellup during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup warns that anyone who has any application lodged with the Shire of Broomehill-Tambellup must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Broomehill-Tambellup in respect of the application.

This document is available in other formats on request for people with disability.



Shire of Broomehill–Tambellup

DISCLOSURE OF INTEREST FORM

To: Chief Executive Officer
Shire of Broomehill-Tambellup
46-48 Norrish Street
TAMBELLUP WA 6320

I, **(1)** _____ wish to disclose an interest in the
Following item to be considered by Council at its meeting to be held on **(2)** _____
Agenda Item **(3)** _____

The **type** of Interest I wish to declare is **(4)**

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is **(5)** _____

The extent of my interest is **(6)** _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

NOTES:

1. Insert your name (print)
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title
4. Tick box to indicate type of interest
5. Describe the nature of your interest
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)

DISCLOSURE OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. **If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences.

The only exceptions are:

- 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY DEFINITION:

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a) in a written notice given to the Chief Executive Officer before the Meeting; or
- b) at the Meeting, immediately before the matter is discussed

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

Strategic Community Plan 2023-2033

‘People Power’



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**Agenda for the Special Council Meeting to be held on 2 March 2023
in the Tambellup Council Chambers, 46-46 Norrish Street, Tambellup.**

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White shall declare the meeting open at ____pm.

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CJ Letter	
Cr CM Dewar	
Cr MC Paganoni	
Cr JL Wills	
Cr SH Penny	

Staff

AP Middleton	Chief Executive Officer
KP O'Neill	Manager of Finance & Administration
PA Hull	Strategic Support & Projects Officer

Apologies

Nil

3. DISCLOSURE OF INTEREST

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Questions may only relate to the Special Business being considered at this meeting.

6. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

7. APPLICATION FOR LEAVE OF ABSENCE

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9. CONFIRMATION OF MINUTES

Nil

10. KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

11.1 PROPOSED RAIL LOADING INFRASTRUCTURE AND RAIL SIDING WITHIN RAILWAY CORRIDOR, BROOMEHILL

ATTACHMENT(S)	11.1.1 DAP Approval 2022 Determination Letter and Notice 11.1.2 Current Application Plans 11.1.3 Plan showing objectors’ properties from 2021 consultation
FILE NO	ADM0582
APPLICANT	Co-operative Bulk Handling [CBH]
AUTHOR	Liz Bushby, Town Planning Innovations
DATE	2 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
5.Healthy existing Businesses 5.3 Business Support This is a program of work to stimulate business interaction through events, education, sharing and celebrating. This is the Shire supporting a ‘shop local’ philosophy. (such as stimulating Shire purchases at local store).	Corporate Business Plan is in development

SUMMARY

In 2021, CBH lodged an application seeking planning approval for a Rural Industry on Lots 2 and 535 Nardlah Road in Broomehill. A rail siding was also proposed on Lot 553 which forms part of railway reserve.

The application was determined by a Development Assessment Panel ([DAP), and conditional approval was issued on the 21 January 2022 – see Attachment 11.1.1.

The plans and all of the supporting reports (on traffic, noise etc) included loading facilities proposed to be constructed within railway corridor to the immediate west of Lot 2, Lot 535 and Lot 536. All of the abovementioned plans and reports were included in the public advertising for the DAP application.

