



*A progressive, diverse and caring community,  
with access to modern services and infrastructure,  
in a unique part of the world*

# MINUTES

of the

**Special Meeting of Council**

held

**TUESDAY 27<sup>th</sup> October 2020**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

# COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

## DISCLAIMER

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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 limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

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## 1. **DECLARATION OF OPENING:**

The Shire President, Cr Conley, declared the meeting open at 5pm.

## 2. **ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

### 2.1.1 Attendance

Cr Mark Conley	President
Cr Eliza Dowling	Deputy President
Cr Scott Ballantyne	
Cr Dawson Bradford	
Cr Robert Harris	
Cr Deb Hopper	

Mr Gary Sherry	Chief Executive Officer
Ms Bronwyn Dew	Deputy Chief Executive Officer
Mr Steve Thompson	Planning Consultant

Mr Dene Toovey  
Mr John Patmore  
Mr Phil Whitford

### 2.1.2 Apologies

Nil

### 2.1.3 Leave of Absence

Nil

## 3. **STANDING ORDERS:**

### **COUNCIL DECISION – 2020/118:**

**That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.**

**Moved: Cr Dowling**

**Seconded: Cr Hopper**

**Carried 6/0**

## 4. **PUBLIC QUESTION TIME:**

### 4.1 **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:**

Nil

## **4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:**

Nil

## **4.3 PUBLIC QUESTIONS FROM THE GALLERY:**

### **4.3.1 Bulk Feed Mill – Sunday Operations**

Mr Dene Toovey noted condition 3 in the Officer's Recommendation that supported a condition on the proposed development of *"The facility is permitted to operate 24 hours a day on Mondays to Saturdays. Other than administrative or maintenance work, there is to be no operations on Sundays"*.

Mr Toovey expressed concern regarding this condition in that while the proposed development would not wish to operate seven days per week through entire year, seasonal demand for ruminant feed would require seven day per week operations for a portion of the year. Mr Toovey advised that the original application seeking 6 day per week operation was an estimate to establish annual costs. Mr Toovey requested that Council consider permitting the development to operate on Sundays.

Chief Executive Officer, Mr Sherry, advised that it was open for Council to amend the Officer's Recommendation in their decision if they wished. The proponent, should they be permitted to operate on Sundays, would still need to meet the acceptable level of noise emissions under the Environmental Protection (Noise) Regulations 1997. These regulations require lower noise emissions on Sundays.

## **5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

## **6. CONFIRMATION OF MINUTES:**

Nil. The Minutes of previous meetings will be considered at the next Ordinary Meeting of Council

## **7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:**

Nil

## **8. DISCLOSURE OF FINANCIAL INTEREST:**

Cr Bradford declared a Proximity Interest in 9.2.1 in that he has an interest in property adjoining Lot 2 on Diagram 72792 and Lot 8 on Deposited Plan 52749 Springhill Road, Cuballing.

## **9. REPORTS OF OFFICERS AND COMMITTEES:**

### **9.1 DEPUTY CHIEF EXECUTIVE OFFICER:**

Nil

## 9.2 CHIEF EXECUTIVE OFFICER:

**Cr Bradford declared a Proximity Interest in 9.2.1 in that he has an interest in property adjoining Lot 2 on Diagram 72792 and Lot 8 on Deposited Plan 52749 Springhill Road, Cuballing and left the meeting at 5.04pm.**

9.2.1	Development Application – Bulk Feed Mill - Lot 2 on Diagram 72792 and Lot 8 on Deposited Plan 52749 Springhill Road, Cuballing
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Applicant:	Urbis Perth
File Ref. No:	A4929
Disclosure of Interest:	Nil
Date:	23 <sup>rd</sup> October 2020
Author:	Gary Sherry
	9.1.2A Location Plan
	9.2.1B Development Plans
Attachments	9.2.1C Public Submissions
	9.2.1D Location of Comments
	9.2.1E Schedule of Submissions and Applicant Responses

### Summary

**Council is to consider a position in relation to a development application to construct a feed mill at Lot 2 on Diagram 72792 and Lot 8 on Deposited Plan 52749 Springhill Road, Cuballing. The Development Application will be decided by the Regional Joint Development Assessment Panel.**

### Background

Development approval is sought to establish a bulk feed mill. The site of the bulk feed mill has been operated as a depot for stock feed and fertilisers for many years. A location plan showing the site of the development is included at Attachment 9.2.1A.

The site is located approximately 4 kilometres south-west of the Cuballing townsite (see Attachment 3).

The site is generally cleared of vegetation and moderately sloping, with the development footprint being cleared. The proposed feed mill is located on a ridge.

Whitford Fertilisers (sales) are in the western section of the site. The site is surrounded by large rural lots which are predominantly used for cropping and grazing.

A boundary realignment application was approved by the Western Australian Planning Commission on 12 November 2019. At this stage, the new realigned lots have not been created.

The proposal is to manufacture, store and sell animal feed in bulk quantities to the local community. In particular, the development proposal, shown in the development plans included at Attachment 9.2.1B consists of:

- Various buildings and structures including a processing building, in-loading and out-loading silos, boiler house, workshop area, straw intake and milling building, storage areas and office;
- A built area extending for approximately 140 metres when viewed from Springhill Road. The highest section is the in-loading silo and processing building which has a height of approximately 29.4 metres;
- An estimated capacity of 180,000 tonnes of animal feed per year;

- Operation based on 24 hour production, 6 days per week (Monday – Saturday) for 50 weeks of the year;
- 20-25 employed staff with up to 20 staff expected on the site at any one time; and
- Two access points/crossovers to Springhill Road. Access 'A' (northern crossover) is for the receipt and dispatch of materials and products for 60 tonne road trains, with access 'B' (southern crossover) providing domestic scale vehicle access to the staff and visitor car park.

The public notice period was for 42 days. The Shire invited public comment on the Development Application through:

- Writing to 9 State Government agencies;
- Writing to 18 adjoining/nearby landowners within 2 km of the application site;
- Writing to 17 relevant stakeholders;
- Placing details on the Shire website and Facebook page;
- Placing a notice in local papers on one occasion; and
- Placing a sign on the frontage of the site adjoining Springhill Road.

The Shire received 14 submissions on the Development Application with all submissions set out in Attachment 9.2.1C. The general location of the local residents who made a submission are outlined in Attachment 9.2.1D.

The Shire of Cuballing engaged consulting engineer RMECS to prepare a review of the safe access and egress of vehicles to/from the site onto Springhill Road. This full report has not been included in Attachment 9.2.1C but is available for interested Councillors. A summary of the report is included in Attachment 9.2.1E.

The Schedule of Submissions and Applicant Responses are provided as Attachment 9.2.1E. This Schedule includes the applicant's response to the submissions. The Shire overall accepts and agrees with the applicant's response and accordingly considers the comments received on the Development Application to be adequately addressed. At the time of preparing the report, the main outstanding matter, from the Shire's perspective, is ensuring there is suitable and safe access for RAVs in the northern portion of the application site.

In summary, the submissions can be divided as follows:

- 4 raise objections;
- 2 raise issues/matters to address;
- 6 raise no objections; and
- 2 support the proposal.

The key planning issues/concerns raised by the public and stakeholders are outlined below:

- Noise, light and dust impacts on people living and working nearby;
- Environmental impacts including on water quality;
- Fauna and pest management;
- Incompatibility of the proposed facility with the character of the surrounding area and a loss of amenity;
- Traffic impacts including increased restricted access vehicles on Springhill Road and the associated standard of Springhill Road;
- Road safety concerns particularly the location of Access 'A' (northern crossover);
- Visual impacts; and
- Decreased property values.

Issue/Concern Raised	Officer's comments
Noise – construction and operation	<p>The nearest sensitive receptor not owned by the operator is approximately 1.1 km from the proposed bulk feed mill.</p> <p>An Environmental Noise Assessment was undertaken which predicts that noise levels against night-time noise criteria for construction and the feed mill operation will be below the prescribed noise levels and will not impact on nearby residences.</p> <p>Additional noise mitigating measures have been proposed within the Environmental Noise Assessment and the imposition of these measures through a condition of development approval is recommended.</p> <p>The acceptable level of noise emissions is controlled under the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
Dust	<p>The EPA Guidance Statement No. 3 <i>Separation Distances between Industrial and Sensitive Land Uses</i> recommends that animal feed manufacturing maintain a separation distance of 500 metres to the nearest sensitive receptor.</p> <p>The nearest sensitive receptor, not owned by the operator, is approximately 1.1 km from of the proposed bulk feed mill, well beyond the recommended separation distances.</p> <p>The site's generous lot sizes, separation distances to the sensitive uses and proposed mitigation measures assist to minimise dust impacts.</p> <p>It is recommended that a Dust Contingency Plan be included as a development condition.</p>
Flora and fauna impacts	<p>No clearing of native vegetation is proposed.</p> <p>Pest and fauna management are considered and it is recommended that a Pest Management Plan be included as a development condition.</p> <p>Proposed landscaping utilising local indigenous species can assist to provide opportunities for local wildlife.</p>
Surface water and stormwater	<p>The operator will implement a range of measures to minimise possible impacts on surface water.</p> <p>A recommended condition is the preparation and implementation of a Stormwater Management Plan which requires the detention and treatment of stormwater on-site. It is expected that much of the rainfall onto roofs will be captured and stored in tanks.</p>
Land use compatibility	<p>The proposed bulk feed mill is located within a rural area containing large lots. The site is well removed from the Cuballing townsite and rural living areas.</p> <p>The bulk feed mill is considered compatible with the surrounding agricultural activities. The scale of the buildings/structures is greater than surrounding development. Industry is however a use envisaged for the rural area in the LPS2 and the Local Planning Strategy.</p> <p>The bulk feed mill exceeds the separation distance standards for EPA <i>Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses</i>. For planning purposes, the separation distances between the bulk feed mill and sensitive uses exceeds reasonable planning standards.</p>



Issue/Concern Raised	Officer's comments
Visual and landscape	<p>The proposed bulk feed mill is proposed high in the landscape on a ridge. The proposed buildings and structures are tall in relation to the existing scale of buildings in the locality.</p> <p>The proposed development is expected to be seen from portions of the Great Southern Highway when driving north.</p> <p>It is acknowledged there are visual impacts of the proposed bulk feed mill when viewed from surrounding properties.</p> <p>There is no maximum size or height of outbuildings in the General Agriculture Zone as set by the Shire's Local Planning Policy - Outbuildings. Development Table – General of LPS2 sets out that boundary setbacks are as determined by the local government for this use in the General Agriculture Zone.</p> <p>It is noted that the proposed buildings will be clad in Colourbond and it is suggested that a development condition include the proponent preparing and implementing a Landscaping Plan.</p>
Bushfire risks	<p>A Bushfire Management Plan has been prepared which concludes that the proposal and mitigation measures comply with WAPC/DFES requirements.</p> <p>DFES raise no objection to the Development Application.</p>
Traffic and access	<p>The site has direct access to Springhill Road which is managed by the Shire. Springhill Road can be used by restricted access vehicles (RAVs), including road trains. In particular, Springhill Road is already part of the Restricted Access Vehicle (RAV) class 4 network, although it is "with conditions" which restricts the maximum speed of the RAVs to 40 km per hour.</p> <p>Springhill Road is a sealed road with approximately 75-92 vehicles per day. The number of RAVs is currently estimated to be on average 2 per day.</p> <p>A Traffic Impact Assessment (TIS) has been prepared. This has estimated the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety. The bulk feed mill is predicted to generate up to 84 vehicle movements per day which include 40 road train trips per day.</p> <p>The TIS concludes that the predicted traffic generation from the site will not adversely impact the operation of Springhill Road.</p> <p>The proposed bulk feed mill will double the traffic volumes and significantly increase the number of RAVs on Springhill Road.</p> <p>The Shire's consulting engineer has recommended Springhill Road be with an improved road surface that better caters for turning road trains and widening the carriageway and fill batters around this intersection to provide sufficient run-off recovery space. There is a need to ensure that crossover 'A' is suitably located, designed and constructed.</p> <p>The provides a Safe Intersection Sight Distance of 215 metres. The Shire notes that SISD is for an speed of 90kmh, whilst the roads speed limit is 110kmh. The Shire considers that Access 'A' (northern crossover) designed as per Safe Intersection Sight Distance (SISD)</p>

