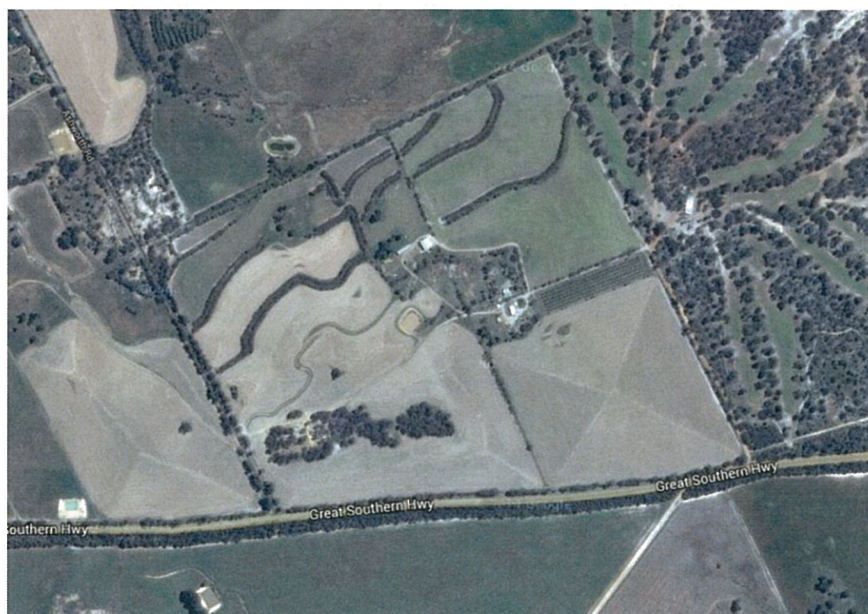
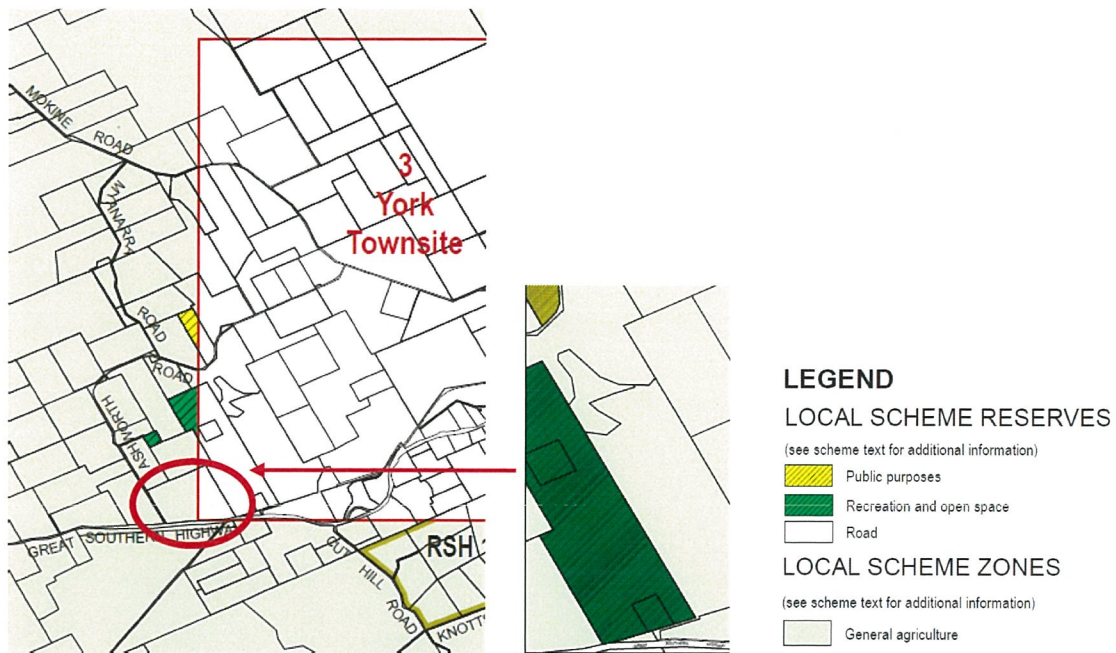


DA ASSESSMENT REPORT

Address Lot 5113 Great Southern Highway, Daliak
Proposal Transport Depot
Zoning General Agriculture
Use classification SA

Land use definition *Transport depot* means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.