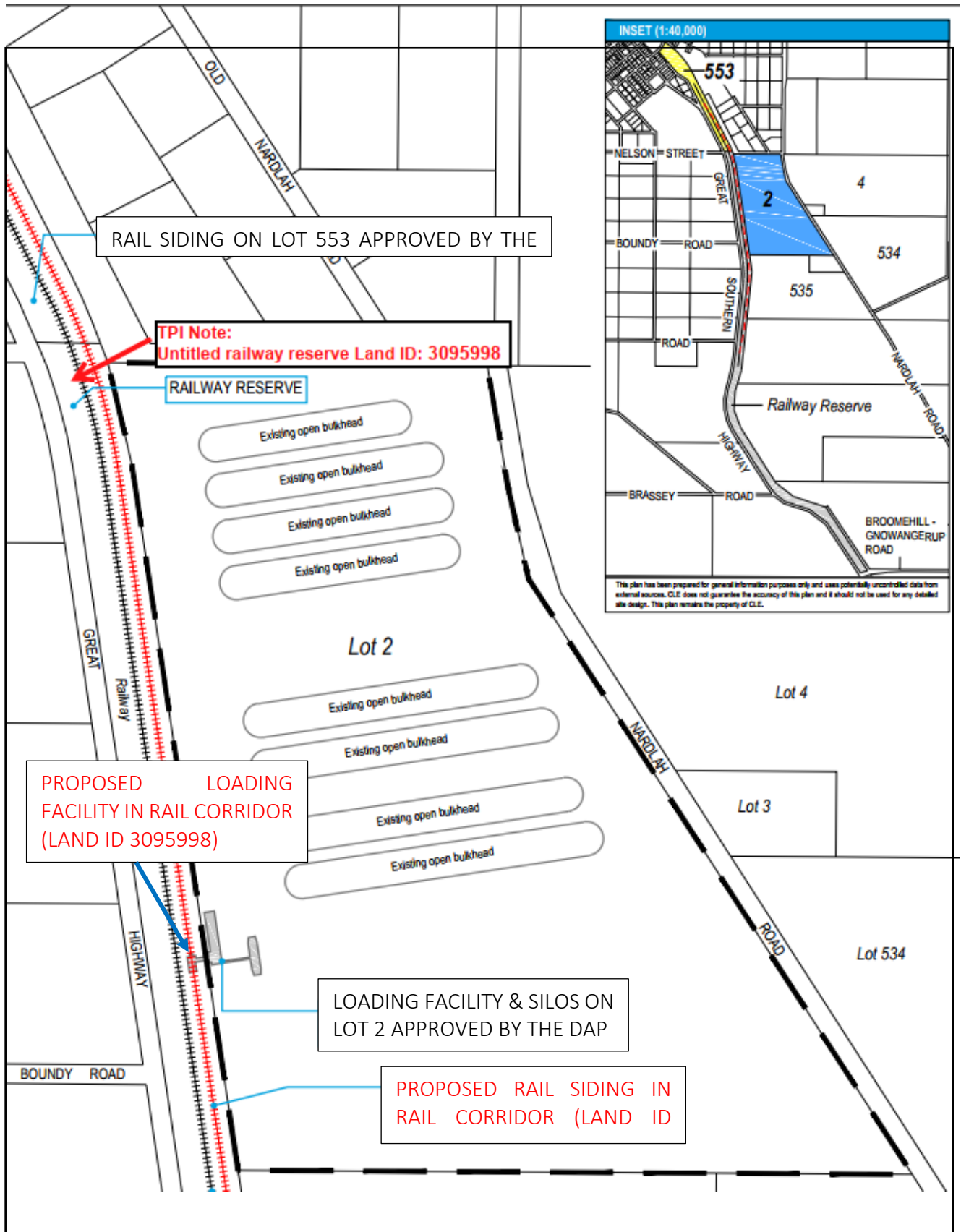
The railway reserve (west of Lot 2) does not have a Certificate of Title, but has an ID number in Landgate (ID 3095998).

At the time, CBH did not include the railway reserve (ID 3095998) on the DAP application form, or provide any owners consent. Consequently, the railway corridor development did not form part of that 2021 DAP application or the DAP approval.

The DAP approval (included as Attachment 11.1.1) was specifically issued for the ‘property location’ of Lot 2, Lot 533 and Lot 535. The approval includes conditions (No 1, 2 and 3) which specifically limit the approved development to Lot 2, Lot 533 and Lot 535.

CBH have now lodged an application for development proposed within the railway corridor (ID 3095998). The purpose of this report is for Council to determine the application.

