



CONFIRMED MINUTES

SPECIAL COUNCIL MEETING

10 SEPTEMBER 2021

Shire of Carnamah
33-37 Macpherson Drive
Carnamah



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10 SEPTEMBER 2021**

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SHIRE OF CARNAMAH

These Minutes were confirmed at a meeting on 15 September 2021



Presiding Person at the Meeting
at which the Minutes were Confirmed

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**SPECIAL COUNCIL MEETING
10 SEPTEMBER 2021**

1.0 DECLARATION OF OPENING

The Presiding Person welcomed Elected Members, Staff and public gallery attendees and declared the meeting open at 8:00am.

Acknowledgment of Country

The Shire of Carnamah would like to acknowledge the traditional custodians of this land, and pay its respect to local Aboriginal Elders, both past and present. We also reflect on the spirit of the pioneers who settled this country and developed the land, and the service personnel whose sacrifices have enabled us to enjoy the lifestyle we have become accustomed to.

2.0 RECORD OF ATTENDANCE

2.1 Present

<i>Cr Merle Isbister</i>	<i>Shire President (Presiding Person)</i>
<i>Cr Dwayne Woollorton</i>	<i>Deputy President</i>
<i>Cr Con Kikeros</i>	
<i>Cr Luke Risinger</i>	
<i>Cr Ian Bowman</i>	
<i>Cr Wayne Counsel</i>	

<i>Vin Fordham Lamont</i>	<i>Chief Executive Officer</i>
<i>John Skinner</i>	<i>Manager, Works and Services</i>

Public Gallery

*Brendon Haeusler
Richard Davies
Veronica Davies*

2.2 Apologies

Cr Bruce Chisholm

2.3 Leave of Absence (Previously Approved)

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Mr & Mrs Davies advised that they were in attendance representing Mr Noel Heinrich, the local CBH growers representative. They queried the inclusion of advice note 5 in the officer's

recommendation for agenda item 10.1.1, as well as the content of the proposed condition 7 of the same agenda item. Cr Isbister responded that this matter would be discussed when Council considers that agenda item.

5.0 APPLICATION FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

6.1 Declaration of Financial Interest and Proximity Interests

Cr Counsel declared an indirect financial interest pursuant to section 5.61 of the Local Government Act 1995 in agenda item 10.1.1 because he is a farmer.

Cr Bowman declared an indirect financial interest pursuant to section 5.61 of the Local Government Act 1995 in agenda item 10.1.1 because he is a shareholder of CBH.

6.2 Declaration of Interest Affecting Impartiality

Nil

7.0 PETITIONS AND DEPUTATIONS

Nil

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Isbister expressed her disappointment in the length of time that the matter which is the subject of agenda item 10.1.1 has taken to be finalised.

9.0 CONFIRMATION OF MINUTES

SCM20210901 COUNCIL DECISION

That the Minutes of the Special Council Meeting held on 30 August 2021 be accepted as a true and accurate record. ➡

Moved: Cr Risinger
Seconded: Cr Kikeros


CARRIED: 6/0

Crs Counsel and Bowman left the chambers at 8:08am.

10.0 REPORTS OF THE CEO

10.1 REGULATORY SERVICES

10.1.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED ADDITIONS TO EXISTING APPROVED RURAL INDUSTRY (GRAIN HANDLING & STORAGE INFRASTRUCTURE) ON LOT 100 ON DEPOSITED PLAN 419525 PARKER STREET, CARNAMAH

File Code	ADM0218
Author	Mr Joe Douglas – Exurban Rural & Regional Planning
Disclosure of Interest	Nil
Attachments	1. Copy of Development Application including all supporting documentation and plans received 

SUMMARY

This report recommends that a development application submitted by Cooperative Bulk Handling Limited (Landowner) to amend the conditional development approval granted at a Special Meeting of Council held on 30 August to develop additional grain storage infrastructure at its existing grain handling and storage facility in the Carnamah townsite be supported and approved.

BACKGROUND

In accordance with the rights afforded by clause 77(1) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Cooperative Bulk Handling Limited (CBH) has submitted a development application requesting that Council amend the development approval previously granted at a Special Meeting held on 30 August 2021 to construct additional grain storage infrastructure at its existing grain handling and storage facility on Lot 100 Parker Street, Carnamah for the forthcoming harvest period.