Aerial source: Google maps

DA ASSESSMENT REPORT

DA No. P989

Address: Lot 5113 Great Southern Highway, Daliak

Proposal: Transport Depot

Classification of land use

The definition of transport depot includes the maintenance, management and repair of the vehicles used in the transport depot. As a result, the ancillary components including the workshop, wash bay, spray booth, fuel supply and storage, can be accommodated within the definition of 'transport depot'.

If ancillary components were to operate independently of the primary use, they would require their separate development approval.

The land use definition of transport depot does not differentiate between the nature of the transport depot, nor its relationship to other uses permitted in the zone. Transport Depot is a 'SA' use in the General Agriculture Zone. This means the use is capable of approval if it meets the objectives and requirements of the zone.

CLAUSE 4.15 – GENERAL AGRICULTURE ZONE

4.15.1 Objectives:

- a) To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.
- b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- c) To allow for facilities for tourists and travellers, and for recreation uses.
- d) To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities.

Objective (a)

The subject land has an area of 70.976 ha. A development site plan – outlining the scale of the proposed transport depot – illustrates a development footprint of approximately 3.3ha. This conflicts with information in the submitted planning report that suggests the transport depot would cover an area of 7.5 ha. For the purposes of the assessment, the concept development plan (which was provided subsequent to the planning report) is considered to provide the most reliable depiction of the development footprint. A condition on any approval should confirm the maximum footprint for the depot – 4 hectares (excluding accessways) is considered to provide sufficient contingency from the development site plan to manage the scale of the operation.

A development envelope of 4 hectares reflects 5.6 percent of the total agricultural lot. The remainder of the site will be used for agricultural purposes, predominantly cropping and grazing.

The continuation of broad-hectare agriculture will continue to be the predominant land use on the property and in the district. A condition of planning approval to limit the size of the transport depot will ensure the rest of the site will continue to be used for general agricultural purposes. The proposed use can be considered consistent with this objective.

Objective (b)

Avon Waste provide ongoing employment for 27 people within York which could potentially increase with the expansion of the business on this site. This provides a local economic benefit within the district. In addition to the economic benefits, this business also supports the waste removal for areas within the Shire and surrounding local government areas including Northam and Beverley.

There are some potential environmental risks presented with this application including run off from the washdown areas and petrol storage. These environmental risks can be mitigated by appropriate management, including stormwater management and appropriate chemical storage.

The proposed development is consistent with objective (b) as it provides a local economic and service benefit and the environmental risks are manageable. Conditions of planning approval relating to stormwater and waste water management plans can be applied for future applications. In addition a condition of planning approval to restrict clearing of vegetation can also be applied.

Objective (c)

This proposal is not intended to be used for tourists, travellers and recreation users. Therefore this objective is not considered applicable to this proposal.

Objective (d)

The land to the east is reserved for recreation and open space. The site is currently used for a golf course. The surrounding land is zoned general agriculture. This clause is not applicable as the property does not interface with an urban zone.

In summary, the proposal is capable of approval as it is generally consistent with the objectives of the General Agriculture Zone.

4.15.2 Development:

Having regard to the scenic values of the district and the views from roads the local government may refuse an application for planning consent if, in the opinion of the local government, the development if approved will have a detrimental effect on the rural character and