See plan over page:

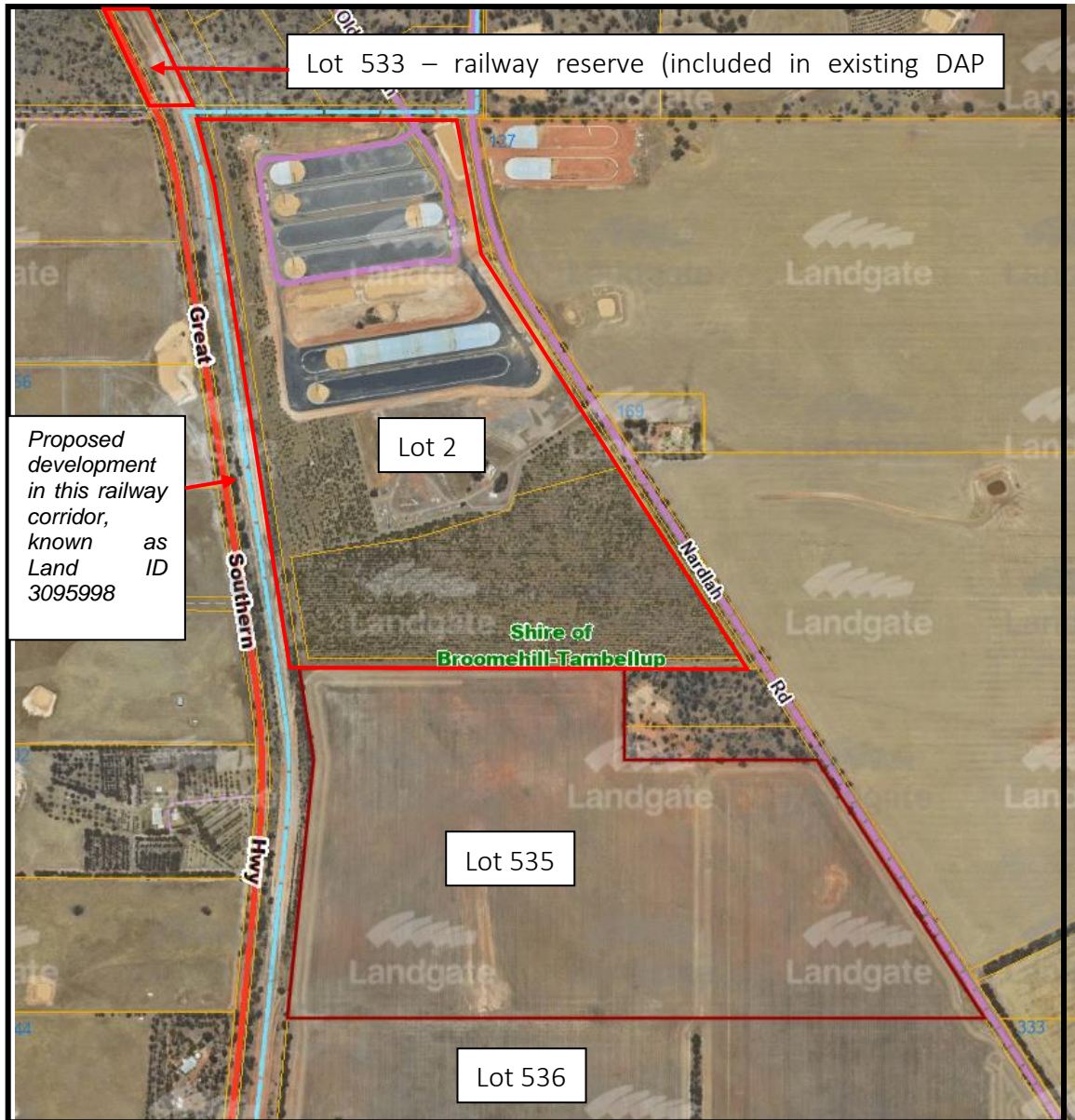


Note: The proposed railway siding extends further south than shown on this site plan extract. It has an approximate length of 1.6 kilometres.

