

Shire of Boyup Brook

## Amendment 21

(Lot 13129 Bridgetown Boyup Brook Road)

### Schedule of Submissions

No	Organisation	Summary of Submission	Shire Recommendation
1.	Department of Fire and Emergency Services	<p><i>Full copy of submissions is available as an attachment to the Council Report.</i></p> <p>The scheme amendment provides an opportune mechanism for the coordination of bushfire risk to ensure that it does not result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme BHL and/or BAL-40 or BAL-FZ.</p> <p>A Bushfire Management Plan (BMP) is required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW or areas with a bushfire hazard level above low.</p>	<p>DFES indicated potential bushfire risk.</p> <p>Noted.</p> <p><b>No modifications recommended.</b></p> <p>There is the likelihood of bushfire risk due vegetation surrounding the subject site.</p> <p>However, the bushfire construction provisions of the Building Code of Australia do not apply to commercial/industrial buildings (Class 4 to Class 9 buildings). In these instances the applicant has the discretion to utilise any or all of the elements of the Australian Standards (AS 3959) in the construction of the building that they deem appropriate.</p> <p>If necessary, a Bushfire Attack Level assessment can accompany a subdivision or development application to outline criteria to reduce the potential bushfire impact to property and life (i.e. appropriate</p>

			setback between development and vegetation and the provision of water for firefighting purposes).
2.	Department of Water and Environmental Regulation	<p>The Shire is advised to consider the following documents:</p> <ul style="list-style-type: none"> <li>• <i>Development Control Policy 4.1 - Industrial Subdivision</i></li> <li>• <i>State Planning Policy No. 4.1 – State Industrial Buffer</i></li> <li>• <i>Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses (EPA, 2005)</i></li> </ul> <p>The Department supports the following considerations in the amendment on the basis of improved water quality/management outcomes:</p> <ul style="list-style-type: none"> <li>• Consideration of the Government Sewerage Policy (Sept 2019): “An effluent disposal system has already been developed at the site. A new system would require an approval in accordance with the Government Sewer Policy.”</li> <li>• Consideration of <i>State Planning Policy 2.9 – Water Resources</i></li> </ul> <p>It should be noted that consideration of water resource management should ideally be considered to ensure:</p> <ul style="list-style-type: none"> <li>• appropriate surface and groundwater management across the site</li> <li>• ensuring an equitable apportion of land across various lots in regards to allocating land for stormwater management – particularly in situations of subdivision and different landowners</li> </ul>	<p>The DWER indicated the need to comply with relevant guides and policies.</p> <p>Noted.</p> <p><b>No modifications recommended.</b></p> <p><u><i>Development Control Policy 4.1 - Industrial Subdivision</i></u></p> <p>This policy statement provides guidance on the matters considered by the Commission when determining applications for industrial subdivision throughout the State. These include such matters as the design and shape of industrial lots, road layout, servicing and open space requirements.</p> <p><u><i>State Planning Policy No. 4.1 – Industrial Interface</i></u></p> <p>The Western Australian Planning Commission has reviewed the State Planning Policy 4.1 – State Industrial Buffer, and has renamed it ‘Industrial Interface’ (SPP 4.1).</p> <p>The key purpose of this policy is to ensure appropriate siting and long-term operational certainty for industry and sensitive land uses for the protection of health and amenity for people and the environment. The policy advises that, the allowance of sensitive land uses (e.g. housing) alongside</p>

			<p>industrial areas, should be considered on a case by case basis, and supported only if it can be demonstrated that industrial impacts can be avoided, mitigated or managed.</p> <p>In accordance with the SPP4.1, planning decision-makers should consider:</p> <ul style="list-style-type: none"><li>a) Health, amenity and environmental impacts arising from proposals</li><li>b) Existing and proposed future land uses within the impact area and wider context, particularly the location of sensitive land uses</li><li>c) Current monitoring and future modelling of any cumulative impacts from other industries in the industrial area including both point source and fugitive emissions</li><li>d) Potential for intensification of industrial land uses in the industrial area that may result in increased cumulative off-site impacts and/or safety risks over time</li><li>e) cost and benefit of any associated mitigation and management measures, and whether it is sustainable in perpetuity.</li></ul> <p>The Shire's scheme states the following objectives for the light industry zone:</p> <ul style="list-style-type: none"><li>• To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</li></ul>
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			<ul style="list-style-type: none"><li>• 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.</li></ul> <p>The scheme defines light industry to mean: premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.</p> <p>The Shire's scheme clauses 35 and 36 can be used to ensure industrial development and use is undertaken to protect the amenity of the area and to ensure neighbouring living quarters are protected from factors such as noise, fumes and dust.</p> <p><u><i>Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses (EPA, 2005)</i></u></p> <p>This Guidance Statement is intended to provide advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict.</p> <p>The distances outlined in Appendix 1 are not intended to be absolute separation distances, rather they are a default distance for the purposes of:</p> <ul style="list-style-type: none"><li>• Identifying the need for specific separation distance or buffer definition studies; and</li></ul>
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			<ul style="list-style-type: none"><li>• Providing general guidance on separation distances in the absence of site specific technical studies.</li></ul> <p>The scheme amendment number 21 was referred to the Environmental Protection Authority where it was deemed that the proposed scheme should not be assessed in accordance with the EP Act and that it is not necessary to provide any advice or recommendations.</p> <p><u>Government Sewerage Policy (Sept 2019)</u></p> <p>In accordance with the Government Sewerage Policy, the subject site is suitably setback from sensitive areas (e.g. wetlands). Any application for effluent disposal will require assessment by a suitably qualified professional.</p> <p><u>Consideration of State Planning Policy 2.9 – Water Resources</u></p> <p>Any development is to manage water in accordance with Council Policy (B.04 Building Stormwater Drainage), which states:</p> <p><i>Every owner of a building whether on residential, commercial, industrial, special rural or rural zoned land is responsible for ensuring that adequate guttering and down pipes are provided to carry the stormwater from an "average" rain storm, and dispose of the storm water away from the foundations of all buildings on the property, or</i></p>
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			<i>adjoining properties preferably onto a road way (with approval from the Manager of Works and Services) then flow through the road stormwater/drain water drainage system.</i>
3.	Western Power	Western Power advise that the Shire determine if any future works are likely to impact on Western Power's electricity network.	<p>Western Power recommended assessing the potential impact of development on power infrastructure.</p> <p>Noted.</p> <p><b>No modifications recommended.</b></p> <p>Development of the site is not expected to impact on Western Power infrastructure. Overhead power lines run through the neighbouring property to the south and connect to the subject site.</p>
4.	Department of Health	<p><u>Wastewater Disposal</u></p> <p>In relation to the management of wastewater, the DOH has no objection to this proposal subject to the following:</p> <ol style="list-style-type: none"> <li>a. All developments will require an application for an onsite wastewater treatment and disposal system to be submitted to Local Government Health Services that may be forwarded to the DOH;</li> <li>b. Wash down bays or wastewater systems that require an oil separator require a formal application to be submitted to the Local Government prior to the DOH assessment and are required to meet with the DOH water quality criteria Guidelines;</li> <li>c. All developments should submit a specific site and soil evaluation (SSE) report, to be undertaken by a qualified</li> </ol>	<p>The Department of Health recommended compliance with environmental guides to ensure the site is not contaminated, as a result of industrial development.</p> <p>Noted.</p> <p><b>No modifications recommended.</b></p> <p>Applications involving effluent and waste disposal are assessed by the Shire's Environmental Health Officer and in accordance with relevant regulatory standards.</p>