amenities.
<p>The general location of the development envelope is shown on a site plan, with the proposed development envelope set back from public viewpoints (on roads). A site visit identified that the natural landforms will shield and minimise visibility from local roads.</p> <p>Cl 8.11 of the scheme allows Council to grant approval for a use, subject to the subsequent planning consent of Council for other matters. This includes siting, design, external appearance of buildings, means of access, landscaping, and such other matters. This scheme provision can be used to require subsequent planning consent for the siting and design of the development envelope and all structures to be located such as to minimise visibility from Great Southern Highway and Ashworth Road.</p> <p>A detailed site and building plan, prepared and approved in a subsequent planning consent, will ensure the development will not have a detrimental effect on the rural character of the locality.</p>
<p>4.15.3 Site Requirements:</p> <p>The following minimum building setbacks shall apply:</p> <p>Front : 15.0m</p> <p>Rear : 15.0m</p> <p>Side : 15.0m</p>
<p>A detailed site and building plan, prepared and approved in a subsequent planning consent, will ensure the development meets minimum setbacks.</p> <p>Due to the nature of the proposal, it is appropriate to condition greater setbacks, to manage visual and noise impacts. A minimum 200 metre setback from Great Southern Highway, Ashworth Road, and the northern property boundary should be a condition of planning consent.</p>
<p>4.15.4 Retention of Vegetation:</p> <p>Except for:</p> <p>(a) establishment of a firebreak required to comply with a regulation or local law, or</p> <p>(b) provision of access to a building site, or</p> <p>(c) the area of building, or</p> <p>(d) cash crops;</p> <p>not more than 2000m² on any lot shall be cleared of indigenous trees or substantial vegetation. If the Local government is satisfied upon receipt of a submission the clearing of an area greater than 2000m² will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the Local government:</p>
<p>The location of the proposed transport depot is on land currently used for cropping. The land is already cleared of vegetation therefore this proposal is unlikely to result in further clearing. In addition the applicant has advised no trees will be lost on Ashworth Road.</p> <p>Notwithstanding this, conditions may be applied to any planning approval to ensure that no vegetation is cleared as a result of this application, including the land required for the new access road.</p>
<p>8.5 - MATTERS FOR CONSIDERATION</p>
<p>a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;</p>
<p>As above.</p>
<p>b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought;</p>
<p>The SA classification of a transport depot within the general agriculture zone provides the Shire with the ability to consider a transport depot on this site. The Shire has no current planning policy that provides further guidance on SA uses in the general agriculture zone, therefore consideration of SA uses are guided by the objectives of the scheme. The application is generally consistent with the objectives.</p> <p>The Shire has insufficient industrial land available in the town to facilitate the relocation and expansion of this facility to land zoned for industrial purposes. There are no short term pending scheme reviews or amendments to release industrial land.</p> <p>In the absence of adequately sized industrial zoned land within the Shire, the applicant has sought an alternative site where the land use can be considered in accordance with the town planning scheme. The applicant is proposing to relocate from an existing residential area, where a 'transport depot' use is a prohibited land use.</p> <p>It is noted that there are no scheme amendments that are currently applicable to this property or this form of land use.</p>
<p>c) any approved statement of planning policy of the Commission;</p>
<p><u>State Planning Policy 2.5 – Land Use Planning in Rural Areas</u></p>
<p>This policy states under clause 5.1 (a) that <i>'land use change from rural to all other uses is to be planned and provided for in a planning</i></p>

