

14.1 PROPOSED NEW RAIL SIDING - KONNONGORRING

File Reference	...
Disclosure of Interest	Nil
Applicant	CBH Group
Previous Item Numbers	Various including Resolution 636 on 17 May 2023
Date	9 November 2023
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1.

Summary

For Council to consider a proposal to review Condition 6 of the development approval for the proposed new rail siding at the CBH facility at Konnongorring.

Background

At the November Ordinary Meeting the Council approved the above development with several conditions including Condition 6 as follows:

Within 6 months of the proposed upgrade being completed, the applicant/operator to commission a short term noise monitoring survey to confirm operational noise levels at nearby receivers and to undertake mitigation measures as required to the satisfaction of the local government. Following this, to commission a short term noise monitoring survey if there are any sustained noise complaints received and to undertake mitigations measures (as required) to reduce impacts on nearby receivers to the satisfaction of the local government.

Consultation

CBH has consulted with relevant stakeholders.

The CEO has consulted with CBH further to the approval being granted

Council was not obligated to undertake further consultation regarding this project.

Statutory Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Goomalling Town Planning Scheme No. 3 (TPS3)

Local Government Act 1995

Land ID 4090928 & 3123951 are reserved as 'Railway Purposes' in TPS3. The objectives for 'Railway Purposes' is 'to set aside land for railway and other authorised purposes.' The

proposed rail siding satisfies the objectives of TPS3 and reflects the purpose of the 'Railway Purposes' reserve by facilitating the efficient movement and loading of grain which supports farming and rural pursuits in Konnongorring and its surrounds.

Lot 300 is zoned 'Rural 3 – General Farming' in TPS3. TPS3 objectives for this zone include to maintain the rural economy of the Shire, protect the rural landscape and environment generally and 'to ensure minimal intrusion onto the rural landscape and the amenity of adjoining properties.' The minor rail incursion into Lot 300 and the associated earthworks design, does not affect the viability of rural pursuits on CBH's landholding.

Policy Implications

Nil

Financial Implications

Nil at this stage

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2029	
Outcome 2.3	Actively support and develop local and new business
Outcome 3.2	Manage assets and infrastructure in a sustainable manner
Strategy 3.2.4	Provide commercial and industrial land aligned to economic needs and growth

Comment/Conclusion

The Development Application proposes a major redevelopment to support the Konnongorring CBH grain facility.

The Council conditionally approved the Development Application given:

- The Rail Noise Impact Assessment Report demonstrates that the new rail siding will meet the requirements of *State Planning Policy 5.4 Road and Rail Noise* and the *Environmental Protection (Noise) Regulations 1997*;
- The proposed rail siding is not expected to create significant additional impacts on the amenity of the area;

CBH has been in consultation with the sole resident who is likely to be impacted by any noise and is working through a compromise to alleviate and minimize any noise impacts due to the construction and the ongoing operational processes.

Given that rail facility will comply with SPP 5.4 Road and Rail noise it would be appropriate to withdraw this condition from this DA however with regard to the facility application yet to come, noise could pose a greater problem and accordingly a condition relating to noise would be more appropriate.

Voting Requirements

Simple Majority

That the Council:

1. Direct the CEO to Advise CBH that it is prepared to withdraw Condition 6 for the approval relating to the Rail Siding development.

Advice

- A) The applicant/operator is still encouraged to review noise levels through construction.