



14 September 2022

Darren Mollenoyux
Shire of Bruce Rock
Via email: ceo@brucerock.wa.gov.au

Dear Darren,

**LOT 251 KELLERBERRIN-SHACKLETON ROAD, SHACKLETON
PROPOSED GRAIN HANDLING DEPOT**

As you know, CBH's development application for three open storage bulkheads on Lot 251 Kellerberrin-Shackleton Road, Shackleton is going to Council this Thursday 15th September for determination. Our site mobilisation date for the Shackleton site is early October 2022 with a construction window of 6 weeks so that the bulkheads are constructed in time to allow the site to receive and store local growers grain this coming harvest.

Some of the proposed works, specifically road over rail, is located within the rail corridor which CBH leases from the Public Transport Authority (PTA) under a 99-year lease. Section 47 approval under the Rail Freight Systems Act 2000 is required to be obtained from PTA separate to the development application process. As part of this application, PTA are required to consult with ARC as leaseholders of the greater rail network. ARC will issue CBH with a construction licence and licence to use and occupy when the works are deemed satisfactory and the impact on the existing rail network is negligible.

ARC have advised CBH that it is unlikely the construction license and license to use and occupy will be issued in a timeframe where CBH can meet its site mobilisation date. ARC have suggested taking access to the site from Kellerberrin-Shackleton Road as this access can be accommodated within the existing lease agreement between CBH and PTA. CBH's preference remains accessing the three open storage bulkheads the subject of the development application through the rail corridor.

There is a remediation clause within the CBH lease to restore land to the condition that it was before the lease began. To obtain ARC approval, we will need to get a dilapidation survey to ensure we are aware of what a future reinstatement will look like. This process does not meet our timeframes to allow us to store local growers grain this forthcoming harvest.

As such we discussed whether the Shire would be willing to apply Schedule 2, Part 7, Clause 61 (1) (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and approve the access from Kellerberrin-Shackleton Road as 'temporary works' that are exempt from the need to obtain development approval. Under the Regulations this clause can only be applied for a maximum period of 12-months. This exemption would assist CBH with navigating the timely PTA/ARC approval process.


CBH wishes to obtain a temporary works exemption for a period of 9 months commencing 01st October 2022 and ending 30th June 2023. CBH commits to expediting the ARC application insofar as possible. If ARC approval is obtained prior to the 9-month timeframe; the temporary works exemption shall cease.

Should the Shire issue CBH with a temporary works exemption, CBH commits to the following:

- (a) CBH will at its own cost and prior to commencement of the 2022/23 harvest season, install Variable Message Sign Boards either side of the Kellerberrin-Shackleton Road temporary entrance to alert motorists to the potential safety risks associated with heavy vehicle movements at these intersections until the completion of this year's harvest.
- (b) An application to construct a crossover, inclusive of drainage details, will be made to the Shire of Bruce Rock on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed crossover to the satisfaction of the Shire of Bruce Rock's Manager of Works.
- (c) All works the subject of this temporary approval shall cease to be used at the end of the temporary approval term, shall be removed from the land in its entirety within 28 days of expiry of the approval term including reinstatement of the land to its pre-development condition insofar as possible and to the satisfaction of the Shire of Bruce Rock.
- (d) CBH shall ensure that noise from the specification and installation of any mechanical equipment as well as traffic noise is limited to the extent possible by CBH. CBH will work with the Shire to address any concerns raised in this regard
- (e) The temporary access road shall be sealed from the edge of Kellerberrin-Shackleton Road for the first 50m to restrict dust and gravel spilling onto Kellerberrin-Shackleton Road.
- (f) The repairing of any damage to the road network within 50m either side of the temporary entrance on Kellerberrin-Shackleton Road caused by CBH trucks accessing the temporary entrance to the satisfaction of the Shire of Bruce Rock and with all costs met by CBH.
- (g) The proposed plan shows the three open storage bulkheads located 250m from the eastern lot boundary adjacent to the Kellerberrin-Shackleton Road. This means that in busy periods, trucks will have suitable area within the site to marshal without overflowing onto local roads.
- (h) CBH will install mesh fencing along the shared boundary with Kellerberrin-Shackleton Road, to the satisfaction of the Shire of Bruce Rock, to ensure that dust is adequately controlled and contained within the lot boundaries.
- (i) All stormwater runoff from the temporary accessway will be contained of on-site.
- (j) CBH will undertake grower education in relation to grower trucks not accessing or exiting the CBH site via Jermyn Street.
- (k) Operating hours for the site are 7:00am to 5:30 Monday to Saturday.
- (l) The Government and Industry Relations team within CBH will be responsible for any complaints received from the Shire of Bruce Rock to ensure that responses can be provided to the Shire in a timely and satisfactory manner.

Should you have any further questions or require any further clarification please do not hesitate to contact Timothy Roberts at timothy.roberts@cbh.com.au or on 9216 6061.

Yours Sincerely,

DocuSigned by:

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Irving Carey
General Manager
Kwinana South