

Shire of Lake Grace

Special Council Meeting

MINUTES

2 September 2025

Meeting Commencing at 5:00 pm

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Acknowledgement of Country

I wish to acknowledge the traditional Custodians of the land on which we meet today, and pay my respects.

I extend that respect to Aboriginal and Torres Strait Islander peoples here today.



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3.3 IN ATTENDANCE

Mr Alan George
Mr Aaron Wooldridge

Chief Executive Officer
Deputy Chief Executive Officer

3.4 OBSERVERS / VISITORS

Nil

3.5 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Chappell has a leave of absence approved by Council from 1 August to 6 September 2025.

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST**7.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A**

Cr Clarke submitted a disclosure of financial interest in the following Items:

- 13.1 – Tender RFT 2025.26-02 Supply and Delivery of Aggregate
- 13.2 - Award of RFQ 2025.26-05 Resheeting of Biddy-Camm road

Due to doing financial business with two businesses concerned in the Items.

Council agreed that Cr Clarke may be present for debate and voting on these Items.

7.2 DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

Nil

7.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C

Nil

8.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

Nil

11.0 REPORTS OF OFFICERS

11.1 ADMINISTRATION

11.1.1 CO-OPERATIVE BULK HANDLING LIMITED – EMERGENCY STORAGE – LAKE GRACE

Applicant	Co-Operative Bulk Handling Limited (CBH)
File No.	0365
Attachments	1. Request for Temporary Approval 2. Site Plan
Author	Alan George - Chief Executive Officer
Disclosure of Interest	Nil
Date of Report	1 September 2025
Senior Officer	Alan George - Chief Executive Officer

Summary

CBH has requested that the requirement for a development approval be waived for the construction of emergency grain storage on portion of Lot 12 on Deposited Plan 57312 Biddy-Camm Rd, Lake Grace consisting of 2 x 230m x 35m steel framed open bulk heads for the storage of 60,260 tonnes of grain situated on land owned by CBH adjacent to its current Lake Grace facility. (Attachments 1 & 2) The temporary storage of grain is required due to a larger than planned harvest as a result of increased plantings and good seasonal conditions.

Background

CBH purchased Lot 12 Biddy-Camm Rd in September 2023 to provide for future expansion of its facility. It was their intention at the time that it would not be required for at least 5 years.

Comment

CBH have advised that it is looking to be another big harvest and there is a big projected storage deficit in the Albany zone.

Approval has already been granted for an extension of time for the Newdegate North site due to the new Newdegate east site possibly not being finished in time. The on again off again Lake King site has approval however it has yet to be determined by CBH if it will be completed.

Previous advice from the Shire town Planner Joe Douglas has been as follows which again can be referred to for this application.

“My recent discussions with DPLH have confirmed development by CBH of this type is best defined as ‘Industry-Rural’ which is a use not listed in Local Planning Scheme No.4. This means any development application received must be classified as ‘complex’ and advertised for public comment for a minimum required period of 28 days. As such, I can’t see Council being in a position to consider and determine any development application received until October. Given the 2021/22 harvest season will most likely commence at the beginning of November I can’t see CBH having this proposed development completed in time.

The only other possible option that you and Council may wish to consider is allowing CBH to proceed with the project without the development approval typically required provided they formalise the development at some point over the next twelve (12) month period. Under the terms of clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015 a local government may grant approval for temporary works and/or uses that are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period. This means there is scope for Council to allow CBH to proceed almost immediately and to formalise everything by way of a DA over the course of the next year. We did this in the Shire of Corrigin recently for the same type of development by CBH in the Corrigin townsite and that Council was very supportive. The Lake Grace Shire Council’s willingness to adopt a similar approach in Lake King and Lake Grace for the sake of expediency is the \$64,000 question and is something you may wish to flag with Councillors ASAP so we can advise CBH accordingly.

Schedule 2, Part 7, Clause 61 (1) (17) and (2) (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows a local government to consider any proposed works and use as temporary. Under the Regulations this clause can only be applied for a period not exceeding 12 months and is subject to endorsement from the local government.

CBH has advised that this temporary infrastructure will only be executed should the harvest forecasts signify the requirement for the further storage. Given that this land was purchased for the future expansion of the Lake Grace facility and, in the not-too-distant future, will be the subject of a development application it is recommended that this request be approved subject to the following conditions.

- CBH is to provide written notification to the local government of the date of the commencement of the temporary works and use which will be the commencement of the 12 month temporary approval period.
- A development application shall be prepared and submitted for consideration and final determination by Council prior to expiry of the term of this approval. If the applicant does not wish to formalise the works and use hereby permitted on a temporary basis only, all improvements associated with the proposed development shall be removed from the land and the land reinstated to its natural state prior to the development insofar as practicable
- Stormwater drainage associated with the proposed development on the subject land may be diverted into the shire dams located on the adjacent Lot 101 to the south of Lot 12. (It is to be noted that the capture of water from any development of Lots 12 and 101 was intended purpose of the dams on existing Lot 101). This arrangement can and should be formalised by way of a drainage easement at CBH’s cost during the formal development application stage of the approval process in due course.