BACKGROUND

Location

The development is proposed within an existing railway corridor, to the west of Lot 2, Lot 535 and Lot 536 (further south). An aerial plan is provided by TPI below.



Note: The railway corridor known as Land ID 3095998 extends further south than shown on this aerial. The full length of the railway corridor has not been included as otherwise the aerial is difficult to read.

Existing Development

The Shire has granted a number of planning approvals dating back to 2009/2010 for CBH to develop Lot 2 Nardlah Road as a receival site with several open bulkheads. Adjacent Lot 535 to the south is vacant land.

As outlined in the summary section of this report, CBH was issued with a DAP approval in 2022.

COMMENT

Description of Application

The application proposes the following infrastructure:

- a) A rail siding in the untitled rail corridor west of Lot 2, 535 and 536.
- b) A rail bulk weigher and over rail loading facility which allows loading to occur from development approved on Lot 2 (including conveyor belts) onto the trains within the railway corridor.

The intention is to transition away from existing rail loadout facility and sidings which are approximately 1.4 kilometres north of the subject site, known as the 'Broomehill North site'.

When the complete siding works are constructed, CBH will be able to store and load 60 wagon trains without blocking the main line, as opposed to the current 30 wagon capacity at the Broomehill North site. The grain will be transported by train to Albany Port (4-hour train journey from Broomehill to Albany Port).

At this stage, the operating hours are proposed to be between 6.00am and 6.00pm. CBH would like the flexibility to operate at night in some instances, outside of the 6am-6pm timeframe.

Development plans are included as Attachment 11.1.2.

Noise

The existing CBH rail loading facilities at the Broomehill North site provides storage and transport of grain from the local grain agriculture industry in the wheatbelt region. CBH is proposing to implement new and upgraded infrastructure at Lots 2, 535 and 533 to provide additional permanent storage and increase capacity for the handling and transport of grain.

This development application will allow an extension of the rail siding already approved by the DAP for Lot 533 to the north.

To support the approved DAP application and this proposal, a Noise Impact Assessment Report has been prepared by SLR Consulting Australia Pty Ltd (SLR). The report details an assessment of noise for the proposed operation of each site.

The regulatory framework in WA requires the potential noise emissions, and noise related impacts, associated with the site operations to be managed as follows:

- a) The noise associated with fixed plant and machinery and road vehicle movements within the site is administered under the *Western Australia Environmental Protection (Noise) Regulations 1997* (the Noise Regulations).
- b) The airborne noise from rail freight operations within the site is administered under the *Western Australian Planning Commission (WAPC) State Planning Policy 5.4 Road and Rail Noise (SPP5.4)*.

The Noise Impact Assessment Report identifies that:

- a) There would be a net improvement in terms of residences affected, as key noise sources move south and away from the main Broomehill townsite;
- b) Railway noise levels are expected to comply with State Planning Policy 5.4 criteria at all residences; and
- c) Environmental noise emissions associated with all development is expected to be compliant at all existing residences.

The Noise Impact Assessment report states that the proposed development can meet applicable noise and vibration assessment criteria. The assessment outcome is contingent on aspects such as the adopted source noise emissions, and loadout operations being typically four hours.

Conditions would need to be imposed on any development approval to ensure that additional treatments be implemented if the hours of operation change and any future after hours or night loading occurs.

The noise report was referred to the Department of Water and Environmental Protection and the Department of Planning, Lands and Heritage for comment as part of the 2021/2022 DAP process.

The Environmental Noise Branch (ENB) of the Department of Water and Environmental Regulation advised that they would expect that the noise and vibration impact on sensitive receivers in the town of Broomehill Village would be reduced by the CBH proposals.

The Noise Impact Assessment Report was accepted as part of the 2021 DAP application, and is referenced in Conditions 5 and 7 of the 2022 DAP approval.