A full copy of the development application received, including supporting documentation, is provided in Attachment 1.

Specifically, CBH has requested the following conditions be deleted from the approval in their entirety:

Condition 7

Engineering design drawings and specifications for Basic Right (BAR) and Basic Left (BAL) turning treatments comprising widened shoulders on the Carnamah-Eneabba Road/Midlands Road and Carnamah-Eneabba Road/Parker Street intersections, including any required pavement and seal widening and stormwater drainage, to cater for RAV 7 heavy vehicle turning movements shall be prepared by the applicant/landowner at its own cost and submitted to the Shire for consideration of approval in consultation with Main Roads WA by no later than 31 March 2022 unless otherwise approved by Council.

Condition 8

All works required to provide Basic Right (BAR) and Basic Left (BAL) turning treatments comprising widened shoulders on the Carnamah-Eneabba Road/Midlands Road and Carnamah-Eneabba Road/Parker Street intersections shall be arranged by the applicant/landowner at their own cost in accordance with the approved engineering design drawings and specifications required by Condition 7 above and be completed in their

entirety to the satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services and Main Roads WA of by no later than 30 June 2022 unless otherwise approved by Council.

The justifications provided by CBH to delete these two (2) conditions are outlined as follows:

- i) *The analysis in the revised Traffic Impact Statement Revision B indicates the designated movements using RAV 7 vehicles can be completed within the existing intersection geometry, with the exception of the left turn into Carnamah-Eneabba/Midlands Road from Midlands Road where the current MRWA HVS RAV network only permits up to RAV 4 vehicles for this movement. CBH is not proposing changes to this arrangement;*
- ii) *The warranted turning treatments at the intersections (BAR/BAL) are already in place and no further improvements are required. The estimated traffic volumes do not warrant the installation of additional auxiliary lanes. No action by CBH is required; and*
- iii) *It is also noted that there is insufficient width for lane correct movements within both the Carnamah-Eneabba/Midlands Road and the Carnamah-Eneabba/Parker Street intersections for in and out movements to occur at the same time and therefore, it is expected that some trucks will need to stop within the through road to allow other trucks to clear the access. CBH will adopt the following as prescribed in Condition 9 of the approval:*

The applicant/landowner shall, at its own cost and prior to commencement of the 2021/22 harvest season, install Variable Message Sign Boards 200 metres either side of the Carnamah-Eneabba Road/Midlands Road and Carnamah-Eneabba Road/Parker Street intersections in accordance with Main Roads WA standards and procedural requirements for signs of this type with the following messages to be displayed on-screen to alert motorists to the potential safety risks associated with heavy vehicle movements at these intersections until completion of the 2021/22 harvest season:

Screen 1:

**TRUCKS
ENTERING**

Screen 2:

**PROCEED
WITH
CAUTION**

COMMENT

CBH's application to formally remove Conditions 7 and 8 from the original development approval granted by Council on 30 August 2021 is based upon a revised Traffic Impact Statement prepared by Shawac Consulting Civil and Traffic Engineers that was submitted to the Shire with the application on 3 September 2021.

The revised Traffic Impact Statement now states:

- i) *Only RAV 4 type heavy vehicles are permitted to turn left into Carnamah-Eneabba Road from Midlands Road as the current Main Roads WA Heavy Vehicle Services approved RAV network forbids this movement for RAV 5 to RAV 7 vehicles (36.5m road trains) (i.e. this intersection is suitable to accommodate the relevant approved RAV rated vehicles). If RAV 7 movements are required for this movement in the future then widening works at this intersection may be required to allow minimum clearances to kerbs, road infrastructure etc.;*
- ii) *The warranted turning treatments at the Carnamah-Eneabba Road and Parker Street intersection (BAR/BAL) are already in place and no further improvements are required. The estimated traffic volumes do not warrant the installation of additional auxiliary lanes; and*

- iii) *There is insufficient width for lane correct movements within both the Carnamah-Eneabba Road/Midlands Road and Carnamah-Eneabba Road/Parker Street intersections for in and out movements to occur at the same time and therefore it is expected that some trucks will need to stop within the through road to allow other trucks to clear the access.*

The issues surrounding the need for the road design and upgrade works required by Conditions 7 and 8 of the original development approval were the subject of recent on-site meetings and discussions with CBH, Main Roads WA and Shire representatives. CBH's application for reconsideration of Conditions 7 and 8 was also formally referred to Main Roads WA for review and comment.

