



30 May 2018

SPECIAL MEETING

MINUTES

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1. OPENING

The Chairperson declared the meeting open at 9:03am

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 Members Present

Cr CJ Pepper Deputy President – Chairperson
Cr DL Brown
Cr DW Davis
Cr SW Martin
Cr TWT Seed
Cr LC Shaw
Cr DC White

2.2 Staff In Attendance

Mr SP Gollan Chief Executive Officer
Mr BS de Beer Manager: Planning & Development Services
Mr SP Vincent Manager of Works
Mrs A Lewis Executive Assistant

2.3 Observers And Visitors

Mr David Johnson
Ms Tegan Foan

2.4 Apologies and Approved Leave of Absence

Cr DJ Ridgway Apologies
Cr P Gogol Approved Leave of Absence
Mr SK Marshall Apologies

3. DECLARATIONS OF INTEREST

Nil

4. QUESTION TIME

Note: Questions are not recorded verbatim, but are a summary of the question and response.

All questions relate to Item 5.1 and were put forward by applicants David Johnson and Tegan Foan.

4.1 Question - In regards to the landscaping plan, if they can only source 100 plants instead of the estimated 220 they require (due to the current season) will this be okay?

Answer – The Shire Planner responded that a staged landscaping plan would be acceptable providing it shows when and what will be planted.

Question – In regards to Advice Note No.5 will we have to apply our own public liability insurance to the road?

Answer – The Shire Planner responded that if an access easement over Lot 78 Waterhatch Road is registered then no, as the road will only be used by the applicants and not the public. If Bethany Road should be extended and a road

dedication occurs then the Shire will be liable for costs. However this is yet to be determined by Council.

5. PLANNING SERVICES

5.1 Development Application: Proposed Transport Depot – Lot 79 Bethany Rd

SUBMISSION TO: Special Council Meeting 30 May 2018
REPORT DATE: 24 May 2018
APPLICANT: Statewest Planning – on behalf of Mr David Johnson
FILE REFERENCE: BET 50009
AUTHOR: B.S. de Beer, Manager: Planning & Development Services
ATTACHMENTS: Site Plans and Shed Plan

SUMMARY

An application has been submitted by Simon O'Hara (*Statewest Planning*), on behalf of David Johnson (*Game on Contracting* - with land owners' consent), to establish a *Transport Depot* land use on Lot 79 Bethany Road, Beverley.

BACKGROUND

The applicant proposes to establish a *Transport Depot* land use on Lot 79 Bethany Road, Beverley, which is a use-not-listed in terms of Shire of Beverley Town Planning Scheme No. 2.

Council at its meeting of 22 May 2018 did not agree with the Officer's recommendation which read as follows:

That Council, in respect of the application for Development Approval received from Statewest Planning for a Transport Depot on Lot 79 Bethany Road, determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

This motion was lost 6 – 2.

Council further directed Shire Planner to determine a new resolution with Conditions of Planning Approval.

This report is presented to Council to give consideration to appropriate Conditions of Planning Approval for the proposed Transport Depot Land Use.

COMMENT

The self-explanatory conditions of Planning Approval that are proposed to be imposed on this development stems from concerns that were expressed during the consultation & consideration phase of the application – and as submitted by the applicant himself could be seen as endeavouring to mitigate the impacts of the development in its setting.

STATUTORY ENVIRONMENT

Shire of Beverley Town Planning Scheme No. 2.

FINANCIAL IMPLICATIONS

There are no financial implications relative to this application.

STRATEGIC IMPLICATIONS

The application is not deemed to align with the Shire's Local Planning Strategy.

POLICY IMPLICATIONS

There are no policy implications relative to this application.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council resolve:

- a) By absolute majority that the proposed use is consistent with the planning objectives and purposes of the *Farming* zone.
- b) To grant development approval for a Transport Depot at Lot 79 Bethany Road, Beverley, subject to the following conditions and advice notes:

Conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.
2. Prior to commencement of development a Landscaping Screening Plan shall be submitted to the satisfaction of the Shire.
3. Prior to commencement of operation of the Transport Depot the Landscaping Screening shall be established to the satisfaction of the Shire.
4. The Landscaping Screening shall be maintained during operation of the Transport Depot to the satisfaction of the Shire.
5. Prior to commencement of development a Dust Management Plan shall be submitted to the satisfaction of the shire.
6. The Dust Management Plan shall be adhered to during operation of the Transport Depot to the satisfaction of the Shire.
7. The number of trucks associated with the operation of the Transport Depot shall be limited to 10.
8. Maintenance and servicing of transport depot vehicles and equipment shall be limited to between 8am to 6pm, Monday to Saturday only. No maintenance and servicing of transport depot vehicles and equipment shall occur on Sundays, Public Holidays or outside approved hours.
9. The existing Bethany Road, from Lot 79 to the Great Southern Highway shall not be used for the operation of the Transport Depot.
10. Suitable arrangements shall be made for access for purposes of Transport Depot operational use, from Lot 79 to Waterhatch Road including appropriate stormwater drainage arrangements and a hotmix crossover onto Waterhatch

Road to suit Transport Depot heavy vehicle traffic, to the satisfaction of the Shire.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
4. The applicant is advised a building permit is required prior to commencement of any building works.
5. The applicant is advised that they will be liable for the costs of surveying and registering an access easement over Lot 78 Waterhatch Road (If Applicable).
6. The applicant is advised that external lighting, where applicable, should comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting.
7. The applicant is advised that emitted noise should comply with *Environmental Protection (Noise) Regulations 1997* at all times.
8. If an applicant is aggrieved by this decision 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.

COUNCIL RESOLUTION

MSM1/0518

Moved Cr White

Seconded Cr Brown

That Council resolve:

- a) **By absolute majority that the proposed use is consistent with the planning objectives and purposes of the Farming zone.**
- b) **To grant development approval for a Transport Depot at Lot 79 Bethany Road, Beverley, subject to the following conditions and advice notes:**

Conditions:

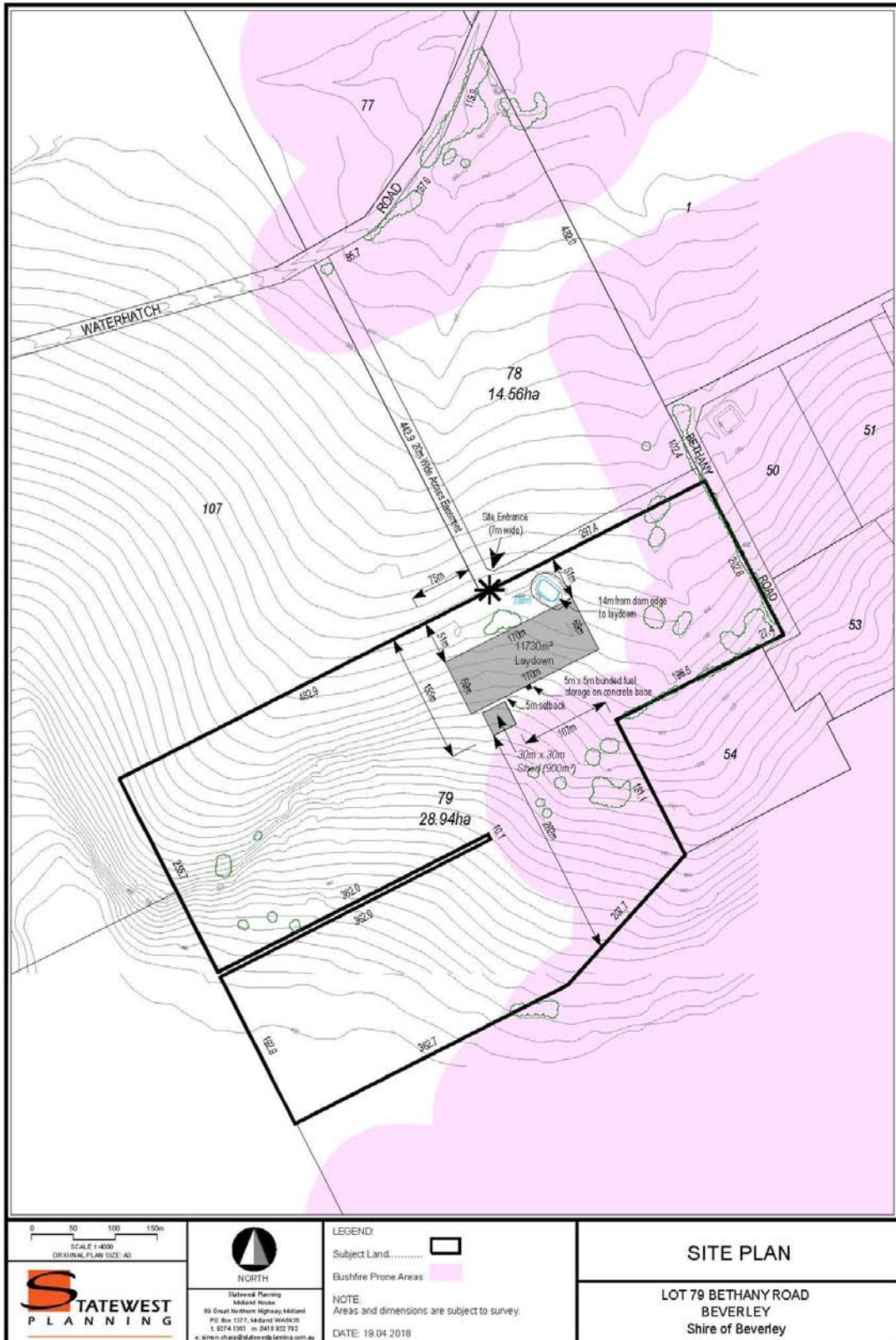
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CARRIED BY ABSOLUTE MAJORITY 6/1

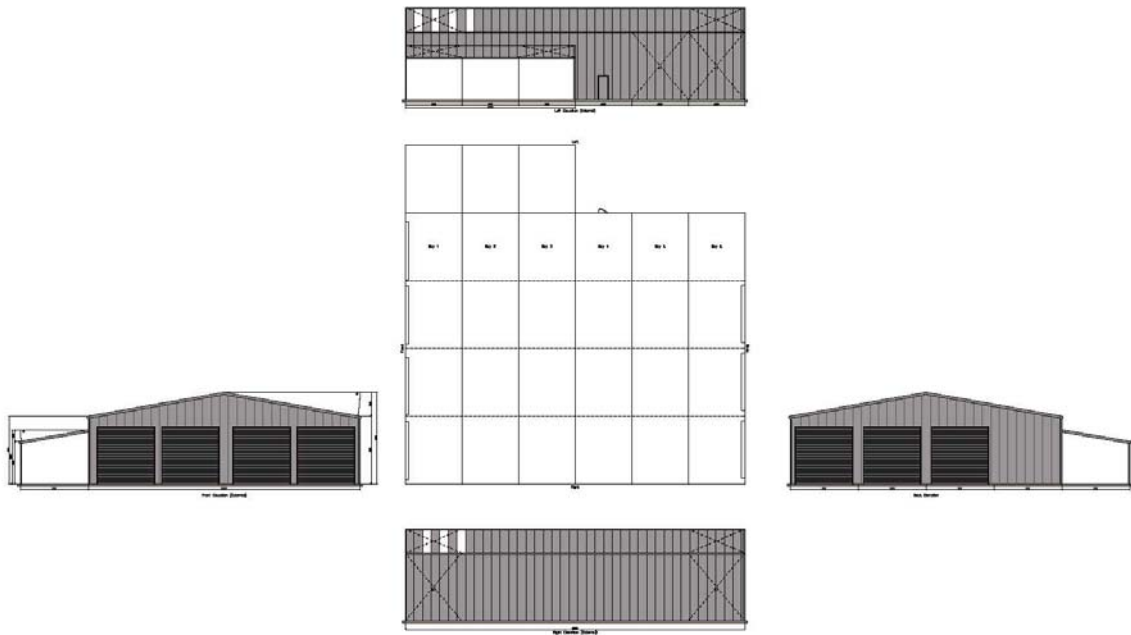
Attachment 5.1



SITE PLAN

LOT 79 BETHANY ROAD
BEVERLEY
Shire of Beverley

Attachment 5.1



6. NEW BUSINESS ARISING BY ORDER OF THE MEETING

Nil

7. CLOSURE

The Chairman declared the meeting closed at 9:25am.

I hereby certify these Minutes as being confirmed in accordance with Section 5.22 of the Local Government Act 1995.

PRESIDING MEMBER:

DATE: