

**SCHEME AMENDMENT 53**

**PLANNING AND DEVELOPMENT ACT 2005**

**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

**SHIRE OF YORK**

**TOWN PLANNING SCHEME No. 2 - AMENDMENT No. 53**

Ref: TPS/1412

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning approved the Shire of York local planning scheme amendment on 5 March 2015 for the purpose of:

1. Rezoning Lots 18 and 207 Broome Street, York from Residential (R40) to Town Centre to enable appropriate development of the site for a mix of commercial, tourism and residential uses;
2. Rezoning Lot 619 Howick Street, York from Mixed Business (R9) to Town Centre and deleting the Restricted Use (R9) to enable appropriate development of a site within the town centre;
3. Rezoning Lots 100 (58) Avon Terrace and Lot 15 (44) Balladong Road, York from Residential R40 to Town Centre to enable appropriate development of a site within the town centre; and
4. Inserting 'Special Use Zone 7', as follows, to Schedule 3 to enable appropriate developments of the site:

	No.	Particulars of land	Special Use	Conditions
SU7	7	Lots 1 & 2 (18) Panmure Road (Laurelville)	Exhibition Centre Guest House Reception Centre Residential	<ol style="list-style-type: none"> <li>1. Notwithstanding anything else in the Scheme, all development on the site (including change of use) shall be subject to application to the local government for approval to commence development.</li> <li>2. The Local Government shall refer applications for planning consent to the Heritage Council of Western Australia and any other relevant authority for their comments and/or recommendations.</li> <li>3. Applications for planning consent shall be advertised in accordance with Clause 8.3.3 of the Scheme.</li> <li>4. Any application for planning consent for the site shall be accompanied by a site management plan that addresses amenity</li> </ol>

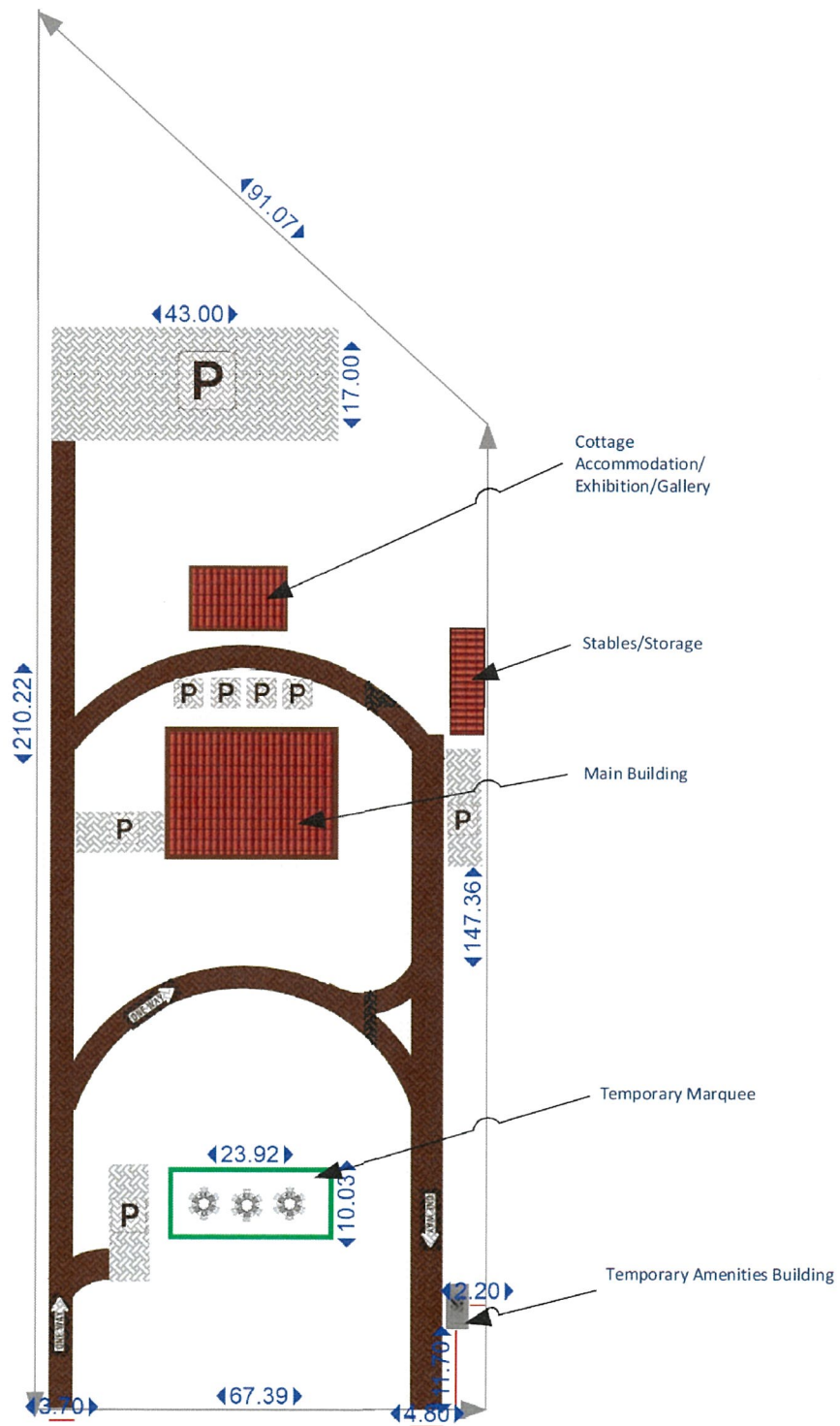
				impacts, including, but not limited to: <ul style="list-style-type: none"> <li>· hours of operation;</li> <li>· location of temporary structures;</li> <li>· noise management (internal and external);</li> <li>· complaints management</li> <li>· procedure;</li> <li>· traffic and parking management;</li> <li>· landscaping and screening; and</li> <li>· public health and safety.</li> </ul>
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5. Amending the Scheme maps accordingly.
6. Include a new definition for 'Exhibition Centre' in Schedule 1 that reads:  
**'exhibition centre'** means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
7. Include a new definition for 'Guest House' in Schedule 1 that reads:  
**'guest house'** means a dwelling or part of a dwelling occupied by a person but containing rooms used to accommodation short-term guests for hire or reward.
8. Include a new definition for 'Reception Centre' in Schedule 1 that reads:  
**'reception centre'** means premises used for hosted functions on formal or ceremonial occasions.
9. Delete the land use definition 'Function Centre' from Schedule 1.
10. Delete the land use 'Function Centre' from the Zoning Table.