Main Roads WA and the Shire's Manager of Works and Services have both confirmed acceptance of the updated findings and recommendations in the revised Traffic Impact Statement given the travel routes proposed to be used by CBH's operations in Carnamah are already part of the previously approved RAV 7 network. It is understood Main Roads WA Heavy Vehicle Services Division approved the current RAV 7 network rating without the need for compliant lane correct turning swept paths for heavy vehicles given the relatively low volumes of heavy vehicle traffic and minimal risk to traffic safety. As such, Main Roads WA and the Shire's Manager of Works and Services advised they have no objections to CBH's request to remove Conditions 7 and 8 from the original development approval granted on 30 August 2021.

Notwithstanding these findings and Council's ability to now remove Conditions 7 and 8 from the original development approval based on the abovementioned advice, it is recommended that Condition 9 be amended to ensure that the Variable Message Sign Boards required by this condition are installed by CBH each and every harvest season from 2021/22 onwards to ensure that any potential road safety and legal liability issues surrounding the insufficient road carriageway widths for lane correct movements within the Carnamah-Eneabba Road/Midlands Road and Carnamah-Eneabba Road/Parker Street intersections are addressed insofar as possible until further detailed investigations are completed and these intersections are upgraded to address the existing deficiencies.

It is also recommended that an advice note be included in any revised development approval that may be granted by Council advising CBH that Council is not willing to support and approve any further development application/s for its Carnamah receival facility that propose any further increases to the current approved grain storage capacity until a full assessment of the suitability of the roads required to accommodate the additional heavy vehicle traffic likely to be generated is completed, all required road upgrade works are itemised and costed, and a formal agreement with the Shire and Main Roads WA is prepared regarding a proportionate, shared contribution to any future required road upgrades based upon a detailed analysis of heavy vehicle traffic volumes directly associated with CBH's activities. Council should note CBH confirmed via email on 1 September 2021 of its willingness to re-engage with the Shire on the road intersection treatments required in the future and would consider being a co-contributor to these treatments once their scope and cost has been determined.

CONSULTATION

Public advertising of the application was not required or deemed necessary. The application was however again referred to Main Roads WA and the Shire's Manager of Works and Services for review and comment, the outcomes from which have been documented above. The application was also the subject of further discussion with CBH and the Shire's Chief Executive Officer.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnamah Local Planning Scheme No.2

STRATEGIC IMPLICATIONS

The development proposal for Lot 100 is generally consistent with and does not conflict with the Shire of Carnamah Strategic Community Plan 2027 as it applies specifically to social, environmental, economic and civic leadership objectives and outcomes. Notwithstanding this conclusion, further strategic planning is required to ensure that any future proposed increase to grain storage capacity on Lot 100 does not have a detrimental impact on the local road network or the safety of all road users as a direct consequence of the additional heavy vehicle traffic volumes likely to be generated.

POLICY IMPLICATIONS

- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 4.1 – State Industrial Buffer
- EPA Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and will be offset by the development application fee paid by the applicant. All costs associated with the proposed development, including the required temporary traffic safety signage, will need to be met by CBH in its capacity as the applicant / landowner.