Dust Management

A Dust Management Plan has been lodged as part of the application. In the Dust Management Plan CBH makes the following commitments:

- a) Rail wagon design incorporates dust minimisation aspects via higher side walls and narrow openings for product loading to ensure grain flow is protection from wind disturbance.
- b) Rail wagon design incorporates angled surfaces to reduce dust build up.
- c) On-going hygiene practices during operations designed to limit the build up of dust and chaff on site.
- d) Large grain spills are to be immediately cleaned up and removed.
- e) An ongoing review of weather conditions is undertaken during operational periods with the appropriate site management activities taken to eliminate, as far as is practicable, any causal factors.
- f) Loads are to be kept within designated load limits and rail wagon lids always used.
- g) Environmental issues including dust management are and will continue to be included as part of CBH induction programs for all CBH employees and contractors.
- h) If required, the identification and implementation of containment lines where appropriate for fugitive dust sources will be undertaken.
- i) A complaints management system, including investigation, action, and feedback, will be implemented. The Plan includes an Incident report template. The Shire will be advised of any moderate complaint.

The Dust Management Plan includes contact details for CBH managers and the on site manager.

The Dust Management Plan was accepted as part of the 2021 DAP application, and is referenced in Condition 4 of the 2022 DAP approval.

EPA’s Separation Distances between Industrial and Sensitive Land Uses (the Guidance Statement)

The EPA’s ‘Separation Distances between Industrial and Sensitive Land Uses’ provides guidance on generic buffer distances between industrial uses and sensitive land uses (such as dwellings). It recommends a 500 metre buffer between any grain elevator (conveyor belt) and dwelling.

There are rural residential lots to the west of the proposed development within the 500 metre buffer area.

As the separation distance is less than the generic buffer, the Guidance Statement recommends that a scientific study based on site- and industry-specific information be presented to demonstrate that a lesser distance will not result in unacceptable impacts. CBH has provided a site specific acoustic assessment and dust management plan to address the Guidance Statement.

CONSULTATION

Extensive consultation was undertaken in 2021 for the previous DAP application. Shire Administration wrote to nearby landowners, and consulted with the :

- Department of Planning, Lands and Heritage (Aboriginal Heritage)
- Department of Planning, Lands and Heritage (Perth and Albany office)
- Department of Water and Environmental Regulation
- Main Roads WA

There were 3 objections from local landowners at the time, relating to dust, noise, and construction impacts. A map showing the objectors lot locations (from 2021) is included as Attachment 11.1.3 for reference.

All of the issues raised in submissions were addressed in the application and associated reports. A summary of the issues raised and comments from the 2021 advertising is included below.

Issue Raised	Officer comments
Complaints that existing CBH operations at Broomehill South have impacted on existing residents through noise, light, dust and vibration during construction	Noted. This is a statement made about the impact from existing operations as opposed to the proposed development. The Shire has advised that they have record of two complaints about noise from the CBH Broomehill North site. One complaint was in November 2018 and the second was in December 2019. Both complaints related to (alleged) noise from trains loading in the early hours of the morning.

	<p>The Shire has no record of any complaints about the CBH Broomehill South site.</p> <p>Noise from construction sites is exempt from the Environmental Protection Act between 7am and 7pm Monday to Saturday (excluding public holidays) if the works are being carried out in accordance with Australian Standards.</p> <p>CBH has confirmed that they will operate in accordance with the applicable Australian Standard (AS 2436:2010) that applies to construction noise.</p> <p>The applicant has advised that construction is likely to occur for approximately 9 months.</p>
<p>Objection to the scale of the development and associated dust, smell, noise from train shunting, extra vehicles and machinery</p>	<p>Substantially addressed.</p> <p>The scale of the proposed development is commensurate with transport and loading requirements associated with rail infrastructure. Use of rail facilities for grain transport will substantially reduce loading times, truck movements, and result in improvements to the existing situation.</p> <p>The application includes a Dust Management Plan, Noise Impact Assessment, Traffic Impact Statement and Lighting Report that address these issues.</p> <p>The houses on the two objectors lots are more than 500 metres from the proposed grain elevators which meets the recommended nominal buffer under the EPA ‘Guidance Statement on Separation distances between industrial and sensitive land uses’.</p>
<p>Objection to negative impacts of noise, dust and vibration during construction</p>	<p>Substantially Addressed.</p> <p>There may be impacts associated with any construction which is unavoidable when any new development occurs.</p> <p>In the longer term the development will result in improvements to the existing CBH operation, less truck movements, and less loading times.</p>
<p>Negative impact on property values</p>	<p>This is not a relevant planning consideration.</p> <p>Property values are not listed as a matter than can be considered under Regulation 67(2) of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

It should be noted that it was compulsory to advertise the DAP application in 2021, due to the Rural Industry development proposed in the Rural zone. There is no statutory requirement for this new application to be advertised, although the Shire has discretion to advertise any application for public comment.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 - The Regulations were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Broomehill Town Planning Scheme No 1.

Regulations 34 outlines discretion to vary a site or development requirement.

Regulation 67 outlines application considerations including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, the objectives of a reserve, the likely effect on the natural environment, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Broomehill Town Planning Scheme No 1 (the Scheme) –

The development is proposed in a Local Scheme Reserve for Railway.

Under Clause 2.2 'Matters to be considered by Council' it states that '*Where an application for planning consent is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.*'

In this case the Public Transport Authority has consented to lodgement of the application.

POLICY IMPLICATIONS

There are no Local Planning Policy Implications. The table below summarises State Planning Policy No 3.7 – Planning in Bushfire Prone Areas.

Document summary	TPI comment
<p>The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.</p> <p>Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. There is no specific exemption for the proposed development.</p> <p>However, the WAPC has Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and SPP3.7.</p> <p>Whilst SPP 3.7 does not specify exemptions, there is discretion to vary the SPP3.7 requirements.</p>	<p>Planning Bulletin No 111/2016 clarifies that the DAP has discretion over this matter and states that '<i>Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.</i>'</p> <p>The applicant has advised that the proposed land use does not involve the occupation of employees for any significant amount of time, and grain loading is seasonal.</p> <p>TPI recommends that the development be supported without any Bushfire Attack Level assessment.</p>

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- A. Note that development within the rail corridor known as Land ID 3095998 was included on the plans and supporting documentation for the previous DAP application for CBH in 2021, however it was not formally included in the application form or approval (Attachment 11.1.1).
- B. Approve the application for railway infrastructure (siding) and over rail loading facility within the rail corridor known as Land ID 3095998 subject to the following conditions:

Substantial commencement

1. This decision constitutes planning approval for railway infrastructure (siding) and over rail loading facility within land identified in Landgate as Land ID 3095998 and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Approved documents and plans

2. All development subject of this approval shall be contained within land identified through Landgate as Land ID 3095998.
3. The proposed development within land identified in Landgate as Land ID 3095998 shall be in accordance with the following plans:
 - (i) The Broomehill Site Plan dated 4 November 2021 (Plan No 3244-41-01);
 - (ii) Sheet 1 of 1 (Drawing Number 558-ENG-C1-DCO-0007), Revision F dated 08.09.21;
 - (iii) Sheets 1 to 6 (Drawing Number 558-ENG-ST-DGA-001) Revision A dated 06.09.21.

This approval excludes development on adjacent Lots 2, 535 and 553.

4. The accompanying documentation (as amended) lodged with this application including;
 - (i) Dust Management Plan prepared by CBH;
 - (ii) Clearing Plan prepared by CBH

together with any requirements and recommendations detailed thereon, are approved as part of this application and shall form part of the development approval issued. The operator, CBH, shall implement the approved plans as they relate to the operational phase of the development, during the life of the development.

Noise

5. The operator (CBH) shall ensure at all times that the operation of the development (subject of this approval) in the railway corridor (Land ID 3095998) complies with and will not exceed with the following average assigned noise level targets for (outdoor) railway noise at noise sensitive premises:
 - (i) LAeq, day 60dB during day period average hours; and
 - (ii) LAeq, night 55dB during night period average hours;

in accordance with Table 3 of the Noise Impact Assessment Report (SLR Ref: 675.30030-R01 Version 3.3 dated November 2021).