Issue/Concern Raised	Officer's comments
	<p>formula provided in Equation 2 in section 3.2.2 of the Austroads : Guide to Road Design Part 4A.</p> <p>The main safety consideration is the location and design of Access 'A' which will be used by RAVs. Springhill Road adjoining the application site is on a bend and there are also vertical level changes on sloping ground.</p> <p>It is recommended that a condition of approval be imposed that requires Springhill Road, within 30 metres either side of Access 'A' (northern access) to be upgraded to Shire specifications. This is to address the impacts of the number of turning RAVs associated with the feed mill including the impact on the road pavement. This request is consistent with <i>State Planning Policy 3.6 Developer Contributions for Infrastructure</i>. It is also recommended that a Construction Management Plan be imposed as a condition of approval which includes suitable traffic management measures during the construction of the development.</p> <p>The relatively steep reverse slope superelevation on Springhill Road will likely result in RAVs exiting or entering the feed mill facility having to turn sharply.</p> <p>The current chip seal on Springhill Road at the intersection point is not designed for this wear.</p> <p>It is recommended that a condition of approval be imposed that requires the surface of Springhill Road, near the agreed location of Access 'A', to be upgraded to Shire specifications.</p> <p>Main Roads Western Australia raise no objection to the Development Application.</p>
Decreased property values	This is not an issue which is required to be considered in determining applications by the Regulations or by LPS2

### *Consultation with other agencies*

The following State Government agencies were consulted:

- Department of Fire and Emergency Services – no objection
- Department of Primary Industries and Regional Development – no objection
- Department of Mines, Industry Regulation and Safety – no objection
- Department of Jobs, Tourism, Science and Innovation – no objection
- Department of Water and Environment Regulation – no objection, will assess through a separate Works Approval
- Main Roads Western Australia – no objection

In relation to the above, the main points are outlined below.

#### ***Department of Fire and Emergency Services***

The Department of Fire and Emergency Services advise that the Bushfire Management Plan has adequately identified issues arising from the bushfire risk assessment. It is recommended that a condition be imposed on a development approval that requires the implementation of the BMP for the life of the development.

### **Department of Water and Environmental Regulation**

DWER have confirmed that the proposed development is identified as a Prescribed Premises (Category 23: Animal Feed Premises) under the *Environmental Protection Act 1987*. A Works Approval will be required from DWER who have further indicated that the proponent has submitted an application.

#### *Planning Assessment*

### **Shire of Cuballing Local Planning Scheme No. 2**

The site is zoned 'General Agriculture' in the *Shire of Cuballing Local Planning Scheme No. 2* (LPS2). The aims of LPS2 in Clause 1.6 include:

- to protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes;
- to encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire; and
- to protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised.

Clause 3.2(b) of LPS2 sets out the objectives of the General Agriculture Zone which include:

- to preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
- to ensure the preservation of the rural character and rural appearance of land within the zone;
- to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity; and
- to preserve and protect the natural undeveloped land areas throughout the zone.

The development of a bulk feed mill is considered appropriate in the General Agriculture zone as it is consistent with LPS2 aims and objectives. The development is designed as such to enable the balance of the application site to continue to be used for agricultural purposes.

The Zoning Table of LPS2 includes 'Industry' which is an 'A' use and 'Industry - Primary Production' which is a 'D' use in the General Agriculture zone. The use closest in form to a bulk feed mill, provided for in LPS2, is that of 'Industry' which is defined under the Scheme as:

"industry" means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

Classifying the proposed bulk feed mill as 'industry' is consistent with the Supreme Court decision in *Harvis Capital Pty Ltd vs Mid-West/Wheatbelt Joint Development Assessment Panel* (2020).

The table below summarises the proposal against relevant LPS2 aims, objectives, provisions and standards.

<b>Section of LPS2</b>	<b>Scheme requirement</b>	<b>Compliance</b>
Aims of the Scheme – clause 1.6	Outlined above	Complies, including protecting good agricultural land and encouraging economic growth.
Objectives for the General Agriculture Zone – clause 3.2(b)	Outlined above	Complies, there will be minimal impact on productive agricultural land and on-going rural operations.
Zoning Table – clause 3.3	Industry is an ‘A’ use in the General Agriculture zone	Complies, the use/development can be considered on its merits.
Development standards and requirements – clause 4.5 and the associated Development Table - General	For all other permitted uses in the General Agriculture zone, the standards for boundary setbacks, car parking spaces and landscaping are as determined by the local government.	Complies based on an assessment of the application and considering the submissions. By way of comparison, the proposed setbacks exceed standards set in the Rural Townsite zone for general industry or for an abattoir in the General Agriculture zone.  The provision of one car parking bay per staff member is reasonable.  A recommended development condition is the preparation and implementation of a landscaping plan.

The application complies with relevant objectives, development standards and requirements in LPS2.

### **Shire of Cuballing Local Planning Strategy**

The applicant has assessed the proposal against the Local Planning Strategy (see section 4.1.2 in Attachment 2).

The site is allocated as ‘Rural’ on the Strategy Plan and is distant from townsites and rural living areas. The proposed development is consistent with the Local Planning Strategy including to diversify and grow the local economy.

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

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides matters for consideration when assessing an application for development approval. The report has considered various matters set out in the Regulations including assessing the application against the amenity of the locality.

The amenity of the locality can be described as one typical of a rural environment. The amenity surrounding the application site needs maintaining, particularly in relation to noise emissions. The submitted Environmental Noise Assessment provides confidence that this is suitably addressed.

### **State Planning Policy 2.5 - Rural Planning**

The objective of State Planning Policy 2.5 (SPP2.5) is to protect rural land assets, which is achieved in part by ensuring land use compatibility.

The proposed bulk feed mill is considered a compatible rural land use as it is one that can be considered for approval by LPS2 in the General Agriculture zone. The nature of the proposed industry use, with its relationship to the rural sector, also renders it contextually appropriate. The proposed mitigation of off-site impacts should ensure the protection of the surrounding rural land and its continued use for rural purposes.

It is considered that the proposed bulk feed mill is consistent with SPP2.5.

### **State Planning Policy 3.7 - Planning in Bushfire Prone Areas**

A portion of the application site is located within a designated Bushfire Prone Area. In accordance with State Planning Policy 3.7 (SPP3.7), a Bushfire Management Plan (BMP) was prepared. The ultimate BAL rating attributed to the proposed development is BAL-LOW. The BMP contain measures that will ensure that the safety of the development and its occupants, which DFES have deemed acceptable and consistent with SPP3.7.

To ensure the fire mitigating measures contained with the BMP are applied and maintained, it is recommended that a condition of approval be imposed on the development approval that requires the implementation of the BMP for the life of the development. Additionally, it is recommended that a section 70A notification should be applied to the Certificate of Title(s) to advise the owners and successors in title of the BMP requirements.

### Comment

Environmental and social implications of the proposed development have been considered through the application process. This has concluded that matters such as noise, dust, bushfire risk, stormwater management, wastewater management and other impacts are considered acceptable by the Shire and respective State Government agencies. Relevant matters can be addressed through development conditions or associated determinations by DWER.

It is recommended that the Development Application for the bulk feed mill (industry use) be conditionally approved. This follows assessment against the planning framework, information provided by the applicant, considering the views of the submitters and other available information. The application is supported given:

- The proposed development/use of 'industry' is an 'A' use within the General Agriculture zone, and can be considered for approval;
- The proposed development complies with the relevant objectives, development standards and requirements of LPS2, local and State planning policies;
- There are suitable separation distances to off-site dwellings and sensitive uses that exceed guidelines;
- Its siting in a rural area is away from settlements;
- The locality is not identified for rural living purposes, but instead the area is identified for rural purposes in the Local Planning Strategy;
- It is located on cleared land and takes up a modest footprint in relation to the overall size of Lots 2 and 8 Springhill Road;
- State Government agencies have not objected to the application;
- The proposal creates jobs and assists to diversify the local economy;
- There are manageable bushfire risks;
- Traffic impacts are manageable subject to addressing the suitable location and design of Access 'A' (northern crossover) and subject to proposed conditions;
- The development supports job creation and diversifying the local economy;
- The development is expected to have negligible impact on surrounding environmental and social values, aided through the imposition of suitable mitigation measures; and
- There are not considered to be strong planning grounds to refuse the Development Application.

The above assessment against the relevant State and local planning requirements indicates the Development Application to be compliant with its statutory and strategic environment.

The proposed bulk feed mill is well removed from sensitive premises and the proposed mitigation measures should ensure manageable environmental and social impacts other than addressing the location and design of Access 'A' (northern crossover).

The Officer's Recommendation is that Council support the application subject to the recommended conditions:

1. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. This decision constitutes development approval only and is valid for a period of 3 years from the date of approval. If the subject development is not substantially commenced within the 3 year period, the approval shall lapse and be of no further effect.
3. The facility is permitted to operate 24 hours a day on Mondays to Saturdays. Other than administrative or maintenance work, there is to be no operations on Sundays.
4. Prior to commencement of any works, a Stormwater Management Plan shall be submitted for approval by the local government and thereafter implemented and maintained to the satisfaction of the local government. Amongst matters, the Plan should:
  - (a) Ensure that all stormwater from buildings, vehicle access ways, manoeuvring and parking areas, vehicle wash down areas and other impervious areas are collected, detained and suitably treated on site for the 1 in 1 year, 1 hour average recurrence interval (ARI) storm event;
  - (b) Address surface water management for larger 1 in 20 year and 1 in 50 year storm events to prevent stormwater causing soil erosion on the application site, on neighbouring properties and on public infrastructure; and
  - (c) Be designed in accordance with the *Stormwater Management Manual for Western Australia*.
5. The access ways, vehicle manoeuvring areas and vehicle parking spaces are to be designed, constructed, sealed and drained prior to occupation. Thereafter, the operator shall appropriately maintain these areas to the satisfaction of the local government.
6. Prior to occupation or use of the development, the vehicular crossovers onto Springhill Road are to be located, designed, constructed, sealed and drained to the satisfaction of the local government. In particular, Access 'A' (northern crossover) is to be designed as per Safe Intersection Sight Distance (SISD) formula provided in Equation 2 in section 3.2.2 of the *Austrroads : Guide to Road Design Part 4A*.
7. Prior to occupation or use of the development, engineering drawings and specifications shall be submitted for approval for the upgrade of Springhill Road within 30 metres of either side of the approved Access 'A' (northern crossover) location. Works shall be undertaken in accordance with the approved drawings and specifications and completed to the satisfaction of the local government prior to occupation or use of the development.
8. Before commencement of any upgrading works to Springhill Road, a Construction Management Plan shall be submitted for approval by the local government and implemented for the duration of the construction of the development and upgrade to Springhill Road to the satisfaction of the local government.

