

## Governance & Compliance



<b>Date:</b>	24 April 2026
<b>Location:</b>	Lot 25 Goomalling-Wyalkatchem Road, Dowerin
<b>Responsible Officer:</b>	Manisha Barthakur, Chief Executive Officer
<b>Author:</b>	Paul Bashall, Planwest (WA) Pty Ltd
<b>Legislation:</b>	<i>Planning and Development Act 2005</i>
<b>Sharepoint Reference:</b>	Compliance > Development & Building > Development Applications
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 14.1A -Certificate of Title</b> <b>Attachment 14.1B – Development Application</b> <b>Attachment 14.1C – Neighbouring Properties Submissions</b>

### Purpose of Report



Executive Decision



Legislative Requirement

### Summary

CBH has applied for a Development Approval (DA) for upgrades to its existing grain handling and storage facility on Lot 25 and the abutting railway reserve on Goomalling-Wyalkatchem Road, Dowerin, to add new fixed rail loading infrastructure and a new rail siding.

### Background

The subject lot is nearly over 100 hectares in area and is already substantially developed as a grain receival and storage facility. The north-east corner of the site abuts the southwest corner of the Dowerin Townsite boundary as shown in **Figure 1**.

The applicant states that there has not been any rail out-loading from Dowerin for more than 5 years and currently all outloading occurs via road. Most tonnes from Dowerin are transported to Avon via road and loaded onto rail at Avon to transport to port. The current road to rail outloading does not represent the most efficient method of transporting grain from Dowerin to Port.

This DA proposes to upgrade the subject site by constructing a new rail siding and rail loading facility, which will introduce new rail outloading capability at the site, improve grain outloading efficiency and significantly reduce the number of truck movements to/from the site.

The applicant points out that the rail project at Dowerin is one of the projects within the first package of the WA Agricultural Supply Chain Improvements (ASCI) funding program which is part of the Infrastructure Priority List (IPL). Along with other rail siding and outloading upgrades this proposal aims to maximise efficiencies to deliver more tonnes to port. The increased use of rail to deliver tonnes to port further reduces reliance on road transport which has benefits to road users and the community.

Advice indicates that most of the development cost in this project will be Government sourced with government agencies (like Arc Infrastructure) owning and maintained the facility.

FIGURE 1 - LOCATION PLAN



Source: ArcMap, Landgate, Planwest

## The Sites

The DA involves development over two landholdings. The **first** is the CBH-owned Lot 25 that current is partially developed with open bulkheads, loading facilities and drainage works. (**Attachment A** provides a copy of the certificate of title). CBH has signed the DA form for this lot.

Lot 25 is 102.1849 hectares in area and, as shown in the figures, is about half used for grain storage. The site has very little vegetation remaining and is used for grain growing in areas not used for storage.

The **second** site involves the railway Crown Reserve adjacent to Lot 25. CBH has obtained the approval of the Public Transport Authority (PTA) to lodge the DA for construction works to install new rail siding and rail outloading facility. (**Attachment B** provides a copy of the first page of the PTA DA form signed by the Executive Director of IPLS).

The railway reserve is a Crown Reserve 35 wide with some vegetation remaining. CBH has provided a brief assessment of the vegetation condition and is seeking DWER's approval to clear areas required for the new siding.

The length of the reserve between road intersections is about 2.4 kilometres. Adjacent to the railway reserve is a road reserve (Goomalling-Wyalkatchem Road) that is also 35 metres wide. The carriageway appears to be in good condition and is about 7.2 metres wide.

**Figure 2** provides an oblique view of the site (Google) showing the extent of the existing development, the proximity of the railway and a residence shown in the bottom left of the Figure.

FIGURE 2 - OBLIQUE GOOGLE VIEW OF SITE



Source: Google, Planwest

### Proposed Development

The main thrust of this DA is to seek approval for the upgrade of the existing CBH Dowerin grain handling and receival site by constructing a new rail siding and new loading facility. Other proposed developments include temporary amenities, crib room, store and parking.