- The proposed new driveway access to/from Lot 101 must be aligned at right angles at its intersection with Biddy-Camm Road to ensure adequate sight lines are provided for the drivers of all vehicles entering and exiting the property.
- Dust suppression measures must be put in place to reduce dust impact on neighbouring properties during vehicle movement.

Legal Implications

Local Planning Scheme No.4

Schedule 2, Part 7, Clause 61 (1) (17) and (2) (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Planning and Development Act 2005 (as amended)

Policy Implications

Nil

Consultation

Joe Douglas – Exurban rural and Regional Planning

Timothy Roberts – CBH

Financial Implications

Nil at this stage. CBH will be liable for all costs associated with the proposed works. In due course CBH will be liable to the Shire for the formal development application fees payable if permanency of the facility is pursued.

Strategic Implications

This item aligns with Aspire 2033 - Shire of Lake Grace Strategic Community Plan

Economic Objective - A prosperous economy supporting diversification of industry		
Outcome	1	An innovative, productive agriculture industry
Strategies	1.1	Enhance and maintain transport network
	1.3	Support and promote the agricultural productivity of the district
	1.5	Liaise with key stakeholders for the improvement of the agricultural industry
Outcome	2	A diverse and prosperous economy
Strategies	2.2	Support local business and promote further investment in the district

Voting Requirements

Simple majority

RECOMMENDATION / RESOLUTION

RESOLUTION **14089**

Moved: **Cr Clarke**

Seconded: **Cr Kuchling**

That Council:

Support and approve Co-Operative Bulk Handling Limited's request to waive the requirement for an immediate development approval for the temporary construction and use of emergency grain storage infrastructure consisting of 2 x 230m x 35m steel framed open bulk heads for the storage of 60,260 tonnes on Lot 12 on DP 57312 Biddy-Camm Rd, Lake Grace for a twelve (12) month period subject to the following conditions:

- CBH is to provide written notification to the local government of the date of the commencement of the temporary works and use which will be the commencement of the 12 month temporary approval period.
- A development application shall be prepared and submitted for consideration and final determination by Council prior to expiry of the term of this approval. If the applicant does not wish to formalise the works and use hereby permitted on a temporary basis only, all improvements associated with the proposed development shall be removed from the land and the land reinstated to its natural state prior to the development insofar as practicable.
- Stormwater drainage associated with the proposed development on the subject land may be diverted into the shire dams located on the adjacent Lot 101 to the south of Lot 12. (It is to be noted that the capture of water from any development of Lots 12 and 101 was intended purpose of the dams on existing Lot 101).
- Dust suppression measures must be put in place to reduce dust impact on neighbouring properties during vehicle movements.
- The proposed new driveway access to/from Lot 101 must be aligned at right angles at its intersection with Biddy-Camm Road to ensure adequate sight lines are provided for the drivers of all vehicles entering and exiting the property.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Kuchling, Cr Clarke, Cr Hyde**

Against: **Nil**

12.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2)

RECOMMENDATION / RESOLUTION

RESOLUTION **14090**

Moved: **Cr Hunt**
Seconded: **Cr Lloyd**

That Council meet behind closed doors to consider the confidential item(s) in accordance with Section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015.

13.1 – Tender RFT 2025.26-02 Supply and Delivery of Aggregate
13.2 - Award of RFQ 2025.26-05 Resheeting of Biddy-Camm road

These items and any attachments are confidential in accordance with Section 4.23(2)(a) of the Local Government Act 1995.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Kuchling, Cr Clarke, Cr Hyde**
Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **14091**

Moved: **Cr Hunt**
Seconded: **Cr Lloyd**

That Council supports the recommendation contained in item 13.1 – Tender RFT 2025.26-02 Supply and Delivery of Aggregate.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Kuchling, Cr Clarke, Cr Hyde**
Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **14092**

Moved: **Cr Kuchling**
Seconded: **Cr Clarke**

That Council supports the recommendation contained in item 13.2 – Award of RFQ 2025.26-05 Resheeting of Biddy-Camm road

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Kuchling, Cr Clarke, Cr Hyde**
Against: **Nil**

RECOMMENDATION / RESOLUTION

RESOLUTION **14093**

Moved: **Cr Hunt**

Seconded: **Cr Kuchling**

That Council move out from behind closed doors.

CARRIED **6/0**

For: **Cr Armstrong, Cr Hunt, Cr Lloyd, Cr Kuchling, Cr Clarke, Cr Hyde**

Against: **Nil**

14.0 CLOSURE

There being no further business, the Shire President closed the meeting at 5.15pm.

15.0 CERTIFIATION

I, Leonard William Armstrong, certify that the minutes of the Meeting held on Tuesday 2 September 2025 as shown were confirmed as a true record of the meeting.

Signature

Date