9. Prior to occupation or use of the development, a Landscaping Plan shall be submitted to and approved by the local government, and shall include the following:
  - (a) The location, number and type of proposed trees and shrubs including species and density;
  - (b) Planting for filtration purposes for all drainage swales and drainage infrastructure;
  - (c) Promoting the use of locally indigenous species; and
  - (d) Addressing the approved Bushfire Management Plan.

The approved Landscaping Plan shall be implemented prior to occupation or use of the development and maintained thereafter to the satisfaction of the local government.

10. Toxic and hazardous chemicals are to be stored within contained compounds to the satisfaction of the local government.
11. The Environmental Noise Assessment dated 17 August 2020 shall be implemented to the satisfaction of the local government.
12. A Dust Contingency Plan shall be submitted to and approved by the local government prior to the commencement of any site works. Dust control measures for site works and all operations are to be implemented to the satisfaction of the local government.
13. A Pest Management Plan is submitted and implemented to the satisfaction of the local government prior to occupation. Following this, the Plan is implemented to the satisfaction of the local government.
14. The Bushfire Management Plan dated 14 August 2020 and all the recommendations contained within shall be implemented to the satisfaction of the local government.
15. Prior to occupation or use of the development, a Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be registered against the Certificates of Title(s) advising the owners and successors in title that a Bushfire Management Plan has been prepared and contains measures required to be maintained by the landowner/operator.
16. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*.
17. The buildings and structures are clad in Colourbond colours on external walls and the roofs to the satisfaction of the local government.

#### **Advice Notes**

1. In relation to proposed crossovers, any gates should be off set to ensure heavy vehicles or other vehicles are not blocking Springhill Road when entering the site.
2. In relation to the Landscape Plan, the local government will accept a suitable bond to enable occupation prior to the complete establishment of the landscaping.
3. Regarding the Pest Management Plan, the applicant is advised that pests to be controlled include, but are not limited to, insects, weeds, vectors, vermin, feral animals and birds.
4. The local government encourages the operator to:

- (a) Liaise with the school bus operator who accesses Springhill Road to establish a traffic schedule to avoid potential conflict with school bus operations;
  - (b) Install low speed signage within the site;
  - (c) Ensure that all technical reports associated with the facility are maintained on the operator's website;
  - (d) Establish and maintain a complaints management system; and
  - (e) Report any environmental incident promptly to the Department of Water and Environmental Regulation and to the local government.
5. Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval.
  6. Occupation of the premises is not permitted until all conditions are appropriately addressed to the satisfaction of the local government.
  7. If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

### Strategic Implications

Shire of Cuballing Strategic Community Plan 2017-2027

GOVERNANCE & ORGANISATION - Our Council, Services, Policies and Engagement.

Goals

- An independent Council that is supported by an excellent organisation.
- Governance structures that ensure accountable, transparent and ethical decision making.
- A Council that proactively engages with all elements of its community to make decisions that reflect positively on the future of the Shire of Cuballing.

	Strategy	Outcome
4.1	Councillors provide strong and visionary leadership.	A clear direction for the future.
4.2	Maintain a clear, transparent and ethical decision making process.	Openness and transparency in Council decisions.
4.3	Ensure open and consistent communication between the Shire and the community.	The community is aware of Council decisions and activities.
4.4	Actively engage with the community to inform decision making and improve conversations within the community.	The community have a variety of opportunities to be involved and are able to make meaningful contributions to decision making.

### Statutory Environment

#### *Legislation*

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2 Deemed Provisions)
  - Part 8 cl. 64 - Advertising applications
  - Part 9 cl. 67 - Matters to be considered by local government
- *Transfer of Land Act 1893 (Section 70A)*
- *Shire of Cuballing Local Planning Scheme No.2*



- Clause 1.6 - The aims of the Scheme
- Clause 3.2 (b) - Objectives of the General Agriculture Zone
- Clause 3.3 - Zoning Table
- Clause 4.5 - Development Standards and Requirements
- Clause 4.11 - Development in the General Agriculture Zone

#### *State Government Policies*

- *State Planning Policy 2 - Environment and Natural Resources*
- *State Planning Policy 2.5 - Rural Planning*
- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*
- *State Planning Policy 4.1 – Industrial Interface*
- *EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* - recommends a buffer distance of 500 metres for animal feed manufacturing

#### *Local policies*

Nil

Policy Implications – Nil

Financial Implications – Nil

#### Economic Implication

The development, if approved, can assist to provide economic benefits to the local economy through job creation.

#### Social Implication

Objections have been raised by four nearby landowners to the application. 1 local resident, who doesn't live near the proposed site, supported the application.

#### Environmental Considerations

DWER have confirmed that the proposed development is identified as a Prescribed Premises (Category 23: Animal Feed Premises) under the Environmental Protection Act 1987. A Works Approval will be required from DWER who have further indicated that the proponent has submitted an application.

#### Consultation

Council advised 18 owners of property within 2.4 kilometres of the application of the opportunity to comment on the application.

Council also advised 9 state government agencies, the Shire of Narrogin, 2 regional community groups with broad interest in the application and local, state and federal politicians.

#### Options

Council may resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments; or
3. to not support the Development Application, giving reasons.

#### Voting Requirements – Simple Majority

**COUNCIL DECISION – 2020/119:**

**That Council advise the Regional Joint Development Assessment Panel that Council supports the Development Application to construct a feed mill at Lot 2 on Diagram 72792 and Lot 8 on Deposited Plan 52749 Springhill Road, Cuballing conditional upon:**

- 1. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
- 2. This decision constitutes development approval only and is valid for a period of 3 years from the date of approval. If the subject development is not substantially commenced within the 3 year period, the approval shall lapse and be of no further effect;**
- 3. The facility is permitted to operate 24 hours a day on Mondays to Sundays;**
- 4. Prior to commencement of any works, a Stormwater Management Plan shall be submitted for approval by the local government and thereafter implemented and maintained to the satisfaction of the local government. Amongst matters, the Plan should:
  - (a) Ensure that all stormwater from buildings, vehicle access ways, manoeuvring and parking areas, vehicle wash down areas and other impervious areas are collected, detained and suitably treated on site for the 1 in 1 year, 1 hour average recurrence interval (ARI) storm event;**
  - (b) Address surface water management for larger 1 in 20 year and 1 in 50 year storm events to prevent stormwater causing soil erosion on the application site, on neighbouring properties and on public infrastructure; and**
  - (c) Be designed in accordance with the Stormwater Management Manual for Western Australia;****
- 5. The access ways, vehicle manoeuvring areas and vehicle parking spaces are to be designed, constructed, sealed and drained prior to occupation. Thereafter, the operator shall appropriately maintain these areas to the satisfaction of the local government;**
- 6. Prior to occupation or use of the development, the vehicular crossovers onto Springhill Road are to be located, designed, constructed, sealed and drained to the satisfaction of the local government. In particular, Access 'A' (northern crossover) is to be designed as per Safe Intersection Sight Distance (SISD) formula provided in Equation 2 in section 3.2.2 of the Austroads : Guide to Road Design Part 4A;**
- 7. Prior to occupation or use of the development, engineering drawings and specifications shall be submitted for approval for the upgrade of Springhill Road within 30 metres of either side of the approved Access 'A' (northern crossover) location. Works shall be undertaken in accordance with the approved drawings and specifications and completed to the satisfaction of the local government prior to occupation or use of the development;**
- 8. Before commencement of any upgrading works to Springhill Road, a Construction Management Plan shall be submitted for approval by the local government and**

implemented for the duration of the construction of the development and upgrade to Springhill Road to the satisfaction of the local government;

9. Prior to occupation or use of the development, a Landscaping Plan shall be submitted to and approved by the local government, and shall include the following:
- (a) The location, number and type of proposed trees and shrubs including species and density;
  - (b) Planting for filtration purposes for all drainage swales and drainage infrastructure;
  - (c) Promoting the use of locally indigenous species; and
  - (d) Addressing the approved Bushfire Management Plan;

The approved Landscaping Plan shall be implemented prior to occupation or use of the development and maintained thereafter to the satisfaction of the local government;

10. Toxic and hazardous chemicals are to be stored within contained compounds to the satisfaction of the local government;
11. The Environmental Noise Assessment dated 17 August 2020 shall be implemented to the satisfaction of the local government;
12. A Dust Contingency Plan shall be submitted to and approved by the local government prior to the commencement of any site works. Dust control measures for site works and all operations are to be implemented to the satisfaction of the local government;
13. A Pest Management Plan is submitted and implemented to the satisfaction of the local government prior to occupation. Following this, the Plan is implemented to the satisfaction of the local government;
14. The Bushfire Management Plan dated 14 August 2020 and all the recommendations contained within shall be implemented to the satisfaction of the local government;
15. Prior to occupation or use of the development, a Section 70A Notification pursuant to the Transfer of Land Act 1893 (or as amended) must be registered against the Certificate(s) of Title(s) advising the owners and successors in title that a Bushfire Management Plan has been prepared and contains measures required to be maintained by the landowner/operator;
16. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting;
17. The buildings and structures are clad in Colourbond colours on external walls and the roofs to the satisfaction of the local government; and
18. The Environmental Management Plan be updated to clearly set out that the burning of wastes, including straw, will not occur and the Environmental Management Plan shall be implemented and maintained to the satisfaction of the local government.

#### **Advice Notes**

- 1. In relation to proposed crossovers, any gates should be off set to ensure heavy vehicles or other vehicles are not blocking Springhill Road when entering the site;**
- 2. In relation to the Landscape Plan, the local government will accept a suitable bond to enable occupation prior to the complete establishment of the landscaping;**
- 3. Regarding the Pest Management Plan, the applicant is advised that pests to be controlled include, but are not limited to, insects, weeds, vectors, vermin, feral animals and birds;**
- 4. The local government encourages the operator to:**
  - (a) Liaise with the school bus operator who accesses Springhill Road to establish a traffic schedule to avoid potential conflict with school bus operations;**
  - (b) Install low speed signage within the site;**
  - (c) Ensure that all technical reports associated with the facility are maintained on the operator's website;**
  - (d) Establish and maintain a complaints management system; and**
  - (e) Report any environmental incident promptly to the Department of Water and Environmental Regulation and to the local government;**
- 5. Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval;**
- 6. Occupation of the premises is not permitted until all conditions are appropriately addressed to the satisfaction of the local government; and**
- 7. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.**

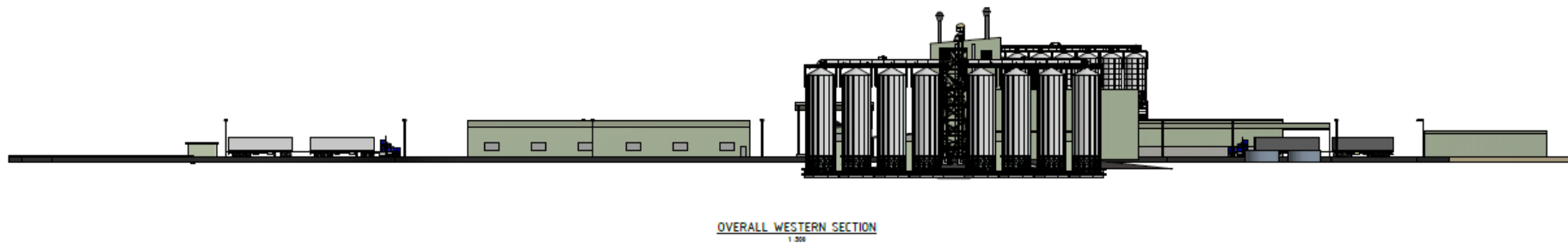
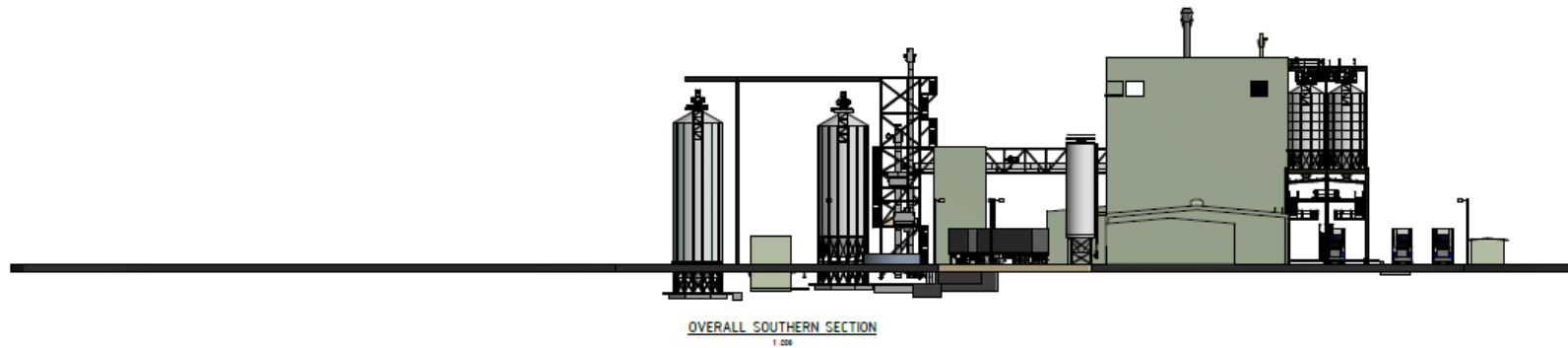
**Moved: Cr Hopper**

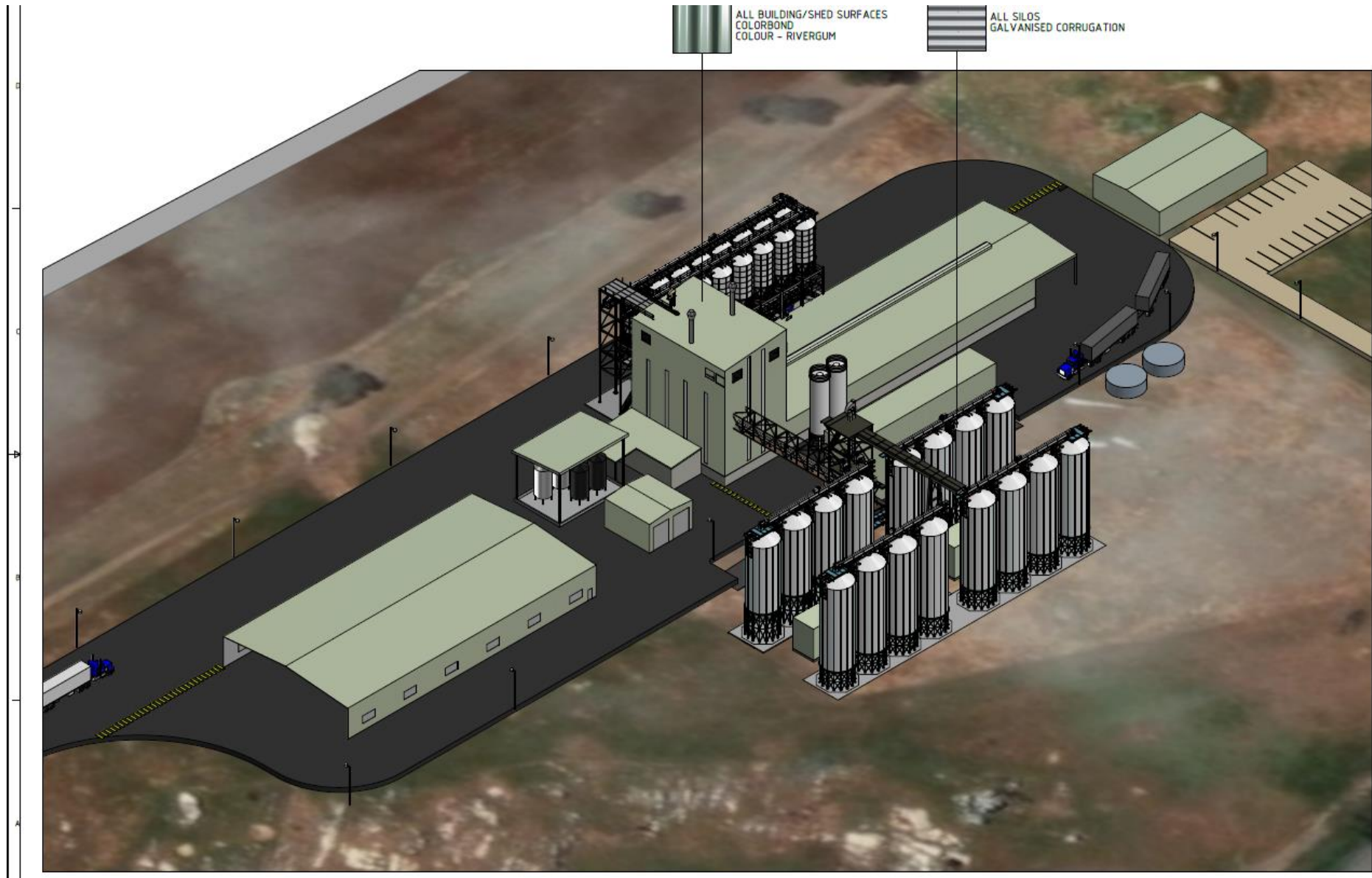
**Seconded: Cr Ballantyne**

**Carried 5/0**













PERSPECTIVE FROM NORTH EAST



PERSPECTIVE FROM SOUTH EAST



PERSPECTIVE FROM CLOSE UP NORTH WEST

A492

14 SEP 2020

**Gary Sherry**

---

**From:** Tim Haslam <haslams1@bordnet.com.au>  
**Sent:** Wednesday, 9 September 2020 7:11 AM  
**To:** Gary Sherry  
**Subject:** Development Application

CEO Sherry,

I note with some interest the development application for a Feed Mill on Springhill rd. Without knowing the intricate details of the application I would support as we desperately need industry in our Shire. It would also provide badly needed employment. Further it would provide an opportunity for local farmers to both sell grain and hay as well as buy the finished feed product. It's proposed site has access from a sealed rd. I would be happy to see this development in our Shire.

Yours sincerely,  
Tim Haslam

*Tim and Sally Haslam  
"S and JJ Haslam  
Coogabbie"  
PO Box 19  
POPANYINNING WA 6309  
Tim: 0429 112 976  
Sally: 0427 387 712*



Our Ref: D17830  
Your Ref: A492

Gary Sherry  
Shire of Cuballing  
admin@cuballing.wa.gov.au

Dear Mr Sherry

**RE: LOTS 2 & 8 (NO.429) SPRINGHILL ROAD, CUBALLING - BULK FEED MILL FACILITY - DEVELOPMENT APPLICATION**

I refer to your letter dated 20 August 2020 regarding the submission of a Bushfire Management Plan (BMP) (Version 2), prepared by Bushfire Safety Consulting and dated 14 August 2020 for the above development application. The BMP is included as Appendix C within the referral document titled '*Development Application – Feedmill Complex*' from the proponent dated August 2020 for the above development application (DA).

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

**Assessment**

- DFES notes the Shire has referred the proposal without completion of the 'Referral to DFES checklist'.
- DFES also notes that the BMP cover page indicates a Performance Principle Based Solution (PPBS) has been used in the preparation of the BMP. However a review of the BMP has determined that a PPBS has not been used in the BMP and therefore, the proposal does not trigger a referral to DFES.
- However, DFES has assessed the BMP and provides the following comments to aid in decision making.

DFES Land Use Planning | 20 Stockton Bend Cockburn Central WA 6164 | PO Box P1174 Perth WA 6844  
Tel (08) 9395 9703 | [advice@dfes.wa.gov.au](mailto:advice@dfes.wa.gov.au) | [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au)  
ABN 39 563 851 304

## 1. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Water	<p><b>A4.1 – comment</b></p> <p>DFES notes that the development complies with A4.1 of the Guidelines with the provision of a reticulated water supply. However, the volume of water and associated infrastructure required may increase due to the scale of the development and number of structures on site. DFES will be able to provide further advice on compliance with water requirements once detailed designs are provided at the Building Permit stage.</p>	Comment

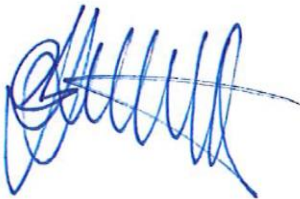
**Recommendation – supported compliant application**

DFES advises that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.

As this planning decision is to be made by a Regional Joint Development Assessment Panel please forward notification of the decision to DFES for our records.

If you require further information, please contact me on telephone number 9395 9713.

Yours sincerely



**Craig Scott**  
**SENIOR LAND USE PLANNING OFFICER**

11 September 2020

**Nicole Gould**

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A492

**From:** Darren.West.MP <Darren.West.MP@mp.wa.gov.au>  
**Sent:** Monday, 21 September 2020 2:06 PM  
**To:** Nicole Gould  
**Subject:** RE: Development Application - Bulk Feed Mill Facility - Lots 2 & 8 (No.429) Springhill Road, Cuballing.

Att: Mr Gary Sherry

Dear Gary

Thank you for your letter and for keeping me informed of this development application.

I have no further questions at this time.

Kind regards

Darren

**Darren West MLC**

Member for the Agricultural Region  
Parliamentary Secretary to the Minister for Regional Development;  
Agriculture and Food; Ports; Minister Assisting the Minister for  
State Development, Jobs and Trade  
84 Marine Terrace (PO Box 578), Geraldton, 6530  
T: 9964 1001 or 1800 812 295  
F: 9964 1002





Government of Western Australia  
Department of Water and Environmental Regulation

Your ref: A492  
Our ref: RF3746 & PA036418  
Enquiries: Victoria Evans, Ph 9550 4222

Shire of Cuballing  
PO Box 13  
Cuballing  
WA 6311

Attention: Chief Executive Officer

Dear Gary Sherry

**DEVELOPMENT APPLICATION: A492 – BULK FEED MILL FACILITY –  
LOT 2 & 8 (NO. 429) SPRINGHILL ROAD, CUBALLING**

Thank you for providing the development application received with correspondence dated 20<sup>th</sup> August 2020 for the Department of Water and Environmental Regulation (Department) to consider.

The Department has identified that the proposed construction of a bulk feed mill facility within Lots 2 and 8 Springhill Road in Cuballing has the potential for impact on environment values and water resource management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.

**Issue**

Industrial Regulation

**Recommendation**

The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V of the *Environmental Protection Act 1986* (EP Act).

The categories of Prescribed premises are outlined in Schedule 1 of the *Environmental Protection Regulations 1987*.

The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises.

The provided development application request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.