		<p>consultant that is conducted during the wettest seasonal time of the year only (July/August) as per AS/NZS 1547:2012 requirements;</p> <p>d. Ensure the volumes of the wastewater treatment system and disposal of effluent are designed and sized on the current health sewage legislation and SSE report permeability findings;</p> <p>e. Meet Government Sewage Policy requirements including the minimum 100 metre setbacks from natural water bodies, creeks, streams etc;</p> <p>f. Detailed scaled plans of proposed building envelopes, land application area/s and exclusion zones for each proposal.</p>	
5.	MAIN Roads WA	<p>I refer to your email below and advise that Main Roads has no objections to proposed amendment No 21 and 22.</p> <p>Future development proposals for the properties may warrant upgrading or improvements to access arrangements to the main road depending on proposed traffic demands.</p>	<p>Main Roads WA indicated that access to the site may need upgrading, depending of future use of the site.</p> <p>Noted.</p> <p><b>No modifications recommended.</b></p> <p>In accordance with the Shire's scheme clause 36:</p> <p><i>36 NUISANCE</i>  <i>No land, building or appliance shall be used...in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to <u>traffic</u> or persons using roads in the vicinity.</i></p>
6.	Water Corporation	<p>Currently the lot is serviced under a Service by Agreement contract with the Water Corporation. If this is to be further developed in the future cooperation between the Water Corporation and the developer would need to take place.</p>	<p>The Water Corporation indicated that water infrastructure may need upgrading.</p> <p>Noted.</p>

		<p>Any Future subdivision of the site will not be able to connect under a Service by Agreement and no additional services will be granted for the site, a water main extension will be required. A large part of that lot cannot be supplied water at above the minimum required pressure which we aim to be 15m to achieve the 13m for country urban areas. We would require a concept plan for the lot to be able to adequately plan and determine how many future lots within it can be serviced.</p> <p>The lower half of the development would fall into the zone that would be below the minimum pressure. The lot connection would have to be upgraded from 25mm depending on the number of lots that would be serviced (for 30 lots DN75 is required).</p> <p>To be able to service the entire lot including the section at a higher ground level, a local booster pump station or a high-level tank at the Rusmore tank site would be required in order to achieve satisfactory pressure head, so this would be a development cost that must be considered.</p> <p>If this lot is going to remain undeveloped with just a change of use, the proponent will need to contact the Water Corporation so determine whether the existing service meets their needs or whether an upgrade will be required at their cost.</p>	<p><b>No modifications recommended.</b></p> <p>Should the developer require additional water capacity, the Water Corporation can be contacted, to determine the type of upgrade necessary (e.g. pipe design and provision of additional water storage and pumps).</p>
7.	Department of Biodiversity Conservation and Attractions	<p><u>Biodiversity values</u>  Lot 13129 contains remnant vegetation along the northern boundary, and within the eastern portion of the lot.</p> <p>The threatened flora species <i>Caladenia dorrenii</i> (T) and <i>Caladenia perangusta</i> (P2) are known to be located in the adjacent crown</p>	<p>The DBCA recommended that the proposed light industrial zone be limited to the existing cleared portion of Lot 13129, and should the scheme amendment and subsequent development result in impacts upon the native bushland, flora and fauna surveys should be undertaken.</p>

	<p>reserve 16199, in very similar habitat, within 100 metres and 150 metres respectively of the Lot 13129 boundary.</p> <p>Lot 13129 may contain habitat suitable for black cockatoos. Black cockatoos are listed as threatened species under <i>Biodiversity Conservation Act 2016</i> (BC Act) and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p><u>Comments</u></p> <p>The application did not provide any detailed flora, vegetation and fauna information for the Lot 13129 bushland areas. Due to the presence of suitable habitat there is a high potential that threatened flora and fauna species occur within Lot 13129.</p> <p>DBCAs recommends that the proposed light industrial zone be limited to the existing cleared portion of Lot 13129.</p> <p>If the scheme amendment and subsequent development will result in impacts upon the native bushland DBCAs recommends that flora and fauna surveys should be undertaken in accordance with the EPA's "<i>Technical Guide – Flora and Vegetation Surveys for Environmental Impact Assessment (2016)</i>" and "<i>Technical Guidance – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment</i>" (2020).</p> <p>Depending on the findings of the flora and fauna surveys, bushfire protection measures that may impact upon threatened flora or fauna habitat may also need to be reviewed and protection measures for the native vegetation identified, including recognition in the zoning scheme text.</p> <p>It is recommended the scheme ensure any light industrial land use, and development within the cleared portion of Lot 13129,</p>	<p>Noted.</p> <p><b>No modifications recommended.</b></p> <p>In accordance with the Shire's scheme clauses and objectives of the light industry zone, the amenity (vegetation) of the area is to be protected.</p>
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8.	G Calley 81 Rusmore Rd	<p><b>Access</b> Object to Rusmore Road (high amenity access route) being used for access associated with industrial activity.</p>	<p><b>Access</b> Note concern relating to use of Rusmore Rd.</p> <p>The subject site has direct access to the Bridgetown Boyup Brook Rd, meaning the use of Rumore Road is expected to be minimal.</p>
		<p><b>Future Rural Residential</b> Concerned about potential impact of proposed industrial use, to Rural Residential scheme designated potential at 81 Rusmore Road.</p>	<p><b>Future Rural Residential</b> Note concern about potential impact of proposed industrial use, to Rural Residential scheme designated potential at 81 Rusmore Road.</p> <p>The future use of the neighbouring 81 Rusmore Rd for rural residential can co-exist with light industrial activity. The proposed scheme amendment does not impose any limitations on neighbouring property use or development. The industrial activity is required to comply with scheme and other legislative standards (e.g. Environmental Protection Act), to mitigate external impacts (e.g. noise).</p>
		<p><b>Industrial Building Envelope</b> Should the proposal go-ahead, recommend limiting development to the cleared and flattened area.</p>	<p><b>Industrial Building Envelope</b> Note recommendation to limit development to cleared and flattened areas.</p>