The DA is supported by signed DA forms, a traffic statement, an acoustic assessment, a video simulating the siding activity, a dust study, a CBH assessment of vegetation, an application fee and several more detailed drawings and perspectives of the proposals.

It is noted that CBH has, in the past, requested urgent attention to DA applications on the basis of unexpectedly high harvests. This places unnecessary pressure on Council officers and councillors to consider proposals as late items or special meetings. It has been recommended that CBH prioritises the preparation of concept/overall site plans for its grain terminals to include possible ultimate layouts for hardstand areas, drainage, access roads, internal circulation, bulkhead locations and administration areas. Forward planning for drainage may avoid the need to relocate or redesign drainage areas and sumps. This overall plan could form the basis of a DA and not require the need for subsequent DAs - unless the ultimate layout changes, in which case a new DA would be required.

For example, if the current layout was seen as the ultimate layout, perhaps the over-rail infrastructure could be relocated between the bulkhead rows further towards Dowerin creating a larger distance from the sensitive use on Lot 340. Not having information about train lengths makes these suggestions difficult.

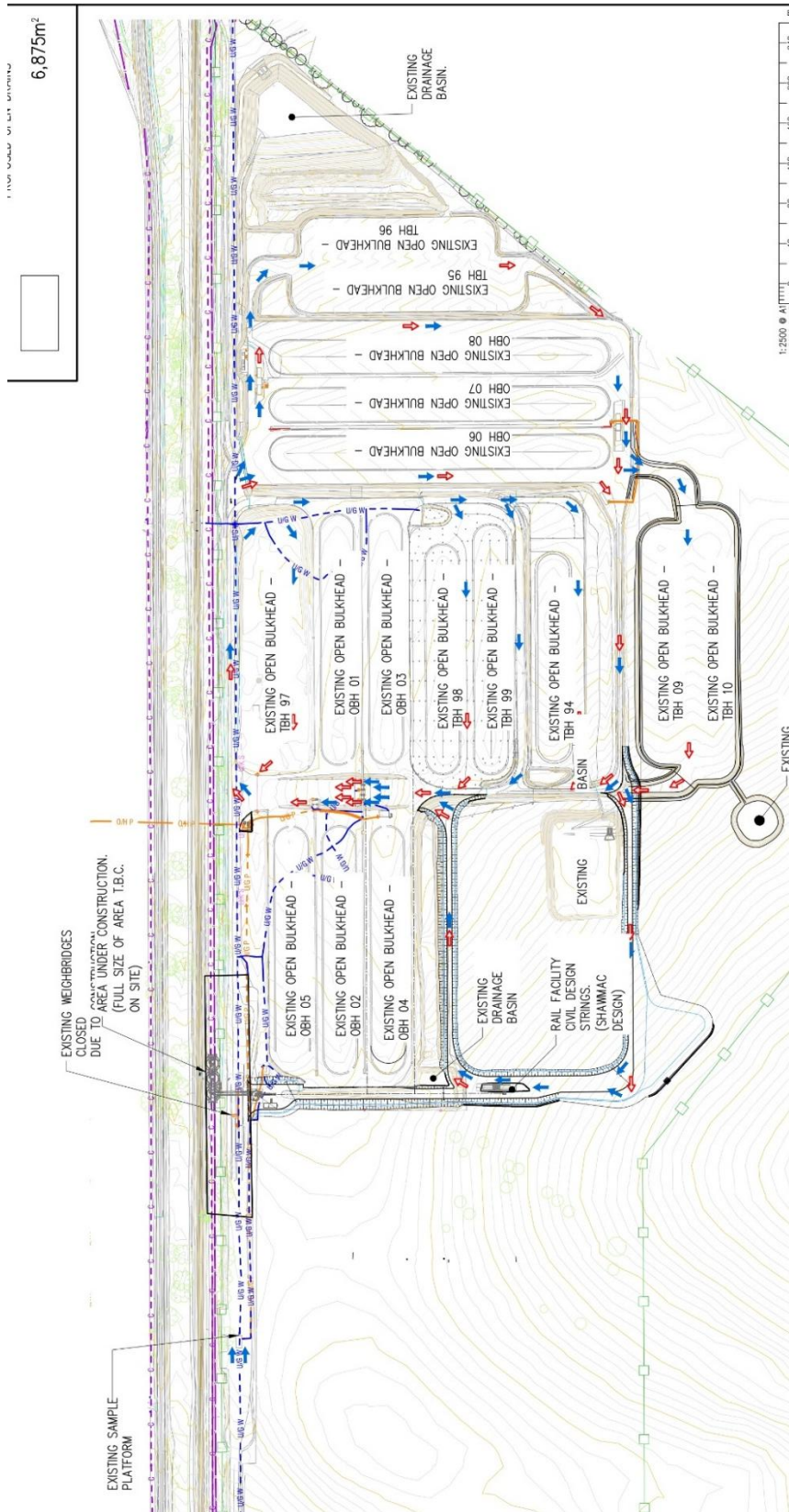
It is not suggested that all terminals be subject to ultimate concept/layout plans immediately, however it is recommended that this approach be progressively adopted.