Based on the information provided, the Department can advise that the information is consistent with a works approval application submitted to the Department in respect to the following category as per Schedule 1 of the *Environmental Protection Regulations 1987*:

Kwinana Peel Region  
107 Breakwater Parade Mandurah Ocean Marina Mandurah Western Australia 6210  
PO Box 332 Mandurah Western Australia 6210  
Telephone: 08 9550 4222 Facsimile: 08 9581 4560  
[www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)



Brett Dunn  
Program Manager – Planning Advice  
Kwinana Peel Region

23 / 09 / 2020

## Peter Rundle MLA

Member for Roe

22 September 2020

Mr Gary Sherry  
Chief Executive Officer  
Shire of Cuballing  
PO Box 13  
CUBALLING WA 6311

Dear Gary

Thank you for your letter dated 20 August 2020 regarding the application for a bulk feed mill facility development in the Shire of Cuballing.

The development will employ locals in the construction phase and I understand there will be ongoing employment opportunities. The proponent of the development has contacted my office with the group's plans for the mill which I appreciate.

With the information I have received both from the applicant and the Shire of Cuballing, I am happy to support the application.

Kind regards



Peter Rundle MLA  
Member for Roe



Narrogin Office  
PO Box 378  
Narrogin WA 6312  
Ph 08 9881 1225  
Fax 08 9881 3082

Esperance Office  
107 Dempster St,  
Esperance WA 6450  
Ph 08 9071 6555  
Fax 08 9071 6788

All correspondence to  
PO Box 378  
Narrogin WA 6312

[Peter.Rundle@mp.wa.gov.au](mailto:Peter.Rundle@mp.wa.gov.au)  
[www.peterrundle.com.au](http://www.peterrundle.com.au)

 @PeterRundleMLA  
 facebook.com/PeterRundleRc

**THE NATIONALS** for Regional WA



**Gary Sherry**

---

**From:** Shire of Cuballing Enquiries  
**Sent:** Tuesday, 29 September 2020 8:25 AM  
**To:** Gary Sherry  
**Subject:** FW: A492- Bulk Feed Mill Facility Application

**From:** Jason & Kathy <k.crossley@iinet.net.au>  
**Sent:** Monday, 28 September 2020 8:40 PM  
**To:** Shire of Cuballing Enquiries <enquiries@cuballing.wa.gov.au>  
**Subject:** A492- Bulk Feed Mill Facility Application

To Gary Sherry

We are writing in response to your letter for the proposed Bulk Feed Mill at Lots 2 & 8 Springhill rd Cuballing, to advise we are not in support of this development.

After reading the information you have on your website we believe this will directly affect our lifestyle in several ways ,

- noise pollution from proposed work site, noise pollution from the facility once its running, as I read in the environment impact statement that all noise levels are being calculated on assumptions and I do not believe the temperatures for this area are a true indication of the area.
- Air pollution via dust from the worksite and the mill once working has the potential to impact us significantly on us due to the location of the proposed mill in relation in our residence. As an asthmatic, this would affect my wife. Temperatures here far exceed 40 degrees , not 31 degrees as the proposal states, with hot north, northwesterly winds throughout summer, which would carry any dust from the site in our direction.
- On still cold nights and during foggy periods noise travels further and we have many of those days and nights in this area.
- As a shift worker I would be affected trying to sleep during the day after work and I see a potential for traffic to increase also.
- I also see the potential for our home and land to be devalued due to potential noise, dust and traffic from proposed development.

I see in Mr Patmore's application to the shire it states that all neighbouring land owners and residences have been consulted in regards to the proposed development, this is not true as we have had no consultation at all from any parties involved in the project. Our property including residence falls within the boundaries mapped out in the proposed drawings, even though the drawings have been cut off on the southern end of the 4 km radius, not giving a true indication of the area and people affected, our closest neighbour has not been contacted either . We purchased this property for the privacy, seclusion and peace and quiet , and we feel this will be no longer the case with a mill running 24 hrs and day 6 days a week with up to 20 B- Doubles truck a day.

We do not believe this development is in the best interests of the area .

Regards  
Jason and Kathy Crossley

**Gary Sherry**

---

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We do not believe this development is in the best interests of the area .

Regards  
Jason and Kathy Crossley



Government of **Western Australia**  
Department of **Jobs, Tourism, Science and Innovation**

1174

Your ref: A492  
Our ref: J0820/201701  
Enquiries: Freya.Symons@jtsi.wa.gov.au -  
Phone: 08 6277 2914

Mr Gary Sherry  
Chief Executive Officer  
Shire of Cuballing  
PO BOX 13  
CUBALLING WA 6311

Dear Mr Sherry

Thank you for providing the Department of Jobs, Tourism, Science and Innovation with the opportunity to comment on the development application for a bulk feed mill facility on lots 2 and 8 Springhill Road, Cuballing.

The Department has reviewed the proposal and has no comments to provide at this time.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kristian Dawson'.

Kristian Dawson  
A/EXECUTIVE DIRECTOR  
INFRASTRUCTURE, PLANNING AND ECONOMIC DEVELOPMENT

29 September 2020

Level 11, 1 William Street Perth Western Australia 6000  
Telephone +61 8 6277 3000  
www.jtsi.wa.gov.au  
ABN 90 199 516 864

Dear Shire of Cuballing,

I am writing to you regarding the matter of the **Development Application – Bulk Feed Mill Facility** to be located at **429 Springhill Road, Cuballing**.

I would like to express my concerns that it is not in our best interests to move forward with this development.

- There was no communication from Patmores in regards to this facility. We were not approached by Patmore nor was our neighbour for discussion about the development.
- The support road used to connect vehicles with the facility will see an increased number of heavy vehicles travelling at all hours via Cuballing Road, creating unnecessary noise disturbance around the clock for surrounding properties.
- The connecting route is not an adequate road to support the volume of trucks that will be travelling to and from the facility.
- Continuation on with noise complaints, I am to lead to believe the running of said Mill will have a 24 hour noise generated from the machinery used, destroying the peace and tranquillity of surrounding properties.

Kind regards,



Lawrence and Jennifer O'Connell

Lot 48 Schoolars Road, Cuballing WA 6311

0417179744

Info@narrogintowing.com.au



Enquiries: Cherie Wallace  
Our Ref: 04/9767-10, D20#725927  
Your Ref: A492

2 October 2020

Gary Sherry  
Chief Executive Officer  
Shire of Cuballing

[enquiries@cuballing.wa.gov.au](mailto:enquiries@cuballing.wa.gov.au)

Dear Name

**PROPOSAL - DEVELOPMENT APPLICATION - BULK FEED MILL FACILITY - LOTS 2 & 8 (No. 429) SPRINGHILL ROAD, CUBALLING**

In response to your correspondence dated 20 August 2020, I can advise that Main Roads WA has no objection to the proposed development.

Main Roads WA requests a copy of the final determination on this proposal to be sent to [wheatbelt@mainroads.wa.gov.au](mailto:wheatbelt@mainroads.wa.gov.au) quoting the file references above.

Should you have any queries in relation to the above, please contact me on (08) 9080 1422 or [cherie.wallace@mainroads.wa.gov.au](mailto:cherie.wallace@mainroads.wa.gov.au).

Yours sincerely

Cherie Wallace  
Development Planning and Road Access Coordinator  
WHEATBELT REGION

Main Roads Western Australia  
Northam Office: PO Box 333, Northam WA 6401  
Narrogin Office: PO Box 194, Narrogin WA 6312

[mainroads.wa.gov.au](http://mainroads.wa.gov.au)  
[wheatbelt@mainroads.wa.gov.au](mailto:wheatbelt@mainroads.wa.gov.au)  
Northam: 08 9622 4777 | Narrogin: 08 9881 0566



Department of  
**Primary Industries and  
Regional Development**

Your reference: A492  
Our reference: LUP 924  
Enquiries: Greg Doncon

Gary Sherry  
PO Box 13  
Cuballing WA 6311  
enquires@cuballing.wa.gov.au

Date: 30 September 2020

Dear Gary

**Development Application – Bulk feed mill facility – Lot 2 & 8 (No. 429) Springhill Road, Cuballing:**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.

DPIRD does not object to the proposal and offers the following comments.

- As the feed mill facility is a prescribed premise, Works Approval and a Licence or Registration is required from the Department of Water and Environmental Regulation.
- Stormwater management – the silos, sheds, roads and other external hardstand areas will shed water quickly from storm events. Surface water management should be designed for less frequent larger 1:20 year and 1:50 year storm events to prevent stormwater causing soil erosion on this property or neighbouring properties.

For more information, please contact Greg Doncon on 90813117 or [Greg.Doncon@dpird.wa.gov.au](mailto:Greg.Doncon@dpird.wa.gov.au)

Yours sincerely

A handwritten signature in black ink that reads 'Melanie Strawbridge'.

Dr Melanie Strawbridge  
**Director Agriculture Resource Management Assessment**

3 Baron-Hay Court, South Perth 6151  
Locked Bag 4 Bentley Delivery Centre 6983  
Telephone +61 (0)8 9368 3333 [landuse.planning@dpird.wa.gov.au](mailto:landuse.planning@dpird.wa.gov.au)  
**dpird.wa.gov.au**  
ABN: 18 951 343 745

Gary Sherry  
Chief Executive Officer  
Shire of Cuballing  
PO Box 13  
Cuballing WA 6311

Peter and Alison Lacey  
64 Felspar street  
Narrogin WA 6312  
Phone: 08 9881 5226  
placey@westnet.com.au

RE: Development Application for a bulk feed mill facility at Lots 2 and 8 (No. 429) Springhill Road, Cuballing.

Gary,

We would like to take this opportunity to provide comment on the above-mentioned development application.

Although we are and the application identifies us as direct neighbours (7 Springhill road) to the development site, and the application reports that all neighbouring landholders have been made aware of the proposed development this is not the case. The proponent has at no point engaged with us regarding the development and has not kept us up to date with information regarding the project. We first became aware of the proposed development through the Shire of Cuballing Facebook site and then by a letter from the Shire of Cuballing on the 20 August 2020.

Although we are not opposed to the development of a feed mill our property overlooks the development site and there are several issues that we feel should be addressed prior to this application being approved:

- The project will impact directly on the visual amenity of our property.

**Planning assessment:**

Contrary to the proposal this project is likely to impact on the rural character and rural appearance of the land.

Permissible land use allows for industry related to the business of agricultural, there is some discretion allowed here but it would be questionable if this operation falls into the permissible land use categories.

S37 LPSA – While some off-site impacts have been assessed to various levels, we do not feel all off site impacts have been adequately assessed (see below).

S39 LPSA – We feel that contrary to the assessment, Fauna within Dryandra Woodland has the potential to be impacted by an increase in predators resulting from this project, if not adequately managed, and the application should address this potential risk.

**Crossover construction.**

The crossover design uses sight distances based on a design speed of 90km/hour however the existing speed limit is 110 km/hour, although there are signs advising 80 km/hour these are only

advisory so design speed should be 110 km/hour. Speed limits could be adjusted to accommodate this design.

**Operational Phase:**

**Dust generation.**

- It is identified that summer prevailing winds based on records from the Narrogin weather station are from the south east, this will drive dust in the direction of our property, although measures are proposed to minimise dust generation there is little information on predicted levels of dust produced during peak periods of activity.
- The assessment uses local prevailing wind directions however there is no accounting for impacts on wind direction as a result of channelling caused by the local topography or the influence of any Katabatic/Anabatic wind.

**Stormwater.**

- The report does not address issues of increased runoff volume as a result of the project. Runoff issues already exist at this site.

