

9.4.1 APPLICATION FOR DEVELOPMENT APPROVAL P554 – PROPOSED USE OF LAND FOR AGRICULTURAL MACHINERY AND EQUIPMENT DISPLAY (TRADE DISPLAY)

FILE REFERENCE:	A1675
REPORT DATE:	14 JULY 2025
APPLICANT/PROPONENT:	Statewest Planning
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Melissa Marcon – Manager of Regulatory Services
ATTACHMENTS:	9.4.1.1 – Confidential adjoining landholder submission

PURPOSE OF REPORT:

To seek Councils permission to approve the proposed use of land for Trade Display - agricultural machinery and equipment display on Lot 200 Wongan Road, Wongan Hills.

BACKGROUND:

The applicant is seeking Council's development approval for the use of land for Trade Display to display agricultural machinery and equipment.

An amendment to the scheme was gazetted on 29th October 2019 for a Restricted Use of Lot 200 Wongan Road. (Amendment 1).

The Restricted Use allows the following uses on Lot 200 –

- Warehouse/storage
- Motor vehicle, boat or caravan sales
- Office
- Shop and
- Trade Display

The Restricted Use is subject to several conditions which are required to be in place prior to any development approval as documented in the LPS5 Schedule 3 Restricted Uses AMD 1 GG 29/10/2019.

The purpose of these restrictions is to provide for expansion of the McIntosh and Son operation from Lot 178 to Lot 200, but only for Light Industrial uses with a demonstrated ability to manage impacts on-site.

Conditions applicable to the site are:

1. All development requires development approval.
2. Prior to determining any development on the site, the local government is to consult with affected landowners.
3. Development shall comply with the provisions of the Scheme applicable to the Light Industry zone. If there is any inconsistency, the requirements of this Schedule prevail.
4. Development shall comply with the following:

- (a) Development is not to generate off-site impacts, such as odour, noise, spray drift, vibration, dust, groundwater, air pollution or light spill, beyond the property boundaries;
- (b) Vehicular access is prohibited from Wongan Road and Suburban Road, and is to be gained via existing access points on Lot 178;
- (c) Hours of operation to be limited to 7am until 7pm during Monday to Saturday and 9am until 7pm during Sunday and public holidays;
- (d) Development to be setback a minimum of 20m from the Suburban Road property boundary;
- (e) A landscaped 'earth bund' to be constructed within the Suburban Road property boundary setback, parallel to the boundary for its full length, as a noise barrier for the surrounding Rural Residential zone prior to the commencement of any land use to the satisfaction of the local government;
- (f) In regard to the 10% landscaping requirement in clause 4.8.1 of the scheme, this is to be installed entirely along the Suburban Road boundary setback, in a manner that screens the earth bund and development within the land from view of Suburban Road;
- (g) Any required landscaping to be established prior to the land use commencing operation, and the vegetation permanently maintained;
- (h) The openings of any structure shall face north or towards Wongan Road; and
- (i) All structures shall be constructed of non-reflective external building materials, such as colorbond.

5. Any application for development approval shall be accompanied by suitable information demonstrating compliance with condition 4 above and include the following:

- (a) vehicular access and parking arrangements to and within the site;
- (b) the hours of operation of land uses at the property;
- (c) the location and duration of activities generating any impacts listed in Condition 4(a) and the level of impacts generated;
- (d) the measures proposed to mitigate and manage impacts identified through Condition and how the impacts will be contained within the property boundaries;
- (e) how development and impact mitigation measures achieve an acceptable visual amenity for surrounding properties and consistency with the objectives of the zone;

- (f) an acoustic report prepared by a suitably qualified acoustician demonstrating on-site and off-site noise levels generated by development and compliance with the Environmental Protection (Noise) Regulations 1997; and
- (g) the provision of quarterly noise monitoring for twelve months from the commencement of development demonstrating compliance with the development approval and management plan



Lot 200 Wongan Road Wongan Hills

COMMENT:

Lot 200 Wongan Road, Wongan Hills is zoned 'Light Industry' in the Shire of Wongan-Ballidu Local Planning Scheme No. 5 (LPS).

The Zone Objectives for the development and use of land classified 'Light Industry' zone are as follows:

- To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
- To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
- To preclude the storage of bulky and unsightly goods where they may be in public view.

Under the terms of the Zoning Table in LPS5 'Trade Display' is listed as a 'P' use. This means that the use is permitted if it complied with any relevant development standards and requirements of this Scheme.

Definition of Trade Display means premises used for the display of trade goods and equipment for the purpose of advertisement.

The application has addressed each condition imposed under the Restricted Use as follows (*text extracted from Statewest Planning DA letter*):

4(a) The machinery and equipment will not be operated on the site, other than to be driven onto and from the site. We submit that this will not generate any off-site impacts. McIntosh & Son have an established machinery and equipment demonstration area on the 'General Industry' zoned land on the northern side of the existing buildings on Lot 178.

4(b) All access will be from Lot 178. No access will be from Wongan or Suburban Rds.

4(c) Hours of operation will be as per those described.

4(d) A development setback of 20m from Suburban Rd is proposed. A front setback of 7.5m has also been provided to Wongan Rd as required at Table 5 of LPS 5.

4(e) The landscaped bund has been installed.

4(f) The landscaping has been installed on the bund.

4(g) As per 4(f) above.

4(h) There are no structures proposed.

4(i) As per 4(h) above.

5(a) Vehicular access will be from the existing hardstand area on the adjoining Lot 178 as per the plan. This is located towards the north-west corner of the site. "Parking" of display machinery & equipment will be across the site. As there are no buildings proposed, there is no designated staff or customer parking.

5(b) The hours will be restricted to those specified at 4(c) above.

5(c) No off-site impacts are anticipated. Refer 4(a) above.

5(d) Refer to 4(a) above.

5(e) The key visual impact considered when the site was rezoned was the impact on the Rural Residential property to the east. This resulted in the requirements for a landscaped bund, which has since been installed. In terms of the objectives for the zone:

- The proposed use is more appropriate in the Light Industry zone than the Commercial zone due to the scale and nature of the activity.*
- The subject site doesn't adjoin any Residential zoned land. It does adjoin Rural Residential property though. The landscaped bund screens the house to the east. The closest house to the south is approximately 200m away and the land to the west is undeveloped paddocks.*

- *Some of the items to be placed on the site will be bulky. The question of whether they will be unsightly is somewhat subjective. The nature of the established business is farm machinery. These are products for sale. Unsightly products on display would be counter-productive for the seller.*

5(f) An acoustic assessment was carried out after the Scheme Amendment in preparation for potential expansion of McIntosh & Son activities onto Lot 200 and accompanies this application. It determined that noise generated by the movement of vehicles on the site would comply with noise regulations if a 2m high bund was installed on the eastern side of the site. A 2.2m high bund has been installed.

5(g) Quarterly noise monitoring reports post approval for 12 months will be provided.

Stakeholder Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Wongan Ballidu Local Planning Scheme No. 5 the development application was advertised for 14 days from 25th June 2025 to 9th July 2025.

The application was advertised through a letter to landowner's within a 200m radius of the proposed development. The total number delivered was four (4).

During the consultation period, one (1) submission was received. The one submission received objected to the proposal. The objections in summary are listed below –

- Non-compliance with conditions 4(e), 4(f) and 4(g).

Officer Comment

During consultation with the Department of Planning Lands and Heritage it was advised that if a bund is NOT provided, it is a class X use under the regulations, and this means that the 'Development approval cannot be granted'. This is because the proposal must comply with the provisions of the scheme, unless there is discretion to vary. In this case, there is not any discretion available under the Scheme for R(CI 67(1)(b)). The regulation prohibits approval in its current form.

CI 3.5.2 of the Scheme also says restricted use land "may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use."

Below is a photograph of the earth bund located on Lot 200 Wongan Road taken on 7th July 2025 which visibly shows that it has not been landscaped and maintained and does not comply with conditions 4(e), 4(f) and 4(g) of the Restricted Use.

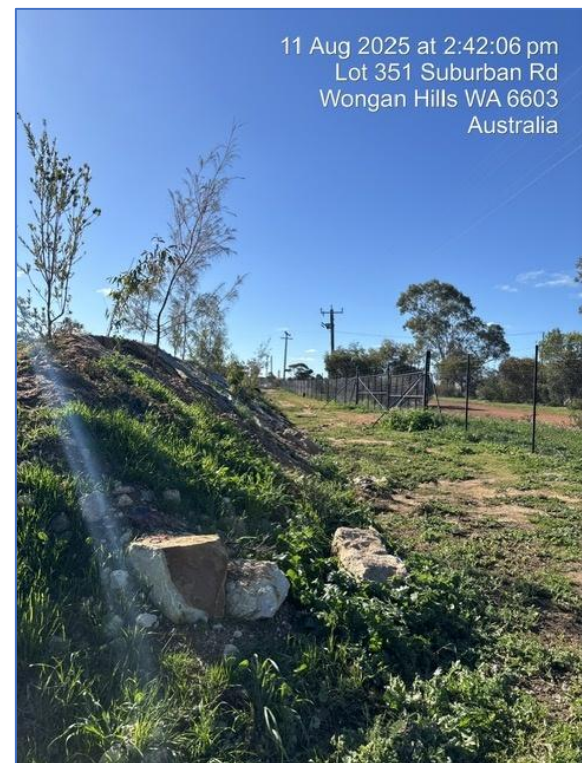
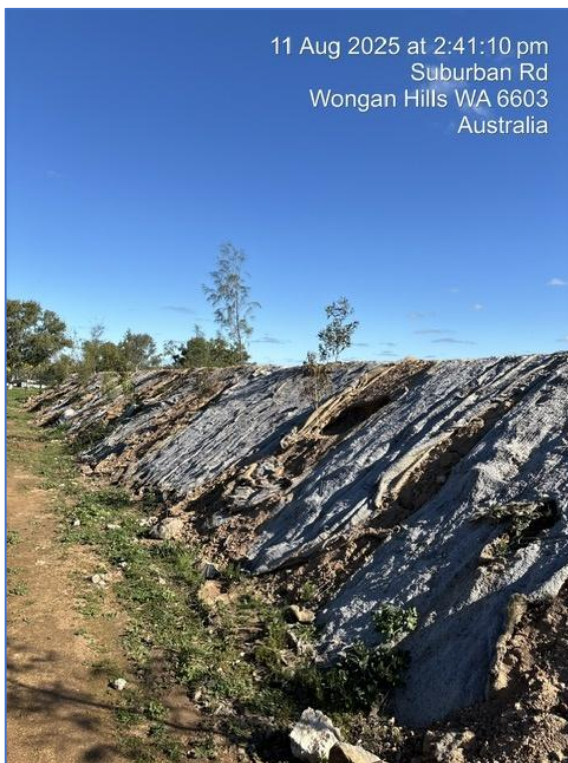
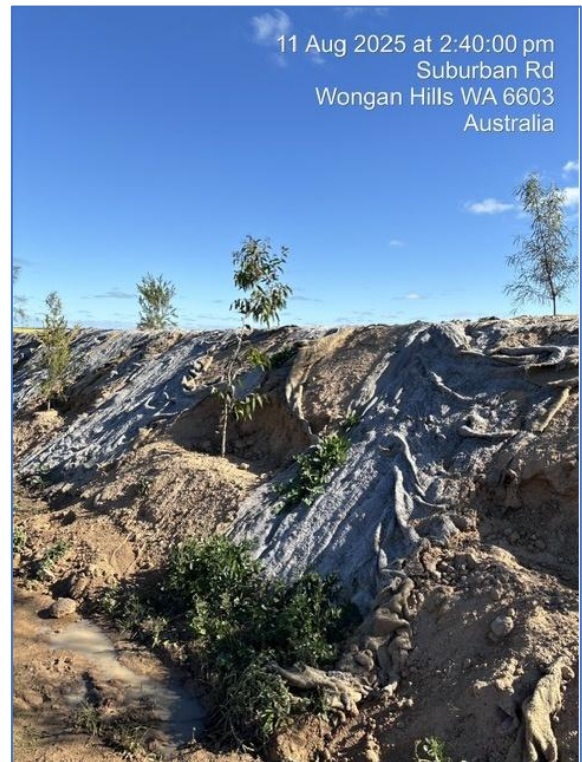


On 17 July 2025 it was agreed with the applicant to withdraw the application from the Ordinary Council Meeting on 23 July 2025 to allow the installation of sufficient vegetation on the existing earth bund.

On 22 July 2025, the Manager Regulatory Services met with McIntosh staff and spoke about the requirement for planting. Advice was provided for McIntosh's to contact the local hardware and get advice on what trees would be good to plant to achieve the requirements of the scheme, to over plant and to look at reticulation so that the plants will be watered regularly to maintain the bund.

On 11 August 2025, an officer from the Shire attended site and took photos of the 'landscaped' bund, see below. It is noted that the plantings are on the top and along the Suburban Road side of the bund and there were no plantings on the north west side of the bund.





POLICY REQUIREMENTS:

There are no policy requirements in relation to the item.

LEGISLATIVE REQUIREMENTS:

There are no legislative requirements in relation to the item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this item.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item as the costs will be covered by the applicant.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

OFFICER RECOMMENDATION:

That Council APPROVE the Development Application for a Trade Display for the placement of agricultural machinery and equipment subject to the following conditions –

- (a) Prior to commencement of the use, pursuant to the provisions of clauses 4E,4F & 4G of Schedule 3 – Restricted Uses , of Local Planning Scheme No 5, a bond of \$15,000 (fifteen thousand dollars) shall be submitted to the Shire of Wongan Ballidu to ensure the maintenance of the landscaping for a period of 24 months from the date of this approval.

ADVICE NOTE:

1. The applicant is reminded that Schedule 3 of the Scheme requires that the 'landscaped bund' shall be landscaped and permanently maintained to the satisfaction of the Shire of Wongan Ballidu, and will be subject to a 6 monthly compliance check during the bond period.