			<p>The subject site has existing cleared and levelled areas suitable for development. It is expected that development would occur within the cleared areas and that the vegetated areas would be predominantly protected, in-order to comply with the scheme, which states:</p> <p><i>43 REMNANT VEGETATION</i>  <i>Where, in the opinion of Council, and with the advice of the Department responsible for agriculture, land, the subject of an application to subdivide or commence development, is degraded, Council may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.</i></p>
		<p><b>Environment and Amenity</b>          Concerned about potential environmental impact. Concerned about loss of amenity (e.g. visual pollution) due to industrial development and need to clear vegetation to reduce bushfire hazard. Concern about potential pollution (air, noise and soil) to surrounds. Recommend no clearing of vegetation.</p>	<p><b>Environment and Amenity</b>          Note concern relating to potential to detrimentally impact on the amenity of the area, which includes substantial areas of native vegetation and rural lifestyle.</p> <p>Works associated with an industrial activity requires assessment (development application) in accordance with the Shire's scheme provisions, which are specific to addressing:</p> <ul style="list-style-type: none"> <li>• The appearance and height of development</li> <li>• Safe access</li> <li>• Minimising external impact such as noise</li> <li>• Protection of existing vegetation and planting of additional vegetation.</li> </ul>

			<p>The Shire's scheme recognises the potential for impact from industry and therefore specifically includes the following objectives and clauses to ensure the amenity and lifestyle enjoyed by residents is protected:</p> <p><i>Light Industry Objectives</i></p> <ul style="list-style-type: none"><li>• <i>To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</i></li><li>• <i>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.</i></li></ul> <p><b>35 PROTECTION OF AMENITY</b></p> <p><i>No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Council, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property. All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.</i></p> <p><b>36 NUISANCE</b></p> <p><i>No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create,</i></p>
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			<p><i>or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.</i></p> <p><b>37 LANDSCAPING</b> <i>Landscaping shall be undertaken and maintained to Council's satisfaction for all development unless, in the opinion of the Council, such landscaping is considered unnecessary. Such landscaping shall generally be located in such positions on a site or sites so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.</i></p> <p><b>39 MAXIMUM BUILDING HEIGHT</b> <i>No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may be determined by Council.</i></p> <p><b>43 REMNANT VEGETATION</b> <i>Where, in the opinion of Council, and with the advice of the Department responsible for agriculture, land, the subject of an application to subdivide or commence development, is degraded, Council may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.</i></p> <p>In accordance with the scheme objectives for the light industry zone and scheme clauses, at the</p>
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			<p>development stage, the developer and assessing officer is to ensure that:</p> <ul style="list-style-type: none"> <li>• Stormwater is appropriately managed</li> <li>• Vegetation is protected and if necessary redeveloped to protect amenity</li> <li>• Access is appropriately managed to ensure safety</li> <li>• Buildings designed and located to protect amenity and to mitigate offsite impacts</li> <li>• Land use operations undertaken to mitigate offsite impacts</li> </ul> <p><b>No modifications recommended.</b></p>
9.	F Murray 1 Cleland St Mt Claremont WA 6010	<p><b>Amenity</b> I have real concerns that the proposed rezoning will have a significant impact on the amenity, use and value of our farm given its proximity to Lot 13129 and the fact that the only accessway to our farm is past Lot 13129, along Rusmore Road.</p>	<p><b>Amenity</b> Note concern about potential amenity impact.</p> <p>As discussed above, the Shire’s scheme enforces objectives and provisions to ensure the amenity of an area is protected and maintained. This includes the protection of vegetation, suitable access, building design, mitigation of potential impacts and rehabilitation.</p>
		<p><b>Future Use</b> It also has the potential to inhibit what we might seek to do with our property in the future. For example, if we seek to sub-divide to rural residential, we will be restricted by the requirement to have minimum distances between any residence (ie sensitive use area) and certain light industrial uses.</p>	<p><b>Future Use</b> Note concern regarding future capability of rural residential development (81 Rusmore Rd).</p> <p>The future use of the neighbouring 81 Rusmore Rd for rural residential can co-exist with neighbouring light industrial activity. This is the case for other areas within the Boyup townsite, where light</p>

			<p>industry and residential development co-exist without imposing limitations on residential development.</p> <p>The proposed scheme amendment does not impose any limitations on neighbouring property use or development.</p> <p>Any future industrial activity is required to comply with scheme and other legislative standards to ensure neighbouring land uses are not impacted (e.g. Environmental Protection Act - noise).</p>
		<p><b>Light industry impacts</b>  ‘Light industrial’ use is extremely broad and by its very nature poses a real risk of creating significant noise, air, light, visual and ecological pollutants which are difficult to buffer or mitigate against.</p>	<p><b>Light industry impacts</b>  Note concerns relating to potential impact from light industrial activities, such as noise and dust.</p> <p>In accordance with the Shire’s scheme and other legislative documents (Environmental Protection Act), industrial activities are not to cause nuisance to neighbouring land uses. The Shire’s scheme clause 36 states:</p> <p><i>36 NUISANCE</i>  <i>No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.</i></p>