**Wastewater and Waste generation.**

Although the project reports that no wastewater or waste will be produced, it is common for feed mills to have issues in this area.

**Noise Generation.**

Although the information on the level of operational noise produced suggests there would be little impact, the noise impact assessment is based on modelling and the parameters used do not appear to take into account the height of both the feed mill and our property. Or the additional noise impact of trucks using Springhill road 24 hours /day.

**Pest Management.**

As well as a detrimental impact on the product, excessive rodent populations can cause elevated fox and cat populations, which may impact on native fauna in and around Dryandra.

Excessive use of toxic rodent baits can have negative impacts through secondary poisoning on native birds, reptiles and mammals like the critically endangered Chuditch. It will be important that the pest management procedures mentioned are in place and maintained.

**Light emissions.**

- There is no information on the level of light emitted from this project or height/directionality of lighting. We feel this is significant given the intention of the facility to operate 24 hours per day and 6 days per week.

Regards

Peter and Alison Lacey

4 October 2020



**Nicole Gould**

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**From:** Gary Sherry  
**Sent:** Monday, 5 October 2020 1:49 PM  
**To:** Nicole Gould  
**Subject:** Fwd: Development Application - Bulk Feed Facility – Lots 2 & 8 (No. 429) Springhill Road, Cuballing

Please print for mail

Gary Sherry

Begin forwarded message:

**From:** Melanie Durack <melanie.durack@peel-harvey.org.au>  
**Date:** 5 October 2020 at 1:25:22 pm AWST  
**To:** Gary Sherry <ceo@cuballing.wa.gov.au>  
**Cc:** Jane O'Malley <Jane.OMalley@peel-harvey.org.au>, Admin <admin@peel-harvey.org.au>  
**Subject:** RE: Development Application - Bulk Feed Facility – Lots 2 & 8 (No. 429) Springhill Road, Cuballing

Dear Gary

Thank you for the opportunity to review the Development Application entitled "Bulk Feed Facility – Lots 2 & 8 (No. 429) Springhill Road, Cuballing" your reference A492. PHCC have reviewed the documentation provided via the Shire of Cuballing website and based on the information provided we feel that the environmental impacts are not of a significance which require our comment. The documentation provided appears to adequately address the impacts identified with the development.

Should you have any queries please don't hesitate to contact me.

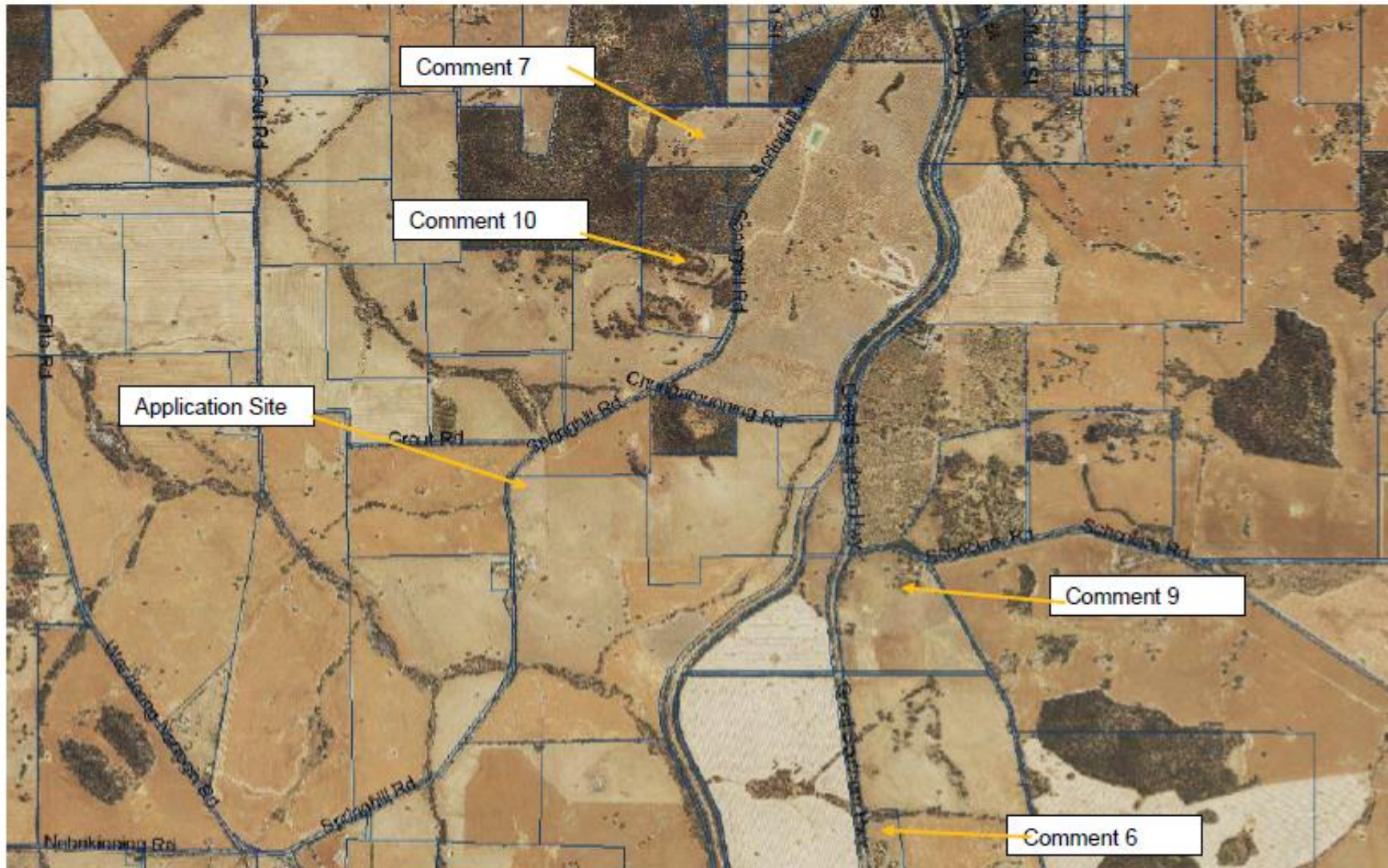
Kind regards  
Mel

Mel Durack  
*Program Manager, Hotham-Williams  
Peel-Harvey Catchment Council*

P: (08) 6369 8801  
M: 0455 166 780



Boddington Community Resource Centre (Room 13), 20 Bannister Road, Boddington, Western Australia 6390  
[www.peel-harvey.org.au](http://www.peel-harvey.org.au)





<b>Patmore Feeds Bulk Feed Mill Facility Schedule of Submissions</b>			
<b>No.</b>	<b>Name and Address of Submitter</b>	<b>Summary of Submissions</b>	<b>Applicant Response</b>
1	Tim Haslam <a href="mailto:Haslams1@border.net.com.au">Haslams1@border.net.com.au</a> PO Box 19, Popanyinning	I note with some interest in the development application for a Feed mill on Springhill Road. Without knowing the intricate details of the application I would support as we desperately need industry in our shire. It would provide badly needed employment. Further it would provide an opportunity for local farmers to both sell grain and hay as well as buy the finished feed product. It's proposed site has access from a sealed road. I would be happy to see this development in our Shire.	Submission noted.
2	Department of Fire and Emergency Services Craig Scott Senior Land Use Planning Officer Land Use Planning 20 Stockton Bend Cockburn Central WA 6164	DFES notes that the development complies with A4.1 of the Guidelines with the provision of a reticulated water supply. However, the volume of water and associated infrastructure required may increase due to the scale of the development and number of structures on site. DFES will be able to provide further advice on compliance with water requirements once detailed designs are provided at the Building Permit stage.  DFES advises that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.	Submission noted.
3	Darren West MP Member for the Agricultural Region PO Box 578 GERALDTON WA 6530	Thank you for your letter and for keeping me informed of this development application.  I have no further questions at this time.	Submission noted.

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4	Department of Water & Environmental Regulation 107 Breakwater Parade, MANDURAH WA 6210 PO Box 332, MANDURAH WA 6210	<p>The Department has identified that the proposed construction of a bulk feed mill facility within Lots 2 and 8 Springhill Road in Cuballing has the potential for impact on environment values and water resource management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.</p> <p><b>Issue</b> Industrial Regulation</p> <p><b>Recommendation</b> The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V of the <i>Environmental Protection Act 1986</i> (EP Act). The categories of Prescribed premises are outlined in Schedule 1 of the <i>Environmental Protection Regulations 1987</i>. The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises. The provided development application request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act. Based on the information provided, the Department can advise that the information is consistent with a works approval application submitted to the Department in</p>	<p><b>Industry Regulation</b> The Works Approval application is well progressed with DWER. The assessment officer is Philip Jeffries who can be contacted if needed.</p> <p><b>Stormwater</b> The overarching principles relating to stormwater management are outlined in the EMP (i.e. stormwater drainage will be directed to swales and basins adjacent to the access road and handstand areas).</p> <p>Given the size of the landholdings, the area required for stormwater management can be accommodated within the site. The detailed stormwater system design will be provided to Council for review and approval prior to undertaking these works. It is suggested that this can be required as a condition of the DA approval.</p> <p><b>Surface Water</b> Water is not proposed to be sourced from any existing waterways. As such a licence will not be required.</p>

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		<p>respect to the following category as per Schedule 1 of the <i>Environmental Protection Regulations 1987</i></p> <p>The Department referred the works approval application to the Shire of Cuballing for comment on 16 September 2020 and will inform the Shire any decision to grant or refuse to grant a works approval.</p> <p><b>Issue</b> Stormwater Management</p> <p><b>Recommendation</b> A stormwater management plan is to be prepared for the site in accordance with the <i>Stormwater Management Manual for Western Australia</i> (DWER, 2004-2007) and <i>Decision process for the stormwater management in Western Australia</i> (DWER, 2017) that demonstrates the appropriate management of small, minor and major rainfall events.</p> <p><b>Issue</b> Surface Water</p> <p><b>Advice</b> The subject area is located within the Karri surface water area as proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>. Any surface water abstraction from waterways within this proclaimed area is subject to licensing by the DWER.</p> <p>The issuing of a surface water licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee. Please</p>	

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		<p>contact the licensing business support unit on 1800 508 885 for further advice.</p> <p>Where the Department has a statutory role (ie under the <i>Environmental Protection Act 1986</i>), planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p> <p>In the event that the applicant determines that a works approval or licence application is required under Part V of the <i>Environmental Protection Act 1986</i> (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>	
5	Peter Rundle MLA PO Box 378 NARROGIN WA 6312	<p>The development will employ locals in the construction phase and I understand there will be ongoing employment opportunities. The proponent of the development has contacted my office with the group's plans for the mill which I appreciate.</p> <p>With the information I have received both from the applicant and the Shire of Cuballing, I am happy to support the application.</p>	Submission noted.
6	Jason and Kathy Crossley	We are writing in response to your letter for the proposed Bulk Feed Mill at Lots 2 & 8 Springhill rd	<p><b>EPA Buffer Advice</b></p> <p>The EPA guidance on separation distance requirements between industrial and sensitive land uses (EPA, 2005) notes</p>