It is significant to note that should CBH be aggrieved by Council's decision in this matter it has the right to either seek Council's reconsideration of that decision, including any conditions imposed thereon, or submit an application to the State Administrative Tribunal requesting a formal review. Should this occur for whatever reason, which is now considered highly unlikely, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the reconsideration and/or review processes.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council resolve to:

1. Support and approve the development application submitted by Cooperative Bulk Handling Limited pursuant to clause 77(1) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to delete Conditions 7 and 8 of the original development approval granted on 30 August 2021 to construct additional grain storage infrastructure on Lot 100 on Deposited Plan 419525 Parker Street, Carnamah.
2. Amend Condition 9 of the original development approval granted to Cooperative Bulk Handling Limited on 30 August 2021 to read as follows:

The applicant/landowner shall, at its own cost for the full duration of each and every harvest season from 2021/22 onwards, install Variable Message Sign Boards 200 metres either side of the Carnamah-Eneabba Road/Midlands Road and Carnamah-Eneabba Road/Parker Street intersections in accordance with Main Roads WA standards and procedural requirements for signs of this type with the following messages to be displayed on-screen to alert motorists to the potential safety risks associated with heavy vehicle movements at these intersections. The requirements of this condition must be satisfied until further detailed investigations are completed and the intersections are upgraded to address the existing deficiencies with the road carriageway widths for lane correct movements by heavy vehicles:

Screen 1:

**TRUCKS
ENTERING**

Screen 2:

**PROCEED
WITH
CAUTION**

3. Amend Condition 9 of the original development approval granted to Cooperative Bulk Handling Limited on 30 August 2021 so it becomes Condition 7 and is in sequence with Conditions 1 to 6 which shall remain unchanged.
4. Include the following additional advice note on the original development approval granted to Cooperative Bulk Handling Limited on 30 August 2021:

Advice Note No.5

Council is not willing to support and approve any further development application/s to construct additional grain storage infrastructure on Lot 100 on Deposited Plan 419525 Parker Street, Carnamah to increase to the current approved grain storage capacity on the land until a full assessment of the suitability of the roads required to accommodate the additional heavy vehicle traffic likely to be generated is completed, all required road upgrade works are itemised and costed, and a formal agreement with the Shire of Carnamah and Main Roads WA is prepared and executed regarding a proportionate, shared contribution to any future required road upgrades based upon a detailed analysis of heavy vehicle traffic volumes directly associated with CBH's activities.

SCM20210902 COUNCIL DECISION

That point 2 of the officer recommendation be removed.

**Moved: Cr Isbister
Seconded: Cr Wooltorton**

CARRIED: 4/0

SCM20210903 COUNCIL DECISION

That point 4 of the officer recommendation be removed.

**Moved: Cr Isbister
Seconded: Cr Risinger**

CARRIED: 4/0

REASON FOR COUNCIL CHANGING OFFICER RECOMMENDATION

Council note the CEO and town planner recommendations and have given due consideration to the planning constraints contained within the recommendation.

Council have chosen to retain condition 7 (previously condition 9) as it was resolved at the SMC on the 30/08/21 and chose to removed advice note No. 5 within agenda item 10.1.1 10/09/21 SCM as it feels the conditions imposed within the advice are onerous and therefore cannot be imposed by this Council on future Councils.

Our core industry within this Shire is agriculture and it is in appropriate to impose conditions that have the potential to impact on our community and associated stakeholders.

NEW SUBSTANTIVE MOTION

The new substantive motion is:

SCM20210904 COUNCIL DECISION

That Council resolve to:

1. Support and approve the development application submitted by Cooperative Bulk Handling Limited pursuant to clause 77(1) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to delete Conditions 7 and 8 of the original development approval granted on 30 August 2021 to construct additional grain storage infrastructure on Lot 100 on Deposited Plan 419525 Parker Street, Carnamah.
2. Amend Condition 9 of the original development approval granted to Cooperative Bulk Handling Limited on 30 August 2021 so it becomes Condition 7 and is in sequence with Conditions 1 to 6 which shall remain unchanged.

Moved: Cr Wooltorton

Seconded: Cr Kikeros

CARRIED: 4/0

Crs Counsel and Bowman re-entered the chambers at 8:13am.

10.2 WORKS ADMINISTRATION REPORT

Nil

10.3 FINANCE REPORTS

Nil

10.4 ADMINISTRATION REPORTS

Nil

10.5 CONFIDENTIAL REPORTS

Nil

11.0 ORDERING THE COMMON SEAL

Nil

12.0 REPORTS OF COMMITTEES AND MEMBERS

Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14.0 NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

Nil

16.0 CLOSURE OF THE MEETING

There being no further business, the meeting was declared closed at 8:14am.