	<p><b>Vegetation</b></p> <p>At the eastern end of the Lot there is a large triangle shaped area of bush that abuts fully onto a long stretch of Rusmore Road. It is in very good condition, aside from some tagasaste that needs removal. There are large eucalypts and numerous, diverse wildflowers and shrubs (I have recent photos, if required). The understory is significant, contrary to the indication in the Scheme Amendment Report which describes there being ‘little to no understory’. However, I note the Report accurately describes the remnant bush to be in ‘good to excellent condition’. I also note that this area of bush contains rare orchids, although this was not mentioned in the Scheme Amendment Report.</p> <p>In the Scheme Amendment Report this remnant bush is referred to as a ‘buffer’ from the main cleared area that was used for the saleyards. However, this bush is included in the proposed area for rezoning, so there is no apparent safeguard against it being cleared for development of light industry in the future. Clearing would mean the industrial area could run immediately next to Rusmore Road for a significant distance and there would then be no visual buffer at all.</p> <p>Further, even if the bush is not cleared, fire mitigation requirements for bush adjoining a light industrial area, as discussed in the Report, are likely to necessitate increased burning of this area to bring the fire risk level to an appropriately low level.</p> <p>As such, there is a need to protect this area of bush rather than include it in a rezoning plan that places it at risk of clearing or burning for fire mitigation. To protect it, it would be more suitably merged with the bush it borders to the east and north and zoned ‘Public Purposes – Water and Parkland’. Presumably, given the fact that Lot 13129 is currently zoned both ‘Rural’ and ‘Public Purposes – Water and Parkland’, it is an option for the</p>	<p><b>Vegetation</b></p> <p>Note concern relating to the protection of native vegetation.</p> <p>The subject site has a substantially cleared and levelled area suitable for development. In accordance with the Shire’s scheme provision 43, Council can ensure vegetation is protected and that further rehabilitation is undertaken where necessary to provide screening and general amenity enhancement. The Shire’s scheme clause 43 states:</p> <p><i>43 REMNANT VEGETATION</i>  <i>Where, in the opinion of Council, and with the advice of the Department responsible for agriculture, land, the subject of an application to subdivide or commence development, is degraded, Council may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.</i></p>
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		<p>area of bush within Lot 13129 to be protected by rezoning it 'Public Purposes – Water and Parkland'.</p> <p>The Scheme Amendment Report also describes other vegetation that provides a 'visual buffer' to Lot 13129, particularly around the cleared saleyard area itself. Some of this vegetation, particularly to the west, falls within the boundaries of Lot 13129 and again, there is a risk of this being cleared in the future if it is captured within the 'Light industrial' rezoning. It is currently in excellent condition with numerous large healthy banksias and several young banksias coming up, amongst other native species. Again, this bush requires protection rather than to be placed at risk of clearing or increased burning for fire mitigation and would be more suitably merged with other bush to the west and protected within an area rezoned 'Public Purposes – Water and Parkland'.</p> <p>Currently, the visual buffer from vegetation between Rusmore Road and the cleared saleyard area is minimal. There are a few tall trees that provide very little buffer at ground level and a wide open area where there is a vehicle accessway from the saleyard area onto Rusmore Road, with little visual buffer. The proposed light industry, even if only contained within the saleyard area, would be clearly visible along this section of Rusmore Road.</p> <p>The proximity of light industry to our front gate will also reduce the privacy and security we currently enjoy. Rusmore Road is used very little at present, however, light industry either within the full extent of Lot 13129, or contained within the currently cleared saleyard area, will inevitably bring more traffic along Rusmore Road, and significantly impact on our privacy and security and the amenity of the area.</p>	
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	<p><b>Building Design</b></p> <p>I note that the previous uses of the saleyard area have had minimal impact, principally due to infrequent use, the nature of the use and being low and visually unobtrusive. 'Light industrial' use, by its very nature, will have a much greater impact. There is scope for the introduction of large sheds and other constructions designed purely for function and not aesthetics, which are not easily shrouded by vegetation.</p> <p>Not only will these be visible from Rusmore Road but will also be prominent on entry and exit from the town along the Boyup-Bridgetown Road. It would detract from the beauty of this side of the town, which currently boasts attractive bushland on both sides of the road. I consider that having light industrial zones on the two most used entrances to town will markedly detract from its attractiveness and appeal to visitors and every effort should be made to contain industrial uses to the current location, at just one entry point to town.</p>	<p><b>Building Design</b></p> <p>Not concern relating to potential amenity impact from industrial buildings located adjacent to the entrance to the Boyup townsite.</p> <p>In accordance with the Shire's scheme provisions 35 and 39, Council can ensure future development is appropriately designed so as not to detract from the visual amenity of the locality. This may include limiting height, incorporating setbacks and use of colours that blend to the surrounds. See scheme provisions 35 and 39 below:</p> <p><i>35 PROTECTION OF AMENITY</i>  <i>No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Council, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property. All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.</i></p> <p><i>39 MAXIMUM BUILDING HEIGHT</i>  <i>No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may be determined by Council.</i></p>
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	<p><b>Noise</b></p> <p>The noise levels permitted to be received by premises are described in Table 1 of the <i>Environmental Protection (Noise) Regulations 1997</i>. These indicate that for 24 hours a day, noise between 60 and 80 decibels is permitted to be received by any premises that are not categorised as a highly sensitive area. It is not clear whether adjoining bush and walking trails are ‘premises not categorised as a highly sensitive area’ and therefore it is not clear whether these regulations can be relied on to restrict the noise levels from the light industrial area and thus manage the impact of noise pollution on the surrounding area.</p> <p>When building our new house on the farm, we contemplated the serenity of the surrounding area and we are therefore very concerned about the possible impact from the noise of nearby industrial uses.</p> <p>The impacts of light industry will inevitably change over time depending on the nature of the use. These impacts will require monitoring to ensure that they do not reach unacceptable levels. Inevitably this monitoring will fall to the people who use the surrounding area and who are impacted, including me and my family. It will also fall to us to convince the Council, or perhaps the EPA, that the impact needs to be addressed, which may be difficult and time consuming.</p>	<p><b>Noise</b></p> <p>Note concern relating to potential noise impact.</p> <p>Industrial activity is to operate to comply with assigned noise levels, as stipulated by the Environmental Protection (Noise) Regulations 1997. The levels are set to ensure sensitive uses (housing) are not impacted.</p>
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	<p><b>Can The Impacts Be Appropriately Managed?</b></p> <p>The CEO has advised that if Lot 13129 is rezoned 'light industrial', he would expect the Council's position to be that:</p> <ul style="list-style-type: none"> <li>• Only the currently cleared area would be used by light industry and possibly only that part of the cleared area that was used for the saleyards</li> <li>• No bush would be cleared to increase the area available for light industrial use</li> <li>• The BAL fire rating would be met by ensuring a buffer around the area to be used for light industry, which would be taken from the existing cleared area, so there would be no need to clear any bush to meet the BAL rating</li> <li>• An emergency exit onto Rusmore Rd would be needed so the current crossover from the cleared area onto Rusmore Rd would need to be retained and could not be planted with vegetation to create a visual buffer when travelling along Rusmore Rd</li> </ul> <p>I note that there is nothing in the Scheme Amendment Report that confirms that only the cleared area will be utilised for light industry and that the bush will remain untouched.</p> <p>I also note that even if the current Council's position is as stated above, there is nothing to stop a future Council from overriding this and allowing industrial use beyond the currently cleared area.</p> <p>Further, I note that the Local Planning Scheme No 2 includes clauses that are designed to manage impacts caused by the different uses of land, such as clauses 35 and 36. These say:</p> <p>35 PROTECTION OF AMENITY</p>	<p><b>Can The Impacts Be Appropriately Managed?</b></p> <p>Note concern that there is nothing in the Scheme Amendment Report that confirms that only the cleared area will be utilised for light industry and that the bush will remain untouched.</p> <p>Local planning schemes usually work on the premise that all development requires approval. The scheme then lists a number of exemptions from this requirement. In accordance with the Shire's scheme, industrial development is not exempt from development approval, meaning at the development stage, an application is to be submitted to the Shire for consideration in accordance with the scheme.</p> <p>In considering an industrial development proposal, there are standards in the scheme to allow Council to enforce the preferred location of development and including the protection of vegetation (e.g. Provisions '35 Protection of Amenity' and '43 Remnant Vegetation').</p> <p>The term 'orderly and proper planning' is one that is used often by town planners as a test to determine whether approval of an application should be given. The term takes on different meanings depending upon the factual scenario at hand. In broad terms, it requires the consideration of whether an application is consistent with the objectives that are set out in the local planning scheme, and any relevant policy, for the area in question.</p>
