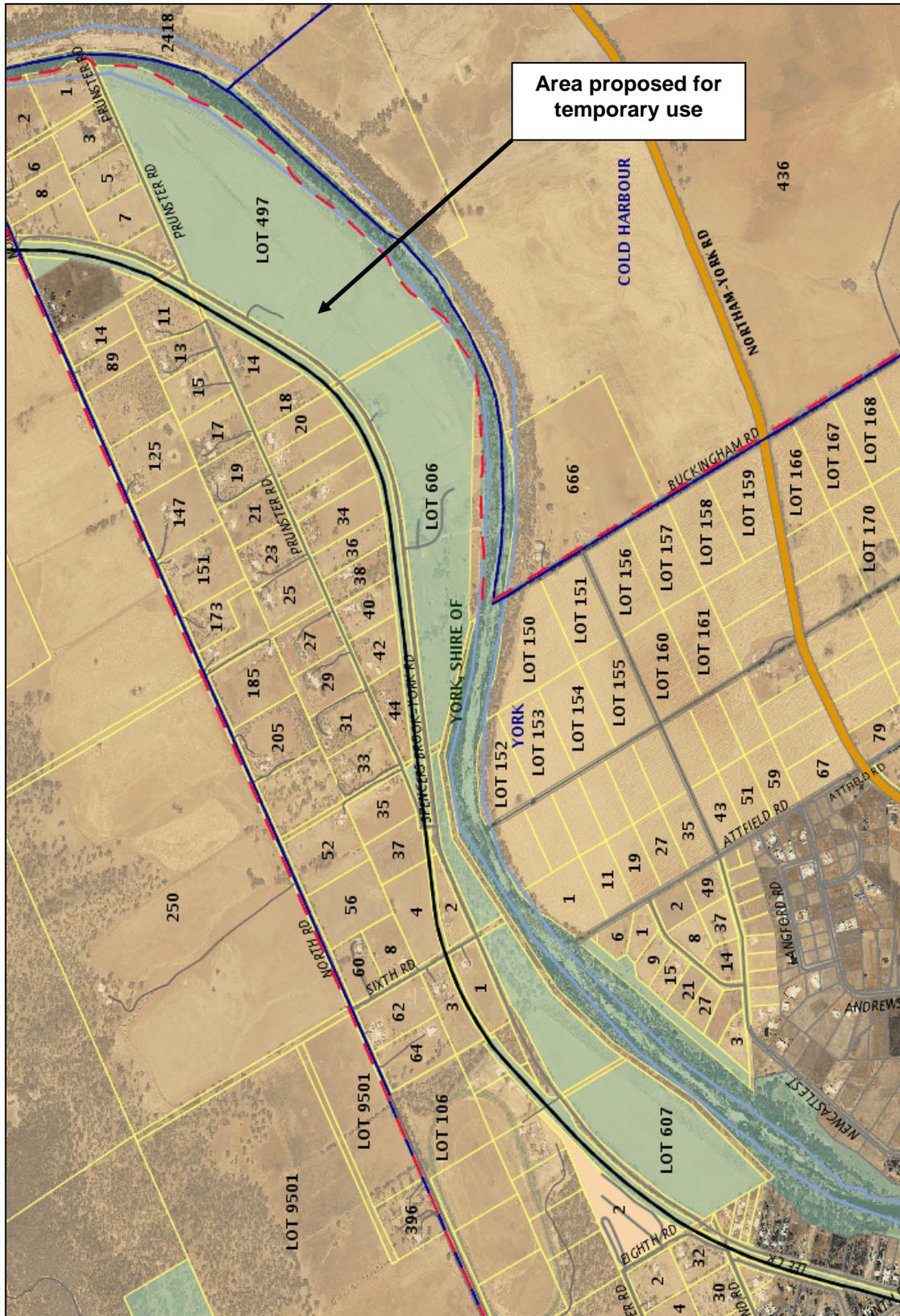


ITEM 9.1.1
APPENDIX A

Locality Plan



KOMATSU & POSITION PARTNERS PLANNING PROPOSAL

EARTHMOVING EQUIPMENT & TECHNOLOGY DEMONSTRATION DAYS

SPRINGBETT RESERVE, YORK

It is proposed to conduct earthmoving equipment and technology days approximately 3 to 4 times per year for periods up to 5 days at any one time at Springbett Reserve.

Springbett Reserve is located on Spencer's Brook-York Road, York approximately 5 kilometres from the town centre towards Northam.

The aim of the days is to demonstrate new earthmoving and agricultural equipment and associated technology to local government, farmers and other interested persons. It will also be used to provide practical training and experience to TAFE students and Shire employees.

Two pits will be excavated to enable machines to operate in a safe and controlled environment as per the submitted site plan. These pits will also allow safe viewing by invited participants.

Equipment will be transported to the site using approved heavy haulage routes and access to the site is from the existing Reserve access road. A Traffic Management Plan will be prepared, together with a Risk Assessment, for the events. These Plans will meet the requirements of the Shire of York's Events Management Policy.

The machinery will operate between the hours of 8 am and 5 pm and the first of the demonstration day events are planned for 24th to 28th of September 2012.



KOMATSU

PROJECT PROPOSED EQUIPMENT OPERATION
 DISPLAY AREA - LOT 497 SPENCER BROOK
 YORK RD FOR KOMATSU AUSTRALIA PTY LTD

DRAWING		PART SITE PLAN	
DATE	20 JAN 2012	DRAWN	DPG
SCALE	1:5000 @ A4	ISSUE	
NORTH DRNG.		A.01	

Genshin Design
 23 ORD STREET
 WEST PERTH 6005
 P: 08 9441 0008
 M: 0405 080 724
 gendesign@kenshin.com.au

Zoning Map

ITEM 9.1.1
APPENDIX C



SCHEDULE OF SUBMISSIONS

No.	Name & Address	Submission	Planning Comment
1.	David & Julie Rowe, Lot 143 Prunster Rd, York	<p>We are in receipt of your letter dated 17 August 2012 regarding the above development application. 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 the area which is being proposed to be used is quite close to us.</p> <p>While the positive aspects of offering training and experience to TAFE students and Shire employees are acknowledged the application is basically a commercial one and while it may bring some money into Shire coffers we believe there are a number of other factors which question whether it is in the best interests of both the residents who live nearby as well as York in general.</p> <p>We therefore object to the approval of this development application for the following reasons:</p> <ul style="list-style-type: none"> • It will have a strong negative impact on the general amenity of the area, a blight on the landscape of an otherwise pleasant rural outlook; • We believe that our property as well as other properties in the vicinity will lose value because of its presence; • We are concerned with the environmental impact with the increased risk of erosion and possibility of contaminants due to its proximity to the river as well as the levels of noise and dust which would be generated. It would seem that there would be other sites within the York Shire more suited to these events where the impact would be far less. • Spencers Brook Road has a lot of traffic made up of both locals and tourists. While noting that the Shire mentions a Traffic Management Plan and a Risk Assessment we are still concerned about traffic and safety consequences of bringing in this equipment as well as possible damage to the road. • It is of great concern to us that York, a lovely historic town with its proximity to Perth and its own unique offerings appears destined to lose that unique character. We have already lost a number of "cultural" events. Bringing industry into these open spaces on what is one of the main thoroughfares between York and Northam we believe is of detriment not only to those of us who would be subjected to living close to it, but also to the general attractiveness of the area. <p>We would ask that the Shire Council give due attention to our objection even though it would appear that the dates for the first demonstration day events have already been set."</p>	<p>The proposal is for a temporary event. It is recommended that approval be granted for one event, which could also be considered as a trial to conduct an assessment of the positive and negative aspects of the proposal.</p> <p>The location of the activity and the pits provide a sufficient buffer from the river and together with the bunding of the pits will ensure that there is no detrimental impact on the river through erosion or runoff.</p> <p>The conditions recommended in the report address concerns regarding noise, traffic, dust and erosion. It is also recommended that Council require the applicant to rehabilitate the site.</p> <p>Specifically the Traffic Management Plan will be submitted for approval to Council prior to the event to ensure that the haulage route, time and other issues are adequate to minimise impact on road users. In the unlikely circumstance that the road pavement is damaged, the applicant would bear the costs of repair.</p> <p>It should be noted that all planning applications are considered on their merit in accordance with the provisions of the York Town Planning Scheme No. 2.</p>

<p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>(Same submission)</p>	<p>Sam & Paul Good, 18 Prunster Rd, York</p> <p>Trevor & Tracy Pearce, Lot 138 Prunster Rd, York</p> <p>Donald & Margaret Hewitt, Lot 709 Prunster Rd, York</p> <p>Steven & Elizabeth Smith, Lot 130 Prunster Rd, York</p>	<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 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 effect 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 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.) • 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><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, vegetation buffers and road upgrades are not required. If a further application was submitted, then these</p>
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		<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 trees and shrubs are required. • 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 of these endangered flora and fauna. <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</i></p>	<p>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 bund the pits and any extra will be stockpiled at least</p>
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	<p><i>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 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. • 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? 	<p>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</p>
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	<ul style="list-style-type: none"> • How will dust be managed in between events? <p>With regards to the above points, a primary concern 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 would require consultation & approval by the Northam Shire and the locality of Spencers Brook. • 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</p>	<p>studies to be 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>
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concern than horse floats and passenger vehicles!

