

Schedule of Submissions
Shire of Wongan-Ballidu Local Planning Scheme No. 5
Scheme Amendment No. 1

No	Name/ Address	Submission	Recommended Response
1.	Submitter One	<p>“I strongly believe that the rezoning of Lot 200 is unfair and is also in direct conflict to the local planning strategy, and should not proceed”</p> <p>“Lot 178 should remain zoned as General Industry as the business on this land sells, repairs, operates and field tests heavy agricultural machinery that can cause noise, dust, vibration and general industry pollution to nearby residents”</p>	<p>The Shire of Wongan-Ballidu Local Planning Strategy supports the expansion of General and Light Industry for the future sustainability of the town and the Shire.</p> <p>The Local Planning Strategy identifies Wongan Road as the primary area for expansion as this has major road frontage and is consistent with the already existing Industry and Light Industry uses.</p> <p>The new Local Planning Scheme No 5 included the addition of the zoning category of Light Industry to enable improved planning controls on land adjacent to Rural Residential and Residential Zoned land.</p>
2.	Submitter Two	<p>“There will be no advantage to the Shire of Wongan-Ballidu or the Wongan Hills township. Negative effects are already being felt in the way of both noise and dust pollution from nearby industry be local residents and cottage industry”</p>	<p>The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.</p> <p>The additional “Cottage Industry Use” approval in place on the adjacent Rural Residential Lot 1 Danubin Road referred to in three of the submissions is for Panel Beating, Spray Painting and works associated with vehicle restorations on a paid commercial basis. The Cottage Industry use and approval is not based on how often it is utilised over a period of time, but on the basis that this ‘use’ can occur on that lot every day should the land owner choose to.</p>

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3.	Submitter Three	<p>“We believe that this rezoning would devalue our land, cause a loss of amenities in the surrounding area, and create noise, dust, odour and chemical problems.</p>	
		<p>McIntosh have enough land at the opposite end of their block which could be used instead and is away from zoned residential areas.</p>	<p>The Shire is advised that due to a watercourse running through Lot 178, there is inadequate land available to enable the setup and testing of machinery; the watercourse also provides an access issue to this portion of Lot 178 for large and small machinery.</p> <p>Any future expansion of built infrastructure would be better suited on that portion of Lot 178.</p>
		<p>We hold concerns for future development in other rural residential areas – eg Manmanning Road, which will impact on our property value and scenic views, as well as the above”</p>	<p>The recent review of the Local Planning Strategy and the Local Planning Scheme identifies these areas (Manmanning Road) as future Rural Residential.</p>
4.	Denys Cleveland 16 Stonestreet Way Wongan Hills 6603	<p>“As a resident, I believe the rezoning of Rural Residential land sets a very bad precedent and could well affect me in the future.</p> <p>“Danubin Street is used for cycling, walking and horse riding activities, so at the intersection of Danubin & Suburban Street, a health and safety problem would arise with the heavy traffic using that intersection, leaving gravel and other debris from heavy vehicles entering or exiting Suburban Street. The debris on Danubin Street is at current times, unsafe, for anyone not in a car or truck.</p>	<p>Access to Lot 200 in all likelihood will be gained from Lot 178, it is unlikely that there would be a significant increase in traffic.</p> <p>Danubin Road is a reasonable volume road given it gives access to a portion of Gratton Heights Rural Residential subdivision as well as already existing farming enterprises and ancillary business premises.</p>

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		Dust and noise would increase dramatically in the vicinity, causing environmental issues”	The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.
5.	Submitter Four	“As citizens we have concerns about having Rural Residential zones close to Industrial Zones. This will impact poorly on resident’s lifestyles and comfort with the increased dust and noise reacted by the machinery testing.	The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.
		The land acquired by McIntosh & Sons is presently zoned Rural Residential, this was known to McIntosh & Sons prior to purchase. The block on the town side of McIntosh & Sons is already zoned Industrial. We can see no impediment to the company to use this area for testing purposes, thus creating a buffer between dust & noise and the present & future residents”	The Shire is advised that due to a watercourse running through Lot 178, there is inadequate land available to enable the setup and testing of machinery; the watercourse also provides an access issue to this portion of Lot 178 for large and small machinery. Any future expansion of built infrastructure would be better suited on that portion of Lot 178.

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6.	Sandra Cleveland 6H Martin Street Wongan Hills 6603	<p>“The rezoning of these two lots will affect me directly as a private citizen as my ponies are agisted at 56 Danubin Street, and the increased dust & noise from light industry will be very disruptive to our animals.</p> <p>I am in full support of Peter & Claire Ducker’s opposition to the rezoning of Lot 200 especially and Lot 178 because of the increased noise, dust & disruption to the peace and tranquillity of Claire & Peter’s lifestyle as well as a physical, emotional and financial strain on them since McIntosh & Sons built their business. I am out there twice a day for my ponies so see the effects firsthand”</p>	<p>The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.</p>
7.	Garrie Cleveland	<p>“I have ponies agisted at Peter & Claire Ducker’s property and would not welcome the dust and noise created by the additional machinery at McIntosh’s lot.</p> <p>The following are my objections:</p> <p>Increased noise, dust etc caused by commercial sized vehicle movement</p>	<p>The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.</p>
		<p>A reduction in property values due to industrial action</p>	<p>In relation to the discussion and consideration as to whether the property in question would lose or gain value as a result of the scheme amendment approval, the Shire is unable to comment as there is no evidence to either support or not support this claim.</p>

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		Disturbance to the peace, enjoyment and tranquillity of neighbouring properties owned by citizens”	
8.	Submitter Five	<p>“When we purchased our property in 2008, we did so in good faith the land would remain zoned Residential, as we plan to live at this location for many years to come.</p> <p>We are concerned that industry will continue to encroach into areas currently zoned Residential, impacting negatively on our quality of life. We object to rezoning”</p>	Noted.
9.	Submitter Six	<p>“This can set a precedent for the Shire to change Rural Residential blocks to other uses against residents wishes.</p> <p>Road reserve of approximately 20 metres is not enough of a buffer zone next to homes where dust and noise is involved. Health and safety in this day and age is important.</p>	The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.
		<p>Is it possible in this instance to use another section of Lot 178 for the purpose of testing machinery away from rural residences?</p>	<p>The Shire is advised that due to a watercourse running through Lot 178, there is inadequate land available to enable the setup and testing of machinery; the watercourse also provides an access issue to this portion of Lot 178 for large and small machinery.</p> <p>Any future expansion of built infrastructure would be better suited on that portion of Lot 178.</p>

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		If the proposed changes in amendment goes ahead, would it be detrimental to the value of the rural residence blocks as there are several in the vicinity? “	In relation to the discussion and consideration as to whether the property in question would lose or gain value as a result of the scheme amendment approval, the Shire is unable to comment as there is no evidence to either support or not support this claim.
10.	Submitter Seven	<p>In summary:</p> <p>“Currently the portion of Lot 200 proposed to be rezoned is a ‘rubbish tip’ with large piles of waste stacked up. The current McIntosh & Sons yard on Manmanning & Jensen is the same. Do we want this sort of entry statement to town?”</p>	
		The gate on the southeast side of Suburban Road will cause issues with noise and dust pollution from machinery movement. The gate should be moved so that access to that end of the block is via sealed road.	The current Scheme provides the mechanisms to enable conditions and buffer zones to mitigate noise dust and any potential vibration from agricultural machinery produced on Lot 200. These will be applied to any Development Application received for the use of Lot 200 and any future development plans for Lot 178.

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		<p>LPS No 5 states that ‘any development that adjoins zoned or developed residential property is suitably set back, screened or otherwise treated so as not to detract from the residential amenity’. The WA Planning Commission’s ‘Liveable Neighbourhoods’ guidelines 2015 draft edition state 400 metres as the suitable set back.</p> <p>LPS No 5 states ‘to preclude the storage of bulky and unsightly goods where they may be in public view’. The current practice of piling up bulky rubbish would seem to be against this planning obligation.</p>	<p>These statements do not apply to the current zoning of Lot 178 or 200 as these conditions apply to the Light Industry zone and, is in effect the reason for seeking this zoning on Lot 178 and Lot 200.</p>
		<p>Why are McIntosh & Sons not developing the other end of the block?</p>	<p>The Shire is advised that due to a watercourse running through Lot 178, there is inadequate land available to enable the setup and testing of machinery; the watercourse also provides an access issue to this portion of Lot 178 for large and small machinery.</p> <p>Any future expansion of built infrastructure would be better suited on that portion of Lot 178.</p>
		<p>I have personally witnessed McIntosh & Sons cleaning down a header right up against the fence near the Ducker residence, with a prevailing wind blowing debris into the residence. What is to stop this practice continuing?</p> <p>Allowing this rezoning will set a precedence for other proposed developments in this area.”</p>	

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11.	Submitter Eight	<p>"I have read the Minutes of the Ordinary Meeting of Council held 13 December 2017 and am not satisfied with the answers provided to Peter & Claire Ducker.</p>	
		<p>The spray painting business located at Danubin Street existed many years prior to McIntosh & Sons purchasing this land, and dust pollution from heavier use will have a detrimental effect on this business. Rezoning will affect business, and may also affect land resale value.</p>	<p>The additional "Cottage Industry Use" approval in place on the adjacent Rural Residential Lot 1 Danubin Road referred to in three of the submissions is for Panel Beating, Spray Painting and works associated with vehicle restorations on a paid commercial basis. The Cottage Industry use and approval is not based on how often it is utilised over a period of time, but on the basis that this 'use' can occur on that lot every day should the land owner choose to.</p>
		<p>This small business has been overlooked because a bigger business wishes to relocate. The Shire needs to protect ratepayers and small businesses also.</p>	<p>The established business relocation from a lot zoned Commercial in the centre of the Wongan Hills townsite to a location zoned Industry on the main entrance road of the townsite is a good planning outcome.</p>
		<p>Is the current 'General Industry' zoning of Lot 178 consistent with the current land use, which is a Service Industry?</p>	<p>Under Town Planning Scheme 4 there was only one industrial Zone that being Industry.</p> <p>Under the new Local Planning Scheme there are two zones for industry, those being General and Light.</p> <p>Light is considered to be the lesser impact Zoning with land uses that have less impact on surrounding land.</p>

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		<p>Lot 200 is currently Rural Residential however is not abiding by the objectives of providing opportunities for a range of limited rural and related ancillary pursuits consistent with the amenity of the locality, conservation and landscape attributes of this land; to set aside areas for the retention of vegetation and landform or other features which distinguish the land, to discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone; to encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value.</p>	
		<p>Light Industry in this area will make one of the main entrances to Wongan Hills unattractive. Will this eventually become a more built up zone and need rezoning again?"</p>	<p>The Rezoning is consistent with the current zoning of similar establishments on Wongan Road adjacent to Lot 178 and 200.</p>

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12.	Submitter Nine	<p>“I personally invested in a rural residential property to remove myself from busy town life.</p> <p>Claire & Peter Ducker have been long standing residents on their current block. I have watched videos and been present with McIntosh & Sons test run machinery around Lot 178 causing high levels of dust and noise.</p> <p>I am concerned that if this Amendment progresses, it will set a precedent for any business to purchase any Rural Residential land in town and rezone, increasing dust, noise and traffic.</p>	<p>The Shire of Wongan Ballidu Local Planning Strategy supports the expansion of General and Light Industry for the future sustainability of the town and the Shire.</p> <p>The Local Planning Strategy identifies Wongan Road as the primary area for expansion as this has major road frontage and is consistent with the already existing Industry and Light Industry uses.</p> <p>Similarly, land zoned Industry to the south east of Gratton Heights is now zoned Rural Residential to provide for future Rural Residential Subdivision.</p> <p>The strategic position of the Shire is not to amend the Scheme other than Rural Residential in those areas adjacent to Gratton Heights and Gum Tree Valley.</p>
		<p>Why was it permitted to allow a gate to be situated next to the Ducker residence, and not on the east side?</p>	<p>See comment from Main regards access to Wongan Road</p>

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		<p>I am concerned that McIntosh & Sons are not showing respect to the current rules and regulations of the Shire. The current practices of piling up rubbish, washing down of large machinery and creation of dust and noise is against the rules and regulations but is allowed to occur.</p> <p>As a resident and ratepayer I would like full transparency on what McIntosh & Son's true intention is for this block."</p>	
13.	Submitter Ten	<p>"The said property was made Rural Residential to protect surrounding properties from being devalued.</p>	<p>Lot 200, originally formed part of Lot 178 and was originally zoned Industry. It was subsequently rezoned Rural Residential to allow for the previous owners to build a residence on the land.</p>
		<p>This Amendment will remove that protection and devalue these properties.</p>	<p>In relation to the discussion and consideration as to whether the property in question would lose or gain value as a result of the scheme amendment approval, the Shire is unable to comment as there is no evidence to either support or not support this claim.</p>

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		The business in question has land available at the other end of their block that has Industrial zoning, and this should be used first.”	The Shire is advised that due to a watercourse running through Lot 178, there is inadequate land available to enable the setup and testing of machinery; the watercourse also provides an access issue to this portion of Lot 178 for large and small machinery. Any future expansion of built infrastructure would be better suited on that portion of Lot 178.
14.	Submitter Eleven	<p>“It is disgraceful that a major long term business in town has been allowed to develop a new site and operate it under incorrect zoning laws.</p> <p>The current shed is an eyesore and no attempt has been made to landscape the area. Now that it has been built, the company seeks to rezone the site so that it can now operate under the law.</p>	The development on Lot 178 complies with the previous and current Local Planning Scheme.
		The rezoning of Lot 200 will allow this company to run heavy machinery right next to a Residential zone at all hours of the day, creating noise pollution, which is unacceptable. This was also unacceptable at the previous Elphin Crescent location and even more unacceptable now on Danubin Street.	The established business relocation from a lot zoned Commercial in the centre of the Wongan Hills townsite to a location zoned Industry on the main entrance road of the townsite is a good planning outcome.

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15.	Submitter Twelve	I do not support rezoning of Lot 200 Wongan Road from Rural Residential to Light Industry because all Rural Residential land surrounding this land will be devalued Danubin Heights land when developed will also be devalued.	In relation to the discussion and consideration as to whether the property in question would lose or gain value as a result of the scheme amendment approval, the Shire is unable to comment as there is no evidence to either support or not support this claim.
		I do support of rezoning of Lot 178 Wongan Road from General Industry to Light Industry.	Noted.

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16.	<p>Peter & Claire Ducker 56 Danubin Street Wongan Hills 6603</p>	<p>In summary:</p> <p>“We object for to the rezoning of Lot 200 from Rural Residential to Light Industry for the following reasons and concerns:</p> <ul style="list-style-type: none"> - Proximity - Dust - Noise - Chemicals/Odour - Amenity - Value (devaluation) - Access - Shire’s inability or reluctance to enforce current local zoning laws - We believe Lot 178 fits more into General Industry than Light Industry - Buffer zones – enforcement, time to establish - McIntosh & Sons have access to a substantial area to the northwest of their buildings which could and should be used” <p>Appended to this submission was a petition of 105 residents (including Peter & Claire Ducker) as presented to Council on 18 April 2018.</p>	<p>See above recommended responses in relation to the comments in this Submission.</p> <p><i>In relation to the comments regarding the reduction in property values because of the rezoning of Lot 200:</i></p> <p>In this submission, it is indicated that a Property Valuer was engaged to determine if the property would lose value if the Scheme Amendment for Lot 200 was to proceed. The submission indicates that the property would lose value.</p> <p>An email request was sent to Mr Ducker on 30 April 2018 requesting a copy of the Valuation to enable this to be considered as part of the assessment process. At the time of writing this, the Shire had not received a response.</p> <p>In relation to the discussion and consideration as to whether the property in question would lose or gain value as a result of the scheme amendment approval, the Shire is unable to comment as there is no evidence to either support or not support this claim.</p> <p style="text-align: right;">Page 14 of 15</p>
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17.	Water Corporation	<p>“Reticulated water is currently connected to both subject lots. The proposed changes do not appear to impact on the Water Corporation infrastructure or operations unless the Water demands for the proposed development on these lots exceeds the system capability</p> <p>Reticulated sewerage is not available to serve the subject area. The Water Corporation’s policy is that industrial land should not be connected to relatively small wastewater treatment plants</p> <p>Buildings associated with development of these lots will require approval by our Building Services section proper to commencement of works.”</p>	Noted.
18.	Main Roads Western Australia	<p>“Lot 178 and Lot 200 currently have one access each from M032 Northam Pithara Road (locally referred to as Wongan Road) on the western boundary. Lot 178 is bounded by Danubin Street on the east and Lot 200 is bounded by Suburban Road on the east.</p> <p>MRWA is prepared to support this Amendment with the following condition: that no additional accesses from M032 Northam Pithara Road will be approved. Any future development/subdivision of land will be required to obtain access from Suburban Road or Danubin Street.”</p>	The Shire accepts the recommendation and would include this requirement as a condition of Planning Approval for Lot 200