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	<p>No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Council, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property. All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.</p> <p>36 NUISANCE No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.</p> <p>However, I note that these are only applicable if ‘in the opinion of Council’ there is an issue. If my opinion of an impact is different from that of the Council, there appears to be nothing I can do. This leaves me and other people impacted by the rezoning with little or no protection if Lot 13129 is rezoned light industrial and the uses it is put to have an impact that we can’t avoid or mitigate ourselves.</p> <p>This means that as it presently stands, there is nothing to ensure protection of the bush, or the avoidance or mitigation of the various impacts to me and other members of the community, if Lot 13129 were to be rezoned ‘light industrial’.</p> <p>As such, I do not consider that the impacts can be appropriately managed, and I object to the rezoning proposal.</p>	<p>In accordance with the Shire’s scheme, the objectives of the Light Industry zone require the protection of the amenity of an area, which may include the protection of vegetation. The objectives of the light industry zone include:</p> <ul style="list-style-type: none"> <li>• <i>To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</i></li> <li>• <i>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 <u>amenity</u>.</i></li> </ul> <p>‘Amenity’ is defined in the Model Scheme Text, as: “... all those factors which combine to form the character of an area and include the present and likely future amenity;”</p> <p>Therefore, one of the considerations that must be made at the development stage, is whether the amenity of a locality will be adversely affected. Based on the scheme objectives for the light industry zone, it is expected that development will occur in existing cleared areas and that vegetation will be protected.</p>
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	<p><b>Summary Of Reasons For Objection To Proposal</b></p> <p>In summary, I object to the rezoning proposal because:</p> <ul style="list-style-type: none"> <li>• There is no proper justification for seeking new land to be zoned light industrial and the justification provided by the Shire that the rezoning will assist in creating regional wealth, has not been substantiated in any way.</li> <li>• The reason for the rezoning proposal appears to be to provide a financial gain to the Shire that does not take account of important State Planning Strategy Principles related to the environment and community.</li> <li>• Every effort should be made to keep light industrial uses together in one location by encouraging development of land that is already zoned 'light industrial',</li> <li>• Every effort should be made to avoid spreading inevitably unsightly light industry into another, separate location, especially at a major entry/exit point for the town that is currently attractive.</li> <li>• There is nothing to ensure that only the currently cleared area of Lot 13129 will be utilised for light industry.</li> <li>• There are no safeguards against clearing of the bush within Lot 13129 and thus no protection for large established trees, wildflowers and rare orchids located there.</li> <li>• There are no requirements on Council to address impacts which may be caused by light industrial use (such as noise, air or visual pollution) unless in Council's opinion, they need to be addressed – thus, there are no safeguards against potential future impacts.</li> <li>• The proximity of our farm to land that is <i>zoned</i> light industrial (whether used for light industry or not) will have a material impact on the value of our property.</li> </ul>	<p><b>Summary Of Reasons For Objection To Proposal</b></p> <p>Note reasons for objection.</p> <ul style="list-style-type: none"> <li>• In June 2022, Council resolved to initiate the Scheme Amendment No.21 and agreed to the following reasons: <ul style="list-style-type: none"> <li>○ The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and</li> <li>○ The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.</li> </ul> </li> <li>• Regulation 53 of the <i>Planning and Development Regulations 2015</i> states: <p>(1) <i>After passing a resolution under regulation 50(3) the local government must provide the advertised amendment to the local planning scheme to the Commission together with the following —</i></p> <ul style="list-style-type: none"> <li>a) <i>a schedule of submissions made on the amendment;</i></li> <li>b) <i>the response of the local government in respect of the submissions;</i></li> <li>c) <i>particulars of each modification to the amendment proposed by the local government in response to the submissions;...</i></li> <li>d) <i>a copy of the resolution passed under regulation 50(3)</i></li> </ul> </li> </ul>
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		<ul style="list-style-type: none"> <li>• The proximity of our farm to land being <i>used</i> for light industry will have a material impact on the value of our property.</li> <li>• The proximity of our farm to land being used for light industry may, depending on the type of light industry, inhibit what we might seek to do with our property in the future, including any sub-division to rural residential, due to minimum distance requirements between certain light industrial uses and residences.</li> <li>• The use of Lot 13129 for light industry will impact on the amenity and use of our sole accessway along Rusmore Rd and other members of the community will also be impacted by increased traffic on this road and by air, noise and visual pollution from the light industrial area.</li> <li>• Our privacy and security will also be impacted by increased traffic on Rusmore Rd.</li> <li>• It appears that noise levels permitted to be received in the surrounding public area of bush may be continuous for 24 hours a day and at a level similar to traffic on an average city street, which will have a significant impact on the serenity of the area.</li> <li>• The use of Lot 13129 for light industry will generally impact on the amenity and enjoyment of the surrounding area for the community and visitors – having light industry adjoining the bush where people walk and look at wildflowers will make it far less inviting.</li> <li>• A visual buffer is not possible across the accessway from the proposed rezoned area onto Rusmore Rd due to the need for a fire emergency exit, which means the light industrial area will always be visible from this section of Rusmore Rd.</li> <li>• The entry and exit to town along the Boyup-Bridgetown road will be less attractive because of the increased use</li> </ul>	<p>The Council is recommended to Finally approve, without modifications, the Scheme Amendment No. 21, to amend the Shire of Boyup Brook <i>Local Planning Scheme No. 2</i> by rezoning Lot 13129 Bridgetown Boyup Brook Road, from the ‘Rural’ zone and the ‘Public purposes’ reserve (purpose: water and parkland), to the ‘Light Industry’ zone.</p> <p>The protection of the amenity of the area, which includes vegetation, must be considered at the development stage of the planning process, in accordance with the objectives for the light industry zone.</p> <p>The subject Lot 13129 has a large cleared and levelled area (2 hectares), screened on all sides by vegetation and with a generous separation distance to neighbouring housing (min 260m). There is no need to clear substantial areas of vegetation, in order to accommodate future development at the site.</p>
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		<p>of the accessway to the light industrial area and the likelihood that the site will be unsightly because of the nature of light industrial uses.</p> <ul style="list-style-type: none"><li>• If we or other members of the community are impacted by the light industry we will have no recourse other than to report it to Council and hope that Council are persuaded to address it.</li></ul>	
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		<p><b>Rezone Bush To Public Purposes –Water And Parkland</b>  Although I object to the rezoning proposal, if Council decides that it is appropriate to at least use the cleared area of Lot 13129 for light industry, I reiterate that the remnant bush should be protected by seeking to rezone all areas of bush within Lot 13129 to be ‘Public purposes - Water and Parkland’.</p>	<p><b>Rezone Bush To Public Purposes –Water And Parkland</b>  Note the request for the remnant bush to be protected by seeking to rezone all areas of bush within Lot 13129 to be ‘Public purposes - Water and Parkland’.</p> <p>The protection of vegetation can be adequately managed in accordance with the objectives of the light industry zone and the provisions of the scheme. A zone classification (light industry) and a reserve classification (environmental conservation), over the one lot is considered excessive and unnecessary.</p> <p>One of the considerations that must be made at the development stage of light industry, is whether the amenity of the locality will be adversely affected. Clearing of vegetation is expected to impact on the amenity of the area. Based on this analysis, at the development stage, it is expected that development will occur in existing cleared areas and that vegetation will be protected.</p>
		<p><b>Conditions If Rezoning Is To Be Approved</b>  Although I object to the rezoning proposal, if Council decides that it is appropriate that the whole of Lot 13129 be rezoned for light industry, I request that the rezoning approval be subject to the following conditions. These are designed to address some of the concerns raised in my objection. I note, however, that it is impossible to address all my concerns through the imposition of</p>	<p><b>Conditions If Rezoning Is To Be Approved</b>  Note request that should the rezoning be approved, the rezoning approval should be subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Any approval for rezoning of Lot 13129 to Light Industrial, should be subject to the current extent of the bush being left untouched</li> </ul>

	<p>conditions. Therefore, I maintain that the most appropriate outcome is that the proposal should not be approved</p> <p><b>1. Protection of remnant bush.</b> I have been advised by the CEO that it is not the intention of the present Council to touch the remnant bush on Lot 13129, which takes up a significant part of the Lot area. However, to safeguard against any future attempts to remove this bush and to protect it for future generations, I request that any approval for rezoning of Lot 13129 to Light Industrial, should be subject to the current extent of the bush being left untouched and any buffer zone required for fire mitigation or to meet other requirements for the particular use, be taken from the existing cleared area. Please see annexed to this submission, Map A–Bush to be protected for demarcation of bush to be left untouched.</p> <p><b>2. Improved visual buffer</b> The current bush provides some sparse visual buffer from potential future light industrial uses, but it is deficient. I request that to ensure this buffer is sufficient in the future, suitable local, dense shrubs and trees be planted along the boundary of Lot 13129 where it meets Rusmore Rd.</p> <p>Planting should be done in the first autumn following approval, so the vegetation has maximum time to establish and provide the necessary visual buffer in the future.</p> <p>I do not consider it appropriate, as suggested in a map provided to me by the Shire’s Planning Officer, that vegetation and trees on our property should be relied on as part of any visual buffer from the light industrial area.</p>	<ul style="list-style-type: none"> <li>• Any buffer zone required for fire mitigation or to meet other requirements for the particular use, should be taken from the existing cleared area</li> <li>• The Shire plant additional native vegetation suitable for providing a visual buffer between Rusmore Rd and Lot 13129, in the first autumn following approval</li> <li>• The quiet amenity of the Rusmore Rd is protected.</li> <li>• Development applications are advertised.</li> </ul> <p><b>1. Protection of Native Vegetation</b> The scheme requires the protection of the amenity of the area. The subject Lot has a large cleared area, suitable for future development. The clearing of substantial areas of vegetation to accommodate development is not considered necessary.</p> <p><b>2. Improved Visual Buffer</b> The Shire has adopted a policy (P.01), the purpose of which is to ensure the appearance of commercial and industrial zones is improved or maintained to a minimum standard. The policy states:</p> <p><i>That planning applications for development of commercial or industrial sites, landscaping 5% of the lot in keeping with surrounding adjacent areas, to the satisfaction of the Shire within one year of completion of the building, be included as a condition of approval of the application.</i></p> <p><b>3. Protection of quiet amenity of Rusmore Rd</b></p>
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	<p>Further, I note that there is no requirement on Council to enhance this visual buffer in the future, unless in its opinion it is necessary.</p> <p>Therefore, I submit that any approval for rezoning of Lot 13129 to Light Industrial, be subject to the requirement that the Shire plant additional native vegetation suitable for providing a visual buffer between Rusmore Rd and Lot 13129, in the first autumn following approval.</p> <p>Please see annexed to this submission, Map B—Additional vegetation for the area where additional vegetation should be planted to achieve a better visual barrier between Rusmore Rd and Lot 13129.</p> <p><b>3. Protection of quiet amenity of Rusmore Rd</b> As the sole accessway to our property and as a quiet road bordered by bush or rural land which is enjoyed by many people</p>	<p>The subject site has direct access to the Bridgetown Boyup Brook Rd, meaning the use of Rumore Road is expected to be minimal.</p> <p><b>4. Potential future uses – requirement to advertise</b> The Shire’s scheme and policies have been established to allow industrial activities to occur on industrial zoned properties, subject to standards, which ultimately must ensure that the amenity of the area is not compromised.</p> <p>The Shire Council assesses development applications to ensure compliance with their endorsed scheme and policy. In accordance with the Shire’s scheme, industrial development do-not require advertising.</p> <p><b>No modifications recommended.</b></p>
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for wildflower viewing, walking, exercise, and general outdoor pursuits, I submit that the quiet amenity of this road should be protected. The amenity would be significantly affected if vehicle traffic increased due to access being permitted along Rusmore Rd, over the cross-over and down the embankment to the cleared area of Lot 13129. Thus, I submit that any approval for rezoning of Lot 13129 to Light Industrial, be subject to the addition of road signage in two places:

- at the entry of Rusmore Rd from Terry Road, indicating 'No access to Old Saleyards Light Industrial area'
- at the crossover from the Light Industrial area onto Rusmore Rd, indicating 'No access to Terry Road – Emergency use only'. This would allow an emergency exit in the event of fire, which is notably important, while discouraging regular use of this as an accessway to and from the Light Industrial area.

Please see annexed to this submission, Map C –Signage for Rusmore Rd showing proposed location of these two signs.

#### **4. Potential future uses – requirement to advertise**

In the Shire of Boyup Brook Local Planning Scheme No.2, the Table 3 Zoning Table indicates the uses to which land zoned 'Light Industry' may be put and whether such uses are permitted without a need to advertise (categorised "P" in the table), permitted without the need to advertise at the discretion of the Council (categorised "D" in the table) or must be advertised (categorised "A" in the table).

Should Lot 13129 be rezoned to Light Industrial, it is submitted that the potential future uses listed below should have to be advertised despite being categorised "P" or "D" in the zoning

table ie they should effectively be categorised “A” when it comes to proposed uses for this Lot. This is based on:

- the definitions of these uses as noted in the Local Planning Scheme No.2, set out below, which indicate that they are likely to have an impact on the surrounding area and the amenity of our property and our sole accessway along Rusmore Road.
- the minimum distances required as a buffer between these particular Light Industrial uses and a sensitive land use, such as our current residence or any future residence that may be built on either of our lots (800 or 202).

The land uses of concern, their current categorisation in the zoning table and the definitions of each are:

Use	Category	Definition
<b>Industry</b>	D	<b>industry</b> means premises used for the manufacturing, dismantling, processing, assembly, treating, testing, servicing, maintenance and repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – a) the storage of goods; b) the work of administration or accounting
<b>Industry – Light</b>	P	<b>industry – light</b> means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed

		<b>Industry – Rural</b>	D	<i><b>industry – rural</b></i> means premises used for industry that - (a) supports and/or is associated with primary production; or (b) services plant or equipment used in primary production	
		<b>Industry – Service</b>	P	<i><b>industry – service</b></i> means – a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or b) premises having a retail shop front and used as a depot for receiving goods to be serviced	
		<b>Telecomm-unications Infrastructure</b>	D	<i><b>telecommunications infrastructure</b></i> means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower,	
	<p>Thus, I request that any approval for rezoning of Lot 13129 to Light Industrial, be subject to the following uses effectively being categorised “A” if there is ever an application to Council for one of these uses on this Lot. That is, advertising should first be required to ensure the community has input into the decision about the particular use:</p> <ul style="list-style-type: none"> <li>• Industry</li> <li>• Industry – Light</li> <li>• Industry – Rural</li> <li>• Industry – Service</li> </ul>				

- Telecommunications Infrastructure

Further, within the Industrial use category, there are specific uses that require minimum distances as a buffer from sensitive land uses including residences, as set out in the EPA - Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses - No. 3, Appendix 1.

Some of these uses cannot be within 300m of a residence and thus would not be permitted on Lot 13129 in any event due to the proximity to our house and other houses in the area, but there are some that are permitted on a 'case by case' basis, or permitted within a closer distance. The following are of particular concern to me:

Use	Minimum buffer	Description
<b>Abrasive blasting operations</b>	Case by case	metal or other material is cleaned or abraded by blasting with any abrasive material
<b>Automotive spray painting</b>	200	liquid paint is directed onto automotive surfaces by airless, compression, electrostatic or other methods
<b>Chemical storage</b>	200-300	non-bulk storage of chemicals
<b>Fuel burning</b>	200	any boiler(s) capable of consuming 500 kg or more per hour of combustible material, either alone or aggregate, for the supply of steam or in power generation equipment

<b>Metal coating – industrial spray painting inside a booth</b>	200	site on which spraypainting is conducted inside a spray booth
<b>Metal finishing</b>	200	other than galvanizing
<b>Motor Body works</b>	200	including panel beaters
<b>Waste disposal – industrial liquid waste</b>	Case by case	site on which liquid waste from other premises is stored, reprocessed, treated or irrigated/discharged

I request that any approval for rezoning of Lot 13129 to Light Industrial, be subject to the requirement that if any of the above uses are proposed, the specific proposal must be advertised to ensure we and the rest of the community have an opportunity to provide input into the decision by Council.

