

SCHEME AMENDMENT NO. 49

PROPOSED REZONING SPRINGBETT RESERVE

SEPTEMBER 2012

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF YORK
TOWN PLANNING SCHEME NO. 2
AMENDMENT NO. 49

RESOLVED that the Council pursuant to Section 75 of the Planning and Development Act 2005 amend the above local planning scheme by:

1. Rezoning a portion of Lots 497 and 606 Spencer's Brook Road, York known Springbett Reserve (No. 121), York from Reserve (Public Purposes) to Development and Recreation and Open Space;
2. Rezone Third Road from Reserve (Road) to Development and Recreation and Open Space; and
3. Amend the Scheme Map accordingly.

Dated this 13th day of September 2012.


.....
CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF YORK

TOWN PLANNING SCHEME NO. 2

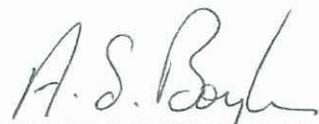
AMENDMENT NO. 47

The Shire of York under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Rezoning a portion of Lots 497 and 606 Spencer's Brook Road, York known Springbett Reserve (No. 121), York from Reserve (Public Purposes) to Development and Recreation and Open Space;
2. Rezone Third Road from Reserve (Road) to Development and Recreation and Open Space; and
3. Amend the Scheme Map accordingly.

ADOPTION

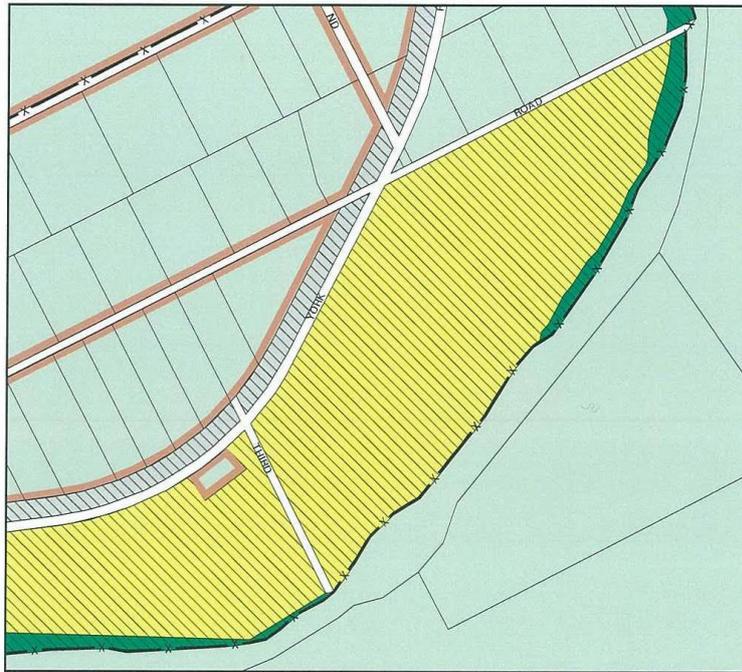
Adopted by resolution of the Council of the Shire of York at the Ordinary Meeting of the 17th day of September 2012.


.....
SHIRE PRESIDENT


.....
CHIEF EXECUTIVE OFFICER

SHIRE OF YORK TOWN PLANNING SCHEME NO. 2

EXISTING ZONING



EXISTING ZONING

LEGEND

York Z 2

-  RECREATION AND OPEN SPACE
-  RAILWAY
-  GENERAL AGRICULTURE
-  RURAL RESIDENTIAL
-  PUBLIC PURPOSES
-  ROAD
-  LPS Town Bdy Land Act - Capture data
-  LPS Cadastre - Capture data



Government of Western Australia
Department of Planning

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 49



Scale 1:12000

0 125 m

PROPOSED ZONING



SCHEME AMENDMENT MAP

LEGEND

 LPS Cadastre - Capture data

York Z 2

 RECREATION AND OPEN SPACE

 DEVELOPMENT



Government of **Western Australia**
Department of **Planning**

SHIRE OF YORK
TOWN PLANNING SCHEME NO 2
AMENDMENT NO. 49



Scale 1:12000

0  125 m

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. **LOCAL AUTHORITY:** Shire of York
2. **DESCRIPTION OF TOWN PLANNING SCHEME:** Shire of York Town Planning Scheme No. 2
3. **SERIAL NUMBER OF AMENDMENT:** Amendment No. 49
4. **PURPOSE:** To rezone Reserve 121 known as the Springbett Reserve from Public Purposes to Development and Recreation and Open Space as depicted on the scheme amendment plan.
5. **REPORT BY:** Shire of York

SCHEME AMENDMENT REPORT

1. INTRODUCTION	8
1.1 Existing Zoning	8
1.2 Existing Scheme Text	8
1.3 Planning Rationale	9
2. SITE ANALYSIS	9
2.1 Location	9
2.2 Current Land Uses	10
2.3 Surrounding Land Uses	10
2.4 Buffers	10
2.5 Topography	12
2.6 Drainage	13
2.7 Road Network	13
2.8 Services	13
2.9 Remnant and Riparian Vegetation	14
2.10 Fire Management	14
3. LOCAL PLANNING STRATEGY	14
4. AVON ARC SUB-REGIONAL STRATEGY 2001	18
5. YORK TOWN PLANNING SCHEME NO. 2	18
6. OUTLINE DEVELOPMENT PLAN (STRUCTURE PLAN)	19
7. DEVELOPER CONTRIBUTIONS	20
8. CONCLUSION	20
APPENDIX 1	22
SPRINGBETT RESERVE DEVELOPER CONTRIBUTIONS PLAN	22

1. Introduction

On 20 February 2012, Council resolved at its Ordinary Meeting to initiate a scheme amendment to rezone the old Springbett Reserve (Reserve 121) on Spencer's Brook Road, York from Public Purposes to Development.

This Scheme Amendment proposes to amend the York Town Planning Scheme No. 2 (TPS2) by:

- Rezoning a portion of Lots 497 and 606 Spencer's Brook Road, York known Springbett Reserve (No. 121), York from Reserve (Public Purposes) to Development; and Recreation and Open Space;
- Rezone Third Road from Reserve (Road) to Development and Recreation and Open Space; and
- Amend the Scheme Map accordingly.

The proposed Development zone will allow for the staged development of the land for light industrial, service industrial and larger style home business/industrials following the scheme amendment, detailed structure planning and subdivision approval. It will also provide an appropriate zoning to Third Road following closure.

The purpose of this report is to provide a planning rationale and justification for that proposal and demonstrate that it will be both beneficial and without adverse impacts.

1.1 Existing Zoning

The subject area is currently reserved for Public Purposes and Road under the Shire of York's Town Planning Scheme No. 2 (TPS2).

1.2 Existing Scheme Text

The land is reserved under the Scheme for Public Purposes. Section 2.1 of the Scheme applies:

"The land shown as Scheme Reserves on the Scheme Map, hereinafter called "Local Reserves", are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE

RECREATION AND OPEN SPACE

STATE FOREST

RAILWAY

ROAD"

1.3 Planning Rationale

The following planning rationale is provided in support of the proposal:

- The proposal conforms with the intent of the Local Planning Strategy, which us to identify appropriately located and serviced industrial land.
- Any subsequent subdivision application would need to consider the scenic landscape and environmental values of the area.
- Urban water management and road upgrades can be addressed through developer contributions.

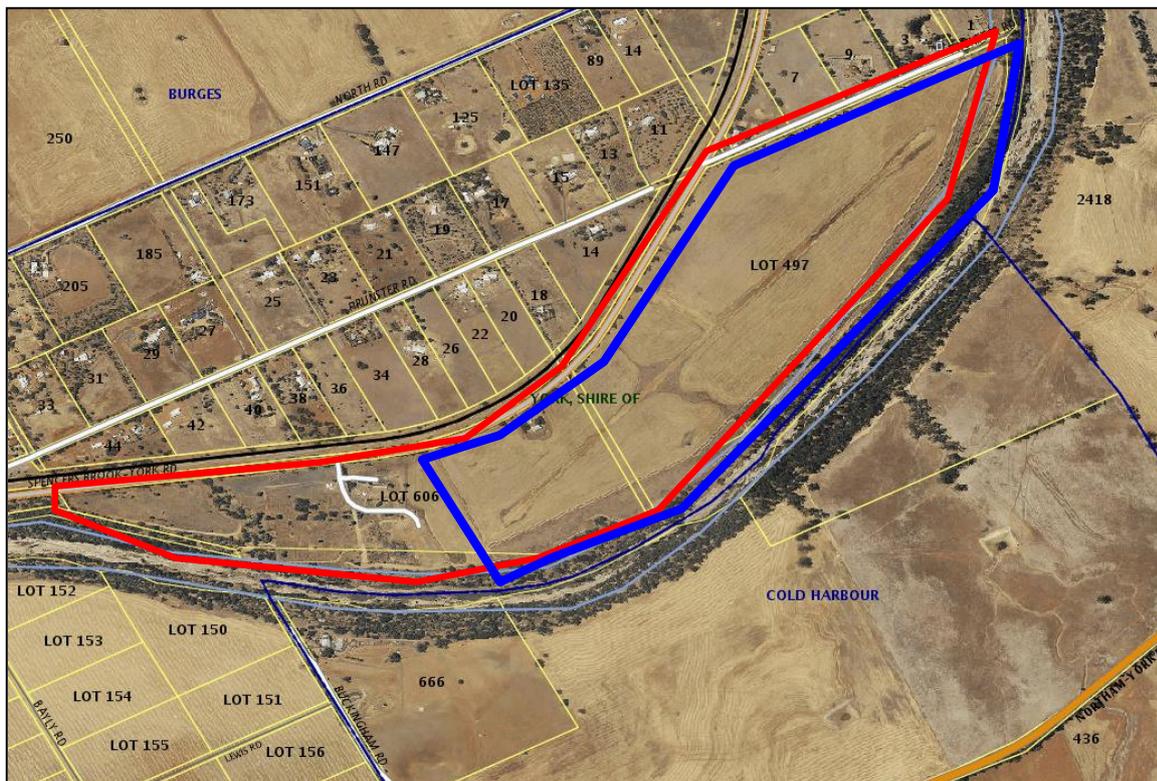
2. Site Analysis

2.1 Location

The subject development area comprises 2 lots: Lot 497 and Lot 606 with an area of approximately 54 hectares.

The site is within 10 kilometres of the York town centre, 25 kilometres from Northam and within an hour's drive from the centre of Perth.

The location of the Springbett Reserve is indicated in red on the Location Plan below and the portion to be rezoned in shown in blue, excluding the existing dwelling located on Spencer's Brook Road.



2.2 Current Land Uses

The land is generally vacant and is leased partially for cropping with the old airfield traversing both lots. Lot 606 has a municipal waste transfer station operated by the Shire of York situated on the centre of the Spencer's Brook frontage. It is proposed to rezone the portion of the reserve north of the transfer station.

A portion of the site has recently been rezoned (Scheme Amendment No. 37) to excise 5974m² for Rural Residential purposes and the owners have requested for it to remain zoned Rural Residential and with sufficient buffers, it is not expected that any future uses will impact on the amenity of the lot.

The area is likely to cater for light industry, service industry, manufacturing and small depot-type uses requiring a variety of size allotments from 2000m² to 1-5 hectares. Based on 5000m², the lot yield could be approximately 80 lots.

The development would be staged commencing from the land closest to the town centre.

A 50 metre buffer will be provided along the Avon River frontage and has been designated as Reserved for Recreation and Open Space purposes. This will improve public access to the river and may in the future include a cycle/multi-use pathway to link to existing trails from York to Northam and within the equine precinct.

It is not considered that heavy industries would be appropriate for York or the location. The Shire of York may consider providing a seed project by relocating its existing depot to the new area.

2.3 Surrounding Land Uses

The site is bordered by the Avon River and Spencers Brook Road on the eastern and western boundaries. Several dwellings on rural lifestyle lots are to the north and the south.

On the western side of Spencers Brook Road is a rural-residential estate within the Equine Precinct, which also includes the historic York Racecourse.

2.4 Buffers

There are two main areas that will require buffers – firstly, the Avon River for environmental protection, and secondly, the rural-residential area of the adjacent Equine Precinct.

The site is subject to the provisions of the Western Australian Planning Commission's Statement of Planning Policy No. 4 – State Industrial Buffer Policy. A combination of on and off site buffers may be appropriate.

2.4.1 On-site Buffers

Clause 3.1 of the Policy states that light and service industry and technology parks should retain all emissions and hazards on-site or at least within the zone or park area. On-site buffer areas should be sufficient to address local amenity. Local governments should ensure that sufficient setback distances (including the treatment of setbacks, e.g. landscaping) are included in their town planning schemes to retain residual emissions and risks within site

boundaries. Easements to provide protection for infrastructure such as drainage lines, transmission lines and gas and petroleum pipes should also be shown as these are one form of on-site buffer. Provisions should also be included to ensure acceptable levels of visual amenity.

A buffer of 50 metres has been agreed to be appropriate following discussions with the Environmental Protection Authority and the Department of Environment and Conservation.

2.4.2 Off-Site Buffer Areas

Off-site buffer areas may be required for the following categories of industry, major infrastructure and special uses—

- hazardous industry;
- noxious industry;
- resource processing industry;
- extractive industry;
- rural industry;
- medium and general industry;
- major sporting venues; and
- noisy sports such as speedway or drag racing.

Off-site buffer areas should be defined and secured as early as possible in the planning stages for new facilities and the expansion/upgrading of existing facilities to ensure the protection and long-term security of the industry/infrastructure, including associated road/rail/pipeline transport routes. Off-site buffer areas should also be determined and secured for established industry and infrastructure where there are existing or potential land use conflicts with the facility.

Industry and infrastructure normally comply with adopted environmental and planning criteria through a combination of –

- appropriate management practices which should not unreasonably inhibit industry capacity or infrastructure usage; and
- off-site buffer areas.

The size of the buffer area is dependent on the management practices used. The balance is normally based on a weighing up of the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. The final combination of management practices and off-site buffer areas to comply with the environmental and planning criteria will often involve negotiation between the developer, the Department of Environmental Protection, other adjacent landowners, industry or infrastructure operators (existing and potential) and planning authorities (Western Australian Planning Commission and local governments).

2.4.3 Environmental Criteria

The following types of environmental criteria shall be applied on a site or area-specific basis by the developer for the purpose of determining the size of buffer areas and for protecting buffer areas from inappropriate uses. These include—

- risk (individual and societal);
- air quality (e.g. dust, sulphur dioxide);
- noise; and
- odour.

Avon River

Buffers from the Avon River will be determined by the requirements of the Environmental Protection Authority and in accordance with a Local Water Management Plan to be prepared to inform the Outline Development Plan. Discussions with the Environmental Protection Authority have resulted in a 50 metre buffer to the river being required and is indicated as reserved land for Recreation and Open Space purposes.

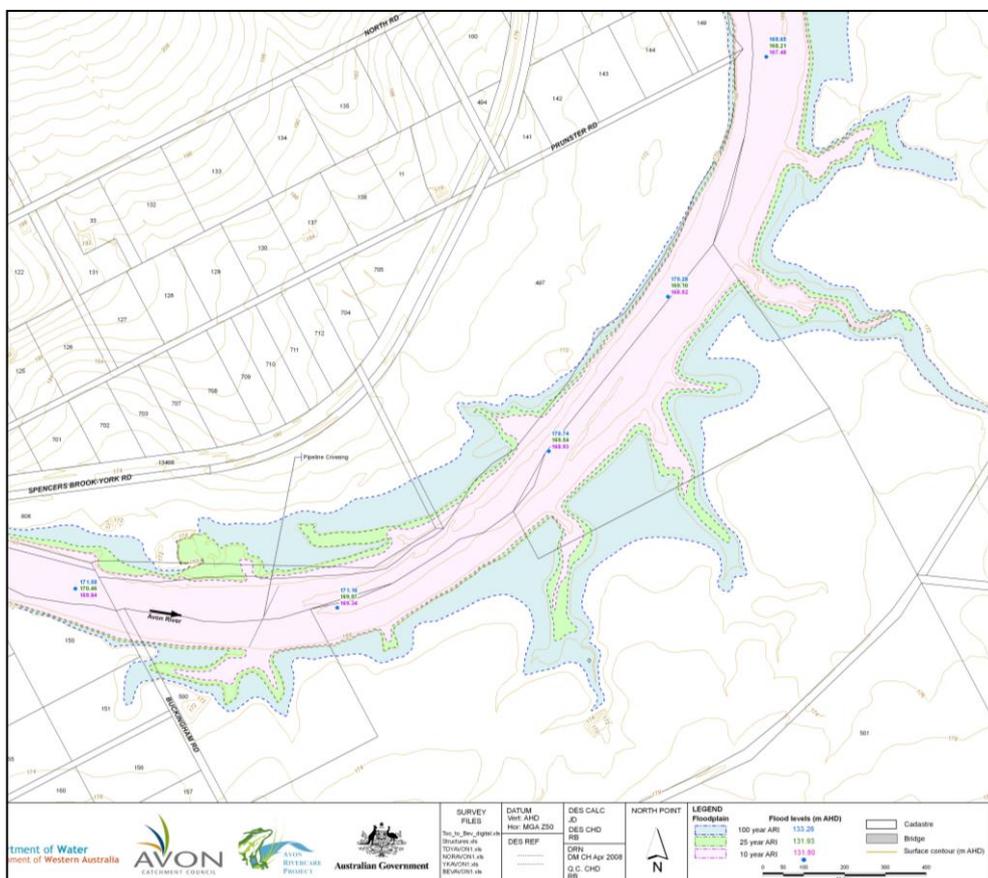
Equine Precinct

The EPA's Guidance for the Assessment of Environmental Factors No. 3 (June 2005) – 'Separation Distances between Industrial and Sensitive Land Uses' indicates that the provision of a 200 metre separation distance as a buffer (either on or off site) would be sufficient for the proposed development to cater for a mix of industries.

It is proposed to locate a mix of uses within the development zone with uses that have no potential for impact located closest to Spencer's-Brook Road to provide an adequate buffer to residences from industries that have the potential to emit noise, which is considered the most likely impact and reason for provision of a buffer.

2.5 Topography

The site is relatively flat with a grade of less than 5% and falls away to the Avon River. The land adjoining the river is either within the floodway or flood fringe. Below is an excerpt from the Department of Water mapping for the Avon River indicating the 1 in 25, 1 in 50 and 1 in 100 year flood mapping. This land may be suitable for dedication as public open space for use as multi-purpose trails (discussed later in this report).



The assessment of any future subdivision applications will need to take into consideration location of future buildings to minimise earthworks and the location of a central on-site sewerage management facility.

2.6 Drainage

The site adjoins the Avon River and the land falls gently from the road to the river.

Any subdivision and development, including roads, will require additional works to be carried out on the land. In this regard, use of various stormwater management technologies will be required to retard high velocity run off, capture gross pollutants, provide increased surface areas, and revegetation to assist in arresting erosion of soils.

Overall, the intent is to retain as much storm water runoff on the properties as possible and reduce the discharge into the Avon River.

A Local Water Management Strategy (LWMS) will be required as part of the Outline Development/Structure Plan, which contains the level of information that reflects the level of risk to water resources. The LWMS should be approved by the Department of Water prior to the finalisation of the Outline Development/Structure Plan. Consideration in the strategy should be given to the separation of uncontaminated and contaminated stormwater treatment of oils and fuels etc, disposal of industrial process waste waters, waterways management and the impact of development on downstream receiving environments. Reference should be made to the Stormwater Management Manual of WA, Better Urban Water Management, and Developing a Local Water Management Strategy (Interim).

It is proposed to share the cost of drainage works amongst the landowners/developers through developer contributions as discussed later in this report.

2.7 Road Network

The main access to the site is from Spencers Brook Road. This is a sub-arterial road maintained by the Shire of York. The road is constructed of pavement consisting of two lanes but is narrow with open drains on both sides of the road.

Any subdivision or development should be designed to have centralised ingress and egress points to minimise impacts on traffic movements on Spencers Brook Road.

Upgrading of the other roads may be a requirement of the Council in order to improved road safety and drainage.

It is proposed to share the cost of new roads or road upgrades amongst the landowners/developers through developer contributions as discussed later in this report.

2.8 Services

The site can be serviced by scheme water and above-ground electricity. However, there will be a need for on-site sewerage management. If the site is developed as a whole, it would be recommended that a central on-site sewerage management system be constructed to serve the site.

In accordance with the draft Country Sewerage Policy, any newly created lots as a result of this scheme amendment will exceed 2000m² to ensure capability for on site sewerage management. Anecdotally, there is no evidence that the soil does not have the capability for on site sewerage management, particularly as there are no significant watercourses or groundwater issues. A Land Capability Assessment may be required as part of the preparation of the Outline Development Plan, which will inform the design of the estate and setback requirements.

2.9 Remnant and Riparian Vegetation

The site is generally cleared from farming activities, such as cropping and grazing. Some riparian vegetation may exist that should be protected, and if possible enhanced through dedication as public open space and protection measures.

As discussed above, drainage works should result in the revegetation and protection of existing vegetation of watercourses.

2.10 Fire Management

Due to the low level of vegetation on site, the fire risk is considered low and does not require assessment. Fire breaks will be required in accordance with the Shire of York's Local Laws and could be in the form of perimeter roads/accessways.

3. Local Planning Strategy

The York Local Planning Strategy identifies the need for suitably zoned and serviced industrial land to attract new industries to the Shire and to allow future industrial and rural industry expansion.

The general objectives of the Strategy are to:

Economic

1. *Encourage the development and diversification of businesses that will strengthen and broaden the economic base of the Shire and provide employment opportunities for the community.*
2. *Encourage tourism that is complementary to the character of the shire and is compatible with the lifestyle and aspirations of the community.*
3. *Protect broad acre agricultural areas from inappropriate development and intrusion by urban and semi-rural uses.*

Environmental

4. *Protect and enhance the Shire's key environmental values that support the continuation of biodiversity, the lifestyle of the community and the viability of ecosystem dependent businesses.*
5. *Promote natural resource management as a cooperative mechanism to protect and enhance the Shire's key environment values.*

Sustainable Settlements

6. *Ensure that the York townsite is the major settlement within the shire, is sustainable and well planned with sufficient and suitable land to provide for a wide*

variety of housing, employment, recreation facilities and open space and has a transport network that is efficient and safe.

7. *Manage growth and development of other existing settlements in response to the social and economic needs of the community and in recognition of relevant environmental values and constraints.*

Servicing and Infrastructure

8. *Coordinate new development with the efficient, economic and timely provision of infrastructure and services.*
9. *Encourage the development of a transport network that provides efficient and effective access to the Perth Metropolitan and Wheatbelt regions and within the shire.*

Heritage and Cultural

10. *Protect and promote objects and places of outstanding natural, historical, architectural, scientific, indigenous and cultural significance, in consultation with the local community, the State and Federal governments.*
11. *Ensure that York's status as one of the designated historic towns is sustained and its heritage values recognised by the wider community."*

The proposed is consistent with the general objectives of the Strategy, particularly with regards to the economic, environment and sustainable settlements objectives. It is imperative that the economic base continues to grow to support the substantial expected population growth of York.

The Objective specifically identified for Industrial and Rural Industries is:

"Encourage development and diversification of industry that will strengthen and broaden the economic base of the Shire and provide employment opportunities for the community whilst minimising impacts on existing landowners."

The relevant Strategies are as follows:

- a. *Provide suitably zoned and serviced industrial land to attract new industries to the Shire and to allow for future industrial and rural industry expansion.*

Although there are two sites identified in the Planning Strategy, the sites are unsuitable for a number of reasons (see below). The site the subject of this scheme amendment is considered the most suitable site for development in the near future, particularly considered that the existing industrial area is at capacity and there is not only need, but want, for industrial land to enable local business to expand and for new businesses to establish.

- b. *Encourage locating the new industrial area to the south east of the townsite, along the Quairading-York railway line (refer Map 2).*

The land identified in the Strategy south east of the town site is in private ownership. Both landowners are not interested in pursuing development of their land for industrial purposes in the near future, if at all. Additionally, the topography of the site on the southern side of the Great Southern Highway is steep with a gradient of land exceeding 5%, making it unsuitable for industrial development due to increased earthwork and infrastructure costs.

- c. *Ensure that the proposed industrial area is large enough to cater for existing and new industries, particularly able to cater for expanded hay, wheat and grain exports and any proposed intermodal hub facility.*

The proposed industrial area will provide sufficient land to cater to the needs of York for an estimated 10-15 years. Lot sizes will be variable to cater for the needs

of traditional and new industries. An intermodal hub is not planned as part of this development.

- d. *Ensure that any new industrial area is appropriately planned for through requiring the preparation of an Outline Development Plan (ODP) prior to supporting industrial development. Key issues in undertaking structure planning include access, servicing and infrastructure requirements, integration with existing and future transport infrastructure, has a suitable interface with adjoining land uses, provision and identification of suitable buffers, landscaping requirements to minimise any potential impacts, urban water management and identification, retention of native vegetation and any other matter deemed relevant by the Shire to ensure that the development does not have any additional impact. The ODP will include an analysis of the impacts to ensure they are consistent and contained within the buffers of the existing and/or proposed uses.*

An Outline Development Plan will be prepared that will address the key issues outlined in this objective and in accordance with the provisions of the York Town Planning Scheme No. 2. The ODP will also detail permissible uses in accordance with the requirements of the Development zone.

- e. *Seek the appropriate use of existing industrial zoned land that is considered surplus to the Shire's future needs and/or is considered inappropriately located.*

It is envisaged that the existing industrial area will be rezoned to a Mixed Business zone or similar and that a gradual transition will occur. Council is currently considering the relocation of the Shire depot to the development zone, which will provide additional land in the existing area. Larger home businesses and occupations, such as persons involved in the construction industry, currently occupying residential and rural-residential properties will also be encouraged to relocate.

- f. *Seek the relocation of the CBH grain handling facility to the proposed industrial area.*

CBH is currently expanding the existing facility and to Council's knowledge, does not have plans to relocate. This objective was developed when it was anticipated that one of the two sites identified in the Strategy would be developed as the new industrial area.

- g. *Support the proposed expansion of rural industries such as Gilmac hay processing facility within the proposed industrial area and other allied industries.*

The Shire supports the expansion, and establishment, of any industries in York that are considered appropriate and will result in a good outcome for York. If requested, support will be provided to Gilmac if they wish to expand.

- h. *Seek the retention of existing transport infrastructure to facilitate expansion of industry i.e. retention of Quairading-York rail spur line that is proposed to be closed.*

Not applicable to this proposal. However, The Shire of York is strongly opposing the closure of any Tier 3 Railways.

- i. *Ensure that new industrial and rural industry development have adequate buffers and are landscaped appropriately to minimise any potential impact.*

Buffers will be required to residences and river. A mix of on and off site buffers will be used. Refer to Section 2.4 of this report for discussion regarding buffers.

The relevant Actions are:

52. *Undertake a feasibility study to locate the industrial area in its preferred location, to the south east of the townsite, along the Quairading-York railway line (refer Map 2).*

The study may consider alternative sites, should all or part of this location be no longer deemed suitable, such as the Town Expansion Precinct. The feasibility study will also take into account the outcomes of any relevant studies such as the Shire of York Transport Study and the proposed intermodal hub facility and require liaison with the Department of Environment and Conservation in regard to the impact a proposed industrial area may have on Hedley Creek and consideration of the ability of the site to be seweraged to accommodate 'wet' industry.

The original sites identified in the Strategy have been deemed unsuitable for reasons above. The alternate site identified, and subject to this scheme amendment, is not affected by the Transport Study and is not within the Hedley Creek catchment. The site will not be served by a reticulated sewerage system and may either rely on individual on-site sewerage management systems or a centralised sewerage treatment system. Further investigation will be required.

53. *In consultation with the Environmental Protection Authority and the Department of Environment and Conservation, determine the appropriate generic buffers for existing and proposed developments, including CBH and Gilmac Hay, and illustrate these on the appropriate local planning strategy maps.*

As indicated in this report, buffers will be required for the development, on and off site, which will be identified on future strategy mapping.

54. *Amend the scheme to zone land identified in the Shire for future industrial development and include provisions for such development including the need for an outline development plan as a prerequisite for development.*

Notwithstanding the above requirement to prepare an Outline Development Plan, this requirement to prepare an Outline Development Plan may be waived in the case of subdivisions resulting in the creation of not three lots, if in the opinion of Council, the proposal:

- a) Is unlikely to have any significant environmental impact; and*
- b) Does not require and is unlikely to create the requirement for additional services and infrastructure; and*
- c) Does not prejudice the subsequent preparation and adoption of an Outline Development Plan; and*
- d) Is consistent with the objectives and provisions of the zone.*

An ODP will be developed for the site to guide appropriate development.

55. *Facilitate an investigation into the long-term use options for the existing industrial area, with the preferred option of redeveloping it for residential purposes. A contaminated site assessment study will need to be conducted to assist in determining the viability of potential land use options. All costs associated with this investigation, including a contaminated site assessment, will be borne by the landowners of the existing industrial area.*

It is envisaged that the existing industrial area will undergo a gradual transition to a mixed business, and eventually a residential zone. Contaminated site studies will be required if residential (other sensitive land uses) proposed. This action will be the subject of future studies.

56. *Review, and if necessary, support amendments to, the existing zoning and town planning scheme provisions of the existing industrial area to provide guidance on future development, which may include the need for an outline development plan and developer contributions.*

This action will be the subject of future studies.

57. *Investigate all options to minimise the amount of heavy traffic and service vehicles passing through Blandstown including considering the closure of Wheeler Street.*

This action will be the subject of future studies.

58. *Investigate the need for economic development expertise to promote economic growth.”*

This action will be the subject of future studies.

The proposed scheme amendment is consistent with the objectives and actions of the York Local Planning Strategy, particularly as it will result in the provision of suitably located, serviced and zoned land that will have the capacity to meet the future business and employment needs of York.

4. Avon Arc Sub-Regional Strategy 2001

The Avon Arc Sub-Regional Strategy with regards to industrial land is to identify options for industrial development within the Avon Arc.

The appropriate actions to achieve the strategy have been identified as:

- Provision of industrial land to be assessed by its impact on the natural environment, economic benefit and community acceptance.
- Siting of industrial land needs to consider:
 - available infrastructure;
 - proximity to existing power supplies;
 - proximity to an employment base;
 - proximity to major constructed transport routes, be it road or rail; and
 - environmental impact.
- Facilitate the timely provision of serviced industrial land before development pressures.

The identification, rezoning and use of Springbett Reserve as for industrial and business purposes is consistent with the Strategy due to its proximity to York and Northam and to constructed road transport routes. Environmental issues can be mitigated through proper management and the infrastructure is available for services, such as power, telecommunications and water supply.

5. York Town Planning Scheme No. 2

The site is currently reserved for Public Purposes, Rural Residential and Road under the Scheme.

It is proposed to rezone a portion of the site to 'Development' to enable a mix of light and service industrial and rural industry uses. Buffer uses may also include larger home businesses and occupations. The area along the river will be rezoned to Recreation and Open Space.

The Zoning Table in the Scheme currently contains provisions for Residential, Town Centre, Mixed Business, Rural Townsite, Industrial, Rural Residential, Rural Smallholding, General Agriculture and Development zones. The Development zone is a new zone as a result of Amendment 29 and does not have any permissible uses until such time an Outline Development (Structure) Plan is approved.

It is considered that the Development Zone is most appropriate for the subject site as it will provide flexibility to cater for a number of complementary uses, such as:

- rural and animal related industries, including equine related industries (particularly considered the site is adjacent to the rural-residential equine precinct);
- larger home businesses and occupations that are currently situated on residential and rural-residential properties, such as builders, plumbers, and concreters;
- light industry and service industrial uses, such as the automotive, agricultural and construction industries;
- Shire depot;
- Agricultural and road construction machinery demonstrations, sales and servicing; and
- Warehousing, assembling and manufacturing for the building and mining industries.

6. Outline Development Structure/Plan

An Outline Development/Structure Plan will need to be prepared to guide development on the site to ensure that issues such as buffers, infrastructure provision, stormwater management, pollution prevention and use is appropriate.

A land use table for the estate will be developed as part of the Outline Development/Structure Plan process to ensure that suitable uses are located appropriately within the estate. It is envisaged that uses such as light and service industrial, mechanical workshops, depots for the construction and resource industry, rural industry sales and servicing and the like. The use table needs to be flexible to cater for all appropriate industries that may be interested in located in the estate.

Design Requirements and Guidelines should be developed for the estate to provide “easy to apply” criteria aimed at ensuring a consistently high standard of development throughout the life of the project. An emphasis in quality development will maintain the value of business investment to the economic benefit of existing and prospective landowners.

The key objectives to be addressed by the Guidelines are suggested as follows:

- to achieve an attractive and consistent estate which acknowledges the goal of conserving and complimenting the natural environment by emphasising sustainable stormwater management and complimentary landscaping, as well as functional and efficient buildings;
- to achieve greater sustainability in the built form through energy and water efficient design and fit outs;
- to achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate image; and

- to avoid unsightly and poorly planned development and thus protect and enhance the investment of all owners within the estate.

7. Developer Contributions

Road contributions will be required for costs towards new roads or for existing road upgrading and/or widening by any landowner applying for subdivision within the estate. All construction costs for internal roads, including drainage and other associated works, within a subdivision will be the responsibility of the developer.

Developers will also be required to contribute towards drainage works where appropriate. Contributions may be ceding of land to the Shire or as an easement, or monetary towards construction costs, depending on the circumstances.

A contribution towards public open space will be required and will be allocated in accordance with Council's Recreation and Open Space Policy. Where no land is required for the servicing of this development a cash-in-lieu contribution shall apply. Open space may be contributed for drainage purposes.

A Developer Contributions Plan has been prepared. Refer to Appendix 1.

8. Conclusion

Research shows that the current industrial area is at capacity and a number of informal conversations with existing business owners have revealed that they would relocate to grow their business if suitable industrial land was available. Additionally, new businesses could locate in York providing local employment opportunities, for example Hutchison Builders who are relocating to the Avon Valley Industrial Park in Northam. Companies such as Komatsu have also expressed an interest in utilising the land for educational purposes.

It is unlikely that appropriate development and uses will result in an impact on the amenity of nearby residents. Environmental constraints can be managed through design and buffers. The site has a grade of less than 5%, which makes it suitable for industrial development.

The rezoning of Springbett Reserve is in accordance with the York Local Planning Strategy and will result in development and diversification of industry that will strengthen and broaden the economic base of York.

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of York at the Meeting of the Council held on day of 2012 and the Common Seal of the Shire of York was hereto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

Delegated under S16 of the Planning and Development Act 2005

.....
For CHAIRPERSON OF WESTERN AUSTRALIAN PLANNING COMMISSION

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE

APPENDIX 1

SPRINGBETT RESERVE DEVELOPER CONTRIBUTIONS PLAN

This Development Contribution Plan applies to the Springbett Reserve development contribution area as identified on the scheme map as: DCA F.

Other than for minor proposals or as otherwise determined by Council, the Council will require developers/subdividers to meet or contribute to off-site infrastructure, services and facilities as a result of impacts and/or demands arising from their proposal. The Council may include a condition of a development approval, request a condition for a subdivision approval or negotiate an agreement (or similar) through a scheme amendment, structure plan or development guide plan, a requirement for the provision of:

- land to be dedicated to the Council;
- infrastructure works;
- monetary payment (either a cash payment or other means acceptable to Council e.g. bank guarantee).

State Planning Policy 3.6 – Development Contributions for Infrastructure

The SPP sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas.

The objectives of the policy are:

- *“To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;*
- *To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;*
- *To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions;*
- *To ensure the social well-being of communities arising from, or affected by, development.”*

Appendix 1 of the Policy provides standard development contribution requirements that have been utilised in formulating this Policy.

York Town Planning Scheme No. 2

Part VI of the York Town Planning Scheme No. 2 provides for the Shire of York to make agreements and recover expenses incurred in order to implement, enforce and give effect to the scheme.

Development contributions may be made for standard infrastructure such as roads, water, power, sewer and public open space through the subdivision process.

In the case of the Springbett Reserve, it is proposed to levy development contributions for standard infrastructure for:

- a. Land and monetary contributions – public open space, roads and road widening; and
- b. Infrastructure works and monetary contributions – drainage, roads and other traffic works, footpaths, pedestrian accessways and dual-use paths, road upgrades, construction and widening.

Development contributions will relate only to the provision of infrastructure and not for the ongoing maintenance of the said infrastructure. The contributions will be levied equitably across the Springbett Reserve development contribution area.

It is intended that the Shire of York will request imposition of conditions on any subdivision approval issued by the Western Australian Planning Commission requiring development contributions.

1. ROAD CONTRIBUTIONS

1.1 *Land contributions*

1.1.1 Land may be required and ceded free of cost for widening existing roads, where the proposal induces additional traffic movements and/or benefits from it; land for new local streets required; land for district distributor roads in new development areas that expand urban front or where linkages to these areas is justified; and/or land for primary distributor roads, including primary regional roads and railway reserves where justified by the subdivision.

1.2 *Infrastructure works*

1.2.1 All roads and traffic works required within the subdivision and linked to a constructed public road. These roads provide access to individual lots and allow utility services to be reticulated in the road reserves.

1.2.2 Footpaths, pedestrian access ways and shared paths, where required.

1.2.3 Upgrading, construction and widening of existing roads and laneways to accommodate additional traffic generated by a subdivision and/or development; and/or new district distributor roads including earthworks for the whole road reserve, the construction of one carriageway comprised of two lanes and associated drainage works.

1.3 *Policy provisions*

1.3.1 When determining a development application, if in the opinion of Council the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.

1.3.2 In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot(s), the Council will consider seeking a financial contribution to be made towards the upgrading of the road and/or footpath network.

- 1.3.3 When determining a development application, if in the opinion of Council the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.
- 1.3.4 Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table 1 of this Policy. The standards will be reviewed as necessary.
- 1.3.5 The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table 1, based on the per kilometre / per metre frontage of the parent lot(s) to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.
- 1.3.6 If a subdivision requires that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay full construction costs to provide this road access.
- 1.3.7 Nothing in this policy shall prohibit Council from seeking the construction of a footpath (or dual-use path if applicable) network within a subdivision at the developer's expense.
- 1.3.8 In terms of expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
- 1.3.9 Should the applicant not construct the road, the construction/upgrading of the road(s) will occur in accordance with the approved Shire Works Program; and
- 1.3.10 The upgrading of the footpath network shall occur within three (3) years following completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
- 1.3.11 The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the subdivision or development.

Note: This section does not apply to Main Roads. Main Roads WA may request works for upgrade to Northam-York Road (Panmure Road) where applicable.

2. DRAINAGE CONTRIBUTIONS

2.1 *Land contributions*

- 2.1.1 Developers may also be required to contribute towards drainage works where appropriate. Contributions may be ceding of land to the Shire or as an easement, or monetary towards construction costs, depending on the circumstances.

2.2 *Infrastructure contributions*

- 2.2.1 Infrastructure for on-site and off-site drainage works, including capital works that are necessary to, or contribute to, the subdivision and/or development, and the planning and implementation of urban water requirements.

2.3 *Policy provisions*

- 2.3.1 When determining a development application, if in the opinion of Council the development generates the requirement for the establishment of a drainage system and/or upgrade, the Council will seek a financial contribution to be made towards the upgrading of the drainage system.
- 2.3.2 In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot(s), the Council will consider seeking a financial contribution to be made towards the upgrading of the local drainage network.
- 2.3.3 When determining a development application, if in the opinion of Council the development generates the requirement for a drainage upgrade, the Council will seek a financial contribution to be made towards the upgrading of the drainage network.
- 2.3.4 Contributions towards the upgrading of the drainage network will be based on the standards contained in Table 2 of this Policy. The standards will be reviewed as necessary.

3. OPEN SPACE CONTRIBUTIONS

Public open space equivalent to 10 per cent of the gross subdivisible area, or alternatively, a cash-in-lieu contribution, in accordance with WAPC policies and the *Planning and Development Act 2005*.

TABLE 1 – ROAD CONTRIBUTIONS

1. Contributions for sealed roads in Residential areas

Re-Seal of Road (occurs every 15 years)	\$28,000 per km (a)
Reconstruction of road every forty years (Includes removal and replacement of kerbing)	\$140,000 per km (b)
Total Whole of Life Road Works (For the purposes of a subdivision, whole of life is the cost of upgrading works over a 40 year period)	\$196,000 per km (c) (c = a*2 + b)
Total Road Works per lineal metre	\$196 per metre

In calculating the contribution for residential lots, it will be 50% of the lineal metre calculation based on the frontage of the property to the road, where there is an opportunity for subdivision on the opposite side of the road. Each year this figure is to be revised for CPI increases and changes to the cost of materials.

2. Contributions per lineal metre for footpath upgrading

Construction of standard residential dual use path (hot mix construction with one-coat seal)	\$90 per lineal metre**
---	-------------------------

** This figure is for a standard residential dual use path only. This figure does not apply to situations where a footpath may be constructed of some other material (i.e. brick paving) or where a higher standard of footpath is required (i.e. in the case of industrial areas where a higher standard of footpath is required to carry heavy loads). Where a footpath requires a higher standard of construction, other than a residential dual use path, the Shire will calculate the appropriate per lineal metre cost based on the construction standards required.



SHIRE OF YORK	
FILE: PS. TPS. 49	
OFFICER: JACKY	INITIALS: J
11 OCT 2012	
1127830	
REFERRED TO COUNCIL	
DATE	INITIALS

**ITEM 9.1.1
APPENDIX B**

Chief Executive Officer
Shire of York
PO Box 22
YORK WA 6302

Our Ref A515244
Enquiries Angela Coletti
Phone 6467 5490

ATTENTION: Jacky Jurmann

Dear Sir/Madam

**DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986**

SCHEME AMENDMENT TITLE: Shire of York Town Planning Scheme 2
Amendment 49 - Rezoning from Reserve
(Public Purposes) to Development

LOCATION: Lots 497 and 606 Spencer's Brook Road

LOCALITY: York

RESPONSIBLE AUTHORITY: Shire of York

DECISION: Scheme Amendment Not Assessed –
Advice Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- Services and Water Management

2. Advice and recommendations regarding Environmental Issues

Services and Water Management

The EPA notes that the site adjoins the Avon River, and that on-site sewerage management will be required.

The EPA expects that a Land Capability Assessment should be required as part of the preparation of the Outline Development Plan, to inform setback requirements of sewerage systems to the Avon River. Should the capability assessment determine that the site is not suitable for on-site sewerage management, the EPA considers that the site will need to be connected to reticulated sewerage services.

The EPA also supports the preparation of a Local Water Management Strategy to the satisfaction of the Department of Water, as part of the Outline Development Plan.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Anthony Sutton
Director
Assessment and Compliance Division

8 October 2012

SCHEME AMENDMENT NO. 49 – SPRINGBETT RESERVE

SCHEDULE OF SUBMISSIONS

No.	Name Address	Description of Affected Property	Summary of Submission	Council's Recommendation
1.	Western Power	Overall	There are no objections to the above proposal.	Noted
2.	Telstra	Overall	At present, Telstra Corporation Limited has no objection.	Noted
3.	Main Roads WA	Overall	In assessing the application, MRWA have determined that subject land does not abut a MRWA controlled road. Therefore MRWA has no objection to the proposed amendment.	Noted.
4.	State Heritage Office	Overall	The proposed Scheme Amendment has been considered for its potential impact on heritage places within the Scheme area. There is no objection to this proposal.	Noted.
5.	Department of Water	Overall	<p>Consistent with the <i>Better Urban Water Management</i> document (WAPC, 2008) and the policy measures outlined in <i>State Planning Policy 2.9</i>, the Department of Water considers that the proposed rezoning should be supported by a District Water Management Strategy prior to rezoning.</p> <p>The subject site is heavily constrained by water resource issues, primarily the proximity to the Avon River. Therefore, the DWMS is required to address the management of these water related issues. The DWMS should demonstrate that the subject area can support the proposed change in zoning. It should</p>	<p>Discussions have been held with the Department of Water who initially advised that a Local Water Management Strategy would be required to be prepared and considered as part of the Structure Plan.</p> <p>However, their assessment requests the preparation of a District Water Management Strategy prior to rezoning.</p> <p>Discussions with Department of Planning Officers have indicated that the usual process is the preparation of a Local Water Management Strategy as part of the Structure Plan process.</p>

			contain a level of information that reflects the site constraints and risk to water resources.	Landcorp are currently preparing a Local Water Management Strategy as part of their preparation of a Structure Plan. It is acknowledged that careful design and consideration in the development of this site is required due to the proximity to Avon River to ensure that any proposed land use will not detrimentally impact the riverine environment. As this rezoning is to facilitate the development of this site, it is argued that the preparation of a Local Water Management Strategy as part of the Structure Plan is most appropriate when the land uses have been determined.
6.	Department of Education	Overall	The Department of Education has reviewed the proposal to rezone the above property and advises that it has no objection to this Amendment.	Noted.
7.	Public Transport Authority	Overall	The PTA sought comment from the freight lessee and can advise there are no objections subject to: <ul style="list-style-type: none"> • The development not impacting negatively on stormwater flows through the rail corridor to the river • Any new residences should have suitable buffers to minimise the rail freight noise • New level crossings to support the development will not be permitted although it is recognised none have been asked or planned for in the document. Furthermore the Shire may be interested to know that the level crossings on the approach to this site are currently being upgraded to flashlight protection.	Noted.

8.	George & Lorna Saunders	Spencer's-Brook Rd, York (Rural-Residential portion of Springbett Reserve)	<p>George & I have decided Rural Residential is more suited for our requirements at this time. However we would like to have the option of changing to Development if circumstances change.</p> <p>The reason for this decision and request is, at the time of writing this email our information from the York Shire is that it is unknown or hasn't been decided yet what type of light and service industry may be given approval, and if in time we find ourselves in a noisy or near a business that may need to operate 24/7, we may then come to a new conclusion Rural Residential is now not the correct type of zoning next to our residence and we may need to change to Development.</p>	<p>Comments have been considered and as a result the proposed zoning map has been amended to reflect wishes of the landowner.</p> <p>Increased buffers may be needed to reflect the zoning and land use. This will be considered when developing the Structure Plan.</p>
9.	David & Julie Rowe	Lot 143 Prunster Road, York	<p>As the owner/occupiers of Lot 143 Prunster Road York this has a direct effect on us as our property looks out over Springbett Reserve and is a single road-width away from the area to which the amendment relates. We therefore submit our strong objection to Scheme Amendment No 49.</p> <p>Addressing the scheme amendment document itself, we would seriously question the statement made a number of times throughout that Springbett is "appropriately located land" especially because of its location, running as it does along the Avon River. It is our view that, if it was not zoned as Recreation and Open Space (which would have allowed its use for suitable recreational events) this location would be much more suited to Rural Residential lots. Small landowners are far more likely to care for their properties in an environmentally healthy way to enhance their own lifestyles than are industries</p>	<p>In response to the submission, the following comments are offered:</p> <ul style="list-style-type: none"> • The preparation of the Structure Plan will determine a subdivision layout and whether Prunster Road will be incorporated into the design. If yes, then the road will be upgraded as part of the infrastructure works. It is likely that this would be a secondary access. • The proposed zoning is for a composite development incorporating larger-style home businesses (that may have the appearance of some rural-residential properties i.e. house and large shed) and light and service industrial premises away from existing residences. • A Local Water Management Strategy will be prepared to carefully manage the proximity of the site to the river.