The current proposal includes the following:

- Three (3) Over Rail Bins (ORB); approximately 1,710 tonne storage capacity each, with overhead drag conveyor
- One grain elevator with belt transfer conveyor
- Installation of new combined Switch Room and Control Room
- Construction of new rail siding catering for a maximum train length of 80-wagons and three locomotives (locos), noting that current standard train length is 60-wagons and two locos.
- Temporary amenities, crib room, store and associated parking for construction crew

Figure 3 provides the layout of these proposed features.

FIGURE 3 - PROPOSED SITE PLAN



Source: CBH

CBH has provided an image (Figure 4) of how the over-rail bins will appear on the railway reserve.

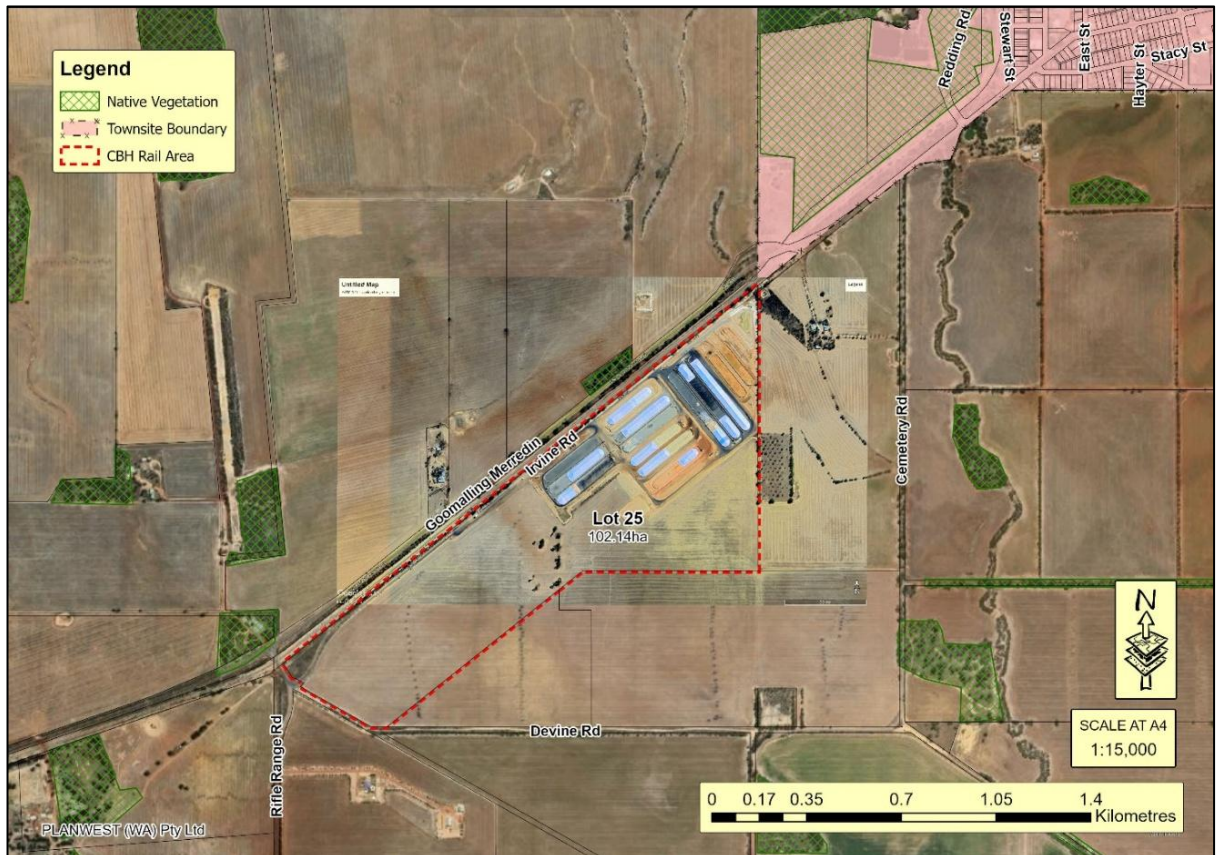
**FIGURE 4 - PROPOSED OVER-RAIL BIN INFRASTRUCTURE**



Source: CBH

Figure 5 provides an aerial photograph of the site clearly showing the existing infrastructure

**FIGURE 5 - AERIAL PHOTOGRAPH OF SITE**



Source: ArcMap, Planwest



## Statutory Implications

### Statewide Provisions

There are several relevant State Planning Policies (SPP), buffers guidance and other provisions that need to be adhered to. There appears to be the term 'corridor' used in these policies that may be subject to interpretation.

**SPP5.4 – Road and rail noise** this policy provides for exemptions as specified in 4.3 as follows;

*4.3 Policy exemptions SPP 5.4 does not apply: .... f) to freight handling facilities;*

**SPP 4.1 – Industrial Interface** provides Policy exemption as specified in Part 4.2 as follows.

*4.2 This policy does not apply to land use conflict associated with impacts generated by the following, as these are specifically addressed in separate planning policies and guidance documents:.... c) infrastructure corridors such as road and rail or gas pipelines*

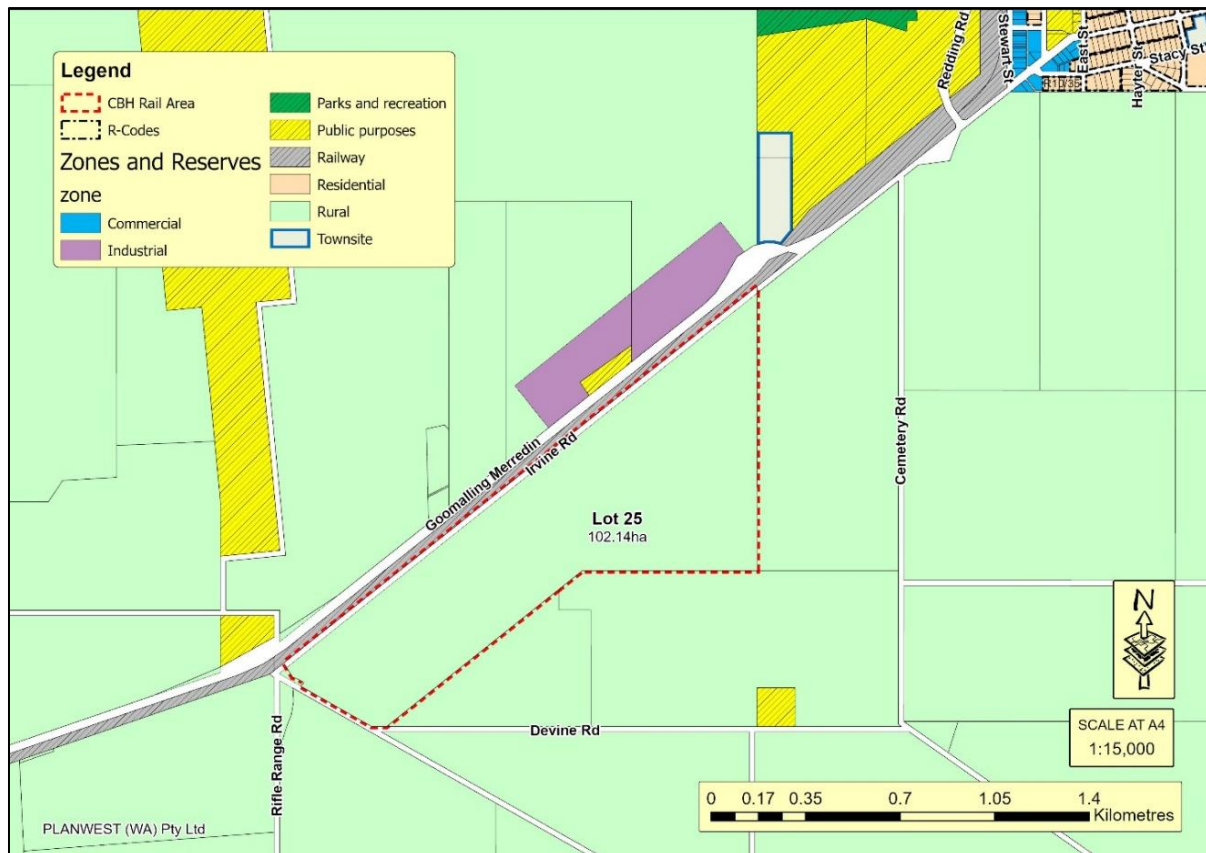
Notwithstanding these exemptions, there is a requirement, as acknowledged by CBH, in the EPA Regulations that requires compliance with the EPA Act. One of these documents is the Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses.

### Local Planning Scheme

The majority of the land is zoned 'Rural' in the Shire of Dowerin Local Planning Scheme No 2 (Scheme) with the railway area designated as a local scheme reserve for Railway (shown grey with horizontal stripes).

**Figure 7** provides an extract from the Scheme Map. There is a 20m strip of land in Lot 25 abutting the railway that evidently used to be a road reserve called Irvine Road; however, this strip now forms part of Lot 25. The Scheme can be updated when the next review takes place.

**FIGURE 7 - EXTRACT FROM LOCAL PLANNING SCHEME**



Source: DPLH, Planwest

The Scheme provides for Primary production uses in the Rural zone as a 'P' use ('P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme).

Development on a railway reserve is subject to a DA and requires consultation with the relevant public authority - in this case the PTA.

## Consultation

The On 12 March 2026 the Council requested advice from various agencies including Main Roads WA (MRWA), Department of Water and Environmental Regulation (DWER) and Environmental Protection Authority (EPA).

DWER advice was sought for clearing of the railway reserve, EPA was contacted regarding the proximity of a sensitive use within a 500-metre distance from a potential noise and dust source, and MRWA regarding a traffic assessment.

Responses were requested from each agency within 28 days. On the 23 April it will be 42 days since comment was requested.

MRWA acknowledged receipt of the referral immediately, however no formal response has been received at the time of writing.

DWER responded saying that no clearing permit or groundwater usage has been issued at the time of writing

There has no response from the EPA at the time of writing.

The neighbour at Lot 340 has responded by email stating that 'over the past several months, operations at this site have increasingly impacted the quality of life for nearby residents.'

A copy of this full response is contained in **Attachment C** emphasising the increasing disturbance of early morning noise, grain dust, night-time truck noise and excessive lighting.