10.	<p>Ian Calley icalley@bigpond.com</p>	<p>Concerned about the impacts of this rezoning at three levels – firstly the long term impact on the amenity of our rural property, secondly the impact on the town and the environment and thirdly the impact of the process itself which we are already finding difficult and which is causing significant distress.</p> <p>Have concerns that the proposed rezoning will have a significant impact on the short- and long-term amenity and use of our property, the use and protection of the adjoining bushland and access road and the amenity of a major entry point to the town. Irrespective of any mitigation against the impact of ‘Light industrial’ use, by its very nature such use will inevitably create significant safety, ecological, noise, air, light and visual pollutants – far more than the uses under the currently zoned ‘Rural’ or ‘Public Purposes – Water and parkland’.</p> <p>Request additional information to assist in providing a more articulate and informed response.</p> <p>The process has not really allowed us to respond to the fundamental issue of whether the re-zoning is required.</p> <p>We are not clear on the implications of the noise levels allowed under Light Industry. The point to which this noise impact is measured is also not clear and if it becomes a constraint in the future then it will impact on our ability to locate a house on the farm ie if this area is light industry then we will be prevented from locating a house within a certain distance due to the noise. We assume the noise impact from a Light Industry zoning will be measured to the current boundary fence to avoid this future issue.</p>	<p>Note concern about potential impact of industrial activity on the amenity of the neighbouring rural property (81 Rusmore Rd), the town and the environment.</p> <p>Note concern about potential noise and light pollution.</p> <p>Note concern about protection of vegetation and safe, convenient access to Rusmore Rd.</p> <p>Local planning schemes usually work on the premise that all development requires approval. The scheme then lists a number of exemptions from this requirement. In accordance with the Shire’s scheme, industrial development is not exempt from development approval, meaning at the development stage, an application is to be submitted to the Shire for consideration in accordance with the scheme.</p> <p>In considering an industrial development proposal, there are standards in the scheme to allow Council to enforce the preferred location of development and including the protection of vegetation (e.g. Provisions ‘35 Protection of Amenity’ and ‘43 Remnant Vegetation’).</p> <p>The term ‘orderly and proper planning’ is one that is used often by town planners as a test to determine whether approval of an application should be given. The term takes on different meanings depending upon the factual scenario at hand. In broad terms, it requires the consideration of whether an application</p>
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	<p>The level of light pollution allowable under Light Industry is not clear</p> <p>The required buffer should be located completely on the proposed Light Industry lot and not rely on trees and plantings on the adjoining site or on the natural bushland as this is not able to be controlled by the Light Industry operator and therefore maintained on an ongoing basis to ensure the buffer achieves the objectives of managing noise, dust, light and any other impacts.</p> <p>Some uses are particularly impactful such as Abrasive Blasting operations, Metal Finishing, Chemical Storage, Automotive Spray Painting, Motor Body Works, Waste Disposal Fuel Burning etc and we request further definition of Light Industry be attached to the rezoning to specifically exclude these and the more detrimental uses.</p> <p>Local access from Terry Road should be mitigated and avoided.</p> <p>Protection of the local flora and fauna is important and we assume all existing natural bush will be retained and protected. We propose an alternative site boundary to the re-zoning to retain existing bushland outside the Light Industry designation – refer attachment ‘Screening’. This also allows a bushland screening edge to maintain the character and ecology of the area that remains in control of Council, together with a denser screening element that is provided by and maintained by the Light Industry operator. This also allows a fence to be located away from the boundary edge and a natural bushland to border Rusmore Road.</p> <p>In summary, we are not supportive of the re-zoning and would rather see an alternative strategy developed. In the event this</p>	<p>is consistent with the objectives that are set out in the local planning scheme, and any relevant policy, for the area in question.</p> <p>In accordance with the Shire’s scheme, the objectives of the Light Industry zone require the protection of the amenity of an area, which may include the protection of vegetation. The objectives of the light industry zone include:</p> <ul style="list-style-type: none"> <li>• <i>To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</i></li> <li>• <i>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 <u>amenity</u>.</i></li> </ul> <p>‘Amenity’ is defined in the Model Scheme Text, as: “... all those factors which combine to form the character of an area and include the present and likely future amenity;”</p> <p>Therefore, one of the considerations that must be made at the development stage, is whether the amenity of a locality will be adversely affected. Based on the scheme objectives for the light industry zone, it is expected that development will occur to ensure the amenity of the area is maintained.</p>
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rezoning progresses we think there are a number of potential uses that will have a detrimental impact on the amenity of the area and the ongoing liveability and amenity of the farm. We think this will have a material impact on the value of the farm and the range of options available to us in the future. We are happy to discuss in more detail to better understand the Council planning objectives and look forward to discussing.



**No modifications recommended.**

11. N Jones

I would just like to say that as the owner/occupier of 49 Lee-Steere Drive, I strongly oppose the re-zoning to light industrial.

As others have stated this will impact the quiet enjoyment of the area, de-value properties and have an impact on wildlife and rare flora.

With the shortage of housing blocks available, wouldn't it be more beneficial to the Shire and community for Council to investigate if this area could be used for residential or special rural.

Note concerns relating to the proposal to rezone the Lot 13129 to enable industrial activities to occur.

The subject property is currently zoned 'Rural', which allows for activities such as 'intensive agriculture' (feedlot), 'commercial vehicle parking', 'garden centre', 'industry rural', 'industry service', 'motor vehicle repair', 'service station', 'telecommunications infrastructure', 'transport depot' and 'warehouse/storage'. These are all commercial type uses, not too dissimilar from

		<p>This would be much more in keeping with the area and assist in Boyup Brook's housing shortage.</p> <p>I urge Council to think outside the square and not take the easy option which in the long term would be detrimental to not only property owners but the community as a whole.</p> <p>Please consider if you would like to live next to an industrial area, see the beauty of the landscape destroyed and listen to the noise. This is not why we purchased our property and made a life here.</p> <p>Let's leave the industrial area to one place, it's the sensible thing to do.</p>	<p>activities that may be considered in a light industry zone.</p> <p>The subject site has substantial setbacks to neighbouring sensitive uses, with vegetation screening surrounding a cleared building envelope.</p> <p>Based on the scheme objectives for the light industry zone, it is expected that industrial development can occur at the subject lot, whilst protecting the current amenity of the area.</p> <p>The objectives of the light industry zone include:</p> <ul style="list-style-type: none"><li>• <i>To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.</i></li><li>• <i>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 <u>amenity</u>.</i></li></ul> <p><b>No modifications recommended.</b></p>
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Annexure to Fiona Murray submission - Scheme Amendment 21 - Maps A, B and C

Map A—Bush to be protected



Map B—Additional vegetation Page 14 of 14



Map C – Signage for Rusmore Rd