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	k.crossley@iinet.net.au	<p>Cuballing, to advise we are not in support of this development.</p> <p>After reading the information you have on your website we believe this will directly affect our lifestyle in several ways ,</p> <ul style="list-style-type: none"> <li>• noise pollution from proposed work site, noise pollution from the facility once its running, as I read in the environment impact statement that all noise levels are being calculated on assumptions and I do not believe the temperatures for this area are a true indication of the area.</li> <li>• Air pollution via dust from the worksite and the mill once working has the potential to impact us significantly on us due to the location of the proposed mill in relation in our residence. As an asthmatic, this would affect my wife. Temperatures here far exceed 40 degrees , not 31 degrees as the proposal states, with hot north, northwesterly winds throughout summer, which would carry any dust from the site in our direction.</li> <li>• On still cold nights and during foggy periods noise travels further and we have many of those days and nights in this area.</li> <li>• As a shift worker I would be affected trying to sleep during the day after work and I see a potential for traffic to increase also.</li> </ul>	<p>that for 'Animal Feed Manufacturing – manufacture of food from grain and other food products' the buffer distance to protect against potential noise, dust and odours impacts is 500m. We understand that the submitted lives approximately 2.8km from the site.</p> <p><b>Noise</b> The temperatures used in the modelling represent the worst-case for noise propagation and align with the recommendations provided by the EPA.</p> <p>Noise from the plant is predicted to be significantly below the requirements under the noise regulations at this location.</p> <p><b>Dust</b> This factor is being specifically addressed through the DWER assessment of the works approval application.</p> <p>Specific dust management to be undertaken for the facility includes:</p> <ul style="list-style-type: none"> <li>• Installation of dust control infrastructure including: <ul style="list-style-type: none"> <li>○ Burnley baffles.</li> <li>○ Intake dust collector.</li> <li>○ Transfer line dust collector.</li> <li>○ Silo dust collector.</li> </ul> </li> </ul> <p>The location of these items is shown on the updated Site Layout Plan (attached).</p>



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		<ul style="list-style-type: none"> <li>• I also see the potential for our home and land to be devalued due to potential noise, dust and traffic from proposed development.</li> </ul> <p>I see in Mr Patmore's application to the shire it states that all neighbouring land owners and residences have been consulted in regards to the proposed development, this is not true as we have had no consultation at all from any parties involved in the project. Our property including residence falls within the boundaries mapped out in the proposed drawings, even though the drawings have been cut off on the southern end of the 4 km radius, not giving a true indication of the area and people affected, our closest neighbour has not been contacted either. We purchased this property for the privacy, seclusion and peace and quiet, and we feel this will be no longer the case with a mill running 24 hrs and day 6 days a week with up to 20 B- Doubles truck a day.</p> <p>We do not believe this development is in the best interests of the area .</p>	<p>These are further discussed below:</p> <ul style="list-style-type: none"> <li>• The Hay bin has its own filter attached to control dust. The system is entirely enclosed.</li> <li>• All process and transfer equipment in the process tower are fully enclosed.</li> <li>• Dust is controlled during the truck dumping process by utilised burnley baffles and a dust filter system.</li> <li>• Potential dust emissions are controlled during intake with spot filters on four transfer lines. These keep the lines in a slight vacuum state to assist with flow and dust control. All dust particles collected are then transferred back into the line.</li> <li>• Potential dust emissions are controlled during out loading with spot filters on the two main transfer lines. These keep the lines in a slight vacuum state to assist with flow and dust control. All dust particles collected are then transferred back into the line.</li> <li>• The sock directs the flow of product into the truck to stop the wind blowing the material. At this point in the system, dust is extremely low as the product has been sieved.</li> </ul> <p><b>Amenity Concerns</b> Concerns raised are noted. However, it should also be noted that the proposed development is located within the 'General Agriculture' zone. The zone objectives, as highlighted in the Shire's Local Planning Scheme seeks to encourage a broad range of agricultural land uses of varying intensities. The proposed development is consistent with the objectives and intent of the zoning.</p>

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			<p>Amenity and lifestyle considerations are noted, however this is not “special rural” and the intent of the underlying General Agriculture zoning enables agricultural operations such as the proposed.</p> <p>Additionally, measures to adequately manage and contain other amenity concerns have been appropriately considered so to minimise any externalities.</p> <p><b>Property Value Concerns</b> Noted. Property values are not a planning consideration and the proposal is consistent with the zoning and operations associated with rural landholdings.</p>
7	Graham Maddison 1 Springhill Road, Cuballing graham.maddison45@gmail.com	<p>Re the above matter.. I would like to say that I have no concerns regarding the dust, noise or fire management emanating from the proposed plant. What I do have concerns with is the amount of heavy haulage vehicles that will be using Springhill Road. Springhill Rd is not constructed to a standard suitable for high volume heavy traffic, and indeed is already breaking up near the Pony Club grounds.</p> <p>I have been advised by the Cuballing CEO that there is to be 160,000 tonnes of produce coming out the plant per year, therefore there must be at least 160,000 of raw material going into it. That volume would mean approximately 18 to 20 road trains travelling this road 365 days of the year. This road is also a School Bus Route. I believe that Springhill</p>	<p><b>Heavy Haulage Vehicle Numbers</b> Springhill Road is already part of the Restricted Access Vehicle (RAV) class 4 network, although noting that it’s “with conditions” which restricts the maximum speed of the RAVs to 40 km/hr.</p> <p>The Shire of Cuballing may seek to upgrade the roads/review current speed limits. However, this is not yet confirmed and does not form part of this application.</p>

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		<p>Road is not an approved road train route but when the distance from Cuballing Townsite is only four kilometres from the proposed plant it is highly unlikely that road trains will use the approved route via Cuballing West Road, Narrogin/Wandering Road, and then to the South west end of Springhill Road which is approximately 25 kilometres.</p> <p>Are upgrades and certification of Springhill Rd as a road train route part of the development? Who will regulate and police road train compliance?</p>	
8	Department of Jobs, Tourism, Science and Innovation Kristian Dawson A/Executive Director Infrastructure, Planning and Economic Development Level 11, 1 William Street, PERTH WA 6000	The Department has reviewed the proposal and has no comments to provide at this time.	Submission noted.
9	Lawrence & Jennifer O'Connell PO Box 48 CUBALLING WA 6311	I would like to express my concerns that it is not in our best interests to move forward with this development: <ul style="list-style-type: none"> <li>• There was no communication from Patmore in regards to this facility. We were not approached by Patmore nor was our neighbour for discussion about the development.</li> </ul>	<b>Traffic Issues</b> Springhill Road is already part of the RAV4 network, although noting that it's "with conditions" which restricts the maximum speed of the RAVs to 40 km/hr.

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		<ul style="list-style-type: none"> <li>• The support road used to connect vehicles with the facility will see an increased number of heavy vehicles travelling at all hours via Cuballing Road, creating unnecessary noise disturbance around the clock for surrounding properties.</li> <li>• The connecting route is not adequate road to support the volume of trucks that will be travelling to and from the facility.</li> <li>• Continuation on with noise complaints, I am lead to believe the running of said Mill will have a 24 hour noise generated from the machinery used, destroying the peace and tranquillity of surrounding properties.</li> </ul>	<p>As per SPP 5-4, Table 2 (Noise Exposure Forecast), the criteria for Springhill Road to require noise mitigation measures has not been met in this instance (i.e. it won't carry more than 100 Class 7-12 Austroad vehicle types per day or more than 25,000 vehicles per day).</p> <p><b>EPA Buffer Advice</b> The EPA guidance on separation distance requirements between industrial and sensitive land uses (EPA, 2005) notes that for 'Animal Feed Manufacturing – manufacture of food from grain and other food products' the buffer distance to protect against potential noise, dust and odours impacts is 500m we understand that the submitted lives approximately 2.3km from the site.</p> <p>Specific comments regarding the noise queries raised are discussed below</p> <p><b>Noise</b> Noise from the plant is predicted to be significantly below the requirements under the noise regulations.</p> <p><b>Amenity Concerns</b> Concerns raised are noted. However, it should also be noted that the proposed development is located within the 'General Agriculture' zone. The zone objectives, as highlighted in the Shire's Local Planning Scheme seeks to encourage a broad range of agricultural land uses of varying intensities. The proposed development is consistent with the objectives and intent of the zoning.</p>

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			<p>Amenity and lifestyle considerations are noted, however this is not “special rural” and the intent of the underlying General Agriculture zoning enables agricultural operations such as the proposed.</p> <p>Additionally, measures to adequately manage and contain other amenity concerns have been appropriately considered so to minimise any externalities.</p> <p><b>Communication Concerns</b> The comment is noted. Formal consultation has been undertaken by the Shire and issues raised which have been responded to.</p>
10	Main Roads WA Cherie Wallace Development Planning and Road Access Co-Ordinator Wheatbelt Region PO Box 194 NARROGI WA 6312	<p>I can advise that Main Roads WA has no objection to the proposed development.</p> <p>Main Roads WA requests a copy of the final determination on this proposal to be sent to <a href="mailto:wheatbelt@mainroads.wa.gov.au">wheatbelt@mainroads.wa.gov.au</a> quoting the file references above.</p>	Submission noted.
11	Department of Primary Industries and Regional Development Dr Melanie Strawbridge Director Agriculture Resource	<p>DPIRD does not object to the proposal and offers the following comments:</p> <ul style="list-style-type: none"> <li>• As the feed mill facility is a prescribed premise, Works Approval and a Licence or Registration is required from the Department of Water and Environmental Regulation.</li> <li>• Stormwater management – the silos, sheds, roads and other external hardstand areas will</li> </ul>	<p><b>Works Approval and Licence</b> A works approval application (for construction of the facility) has been submitted to DWER and the assessment is well progressed. A licence application (for operation of the facility) will be submitted in the future once the plant has been built and the works approval conditions have been demonstrated to be met.</p>

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	Management Assessment Locked Bag 4 Bentley Delivery Centre WA 6983	shed water quickly from storm events. Surface water management should be designed for less frequent larger 1:20 year and 1:50 year storm events to prevent stormwater causing soil erosion on this property of neighbouring properties.	<b>Stormwater</b> Advice noted.
12	Peter & Alison Lacey 64 Felspar Street Narrogin WA 6312	<p>We would like to take this opportunity to provide comment on the above-mentioned development application.</p> <p>Although we are and the application identifies us as direct neighbours (7 Springhill road) to the development site, and the application reports that all neighbouring landholders have been made aware of the proposed development this is not the case. The proponent has at no point engaged with us regarding the development and has not kept us up to date with information regarding the project. We first became aware of the proposed development through the Shire of Cuballing Facebook site and then by a letter from the Shire of Cuballing on the 20 August 2020.</p> <p>Although we are not opposed to the development of a feed mill our property overlooks the development site and there are several issues that we feel should be addressed prior to this application being approved:</p> <ul style="list-style-type: none"> <li>The project will impact directly on the visual amenity of our property.</li> </ul> <p><b>Planning assessment:</b></p>	<p><b>Amenity Concerns</b> Concerns raised are noted. However, it should also be noted that the proposed development is located within the 'General Agriculture' zone. The zone objectives, as highlighted in the Shire's Local Planning Scheme seeks to encourage a broad range of agricultural land uses of varying intensities. The proposed development is consistent with the objectives and intent of the zoning.</p> <p>Amenity and lifestyle considerations are noted, however this is not "special rural" and the intent of the underlying General Agriculture zoning enables agricultural operations such as the proposed.</p> <p>Additionally, measures to adequately manage and contain other amenity concerns have been appropriately considered so to minimise any externalities.</p> <p><b>Planning Assessment</b> The nature of the use is consistent with working agricultural areas. The proposal is clearly able to be dealt with as a permissible use under the Scheme, although the use of discretion is agreed. In light of the integral relationship with the product with agricultural operations, alignment is apparent.</p>

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		<p>Contrary to the proposal this project is likely to impact on the rural character and rural appearance of the land.</p> <p>Permissible land use allows for industry related to the business of agricultural, there is some discretion allowed here but it would be questionable if this operation falls into the permissible land use categories.</p> <p>S37 LPSA – While some off-site impacts have been assessed to various levels, we do not feel all off site impacts have been adequately assessed (see below).</p> <p>S39 LPSA – We feel that contrary to the assessment, Fauna within Dryandra Woodland has the potential to be impacted by an increase in predators resulting from this project, if not adequately managed, and the application should address this potential risk.</p> <p><b>Crossover construction.</b> The crossover design uses sight distances based on a design speed of 90km/hour however the existing speed limit is 110 km/hour, although there are signs advising 80 km/hour these are only advisory so design speed should be 110 km/hour. Speed limits could be adjusted to accommodate this design.</p>	<p>Screen planting could be required, although this is not considered warranted in the site context.</p> <p><b>Crossover Construction</b> We understand the Shire of Cuballing may seek to upgrade the roads and review current speed limits. However, this is not yet confirmed.</p> <p><b>Crossover clearing</b> In order to facilitate the crossover construction and any need for improved sight lines, clearing of vegetation is an option that can be explored.</p> <p>Regulation 5, Item 21A of the EP Act provides exemption from clearing approvals meaning any potential clearing that may be required to facilitate the crossover construction can be undertaken if necessary.</p> <p><b>Fauna/Pest Management</b> Pest management is a key operational management element as should pest invasion occur this could reduce the quality and quantity of the product. As noted in the EMP the following will be undertaken in relation to pest management:</p> <ul style="list-style-type: none"> <li>• Secure grain storage infrastructure to prevent pest access.</li> <li>• Regular and thorough cleaning of the facility.</li> <li>• Equipment design eliminates food within the equipment.</li> </ul>

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		<p><b>Operational Phase:</b> <b>Dust generation.</b></p> <ul style="list-style-type: none"> <li>It is identified that summer prevailing winds based on records from the Narrogin weather station are from the south east, this will drive dust in the direction of our property, although measures are proposed to minimise dust generation there is little information on predicted levels of dust produced during peak periods of activity.</li> <li>The assessment uses local prevailing wind directions however there is no accounting for impacts on wind direction as a result of channelling caused by the local topography or the influence of any Katabatic/Anabatic wind.</li> </ul> <p><b>Stormwater.</b></p> <ul style="list-style-type: none"> <li>The report does not address issues of increased runoff volume as a result of the project. Runoff issues already exist at this site.</li> </ul> <p><b>Wastewater and Waste generation.</b> Although the project reports that no wastewater or waste will be produced, it is common for feed mills to have issues in this area.</p> <p><b>Noise Generation.</b> Although the information on the level of operational noise produced suggests there would be little impact, the noise impact assessment is</p>	<ul style="list-style-type: none"> <li>Maintain vegetation set back from the premise to prevent creating nearby pest habitat areas.</li> <li>Routine pest management to be implemented (e.g. pesticide or bait application), if needed.</li> </ul> <p><b>Stormwater</b> The stormwater system will comprise infiltration of required stormwater volumes via swales and basins. Given the size of the landholdings, the area required for stormwater management can be accommodated within the site. The detailed stormwater system design will be provided to Council for review and approval prior to undertaking these works.</p> <p><b>Wastewater and Waste Generation</b> Wastes produced as part of the process will include minor quantities of packaging, office waste and floor sweepings. It is estimated up to 3m<sup>3</sup> of general waste may be generated per week. This would be recycled or disposed to landfill.</p> <p>Process wastewater is not generated by this specific facility. The only water input to the process is via the boiler to produce steam.</p> <p>Sewage generation and management will be addressed through the use of a onsite sewage disposal system as discussed in Section 4.2.4 of the EMP.</p> <p><b>EPA Buffer Advice</b></p>



<b>Patmore Feeds Bulk Feed Mill Facility Schedule of Submissions</b>			
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		<p>based on modelling and the parameters used do not appear to take into account the height of both the feed mill and our property. Or the additional noise impact of trucks using Springhill road 24 hours /day.</p> <p><b>Pest Management.</b> As well as a detrimental impact on the product, excessive rodent populations can cause elevated fox and cat populations, which may impact on native fauna in and around Dryandra. Excessive use of toxic rodent baits can have negative impacts through secondary poisoning on native birds, reptiles and mammals like the critically endangered Chuditch. It will be important that the pest management procedures mentioned are in place and maintained.</p> <p><b>Light emissions.</b></p> <ul style="list-style-type: none"> <li>• There is no information on the level of light emitted from this project or height/directionality of lighting. We feel this is significant given the intention of the facility to operate 24 hours per day and 6 days per week.</li> </ul>	<p>The EPA guidance on separation distance requirements between industrial and sensitive land uses (EPA, 2005) notes that for 'Animal Feed Manufacturing – manufacture of food from grain and other food products' the buffer distance to protect against potential noise, dust and odours impacts is 500m. we understand that the submitted lives approximately 1.8km from the site.</p> <p>Specific comments regarding the noise and dust queries raised are discussed below</p> <p><b>Dust</b> This factor is being specifically addressed through the DWER assessment of the works approval application.</p> <p>Specific dust management to be undertaken for the facility includes:</p> <ul style="list-style-type: none"> <li>• Installation of dust control infrastructure including: <ul style="list-style-type: none"> <li>○ Burnley baffles.</li> <li>○ Intake dust collector.</li> <li>○ Transfer line dust collector.</li> <li>○ Silo dust collector.</li> </ul> </li> </ul> <p>The location of these items is shown on the updated Site Layout Plan (attached).</p> <p>Further expanded comments on this matter are provided in the response to submission No. 6.</p> <p><b>Noise</b></p>

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			<p>The modelling is based on a 3-dimensional model that includes the height of the plant and the land topography</p> <p>Noise from the plant is predicted to be significantly below the requirements under the noise regulations</p> <p>There is no requirement to assess the noise from trucks utilizing a public road.</p> <p><b>Light</b> Light spill can be managed through targeted lighting design.</p> <p>Guidance for outdoor lighting is provided in the Australian Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting which recommends levels of light that may be considered acceptable for various surrounding land uses. The Standard recommends appropriate selection of lighting levels, light distribution and aiming practices to minimise impacts.</p> <p>General principles for lighting design to avoid impacts include:</p> <ul style="list-style-type: none"> <li>• Lighting should be directed downwards and towards the area you are intending to illuminate.</li> <li>• Use of shielded lights which direct light onto the intended area.</li> <li>• The higher the light is mounted, the less impact it may have in terms of light spill.</li> <li>• Lighting should be directed downwards and towards the area you are intending to illuminate.</li> </ul>

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			<ul style="list-style-type: none"> <li>• The level of illumination should be appropriate for the area that you are intending to illuminate.</li> <li>• These specific details will be address as part of the building license stage of the project.</li> </ul> <p><b>Communication Concerns</b> The comment is noted. Formal consultation has been undertaken by the Shire and issues raised which have been responded to.</p>
13	Peel Harvey Catchment Council Melanie Durack Program Manager, Hotham Williams Boddington Community Resource Centre (Room 13) 20 Bannister Road, Boddington WA 6390	PHCC have reviewed the documentation provided via the Shire of Cuballing website and based on the information provided we feel that the environmental impacts are not of a significance which require our comment. The documentation provided appears to adequately address the impacts identified with the development.	Submission noted.
14	R Munns Engineering Consulting Services PO Box 516 NARROGIN WA 6312	The Shire of Cuballing (SoC) commissioned R Munns Engineering Consulting Services (RMECS) to review the Development Application received for the Development of a Feedmill Complex by Lynchborough – GPM Pty Ltd (LGPM). The focus of this review is in relation to the safe access and egress of vehicles to/from the site onto Springhill Rd  <b>Safe Intersection Sight Distance (SSID)</b>	

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		<p>In their Traffic Impact Statement, Cardno have assumed a design speed for this section of Springhill Road of 90 kph, based on the advisory 80 kph speed signs posted on each approach to the LH curve that the Feedmill Accessway Road intersects.</p> <p>The speed limit on Springhill Road at the intersection point is 110kmh.</p> <p>Recent road count provided by the SoC is located 250m from this intersection point and outside of the LH curve, the approach speeds at this point are indicating that:</p> <ul style="list-style-type: none"> <li>• 55.7% of eastbound Class 1 vehicles moving out of the LH curve and away from the intersection point are travelling at speeds in excess of 90 kph.</li> <li>• 9.9% of eastbound Class 1 vehicles moving out of the LH curve and away from the intersection point are travelling at speeds in excess of the maximum allowed derestricted speed limit of 110 kph.</li> <li>• 65.9% of westbound Class 1 vehicles moving into the LH curve and towards the intersection point are travelling at speeds in excess of 90 kph.</li> <li>• 16.5% of westbound Class 1 vehicles moving into the LH curve and towards the intersection point are travelling at speeds in excess of the maximum allowed derestricted speed limit of 110 kph.</li> </ul>	

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		<p>The measured SISD from the south westerly (LHS) approach direction is 260 Lm. The Austroads minimum SISD required 292 Lm.</p> <p>The measured SISD from the north easterly (RHS) approach direction is currently 140 Lm, but due to the topography and straightness of Springhill Rd in this direction, the removal of the vegetation along the southern verge will allow the minimum sight distance to be achieved in this direction. A clearing permit will be required to remove this verge vegetation.</p> <p>Alternatives to achieve the SISD may be:</p> <ol style="list-style-type: none"> <li>1. Move the intersection point 40m south west of the proposed intersection location, onto a crest at around SLK 3.62 on Springhill Rd; or</li> <li>2. Move the intersection point some distance north west of the proposed intersection location, onto a crest at around SLK 3.62 on Springhill Rd; or</li> <li>3. Maintain the current intersection point and reduce the speed limit from the current 110kmh.</li> </ol> <p>Any of these alternatives would be required to meet the Austroads minimum required SISD.</p> <p><b>Springhill Road Surface</b></p> <p>At the proposed intersection point Springhill Road superelevation is relatively steep and was measured at 6.48%. This relatively steep reverse slope</p>	

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		<p>superelevation will likely result in the road trains exiting or entering the Feedmill Facility having to turn sharply.</p> <p>The current chip seal on Springhill Rd at the intersection point is not designed for this type of shear.</p> <p>An asphalt wear surface should be applied to the existing surface of Springhill Rd for the extent of any turning movements, to provide a durable and fit for purpose surface.</p> <p><b>Width of Springhill Road at intersection point</b></p> <p>At the proposed intersection point the seal width of Springhill Road is 7.2 metres with a further 400mm of unsealed shoulder. The batters on Springhill Road at this point are at steep ratio of 1:2.</p> <p>This minimal unsealed shoulder width located around this curved section of Springhill Rd does not allow for sufficient run-off recovery space for vehicles avoiding slow moving road trains.</p> <p>The carriageway and fill batters around this intersection should be widened to provide this additional run-off recovery space.</p>	

**9.3 MANAGER OF WORKS AND SERVICES:**

Nil

**10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

Nil

**11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:**

Nil

**12. CONFIDENTIAL MATTERS:**

Nil

**13. NEXT MEETING:**

Ordinary Council Meeting, 2.00pm, Wednesday 18<sup>th</sup> November 2020 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

**14. CLOSURE OF MEETING:**

There being no further business, the Shire President, Cr Conley, closed the meeting at 5.39pm.