			<p>where making money is the sole purpose for their existence there.</p> <p>On page 11 under Off-Site Buffer Areas hazardous and noxious industries are listed. It is of great concern to us that Council would consider allowing these types of industries to locate on this site and we strongly object to this even being considered.</p> <p>If this rezoning proceeds it is hoped that setback distances will enable residual emissions and risks to be kept within site boundaries as stated though probably very difficult to achieve in windy conditions. If trees are to be planted as buffers it is presumed Council would regard this as a priority due to the slow growing conditions in the clay soils.</p> <p>The <i>Local Planning Strategy</i> is quoted with notes that the proposed rezoning is consistent with the general objectives of the Strategy. We would question whether some of these are consistent. How does it encourage tourism, protect and enhance the Shire's key environmental values, ensure that York's status as one of the designated historic towns is sustained and its heritage values recognised by the wider community?</p> <p>Another objective is "Co-ordinate new development with the efficient, economic and timely provision of infrastructure and services." Our concern is that York does not appear to have the infrastructure and services it needs for the residents it already has. We have lived here for six years and have only ever had our gravel road graded by the Shire when we have requested it. We waited 9-10 months after one of those requests before we had to ask again. Three</p>	<ul style="list-style-type: none"> • No hazardous or noxious industries will be permitted. The Structure Plan will list the permissible uses that will be determined considering a number of factors including the proximity to the river and residences. • Buffers will be provided in accordance with the EPA requirements. • The proposal is considered consistent with relevant objectives of the Strategy. However, it must be noted that not all development is consistent with all of the objectives to achieve the vision that includes the progression and development of local business. • Working with Landcorp will enable the provision of required infrastructure to this development that would not normally occur. • This rezoning will enable local businesses to grow and for new businesses to establish. • This proposal is not related to the previous Komatsu temporary use. • It is acknowledged that any development can disrupt the amenity of an area. It is Council's intention that any impacts will be minimised during construction and that in the long-term residents will not be impacted. This is particularly evident in the plan to site larger-style home businesses on the perimeter of the site closest to the residences. This will provide a buffer to the light and service industry premises. There will be no heavy or noxious industry permitted in this development. These industries
--	--	--	---	--

			<p>times over six years always at our request. Others speak of lack of adequate drainage and other basic services and are unhappy with the way the town presents. Attempting to provide infrastructure and services for new industry while it appears there is difficulty in adequately providing this for the ratepayers and residents who already live here appears to be putting the cart before the horse and at the very least takes time and funding away from areas that currently need attention. We believe there are other ways far more likely to attract people here than to create an industrial park but there is also a lot more required before the town can sustain the influx of people you suggest will be brought here for work supplied by the industrial area.</p> <p>“Actively support local business and service provision” – Council does appear selective in this area. We are aware of business owners who would disagree that they had been supported at all and in some cases actively hindered. On the other hand Komatsu, who is not a local business, appears to have been very actively supported. In fact, we would suggest that this push to find industrial land is of far more benefit to Komatsu than to the community.</p> <p>As Cr Pat Hooper advised at the Special Council Meeting on 6/9/2012, he was approached four years ago by Komatsu regarding land availability. Four years spent pursuing suitable land for a private company such as Komatsu seems excessive and the repetition throughout re “educational purposes” is presumably to ensure it sounds very beneficial to the community. Though we acknowledge there may be an element of training carried out, surely the main</p>	<p>are not considered appropriate for York.</p> <ul style="list-style-type: none"> • The visual amenity of the area will be changed, however no-one can be guaranteed the same views forever.
--	--	--	---	--

			<p>purpose is to sell equipment. It may well be beneficial to have Komatsu located within our area, however we do not agree with the Shire appearing to “bend over backwards” to accommodate them when this is not done for many local business people.</p> <p>These are not the only criteria which we believe are inconsistent with the scheme amendment, however little is gained by listing all at length.</p> <p>“Environmental issues, loss of amenity, reduction in property values” as stated in a recent newspaper article with regard to the proposed waste management facility also apply in this case. We have a unique town with unique opportunities – much could be done to enhance and build on these aspects rather than industry. Many people like to live within commuting distance to employment eg live in York and work in Northam or Midland, however often they choose not to live where industry is located.</p> <p>It is our belief that if the Council is proposing changes which they regard as positive for York that they be generous with information and transparent in their motives and dealings rather than drip-feeding information as it becomes obliged to do so. Prior disregard in relation to Komatsu’s previous development application leaves us with a sense of distrust and caution. There is very little detail available at present regarding what will happen if and when the Scheme Amendment is passed and those of us most affected by industry on this location will have no choice but to continue to observe and object where necessary to any activities we regard as unacceptable on the site.</p>	
--	--	--	---	--

			<p>In the conclusion of the Scheme Amendment document it is stated “It is unlikely that appropriate development and uses will result in an impact on the amenity of the nearby residents”. Really? We would like to ask Councillors – on what grounds would each of you object to stop this happening over the road form you as we are certain you would never allow that to happen. Our specific purpose in buying our home and property was for the peaceful rural outlook and amenity of the area. Rezoning to Industrial, albeit labelled Development, wipes out every reason we chose to live here.</p> <p>We ask the Councillors “what are acceptable levels of visual amenity?” How would you ensure it was at acceptable levels opposite your house? We hope you will take as much care when it is opposite ours.</p>	
10.	Department of Environment & Conservation	Overall	<p>A GIS desktop assessment of this application has been undertaken based on the information provided and information from Department of Environment and Conservation databases.</p> <p>1. Buffer distances</p> <p>Lot 497 and 606 are located adjacent to the Avon River. The Avon River is designated as an Environmentally Sensitive Area (ESA). No known threatened and / or priority flora and / or fauna, threatened ecological community, DEC-managed nature reserve are known to occur on and / or in close proximity to these lots.</p> <p>The proximity of the two abovementioned lots to the Avon River may increase the risk of waste and effluent impacts arising from rural residential development on this sensitive ecosystem, both</p>	<p>1. Buffer distances</p> <p>A 50 metre buffer has been established for development together with the extension of the foreshore reserve (public open space). Additionally, the Structure Plan will determine appropriate land uses and development pattern to ensure there is no impact on the river.</p> <p>2. Local Water Management Strategy</p> <p>A Local Water Management Strategy will be prepared as part of the Structure Plan.</p> <p>3. Additional considerations</p> <p>The existing floodplain information available from the Department of Water have been considered in the preparation of this rezoning.</p> <p>In addition, Landcorp are undertaking more detailed</p>

		<p>within a site specific and cumulative Avon river context. The local groundwater discharge dynamics of this area is unfortunately not known. A proposed buffer of at least 50-100 metres (which includes consideration of regulations under the Bushfire Act) for the boundaries of the lots form the Avon River is recommended given the designated environmentally sensitive (ESA) nature of the Avon River in general. This proposed buffer distance and associated restrictions could assist in reducing the risk associated with ecological impacts arising from development on a floodplain. There should also be no development within the 1:100 year flood zone. It is recommended that the buffer zone should be suitably revegetated / rehabilitated to improve buffering of the river and enable passive recreational use of the area.</p> <p>The Avon River also contains a number of Deep Pools (Priority Ecological Community 1) which, although not in close proximity to Lot 479 and 606, are particularly vulnerable to offsite and downstream sedimentation, and other types of pollution associated with increased runoff and nitrification.</p> <p>The close proximity of these to the Avon River may also require a number of applicable restrictions be placed on the lots such as no livestock (including Horses) to be kept on these lots. This proposed buffer distance and potential restrictions could assist in reducing the risk associated with ecological impacts arising from rural residential development on a floodplain.</p> <p>The Shire of York proposed Town Planning Scheme Amendment mentions a provisional 200m buffer</p>	<p>floodplain investigations that will inform the Local Water Management Strategy.</p>
--	--	--	--

			<p>distance to separate industrial activities from sensitive receptors. Specific industries may require greater buffers and this will need to be considered by the Shire with respect to this proposed TPS amendment. Environmental Protection Authority (EPA) Guidance no 3 (Separation Distances between Industrial and Sensitive Land Uses) will provide more information in this respect.</p> <p>2. Local Water Management Strategy</p> <p>The Department of Water is the most appropriate authority for advice on drainage management and the development of a local integrated water management strategy. DEC advises that all emissions within the individual premises and estate will need to be contained, that is, there should be no effluent discharge from the developments, or their operations into the environment, including the Avon River. Installation of associated infrastructure should avoid disturbing native vegetation and not create erosion.</p> <p>3. Additional considerations</p> <p>The public safety aspects associated with rural residential development on a floodplain in close proximity to a major watercourse (within the Wheatbelt context) such as the Avon River should also be considered by the Shire as part of the overall risk assessment for this TPS amendment.</p> <p>The Shire of York should also request comments from Department of Water (DoW) regarding the development of an appropriate and integrated Local Water Management Strategy, which includes sustainable waterway / riparian management</p>	
--	--	--	---	--

			prescriptions.	
11.	Department of Planning (Tourism)	Overall	<p>The proposed 'Development' zone will allow for the staged development for light industrial, service industrial, and larger style home business and industrial following the amendment, detailed structure planning and subdivision.</p> <p>The land has been cleared and is leased partially for cropping with an old airfield traversing both lots. Lot 606 includes a municipal waste transfer station, as such, it is proposed to rezone the portion of the lot north of the transfer station. In addition, a portion of the site has recently been rezoned to excise a 'Rural Residential' lot. The 'Rural Residential' lot has been included in this rezoning, however the owners may wish to retain the 'Rural Residential' zoning, if this is the case, sufficient buffers will be provided.</p> <p>The proposal notes that a buffer to the Avon River will be required and proposes to maintain public access to the river in the form of a cycle/ multi-use pathway, this is supported by Policy Development.</p> <p>As the site is not specifically zoned for tourism purposes Policy Development has no objections to the proposed amendment on tourism grounds.</p>	Noted.
12.	Michael Griffiths	Lot 149 Prunster Road, York	<p>I have been left my father's property at Lot 149 Prunster Road, York. I do not want Springbett Reserve turned into industrial lots because of noise. Lot 149 has been valued as pristine lot if you subdivide Springbett then open up First Road so that other landowners have the right to. Also will Prunster Rd get bitumen road as dust will be bad. P.S. Was Springbett be left to Shire never to be sold.</p>	<p>The Structure Plan will inform the road network and any other infrastructure requirements. It is unlikely that First Road will be constructed as it will impact on residents. Depending on the road layout, Prunster Road (east) may be upgraded.</p> <p>Springbett Reserve was previously a local airfield that is now Crown Land for Public Purposes under the care and control of the Shire of York.</p>

13.	Jackie & Leigh Pedler	17 Prunster Road, York	<p>I am also writing in objection to the development of Springbett Reserve.</p> <p>I have lived on Prunster Rd for the past six years and enjoy the peace and quiet, but if the last event that was held over in the air field was anything to go by I won't be happy, along with all my surrounding neighbours.</p> <p>As it is with the upgrade of the bike track (in an equine area), I have nowhere to ride my horses safely without being frightened by a bully on a bike who thinks it's funny to scare a horse, it's not!</p> <p>I hope you strongly think about the residence in the area who paid premium prices for their properties to have the serenity and not be disturbed or devalued.</p> <p>I hereby register my objection.</p>	<p>The event referred to in this submission is the Komatsu event held in 2012. This was a temporary event held over 4 days.</p> <p>The Equine Precinct was established for horse owners and will have bridle trails established to provide safe riding areas, together with the racecourse development.</p> <p>Appropriate development of this site will minimise any impacts on nearby residences.</p>
14.	James & Dawn Fisher	Lot 144 Prunster Road, York	<p>We are writing regarding the above proposed amendment to request some important changes to the current proposal.</p> <p>Springbett Reserve is one of the few large areas of public open space available within the shire. In addition to the use of the area for cropping for the clubs, the block is currently used regularly for recreation including ultralights, walking by people and walking of dogs, motorbike riding and other recreational pursuits. Any rezoning and future development of this asset should be done so as to maintain the important recreational aspects of this block for all citizens of York. The current proposal does not guarantee this amenity.</p> <p>We would propose the following amendments to the current proposal.</p>	<p>The current uses of the reserve, with the exception of the community cropping, are largely informal and unapproved. Areas such as Mt Brown and Mt Bakewell, together with Avon Park and the Forrest Oval Recreation Precinct are safe areas for recreation for the community.</p> <p>The suggested amendments will be considered during the development of the Structure Plan where the community will again have input and it should be noted that the proposal as advertised indicates the establishment of larger home business lots as buffer lots to existing residences. Similarly, the amendment will result in a dedicated foreshore reserve ensure public access to the foreshore and opportunities for revegetation.</p> <p>This development will benefit the residents of York</p>

			<ol style="list-style-type: none"> 1. Restrictions to be placed on industrial operations to weekdays only. 2. Inclusion of a buffer for the blocks to the north of Lot 497. These blocks, which are zoned as general agricultural, are all between 2-3 ha and so are more akin to rural lifestyle blocks. 3. The north-eastern end of Prunster Road is a no-through road. As such this not appropriate for access roads to the block which should be limited to coming from Spencer's Brook Road (with appropriate ingress and egress points as mentioned in the current proposal). 4. Specification of the minimum size of the area to be set-aside as public reserve and for access to the river by any landowners/ developers. <p>We would like council to make these alterations to the current proposal to ensure that any development of this reserve is carried out for the betterment of current and future generations of York residents.</p>	<p>as a whole through the provision of suitably located and serviced light industrial land and through future employment opportunities.</p>
15.	Paul & Samantha Good	18 Prunster Road, York	<p>As owner occupiers of Lot 704/18 Prunster Road, our home is located approx. 250m from the proposed site and will be directly impacted by this proposal. We wish to register our opposition to Scheme Amendment 49 and the proposed rezoning.</p> <p>This letter should be considered alongside our original letter of opposition to the Komatsu Development Proposal for the same site, submitted 3/09/2013 and in which many points have already been elaborated on.</p> <ul style="list-style-type: none"> • Residents affected by this rezoning purchased their properties in a rural residential lifestyle 	<p>Impacts will be minimised through detailed planning of the development, inclusion of buffer development, listing appropriate uses in the Structure Plan and careful design of the lot and road layout.</p> <p>The Shire is working in partnership with Landcorp on this project through the Regional Development Assistance Program. This partnership will provide for the infrastructure associated with this development.</p> <p>The existing industrial area in York is land-locked and cannot be expanded. There are no opportunities for new businesses to establish in York and therefore</p>

			<p>area. We paid a premium for the benefits of views, seclusion, peace and quiet. We chose these attributes over the conveniences associated with town site dwelling.</p> <p>A light industrial and service area placed between Mt Bakewell and the Avon River considerably devalues our tranquil lifestyle properties and quality of life. Issues such as traffic, noise and dust; during development, construction and occupation, will be an ongoing concern and inescapable.</p> <ul style="list-style-type: none"> • The upgrading of infrastructure and utilities to cater for this area will be extensive, costly and a disturbance to residents both initially and ongoing. (For example – road works and street lighting.) • York town barely sustains the businesses it has. The existing light industrial area is hardly overcrowded. There is a lot of housing and residential land already available. We are not convinced there is a demand for more industrial lots. It if is to encourage people to live, work and stay in York, efforts should be put into improving our school and transport system first. We need better town facilities (for families and businesses) to get people to stay. • From a scenic and environmental aspect it is deplorable to rezone and develop this reserve. It is an area of natural beauty, nestled between Mount Bakewell and Avon River. • It is the natural beauty for many native flora and fauna, and provides the perfect opportunity to 	<p>threatens the economic development of York and reduces employment opportunities. This development is important for the economic development of York and meets the objectives and goals of Strategic plans such as the Local Planning Strategy and the Community Strategic Plan.</p> <p>A well planned development will result in an development that transitions from the appearance of rural-residential lots that contain larger home businesses to light and service industrial lots of varying sizes centrally located within the site. Design guidelines will be developed to manage the appearance of the estate.</p> <p>Public open space of at least 50 metres in width will be established along the river foreshore to provide public access and opportunities for revegetation of riverbanks and the estuarine environment.</p> <p>The site is not within the designated Equine Precinct, although was mentioned in some of the planning documents, including the draft Outline Development Plan that was terminated a number of years ago following direction from the WAPC.</p> <p>The scheme amendment was advertised in accordance with the Planning and Development Regulations and was advertised to all affected landowners, in the newspaper and on Council’s website in the News and Planning Sections. The documentation was also available for viewing at the Shire Office.</p> <p>Refer also to Submission 19.</p>
--	--	--	--	--

			<p>revegetate and create a much needed 'green link' between Mt Bakewell and the River.</p> <ul style="list-style-type: none"> • It is a gateway into York from Northam and Spencers Brook. A route for car and motorbike rally's and cycling events. It is the route through town to Skydive express for many tourists (from Perth & overseas). • It is the landscape, this lifestyle and these types of properties which make York unique and desirable. <p>Only six years ago, the Shire introduced the Equine Precinct and Guidelines for residents. Already these appear to have been scrapped without community consultation. This leads us (with natural caution) to question the long-term viability of this rezoning project.</p> <p>It has been difficult to understand the extent of the Shire plans for this area. Little information has been provided or is easily accessible. Much of what has been provided has been ambiguous or contradictory.</p> <p>The scheme Amendment 49 document was not listed prominently or easy to find on the Shire website, despite being a current issue and inviting submissions by a specific deadline.</p> <p>Sadly, this Amendment for Springbett Reserve has come at a time when many residents are already pre-occupied with protesting against the SITA Waste Disposal site at Allawunah; and such we believe that the Shire may not receive the amount of public opposition to this amendment they otherwise would.</p>	
16.	Donald &	Lot 709 Prunster	Please be advised that we, Donald and Margaret	Many comments in this submission relate to the

	Margaret Hewitt	Road, York	<p>Hewitt, owner occupiers of the above address wish to make a formal objection to the proposal by the Shire of York to rezone Lots 497 and 606 Spencers Brook Road, York (Springbett Reserve) from Reserve (Public Purposes) to Development.</p> <p>Our objections are as follows.</p> <ul style="list-style-type: none"> In the Agenda – Special Council Meeting 6 September 2012 p. 24 dealing with the Komatsu application, it is noted that: <i>‘It is unlikely that a temporary use will have social implications for the community. It is not disagreed that it may temporarily increase everyday levels of noise and traffic experienced by nearby residents and road users. However, the predicted levels will not prevent access to or normal use of an affected resident’s home.’</i> <i>‘Some residents may experience a temporary increase in noise emissions in the area and some residents may experience some traffic delays on local roads when the machinery is delivered and removed. However, residents living near Forrest Oval or other community facilities or event locations also experience this.’</i> <p>This is no longer a temporary use. The proximity of light industry means that we shall, most certainly, be impacted by noise, dust, smell and vibration every day. The lack of vegetation remaining on the rail reserve and Spencers Brook Road verge means there is no natural barrier. The easterly wind will ensure that we get the full benefit of these ‘emissions’.</p> <ul style="list-style-type: none"> In the Scheme Amendment No. 49 proposed 	<p>Equine Precinct Outline Development Plan. This Plan was terminated by Council on the request of the Western Australian Planning Commission, together with a number of other ODP’s.</p> <p>The rezoning for the Equine Precinct was gazetted and is still current. Springbett Reserve is not part of the gazetted Equine Precinct. Nor is the northern end of Prunster Road.</p> <p>The comments regarding nutrient loads are particular to the Equine Precinct and land uses relating to animal establishments. A Local Water Management Strategy will be developed as part of the Structure Plan that will provide details of water management, pollution prevention and the like.</p> <p>The Structure Plan will also include details on land use permissibility, road layout, service provision, etc.</p> <p>The sensitive location of this site is not prohibitive to the proposed development. The EPA and DEC have not objected to the proposed rezoning. The recommendations of these agencies will be addressed in the Structure Plan.</p> <p>The Structure Plan (ODP) will be advertised to the community and government and service agencies in accordance with the provisions of the York Town Planning Scheme No. 2.</p> <p>Working with Landcorp, the Shire and the community will be advantaged from their preparation of the Structure Plan and technical reports (some of which have already been commenced), and the provision of infrastructure to facilitate the development that would otherwise be not possible.</p>
--	-----------------	------------	--	--

			<p>rezoning of Springbett Reserve June 2012 p.20 it states: <i>'It is unlikely that appropriate development and uses will result in an impact on the amenity of nearby residents'</i>.</p> <p>We note that you also have reservations and are not will to guarantee that the proposed rezoning will have no impact on the amenity of nearby residents.</p> <ul style="list-style-type: none"> • In the Shire of York Equine Precinct Outline Development Plan 14 June 2007 Item 7.4 Land Use & Development it states that: <i>'Not all property owners will venture into the keeping of horses. Some will remain as hobby farms or tranquil retreats.'</i> <p>These 5-10 acre lots situated between Prunster Road and Spencers Brook Road are indeed supremely suited to hobby farms and tranquil rural retreats but the development of light industry in close proximity to use will certainly put an end to the 'tranquility' of our lifestyle properties and will affect the well-being of residents and livestock, property values and limit re-sale prospects.</p> <ul style="list-style-type: none"> • There is also the concern that the use of machinery increases the fire hazard. The fire which started on Spencers Brook Road earlier this year spread very rapidly across the railway verge onto our residential blocks. There have always been fire issues with battle-axe blocks. Presumably, because it is now stated that there will be 80 blocks and not the 5 acre blocks of which we were first informed, quite a number of 	<p>It is acknowledged that any development can disrupt the amenity of an area. It is Council's intention that any impacts will be minimised during construction and that in the long-term residents will not be impacted. This is particularly evident in the plan to site larger-style home businesses on the perimeter of the site closest to the residences. This will provide a buffer to the light and service industry premises. There will be no heavy or noxious industry permitted in this development. These industries are not considered appropriate for York.</p>
--	--	--	---	--

			<p>these will be battle-axe blocks. At this point it may be applicable to remind you there is only one egress from Prunster Road and, because of our situation, we are open to the easterly winds. It is mentioned that there is little fire hazard due to the low level of vegetation, yet vegetation must be planted if there is to be any sort of buffer between the light industry and our blocks.</p> <ul style="list-style-type: none">• The Shire of York Equine Precinct Outline Development Plan 14 June 2007 states: <i>“The current standard of road construction is not adequate to handle an enlarged facility ..’ and ‘... but overall, new roading should remain at a minimum.”</i> <p>These comments are in relation to plans for the Equine Precinct. Needless to say, we shall also be impacted by the transport of the earthwork machinery needed to develop this area and the subsequent increase in heavy traffic along Spencers Brook Road. This is of far greater concern than horse floats and passenger vehicles.</p> <p>It is also clear that there would need to be substantial upgrading to Spencers Brook Road to cater for the increase in traffic. This is yet another impact on residents.</p> <p>Spencers Brook Road is a school bus route (servicing both Northam and York schools) and there are bus stops collecting children at both intersections of Spencers Brook Road with Prunster Road (i.e. both north and south of the existing Reserve Road.) The access to and from</p>	
--	--	--	--	--

			<p>Prunster Road is on a bad bend and line of site to other transport is minimal. Already there have been many near misses and a death in this area.</p> <p>As, I believe, neither CBD or Gilmac Hay have any intention of moving their industries and there is already a scrap yard and sheep loading facilities in that area, surely it would make more sense to leave all the industry in the one area next to the railway line. When there was talk of an abattoir being built, a bypass road which went from Cuthill Road through Knotts Road to come out at CBH was mooted. This was supposed to take away all the heavy traffic from going through the town. This road was surely not just for the abattoir and should still be on the agenda if you are sincere in your wish to expand industry in York. Surely no businesses would want to go 5ks out from the other end of town away from main business.</p> <ul style="list-style-type: none"> • This is definitely not appropriately located and serviced industrial land. There is no 3 phase power there for businesses. The nearest will need to come from either Burges Siding or York Town. Who will pay for that – Landcorp? Also a water pipeline will need to be put in, presumably taken from the main pipeline on the other side of the road. More disruption. <p>It is stated that the current industrial area at capacity and will <i>'undergo a gradual transition to a mixed business and eventually a residential zone'</i> Scheme Amendment 49 p.17.</p> <p>Does this mean that the businesses in this area</p>	
--	--	--	--	--

			<p>will be 'encouraged' to move because the area will be rezoned and they will have to move? If all businesses are forced to move, how will that allow for expansion?</p> <p>Is the current industrial land going to be suitable to be changed to Residential or is it too polluted?</p> <p>It states in Scheme Amendment 49 p.16 that: <i>"Council is currently considered the relocation of the Shire depot to the development zone, which will provide additional land in the existing area'.</i></p> <p>I sincerely hope that the use of this verb tense is an error. When speaking to Mr Tony Boyle re the Komatsu issue, he stated that the Shire depot was being moved and it sounded as if this decision had already been made. I also question for what purpose the additional land in the existing area would be used.</p> <ul style="list-style-type: none"> • In the planning, research and implementation of the Equine Precinct the Shire clearly states that: <i>"Protection of the Avon River is the most important issue for the precinct."</i> (Shire of York Equine Precinct Outline Development Plan 14 June 2007) <p>It also states that: <i>"In the event of the airstrip being relocated, this foreshore land should be retained for recreation and community purposes. Conservation measures to include revegetation of riverbank with 100m set-back and nutrient stripping basins.'</i> (Item 9.0 Development Guidelines, Figure 2a) As the Shire is now planning to turn Springbett Reserve into light industry, this would seem to be no longer the</p>	
--	--	--	---	--

			<p>case.</p> <p>It is noted that the set-back has now been reduced to 50m. Why has this now changed when industry is being developed so much closer to the river than the Equine Precinct? Why does it now state that the area: <i>'May include a reserve'</i> not will include a reserve?</p> <ul style="list-style-type: none"> • <i>"The main threat to the environment is discharge of nutrients and silt into the riverine system causing blockages, sedimentation of riverbed basins and contamination of the water. This in turn affects marine and marine dependent life by contaminated water and algal blooms". (Item 4.0 Catchments (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i> <p><i>"The whole precinct is within a catchment leading to release points into the Avon River. Several seasonal watercourses collect the runoff before discharge into the river." (Item 4.0 Catchment, Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <p><i>"Ultimately, all stormwater run-off will discharge into the Avon River. Interception of stormwater to prevent excess nutrients entering the river and to mitigate erosion is essential, given the potential Fuel, oil etc from the industries." Minutes – Ordinary Council Meeting 18 June 2007</i></p> <p>It is noted that we now will have the double effect of both the Equine Precinct and light industry on the Avon River and there is currently insufficient vegetation for soil stabilisation on</p>	
--	--	--	---	--

			<p>Springbett Reserve. Earthworks, and the use of machinery, will further degrade the site and contribute to an increase in surface contaminates which could run-off into the streamlines, river and groundwater. There is heavy clay content in this area and it is not free draining.</p> <ul style="list-style-type: none"> • The statement that the Reserve <u>may</u> also link to existing trails from York to Northam and within the Equine Precinct is very interesting as, according to Mr Tony Boyle, there is no Equine Precinct. I was informed that the amendment was cancelled months ago, and I presumed that it had happened after the storm demolished the racetrack. People living in this area still believe it is an Equine Precinct as we have at no time been notified to the contrary. Why is the Equine Precinct now being mentioned in this amendment if it no longer exists? • In the Scheme Amendment No. 49 – proposed rezoning Springbett Reserve June 2012 p.19 it states that: <i>“the Development zone is a new zone as a result of Amendment 29 and does not have any permissible uses until such time an Outline Development (Structure) Plan is approved.”</i> <p>We ask view the Outline Development Plan once it is finalised and be notified if the plan is waived and given valid reasons for this. We also ask to view the Traffic Management Plan. We trust that the Shire will not make any move to develop this area until all documentation is finalised and passed by the relevant authorities.</p>	
--	--	--	--	--

			<p><u>SUMMARY</u></p> <p>We, Donald and Margaret Hewitt of Lot 709/ 710 Prunster Road, object in entirety to the rezoning of Springbett Reserve at any time, now or in the future. As far as we are concerned there is no need for a new or re-located light industrial area in York.</p> <p>We hope that the Councillors give full consideration to our objections, concerns and questions and will respond, keeping us, and the population of York, informed of all developments regarding this project.</p>	
17.	Water Corporation	Overall	<p>The Water Corporation has no objection to the scheme amendment. The following comments are provided to reiterate previous advice provided by Water Corporation in relation to the subsequent structure planning, subdivision and development of this property:</p> <ol style="list-style-type: none"> 1. The property is unsewered and remote from the Water Corporation wastewater network. Infill sewerage is not planned for the area. 2. There is little if any spare capacity in the water supply network for York. Water planning for the area will be guided by finalisation of the rezoning for the property and the presentation of a structure plan. 3. For operational reasons, the Corporation will not allow services or further extensions to be made directly off the 350mm 'BG' extension transfer main. Any water main extension to serve the proposed lots would likely need to be made from the nearest 100mm main, possibly the main in North Road. 	Noted. Landcorp have already commenced initial investigations into water supply requirements.

18.	Department of Health	Overall	<p>The DOH provides the following comment:</p> <p>1. Waste Water Disposal</p> <p>The proposed Outline Development Plan (Structure Plan) will need to be supported by a site specific geotechnical report of the site to demonstrate that the site is suitable for on-site effluent disposal.</p> <p>2. Health Impact Assessment</p> <p>Enclosed is a scoping tool that should be incorporated into the proposed Outline Development Plan.</p> <p>Health concerns about buffers are not limited to developments and infrastructures. Consideration must be given to the need for adequate buffers to protect residents from lifestyle and public health impacts such as from mosquitoes, pesticide spray drift from agricultural pursuits or dust from neighbouring activities, etc.</p> <p>You may also wish to consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process. Issues related to air quality, dust nuisance and/or potential health impacts from neighbouring activities such as odour or noise should be considered.</p>	<p>Noted.</p> <p>The Department of Health Policy is not to provide sewerage services to industrial developments.</p> <p>A Geotechnical assessment will be carried out as part of the Structure Planning process to inform the type, location and system of on-site effluent disposal systems.</p> <p>Buffers will be provided in accordance with the EPA requirements.</p> <p>A Public Health Assessment will be considered during Structure planning.</p>
19.	Paul & Samantha Good (2)	18 Prunster Road, York	<p>As owners of Lot 704/18 Prunster Road, our home is located approx. 250m from the proposed site and will be directly impacted by this proposal.</p> <p>Following we details our reasons for opposition, but above all wish to express our concern over the lack of consideration and consultation undertaken by the Shire to date. It appears from enquiries we have</p>	<p>This objection was submitted as part of the development proposal for the temporary use of the reserve by Komatsu.</p> <p>The objector re-submitted this submission and requested that the information be also considered as part of this amendment.</p> <p>The following comments were made in regards to</p>

			<p>made in the previous week that this proposal has been underway for many months (if not longer), and that NO effort has been made to inform or consult with residents of which this will affect the most.</p> <p>We received your letter dated 17 August, but not received until the 22 August; and have then only been given 7 working days in which to view the application information and write a response.</p> <p>The A4 information sheet, obtained from the Shire, omits much detail and is not a clear representation of the extent of the proposal and states that the first event is to take place in just 3 weeks!</p> <p>This is quite simply inadequate time and information for fair consideration and response.</p> <p>Understanding this project has been difficult due to the time constraints and the contradicting information given by Shire Staff and Councillors.</p> <p><u>CONCERNS FOR IMPACT ON (LOT 704) 18 PRUNSTER ROAD</u></p> <p>Photographs inserted. (Copy of submission given to Councillors.)</p> <p>These photos are taken from our fence (facing South East) and show exactly how close (approx. 250m) these pits and events will be to our home.</p> <ul style="list-style-type: none"> • Clearing of the Railway reserve and road verge along Spencers Brook Road over the past couple of years has left little vegetation and few mature trees to provide a buffer. • The proximity to the site will not only impact us visually, but the noise, dust and vibrations will be inescapable. (This was the case recently when 	<p>this submission as part of the planning application assessment:</p> <p><u>Public Consultation</u></p> <p>With regards to concerns regarding the lack of public notice and time to respond, there is no specific notification or advertising requirements for planning applications on reserves and/or for temporary uses in the York Town Planning Scheme No. 2. Council has presently adopted the practice of advertising all planning applications received in the public interest. A public notice was placed in the West Australian on Monday, 20 August 2012; letters were sent directly to landowners in a widened consultation area; information was made publicly available from the Council office and on Council's website.</p> <p><u>Potential Impacts</u></p> <p>The excavation of the pits to 800mm and construction of perimeter bunds will reduce visual impact and provide noise attenuation to nearby residents.</p> <p><u>Land Use and Development</u></p> <p>The Outline Development Plan for the Equine Precincts was formally terminated by Council on request of the Western Australian Planning Commission and could now only be considered a reference document.</p> <p>It is recommended in the report that approval be granted for a one-off event, subject to the conditions listed at the end of the report. This approach will minimise any impacts on residents and the locality.</p> <p>Due to the temporary nature of the proposal,</p>
--	--	--	---	--

			<p>the Motocross Mini-kana was held at Springbett Reserve – again with no prior consultation by the Shire or sufficient time to respond to the letter left on our doorstep by the event co-ordinators.)</p> <ul style="list-style-type: none"> • Our home is an energy efficient home specifically designed with a small footprint on the landscape to minimise impact on the environment. A single Komatsu Haulpak is larger than our home! The proposed pits are massive (larger than our 5 acre block) and will indeed seem much larger in reality that what they appear on a 2D aerial plan. <p><u>LAND USE & DEVELOPMENT</u></p> <p><i>“Not all property owners will venture into the keeping of horses. Some will remain hobby farms or tranquil rural retreats.” Item 7.4 Land Use & Development, (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <ul style="list-style-type: none"> • These 5 – 10 acre lots situated between Prunster Road and Spencers Brook Road (such as ours) are indeed supremely suited to hobby farms and tranquil rural retreats; but will become not nearly as desirable in that capacity if these events proceed. • Earthmoving and mining machinery in dirt pits, placed in direct view and earshot will most certainly put an end to the ‘tranquillity’ of our lifestyle properties; effecting the well-being of residents and livestock, property values and limiting re-sale prospects. • Even an intense revegetation and planting program by the Shire will not provide sufficient buffer within a suitable timeframe, as mature 	<p>vegetation buffers and road upgrades are not required. If a further application was submitted, then these measures may be considered.</p> <p><u>Cultural and Heritage Concerns</u></p> <p>There will be no impact on the river or any areas of cultural or heritage significance.</p> <p>This application does not trigger any requirements for consultation or applications with State or Federal government agencies. Notwithstanding this, a conversation has been held with the Environmental Protection Authority who did not raise any concerns or objections regarding the proposal.</p> <p><u>Environmental Impact</u></p> <p>The studies referred to in the objection relate to Mt Bakewell and the Avon River. There will be no impacts on either area as a result of this proposal. It should be noted that Springbett Reserve is not located within the Equine Precinct. Spencers Brook Road is the boundary.</p> <p>It is proposed to excavate the pits to a depth of 800mm. The pits are not located in the floodplain (refer to Map at Appendix 4) and will not impact on groundwater or cause other environmental impacts. The location of the event is within the area currently under community cropping.</p> <p>Following completion of the use, the area will be rehabilitated to the satisfaction of Council.</p> <p><u>Pit Excavation & Management between Events</u></p> <p>The pits will be excavated to a depth of 800mm on the nominated set-up day (i.e. Monday, 24 September 2012). The soil excavated will be used to</p>
--	--	--	--	---

			<p>trees and shrubs are required.</p> <ul style="list-style-type: none"> • Situated in a valley, noise from the site will bounce back off Mt. Bakewell. • It is also clear that there would need to be substantial upgrading to Spencers Brook Road to cater for the transport of machinery. This is yet another impact on residents. <p><u>CULTURE & HERITAGE CONCERNS</u></p> <ul style="list-style-type: none"> • Mount Bakewell and the Avon River are both considered areas of natural beauty and iconic landmarks associated with York. • Both Mount Bakewell and the Avon River are of indigenous and cultural significance. • The Avon River is registered as a significant aboriginal site by the department of aboriginal affairs, and as such application under the aboriginal heritage act should be considered. <p><u>ENVIRONMENTAL IMPACT – CATCHMENTS & LAND MANAGEMENT</u></p> <p>As there have been no Environmental Surveys or impact studies carried out with regard to this new application and change of zoning, we refer to the Equine Precinct Development Plan, which we understand to be the current guidelines for our particular LOT and for Springbett Reserve. It did take into consideration and address the unique ecosystem and environmental concerns for this location.</p> <ul style="list-style-type: none"> • Studies conducted by the River Conservation Group have identified native endangered species of flora which require urgent protection and an expansion of habitat to ensure the conservation 	<p>bund the pits and any extra will be stockpiled at least 200m away from the river.</p> <p>It is disagreed that there is insufficient vegetation as the area concerned is currently under cropping. Following the event, the area will be rehabilitated to the satisfaction of Council.</p> <p><u>Transport of Equipment to Site</u></p> <p>The planned transport route is the Northam-York Road, Burges Siding Road and then Spencers Brook Road. It is not proposed to use any roads within the Northam Shire.</p> <p>The Traffic Management Plan will detail the route and management during transport to ensure safety of all road users.</p> <p><u>On Site Events</u></p> <p>It is recommended that the approval for the event planned for 24-28 September 2012 only. There are no plans for a permanent facility under consideration as part of this proposal. A separate planning application would be required.</p> <p>There will be no fencing or other structures erected as part of the proposal. Temporary toilet facilities will be provided on site and located at least 200m from the river. The applicant is responsible for the removal of all waste associated with the event.</p> <p><u>Summary</u></p> <p>It is not considered necessary for the applicant to undertake costly studies, such as those suggested by the objector for a temporary event. If a more intensive proposal is received, then it may be appropriate for some or all of these studies to be</p>
--	--	--	--	---

			<p>of these endangered flora and fauna.</p> <p><i>“Similarly, there is a rare opportunity to secure Mt. Bakewell as a primary nature reserve and expand its boundaries to create an enlarged habitat for endangered flora and fauna preservation.” Item 4.0 Catchments (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <p><i>“The whole precinct is within a catchment leading to release points into the Avon River. Several seasonal watercourses collect the run off before discharge into the river.” Item 4.0 Catchments (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <ul style="list-style-type: none"> • Currently there is insufficient vegetation for soil stabilisation on Springbett Reserve. • The heavy machinery and earthworks will further degrade the site and contribute to an increase in surface contaminates which could run-off into streamlines, river and groundwater. <p><i>“The main threat to the environment is discharge of nutrients and silt to the riverine system causing blockages, sedimentation of riverbed basins and contamination of the water. This in turn affects marine and marine dependant life by contaminated water and algal blooms.” Item 4.0 Catchments (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <p><i>“Conservation measures to include revegetation of riverbank with 100m set-back and nutrient stripping basins.” Item 9.0 Development Guidelines, Figure 2a (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <ul style="list-style-type: none"> • The digging of demonstration pits and the 	<p>undertaken.</p> <p>Scheme Amendment No. 49 was initiated by Council at its Ordinary Meeting held on 11 June 2012. The proposal has been referred to the Environmental Protection Authority for assessment in accordance with the Town Planning Regulations. The next step will be to proceed to public advertising in accordance with the Town Planning Regulations. This proposal is not part of the planning application under assessment and no further comments are appropriate.</p> <p>The matters for consideration listed in Clause 7.5 of the York Town Planning Scheme No. 2 identify matters for assessment to ensure proper and orderly planning, including impacts on individuals, the local amenity, traffic and issues relating to the environment.</p> <p>It is worth noting that the event will not affect ratepayers financially and will result in benefits to the community as described in the report.</p>
--	--	--	--	---

			<p>introduction of heavy machinery along this ancient floodplain, which is subject to waterlogging and pooling, has obvious detrimental effects for both the land, river and Komatsu.</p> <ul style="list-style-type: none"> • It is entirely possible that the pits, when not in use, may collect and hold water. This water may come from the underground tributaries from Mt. Bakewell, surface water and groundwater, and even leeching from the river. There is a heavy clay content and the area is not free draining. <p><u>PIT EXCAVATION & MANAGEMENT BETWEEN EVENTS</u></p> <p>Not enough information has been provided in the proposal and information from Councillors and Shire planning staff has been contradictory. Immediate clarification is required for the following:</p> <ul style="list-style-type: none"> • How deep will the pits be? • When will the pits be excavated? (Prior to the demonstration days – thereby increasing the length of operations?) • What efforts will be made to eliminate dirt & dust during the excavation & after? • Where will the tonnes of excavated dirt be placed? • Will the pits be filled in between events? • What safety & security measures will be taken between events with regards to the pits? • How will dust be managed in between events? <p>With regards to the above points, a primary concern</p>	
--	--	--	--	--

			<p>is the inappropriate useage and lack of management of the site in between the events. As with the mini-kana held recently, preventative measures such as the application of water for dust control only occurred whilst the event was on.</p> <p>In the weeks after the event many dirt bike riders returned to the site and used it in an unpoliced manner which resulted in noise, dust & degradation of the site.</p> <p>Prior to the event – Shire staff cleared remnant vegetation on the site, without water and also created an issue with dust.</p> <p>The lack of vegetation remaining on the rail reserve and Spencers Brook Road verge provided no barrier to these pests and pollutants whatsoever – resulting in severe sinus and allergy attacks.</p> <p>This we have already had to endure first hand on a “once off” small scale event for motorbikes. Naturally we are distressed at the thought of conditions created by large scale machinery and substantial earthworks, on an ongoing basis.</p> <p><u>TRANSPORT OF EQUIPMENT TO THE SITE</u></p> <ul style="list-style-type: none"> • The proposal states that the equipment will be transported to the site using approved heavy haulage routes and access to the site will be from the existing Reserve access road. • Spencers Brook Road is not a suitable heavy haulage rout. • It is narrow with old bridges and is seasonally subject to flooding in some locations. • Use of Spencers Brook Road for heavy haulage 	
--	--	--	---	--

			<p>would require consultation & approval by the Northam Shire and the locality of Spencers Brook.</p> <ul style="list-style-type: none"> Spencers Brook Road is a school bus route (servicing both Northam & York schools). There are bus stops and 'children's crossings' along its length. The two closest bus stops to Springbett Reserve being at either end of Prunster Road where it intersects Spencers Brook Road (i.e. – both East & West of the existing Reserve Road). <p><i>"The current standard of road construction is not adequate to handle an enlarged facility" "..... In particular are the two main traffic feeders, which are likely to carry a marked increase in horse transport & race patronage" Item 6.0 Road Network (Shire of York Equine Precinct Outline Development Plan 14 June 2007).</i></p> <p>NOTE: These comments are in relation to plans for the Equine Precinct. Needless to say – the transport of heavy mining and earthmoving machinery is of far greater concern than horse floats and passenger vehicles!</p> <ul style="list-style-type: none"> The Shire Council needs to provide further clarification of the route and details of the proposed road upgrades & traffic management. <p><u>ON-SITE EVENTS</u></p> <p><i>"In the event of the airstrip being relocated, this foreshore land should be retained for recreation and community purposes." Item 9.0 Development Guidelines, Figure 2a (Shire of York Equine Precinct Outline Development Plan 14 June 2007),</i></p> <ul style="list-style-type: none"> Although this is being put forward as temporary 	
--	--	--	--	--

			<p>event to be held 3 – 4 times a year, it has been suggested that the Shire would like it to become a permanent event and possibly more frequent?</p> <ul style="list-style-type: none"> • Clarification of the Shire’s intentions is required. <p><i>Page 19 of SCHEME AMENDMENT 49 – PROPOSED REZONING OF SPRINGBETT RESERVE states: “The Development zone is a new zone as a result of Amendment 29 and does not have any permissible uses until such time an Outline Development (Structure) Plan is approved.”</i></p> <p>Although the Shire has the power to approve a one off event, it is doubtful this qualifies as an event, as it is clearly stated that these are training and demonstration days, to be held over multiple days, 3 – 4 times a year.</p> <p>More detail is required regarding the following:</p> <ul style="list-style-type: none"> • Will there be temporary or permanent fencing erected? • This type of machinery requires large amounts of fuel. Where and how is it to be transported and stored during the events? • What type of structures (even temporary) will be erected at the site and where? • What waste management/ablutions facilities are planned? <p><u>SUMMARY</u></p> <p>We object in entirety to any event of this nature on Springbett Reserve at this time, without further information and clarification.</p> <p>This development proposal should not be considered, and approval for any event should not be</p>	
--	--	--	---	--

			<p>given until the following studies are completed and made available to the public, with adequate time for public comment:</p> <ul style="list-style-type: none"> • Noise Management Plan • Environmental Impact Study • Traffic Management Plan • Event Risk Assessment (short & long term). <p>Research for this event proposal brought to our attention “Scheme Amendment 49 – Proposed re-zoning of Springbett Reserve”.</p> <p>This document was not mentioned – nor made available by the Shire.</p> <p>There appears to be no link to it from the Shire website.</p> <p>We simply do not understand the need for a new / re-located light industrial area in York.</p> <p>Perhaps when transport links and our school are upgraded, the town may attract and maintain enough population to sustain businesses and warrant the expansion of both residential, commercial and industrial areas.</p> <p>With specific regard to the Komatsu Proposal we do not understand how this will ‘create jobs for locals’. If the ‘event’ is only 3 – 4 times a year, then any resulting business for the town by way of short term accommodation etc. is not enough to justify the inconvenience to rate-paying locals – nor the expenditure to upgrade roads, buffers and facilities.</p> <p>We hope that Councillors give full consideration to our concerns, questions and objections and will respond; keeping us informed of all developments</p>	
--	--	--	---	--

			with this project from here on.”	
--	--	--	----------------------------------	--