<p><i>strategy or scheme;</i></p> <p>The Shire's local planning strategy (2007) was prepared as a precursor to town planning scheme no. 2 (TPS2) (the Shire's existing scheme). The property is within the 'Western slopes Precinct (Production) (2a) of the local planning strategy. The objectives of this area are:</p> <ul style="list-style-type: none"> • Protect sustainable agricultural production • Promote farm diversification • Preserve and enhance the environment and natural resources. <p>The strategy map highlights the subject site for 'farming'.</p> <p>The summary of key land use and development issues includes '<i>The need to protect valuable agricultural land whilst allowing diversification.</i>' It is understood that this generally relates to diversification of non-traditional industries such as marron, yabbies, aquaculture and olive farm. The LPS does not provide guidance for consideration of non-rural uses in the area, beyond the guidance set out in the objective of the zone in the scheme.</p>
<p>d) any approved environmental protection policy under the <i>Environmental Protection Act 1986</i>;</p>
<p>N/A</p>
<p>e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;</p>
<p>The WAPC has prepared a Draft Wheatbelt Regional Planning and Infrastructure Framework (March 2014). The document provides a vision for the Wheatbelt, objectives, initiatives and a list of projects. In relation to land supply, the document states that:</p> <p><i>'The Wheatbelt has approximately 12 million hectares of rural zoned land. Principally used for primary production, this land also has potential for rural industries and small-scale tourism. Rural zones are generally highly flexible and can support a range of land uses, which should be explored and encouraged at a local level.'</i></p>
<p>f) any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme;</p>
<ul style="list-style-type: none"> - Local planning policy No. 10 – Contributions for Road and Footpath Construction and Upgrading: This policy enables the Shire to seek contributions to road and footpath upgrades as a result of subdivision or development. There are no developer contribution areas shown on the scheme maps relevant to this property. Notwithstanding this, the traffic impact statement has indicated that no road upgrades will be required as a result of this proposed development. - Local planning policy – Advertising Signage: If signage is proposed, the applicant will need to comply with the provisions of the Shire's local planning policy relating to Advertising Signage. A condition of planning approval can be applied to prohibit any signage.
<p>g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;</p>
<p>N/A – the land is not reserved.</p>
<p>h) the conservation of any place that has been entered in the Register within the meaning of the <i>Heritage of Western Australian Act 1990</i>, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct;</p>
<p>N/A - The property is not listed on the local heritage list.</p>
<p>i) the compatibility of a use or development with its setting;</p>
<p>Whilst the nature of the use is not agricultural, a transport depot is an SA use within the General Agriculture Zone, therefore the land use can be considered where it meets the objectives of the zone.</p> <p>Greater detail on siting and design, through a subsequent planning consent, will enable detailed consideration and planning to ensure visual impacts are mitigated through siting and landscaping.</p>
<p>j) any social issues that have an effect on the amenity of the locality;</p>
<p>Nil.</p>
<p>k) the cultural significance of any place or area affected by the development;</p>
<p>A desktop review of the Department of Aboriginal Affairs indicates there are no Registered Aboriginal Sites on the property.</p>
<p>l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;</p>
<p>There are some potential environmental risks presented with this application, including run off from the washdown areas and petrol storage. These environmental risks can be mitigated by appropriate management. Conditions of planning approval relating to</p>

<p>stormwater and waste water management plans can be applied.</p> <p>In addition a condition of planning approval to restrict clearing of vegetation can also be applied.</p>
<p>m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;</p>
<p>n/a</p>
<p>n) the preservation of the amenity of the locality;</p> <p>Greater detail on siting and design, through a subsequent planning consent, will enable detailed consideration and planning to ensure visual impacts are mitigated through siting and landscaping.</p> <p>The proposal will result in increased activity on the site with 11 trucks leaving and returning to the property each day and approximately 15 light vehicle movements (staff movements). Operating hours are proposed to be Monday to Friday 7:30am to 5:00pm; however it is noted that trucks will be leaving the property at 4am to reach remote locations. Some maintenance work may occur on Saturdays.</p> <p>Trucks and small vehicles will not use the entirety of Ashworth Road, with access being located very close to Great Southern Highway. There will be minimal amenity impact to local road users, considering the small length of Ashworth Road to be used by trucks, and the small numbers and time duration of truck movements each day.</p> <p>No rubbish is to be stored, transported or processed on the subject site. A condition of planning approval can be applied to ensure this. With appropriate visual screening through siting and landscaping, the nature of the use is unlikely to present a significant impact to the amenity of the locality.</p>
<p>o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;</p> <p>A site visit showed natural landforms will minimise visibility from the road, however this needs to be confirmed via the submission of a detailed site plan and structure elevations. This will enable the Shire to manage the bulk and scale of the structures on site will appear.</p> <p>However it is noted that the many of the structures on site are sheds which are similar to those on other general agricultural sites. The only element of the proposal which would not be consistent with agricultural development would be truck parking areas. These can be screened with landscaping to shield them from view.</p> <p>Greater detail on siting, structures, design and landscaping, through a subsequent planning consent, will enable detailed consideration and planning to manage bulk, scale, and appearance of the proposal.</p>
<p>p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;</p> <p><u>Access and egress</u></p> <p>A Traffic Impact Statement (TIS) has been prepared by Opus. Great Southern Highway is managed by Main Roads WA and Ashworth Road is managed by the Shire of York. The portion of Ashworth Road adjacent to the subject site is sealed. The TIS recommends that the crossing place to the property, internal access road and turning areas be designed for a 4 axel articulated truck and trailer. The TIS recommends that safe and convenient access to and egress from the property can be achieved via Ashworth Road.</p> <p><u>Loading and unloading</u></p> <p>Bins are stored separately from the trucks; therefore adequate space must be maintained to enable loading and unloading of trucks. This would be planned in detail in subsequent site plans for the depot operations.</p> <p><u>Manoeuvring</u></p> <p>To ensure safe movement, a submission from Main Roads Western Australia has requested that swept path diagrams be submitted for review and approval.</p> <p><u>Parking</u></p> <p>The TPS2 does not include minimum car parking bays for transport depots. The proposed site plan shows 44 car parking bays have been provided for staff. Based on the number of staff vehicle movements, this is sufficient to accommodate the number of staff on site. However the car parking bays should be constructed in accordance with Australian Standards. A condition of planning approval should be included to require the bays to be constructed to an appropriate standard.</p> <p>A 24 bay truck port has been shown on the plans to accommodate the existing 23 trucks used for the business. Should the business expand (as suggested in the development application report), additional truck parking would be required. Any expansion to the transport depot would need to be considered through a separate planning approval.</p> <p>Greater detail on access and manoeuvring, through a subsequent planning consent, will enable detailed consideration and planning to manage access, egress, and internal movements. This will also enable MRWA assessment of swept path diagrams to confirm access and egress through Ashworth Road onto Great Southern Highway.</p>
<p>q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>
<p>The proposal will result in 11 additional truck movements per day leaving and returning to the property and approximately 15 light</p>