## Policy Implications

There are no Council policies that are impacted by this proposal.

## Strategic Implications

### Local Planning Strategy

The WAPC endorsed the Council's Local Planning Strategy (Strategy) on 11 June 2013. The strategy promotes the sustainable use of agricultural land within the Shire and puts forward several strategies to achieve this objective.

The relevant strategies are to:

- Recognise the agricultural industry as having economic and social significance to the Shire.
- Ensure the protection of agricultural resources by restricting subdivision of agricultural land that would remove it from being used for agricultural purposes.

### Strategic Community Plan

Community Priority: Our Economy

Objective: Facilitate the growth of the local economy

Outcome: 2.2

Reference: 2.2

### Asset Management Plan

### Long Term Financial Plan

## Risk Implications

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	Short term non-compliance but with significant regulatory requirements imposed
<b>Consequence Rating</b>	Major (4)
<b>Likelihood Rating</b>	Possible (3)
<b>Risk Matrix Rating</b>	High (12)
<b>Key Controls (in place)</b>	Development application assessed under the Planning and Development Act 2005; referral to relevant agencies including Main Roads WA, DWER and EPA; public consultation undertaken with neighbouring landowners; technical supporting reports submitted by applicant (traffic, acoustic, dust, lighting, drainage).
<b>Action (Treatment)</b>	Impose approval conditions requiring Noise Management Strategy, Dust Management Strategy, traffic safety measures, drainage compliance, vegetation/groundwater permits, and lighting controls.  Ongoing compliance monitoring and complaint response process to be implemented following commencement.
<b>Residual Risk Rating</b>	Effective

## Financial Implications

Nil, other than the payment of the DA application fee. The proposal may see a slight reduction in the use of the road system (therefore maintenance costs) by providing an alternative to transporting grain to the port by road.

## Comment

CBH provides a valuable service to many rural producers in the region and is supported by local government and most residents, however there is an ongoing potential for dust and noise to impact nearby sensitive uses.

Local support for CBH operations is important for the livelihood of many shire residents and ratepayers and props up many local businesses and industries. Agricultural industries are seen as the mainstay of many rural communities and these need to be supported.

There are two nearby residences (considered to be sensitive uses). The easternmost residence is nearly 200 metres east of the CBH drainage dam with the nearest bulkheads located at a distance of about 300 metres. The proposed development is less likely to impact this residence as it will be over 1 kilometre from the main infrastructure works positioned on the railway reserve.

The second residence, at Lot 340 Goomalling-Wyalkatchem Road, is only about 300 metres northwest of the main proposed infrastructure and is more likely to be impacted by the new works.

The main potential impacts of the type of development proposed include dust, noise, light spill and traffic. Several of these potential impacts can be successfully managed by design. These include drainage, traffic and light spill.

## **Drainage**

The site is large with significant areas that cannot absorb rainfall due to bulkhead covers and roadway seals. Shawmac engineers have prepared a drainage plan that will ensure drainage is managed and maintained on site. Although this is seen as a solution, the drainage must remain as a condition on any approval.

## **Traffic**

Although traffic to and from the site may be reduced with the use of rail in place of trucks, the capacity of the site will increase over time. It is important that the traffic management is appropriately maintained to reduce risk. Again, Shawmac engineers have prepared a traffic statement that confirms that the operations are to acceptable standards, however it is recommended that MRWA confirmation is imposed as a condition of approval.

## **Light spill**

CBH has commissioned Momo Solar to assess the likely impact of proposed lighting on nearby uses. The study has evidently designed proposed lighting to minimise interference with external users. Again, a condition is recommended to ensure that existing and proposed lighting is not impacting users outside the land the subject of this DA.

Other potential impacts may be more difficult to manage and will, no doubt, require on-going monitoring. If there are complaints, the local government is the first port of call for contact. It is therefore important to establish sound ground rules for performance levels in all areas of potential impact.

Other impacts that may be more difficult to manage include noise and dust.

## **Noise**

It is evident that there will be an increase in noise levels associated with the proposed development. The three new bins over the rail line are required to be filled via conveyors and lifts that will create a new noise. In addition, the line of carriages (to be filled) that will need to be shunted, presumably one at a time, to be filled with grain from the hoppers. This shunting will be conducted by a diesel train (engine) that will not be turned off - possibly throughout the night-time if operations continue through the evening.

The nature of the seasonal harvest business often requires 24/7 activities that are not necessarily compatible with sensitive uses.

The noise study prepared by Herring Storer Acoustics suggests the current noise is within acceptable limits. However, it appears as though the monitoring equipment may be located over 550 metres from the sensitive premises and therefore may not include all the noise emanating from the facility. In addition, the forecast for the new infrastructure may not comply with acceptable standards for the sensitive use on Lot 340 Goomalling-Wyalkatchem Road (R1). Tables 7.3 and 7.4 of the assessment refer.

It is recommended that a condition be imposed for the applicant to prepare a Noise Management Strategy (NMS). This NMS may need to include a complaints management system, operational hours, sound mitigation measures (barriers or insulation) and rail shunting schedule that reduces the impact of the operations. Some of these may be weather dependent.

## **Dust**

CBH has prepared a paper on dust management acknowledging the requirement of the Environmental Protection Act 1986 and the 2004 Regulations. It is evident that dust, not unlike noise, can be affected by climatic conditions. Winds, temperature and rainfall can significantly affect the impact of dust on nearby activities and uses.

It is recommended that a condition be imposed for the applicant to prepare a Dust Management Strategy (DMS). This DMS may need to include a complaints management system, operational hours, dust mitigation measures (dampening or insulation) and pavement sealing that help reduce the impact of the operations. As mentioned, some of these will be weather dependent.

## **Clearing and Groundwater**

Where necessary clearance (permits) must be issued by DWER for clearing and groundwater.

## Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation/Resolution - 12.6

Moved Cr

Seconded: Cr

12

That Council, by Simple Majority, approves the Development Approval application as lodged on 25 February 2026, subject to the following conditions, these conditions require clearance by the agency named in brackets after each condition.

#### CONDITIONS

1. The stormwater drainage works being implemented in accordance with Shawmac Stormwater Management Plan (SMP) dated 28 November 2026. Any alterations to this SMP will require a subsequent Development Approval application. (*Local government*).
2. Prior to commencement of "use", the applicant shall prepare a Noise Management Strategy to minimise the impact of the facility operations and activities associated with the development on the nearby neighbours. The Strategy shall demonstrate how noise impacts on surrounding sensitive land uses will be minimised during construction and ongoing operation of the development. (*Local government and Environmental Protection Authority*).
3. Prior to commencement of "use", the applicant shall prepare a Dust Management Strategy to minimise the impact of the facility operations and activities associated with the development on the nearby neighbours. (*Local government and Environmental Protection Authority*).
4. External lighting associated with the development shall be designed, installed, and operated to minimise light spill, glare, and impact on adjoining sensitive land uses and road users, in accordance with relevant Australian Standards.. (*Local government*).
5. Permits for the clearing of vegetation and groundwater use issued by the respective authority. (*Department of Water and Environmental Regulation*).
6. Satisfactory measures to ensure traffic management safety is maintained (*Main Roads WA*).

#### ADVICE NOTES

**Note 1:** This Development Approval is subject to conditions that are required to be satisfied prior to the development being *used*. As such, evidence must be provided to the local government by the respective authority for clearing each condition - as shown in brackets after the text of each condition.

**Note 2:** This approval does not include the mentioned temporary facilities mentioned in the applicant's covering letter. This will need to be part of a subsequent Development Approval application.

**Note 3:** If the development the subject of this approval is not substantially commenced within a period of 2 years after the date of the determination, the approval will lapse and be of no further effect.

**Note 4:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

**Note 5:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED /

For: