



Ordinary Council Meeting

**Addendum to Item: 12.3.1 – Retrospective Application
for Development Approval – Transport Depot – Lot 135
(No. 147) Korijekup Avenue, Harvey**

**Harvey Council Chamber
Tuesday, 25 August 2026
4PM**

Item No.:	12.3.1
Subject:	Retrospective Application for Development Approval – Transport Depot – Lot 135 (No. 147) Korijekup Avenue, Harvey
Proponent:	Mr I Hines
Location:	Lot 135 (No. 147) Korijekup Avenue, Harvey
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P63/26, C291/01405, A2560
Attachments:	

The following additional information is provided in regard to Item 12.3.1

Following Council's Agenda Briefing meeting on Tuesday, 18 August 2026, three additional submissions of objection were received. This Addendum provides the details of the additional submissions.

Comment

The additional three submissions have been received objecting to the proposal, noting one of these is from a nearby landowner that submitted comments during the public advertising period. The additional submissions have been reviewed and considered. The matters raised do not identify any new planning issues that have not already been addressed through the assessment of the application. Accordingly, the Officer recommendation remains unchanged.

The following provides a summary of the reasons for the objections, and associated Officer comment:

Submission comment	Officer comment
Non-compliance with Scheme amenity provisions. Introduction of an unsealed industrial transport depot introduces non-compliant acoustic and environmental impacts (including low-frequency engine idling, heavy brake noise, and unsealed dust emissions) that directly conflict with the statutory amenity objectives of this agricultural zone.	Amenity impacts are a relevant planning consideration under the Local Planning Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015. The assessment of the application considered whether the proposed use would result in an unreasonable impact on the amenity of the locality having regard to factors including noise, dust, traffic generation, hours of operation, separation distances and the characteristics of the surrounding area. The existence of potential impacts does not in itself preclude approval, provided those impacts are considered acceptable or can be appropriately managed through design measures and/or conditions of approval. The Officer's assessment concluded that the proposed transport depot is relatively small in scale, generates a limited number of vehicle movements, and incorporates mitigation measures including restricted operating hours, dust suppression treatment and vegetation screening. Having regard to these measures, the proposal is not expected to result in unreasonable impacts on the amenity or character of the locality and is considered capable of operating in a manner compatible with the surrounding rural area.
Irreversible land Title attachment. Development approvals run with the land, so if approved, these industrial land-use	It is correct that a development approval generally runs with the land rather than the applicant. However, any future owner or occupier would be required to

Submission comment	Officer comment
rights permanently attach to the title of Lot 135. This establishes a legal precedent allowing the property to be sold in the future to a multinational logistics corporation. The Shire would have no statutory power to prevent a large-scale corporate entity from operating an intensified, 24/7 hub on this agricultural lot.	operate in accordance with the approved plans, approved use and any conditions of the approval. Any significant intensification of the approved use, increase in vehicle numbers, expansion of operating areas, or extension of operating hours beyond those approved would require separate approval from the Shire.
Uncontrollable scope growth. Granting approval for a transport depot in this zone creates an enforcement liability. While the current application lists a specific vehicle count, the Shire's compliance department lacks the resources to police daily heavy vehicle movements, configuration modifications, or incremental fleet expansion, leading to unmanageable scope growth.	Council's assessment and determination is limited to the application as submitted. The recommendation includes conditions restricting the operation to the approved plans, approved vehicle parking area and approved use. Any material expansion of the operation beyond the approved development may require further approval and any unauthorised development may be subject to investigation and enforcement action under the <i>Planning and Development Act 2005</i> .
Breach of State planning guidelines for priority agricultural land. This development permanently modifies the topsoil with industrial hardstand. This directly undermines the Western Australian State Planning Guidelines designed to protect priority agricultural land and preserve taxpayer-funded, gravity-fed irrigation infrastructure.	The application has been assessed against the objectives of the Priority Agriculture zone, the Greater Bunbury Region Scheme Priority Agricultural Land Policy and State Planning Policy 2.5 - Rural Planning. Officer assessment concluded that the proposal does not prevent the continuation of agricultural activities on the property, retains the substantial majority of the site for agricultural and rural purposes, and is capable of being removed with the site reinstated for agricultural use in the future. Accordingly, the proposal is not considered inconsistent with the applicable State and local planning framework for priority agricultural land.
Unauthorised heavy vehicle network operations. The development application explicitly details a fleet of 6 prime movers, 12 trailers, and 6 dollies, confirming the operational intent to run heavy B-Doubles and Road Trains. Korijekup Avenue is completely <i>off-route</i> under the Main Roads WA Heavy Vehicle Network for these configurations, making current and proposed heavy vehicle movements a direct regulatory breach.	The subject application seeks approval for a land use under the <i>Planning and Development Act 2005</i> . Any requirements relating to the operation of vehicles on the road network, including compliance with Main Roads WA Heavy Vehicle Network requirements and road transport legislation, are administered separately under other legislation. Such matters do not preclude Council from determining the development application on its planning merits; however the anticipated traffic impacts have been considered as part of the assessment process.
Identified public safety liability. These non-compliant, off-route heavy vehicle combinations interface directly with an established school bus stop located immediately outside the property crossover. This creates an unmitigated traffic safety liability on a local road.	Traffic safety and road network impacts were considered during the assessment of the application. Information provided by the applicant indicates a maximum of ten vehicle movements per week associated with the transport depot. This assessment is based on the information submitted by the applicant and the operational parameters proposed as part of the application.

Submission comment	Officer comment
	The Officer assessment concluded that this level of activity is unlikely to adversely affect the capacity or performance of the surrounding road network and that the additional vehicle movements are minimal when considered in the context of existing traffic volumes and established heavy vehicle use within the area. No evidence was provided demonstrating that the proposal would create an unacceptable road safety risk.
Demonstrated economic diminution. Independent real estate market valuations indicate that introducing a non-compliant industrial land use into this zone will cause a direct diminution of surrounding property values ranging between \$150,000 and \$250,000.	Established planning case law consistently provides that the potential impact of a proposal on surrounding property values is not a relevant planning consideration. Consequently, comments regarding an increase or decrease of property values cannot be afforded any weight in the assessment or determination of the application.
Procedural and consultation unfairness. The advertising period was compromised because the nominated Shire planning officer was absent on annual leave for the duration of the consultation window. Ratepayers were denied procedural fairness and the reasonable time required to engage independent traffic and planning experts.	The advertising period commenced on Monday, 11 May 2026 and concluded on Monday, 25 May 2026. The assessing Planning Officer was on leave from Friday, 15 May 2026 returning on Tuesday, 26 May 2026. Other Planning Officers were available for any queries received. One enquiry was received via email on Monday, 18 May 2026 requesting a one-week extension to the advertising period. An emailed response was provided on Wednesday, 20 May 2026 advising that: • The advertising period can only be extended with the approval of the applicant. • If the applicant doesn't permit additional time, the Shire is unable to provide an extension of time. • At this time, the advertising period will remain unchanged. • Late submissions can be accepted prior to the application being determined. The application was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 14 days. Submissions received during the advertising period and prior to determination of the application have been considered as part of the assessment process. During the assessing officer's absence, other Planning Officers were available to respond to enquiries regarding the application.
Fundamental imbalance of SAT appeal rights. Under the current Act and regulations, affected neighbours and residents have absolutely no right to appeal an approval to the State Administrative Tribunal (SAT). If Council	The appeal rights available under the SAT are established by legislation and are not matters that Council can modify or take into account when determining an application. Council is required to determine the application on the relevant planning framework; the merits of the proposal and the matters

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approves this, the community is permanently locked out of any legal recourse. However, if Council refuses the application, the applicant has a full right to appeal the decision to SAT. If there is any doubt or hesitation in your mind regarding this application, you must vote against it —refusal leaves the door open for the applicant to seek a legal review at SAT, whereas an approval leaves the affected community completely defenceless.	prescribed under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015. Any decision to refuse an application must be supported by valid and defensible planning grounds.