<p>vehicle movements (staff movements).</p> <p>The TIS identifies that there is sufficient capacity in the local road network to manage these movements. The TIS states that upgrading the intersection of Ashworth Road and Great Southern Highway is not recommended and that growth in the business over a 10 year period would not alter that recommendation. Any expansion to the transport depot would need to be considered through a separate planning approval. A condition of planning approval should be included to acknowledge this.</p> <p>Due to the nature of the vehicles, the TIS recommends that the crossing place to the property, internal access road and turning areas be designed for a 4 axel articulated truck and trailer. These requirements will inform the development of site plans to be prepared and considered as part of subsequent planning consent.</p>
<p>r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;</p>
<p>N/A</p>
<p>s) whether public utility services are available and adequate for the proposal;</p>
<p><u>Power</u></p> <p>The applicant has advised that the relevant power services will be upgraded to extend to the development in accordance with Western Power's requirements. Upgrades should be undertaken at the developer cost.</p> <p><u>Water</u></p> <p>Potable water will be provided to the development using rain water tanks. Any on-site waste water treatment or water reuse/recycling system will require approval by the Department of Health.</p> <p><u>Communications</u></p> <p>The applicant has advised that the communication services will be extended to the development. This will need to be undertaken at the cost of the developer.</p>
<p>t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</p>
<p>N/A</p>
<p>u) whether adequate provision has been made for access by disabled persons;</p>
<p>N/A</p>
<p>v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p>
<p>Greater detail on siting and landscaping, through a subsequent planning consent, will ensure that access and siting does not result in the removal of vegetation that should be preserved, and provides for landscaping around the development envelope.</p>
<p>w) whether the proposal is likely to cause soil erosion or land degradation;</p>
<p>N/A</p>
<p>x) the potential loss of any community service or benefit resulting from the planning consent;</p>
<p>No community service will be lost as a result of this application.</p>
<p>y) any relevant submissions received on the application;</p>
<p>6 submissions were received from the community. These are outlined in detailed submission attachment. They key matters raised relate to:</p> <ul style="list-style-type: none"> - Concerns that the proposal is inconsistent with the Shire of York Town Planning Scheme and the objectives of the General Agricultural zone. - Concerns relating to appropriateness of use within the general agricultural zone. - Concerns relating to impact on rural amenity of the area. - Concerns relating to impact on tourism particularly on Ashworth Road. - Concerns relating to impact on Great Southern Highway. - Concerns relating to environmental impacts particularly from run off. - Concerns regarding property values
<p>z) potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses;</p>

As per the Environmental Protection Authority's 'Guidance for the assessment of environmental factors' (June 2005) to minimise the impacts of gas, noise, dust and odour, a generic separation distance of 200 metres should be provided between transport depots and sensitive land uses (including houses and residential areas). In this case the nearest sensitive land use would be the adjacent houses.