- The Shire Council needs to provide further clarification of the route and details of the proposed road upgrades & traffic management.

ON-SITE EVENTS

"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),

- Although this is being put forward as temporary 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?
- Clarification of the Shire's intentions is required.

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."

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.

More detail is required regarding the following:

- 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?

SUMMARY

We object in entirety to any event of this nature on Springbett Reserve at this time, without further information and clarification.

This development proposal should not be considered, and approval for any event should not be given until the following studies are completed and made available to the public, with adequate time for public comment:

- 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 with this project from here on.”</p>	
6.	James & Dawn Fisher, Lot 144 Prunster Rd, York	<p>“This application to conduct demonstrations of earthmoving machinery during business hours and in a central location of the reserve, as far from dwellings as possible, seems to be a reasonable use of a section of Springbett Reserve. That said, there is little detail in the documentation about this DA, so we have several questions and requests that we would like our Council to raise on our behalf, as ratepayers.</p> <ol style="list-style-type: none"> 1. That restrictions be placed on Komatsu to use this facility during weekdays only. 2. Beyond this, will there be any restrictions on the operation of machinery to reduce the spread of dust e.g. under high wind conditions? 3. Will Komatsu’s activities restrict public access to the reserve? 4. Are there any conditions on Komatsu to return the pits to their previous condition, and/or to rehabilitate another area of Springbett Reserve? 5. What plans are in place to reduce the spread of weed seeds from the site? 6. Beyond this DA what are Council’s plans for the remainder of Springbett Reserve? This is one of the few large areas of public open space available within the Shire. Will the remainder of the reserve still be available to clubs to grow crops for funding? If it will no longer be used as a cropping area for clubs, then it would be fitting to carry out some simple landscaping to develop it into a recreational reserve for all citizens of York. 	<p>In response to the questions raised:</p> <ol style="list-style-type: none"> 1. Yes, hours will be restricted to 8am to 5pm through conditions. 2. Yes, dust suppression will be required. 3. Yes, public access will be restricted to the area of the reserve identified on the plan for safety reasons. Public access at present is limited due to the cropping activities. 4. Yes, rehabilitation will be required at the completion of the event. 5. The area subject of the application is currently under cropping. Spread of weeds is not a concern. Measures for rehabilitation may require seeding or other measures to prevent weed growth. 6. It is proposed to rezone the reserve

		<p>We would like council to make these enquiries to ensure that the least disturbance and greatest opportunity is made of Komatsu's use of Springbett Reserve. We also encourage council to consider how best to develop this reserve asset for the betterment of current and future generations of York residents."</p>	<p>for light industrial purposes. Scheme Amendment 49 has been initiated and will be advertised in due course.</p>
7.	<p>Peter Weatherly, Avon Valley Environmental Society Inc.</p>	<p>"Further to our conversation today, please take into account the following when making any recommendation –</p> <ul style="list-style-type: none"> • The proximity of the activity to the Avon River – the impact needs to be zero in all circumstances, ie storm, tempest, heavy rain, drought etc • The pits needs to be restored to original contours • The need to ensure that after the event land is not left bare – ie it needs to covered or it will erode and create dust problems – suggest wood chips, revegetation or similar • The need to be aware of 'potential acid sulphate soils' that must not be disturbed – if they are disturbed and brought to the surface a major and intransigent environmental problem will be created – provide the depth does not exceed the 800mm discussed this is probably unlikely • Perhaps consideration should be given to the lodging of a bond to ensure remediation costs are covered • Whilst we accept that from the date of your letter to land owners to the date of closure for comment is standard we do suggest that far longer is given for comment for objections to be lodged. For this Society, the response time was a matter of days before we were alerted by concerned landowners. This does not allow for proper analysis especially as there was a lack of detail." 	<p>Agree with recommendations, with the exception of the requirement of the bond that is not considered necessary.</p> <p>Noted comments regarding notification period. Refer to earlier comments regarding notification requirements. Additional time periods are provided (and required) for more substantial proposals, such as scheme amendments.</p>