The noise targets in this condition are to be measured at one metre from the most exposed, habitable façade of a dwelling being exposed to the noise source.

6. Noise mitigation measures are to be implemented to the satisfaction of the local government where required to demonstrate compliance with Condition 5 including and not limited to:
 - (i) Future short-term noise monitoring of activities operational at night hours during major peak harvest seasons; and/or
 - (ii) Review activities that can be undertaken during day hours and minimise noise generating operations during night or evening hours; and /or
 - (iii) Implement a system to record, manage and report on complaints during the life of the development.

7. The operator shall implement the recommendations of the Noise Impact Assessment Report (SLR Ref: 675.30030-R01 Version 3.3 dated November 2021) including:
 - (i) Undertake, complete and lodge a separate short term noise monitoring survey to the local government. The survey of noise levels emitting from the development site shall be completed within 6 months of commencement of operations to determine post-operation noise levels at nearby sensitive receivers;
 - (ii) (Monitoring should include any operations, loading and activities within the railway corridor that occur during the day, evening and night hours; and
 - (iii) Vibration levels to comply with Australian Standard 2670.2:1990.

Construction

8. The operator (CBH) shall ensure at all times that construction noise is limited to between 7am and 7pm Monday to Saturday (excluding public holidays) and that the works are carried out in accordance with Australian Standard 2436:2010.

9. The Operator (CBH) is to lodge a Construction Management Plan for approval by the local government. The Construction Management Plan must include the following:
 - (a) Adequate areas for the parking of construction vehicles, workers vehicles, loading areas, and for the delivery and storage of building materials;
 - (b) The location of any required hardstand areas or areas for specific construction activities;
 - (c) Temporary buildings;
 - (d) The location of any fenced construction compounds and materials storage / laydown areas;
 - (e) A general timetable for construction phases and the removal of temporary development after completion of the construction phase;
 - (f) The management of dust and other construction impacts;

- (g) Watering capabilities and practices for dust management during/after clearing; and
- (h) Limited hours for construction noise to ensure compliance with Condition 9;
- (i) Haulage routes;
- (j) A Pre-Construction Road Condition Report along the proposed haulage routes, and the obligation to prepare a Post-Construction Road Condition Report once construction is complete.

The Construction Management Plan is to be submitted to and approved by the local government prior to the commencement of any development, clearing or site works within the railway corridor.

- 10. The Applicant is to implement the approved Construction Management Plan required by condition 10.
- 11. Any damage caused to the roads attributable to the construction phase of the development is to be rectified by the Operator to the standard identified in the Pre-Construction Road Condition Report.
- 12. The development approval also grants temporary development approval for the following –
 - (i) a construction workshop;
 - (ii) asphalt batching plant
 - (iii) any other construction related infrastructureshown on the Construction Management Plan required by condition 10.

Lighting

- 13. Any lighting within or overspilling into the railway corridor shall be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to the development. All floodlights shall be oriented to eliminate disturbance to occupants on the surrounding properties.

Footnotes:

- a. The plans lodged with this application show development outside of the land identified as Land ID 3095998, however development on Lots 2, 535 and 553 does not form part of this approval. It is noted that there is an existing approval for development on Lots 2, 535 and 553 issued by a Development Assessment Panel (DAP) on the 21 January 2022.
- b. In regards to Condition 5, a habitable room has the same meaning as defined in State Planning Policy 7.3 Residential Design Codes.
- c. In regards to Condition 9, the Construction Management Plan can be prepared for construction of this development in the railway reserve and related construction approved separately by the DAP on the 21 January 2022. The Shire considers it practical that one consolidated Construction Management Plan be prepared, and

notes that construction areas for development within the railway corridor may be provided off site within adjacent Lots 2 and 535.

12. **KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE**
13. **KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT**
14. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
15. **ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**
17. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
18. **CLOSURE**

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at _____pm.