Requiring a minimum 200 metre setback from the northern property boundary will ensure that the recommended separation distances are met, and therefore that potential impacts of noise are managed.

za) the comments or submissions received from any authority consulted under clause 8.4; and

Water Corporation

- no objection
- If reticulated water supply is requested, all costs with extending a water supply shall be the responsibility of the proponent.

Western Power

- No specific comments
- As there are overhead powerlines and/or underground cables adjacent to or traversing the site, Western Power's 'Working in proximity to Western Power Distribution Lines' should be considered prior to commencing works.

Telstra

- No objection
- The latest telecommunications policy advises that developers are now responsible for telecommunications infrastructure on all developments.

Department of Aboriginal Affairs

- Currently no known Aboriginal sites registered with the DAA within the area of proposed development.
- Developers should be aware of the DAA's *Cultural Heritage Due Diligence Guidelines*.

Department of Mines and Petroleum

- The Geological Survey of Western Australia assessed on behalf of DMP.
- No concerns
- Formal Section 16(3) clearance under the *Mining Act 1978* will require further assessment once a request is received from Department of Lands

Department of Health

- Development is to have sufficient access to drinking water of a quality specified under the *Australian Drinking Water Quality Guidelines 2004*.
- DoH approval required for any on-site waste water treatment or water reuse/recycling system.
- Trade waste will need to be disposed off site or appropriately treated and approved by DoH for on site disposal.
- Waste water from wash down bay will require approval from DoH.

Department of Water

- All stormwater management is designed in accordance with *Stormwater Management Manual for Western Australia* (DoW 2004) to ensure stormwater is appropriately managed on site.

Department of Planning (Wheatbelt)

- No comment.

Main Road WA

- No objection.
- Condition to be applied to require swept path diagrams to accommodate safe movement. To be reviewed and approved by MRWA.

Department of Environment Regulation

- No comment.

Department of Food and Agriculture WA

- No objection.

zb) any other planning consideration the local government considers relevant.

Nil.

Recommendation

Planning consent is granted, subject to:

1. An application for approval of details to be made no later than 12 months from the date of determination, to include:
 - A scaled, detailed site plan for the depot area and access ways, to include the scaled location of all structures, pavement areas, storage areas, and landscape areas (Note 6).
 - Siting of the depot area and access ways to minimise visibility from Ashworth Road and Great Southern Highway, and provide a minimum 200 metre setback for the transport depot site from Ashworth Road, Great Southern Highway, and the northern (rear) boundary.
 - Details of chemical storage and management.
 - Swept path diagrams for the intersection of Great Southern Highway and Ashworth Road.
 - The crossing place to the property, internal access road and turning areas are to be designed for a 4 axel articulated truck and trailer.
 - Stormwater management plan and wastewater management plan (Note 7).
 - A landscape plan detailing screening of the development from public roads and neighbouring properties where the development will be visible.
2. The portion of Lot 5113 Great Southern Highway, Daliak used and developed as a transport depot must not occupy an area greater than 4 hectares (excluding access).
3. No waste shall be stored, transported or processed on the site.
4. No vegetation shall be removed as a result of this application.
5. Operation of the transport depot shall not commence prior to 7:30am and shall cease by 5:00pm from Monday to Friday, unless otherwise approved by the Shire of York.
6. No expansion to the transport depot shall be undertaken without the planning consent of the Shire of York.

ADVICE NOTES:

Note 1: Development approval is being granted subject to further details being approved later. As a result, no development may commence on the site until such time that subsequent planning approval is obtained.

Note 2: If planning consent as required by Condition 1 is not obtained within 12 months of the date of determination, the approval will lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.

Note 4: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.

Note 5: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.

Note 6: The application for approval of details are to include scaled plans, elevations, and all matters as set out in the Shire of York planning application checklist.

Note 7: The stormwater management plan is to be prepared in accordance with Stormwater Management Manual for Western Australia (DoW 2004) to ensure stormwater is appropriately managed on site. The plan will be referred to and approved by the Department of Water as part of subsequent planning approval.

The wastewater management plan will be referred to and approved by the Department of Health.