M REID  
PRESIDENT

G SIMPSON  
A/CHIEF EXECUTIVE OFFICER

SITE PLAN



SCALE 1:100



## SCHEME ASSESSMENT

DA ASSESSMENT REPORT	
DA No.	
Address: Lot 1 and 2 Panmure Road, York	
Proposal: Reception centre, exhibition centre, guest house, and residential	
SCHEDULE 3 – SPECIAL USE ZONE 7	
Special Use:	
<ul style="list-style-type: none"> <li>• Exhibition Centre</li> <li>• Guest House</li> <li>• Reception Centre</li> <li>• Residential</li> </ul>	
The application proposes an Exhibition Centre, Reception Centre, Guest House and Residential use consistent with the special use of the zone.	
This includes incidental uses described in application report: club days [photography classes, cooking or health education], corporate retreats, conferences, open days, heritage afternoon teas, arranged tours, heritage seminars/presentations.	
Condition 1. Notwithstanding anything else in the Scheme, all development on the site (including change of use) shall be subject to application to the local government for approval to commence development.	
The application received satisfies Condition 1 of the special use zone.	
Condition 2. The Local Government shall refer applications for planning consent to the Heritage Council of Western Australia and any other relevant authority for their comments and/or recommendations.	
<p>The application has been referred to the Heritage Council of Western Australia and other relevant agencies.</p> <p>Submissions were received from Telstra, Western Power, State Heritage Office, Department of Aboriginal Affairs, Main Roads Western Australia, Department of Parks and Wildlife, Department of Environment Regulation, and Department of Health.</p> <p>Submissions from Telstra and Western Power raised no objection, and provided generic development advice which have little relevance to the particulars of the application.</p> <p>Submission from the Department of Health outlined requirements of the Health Act, including a need to amalgamate the two lots as the existing on-site wastewater system serving the development is located on both lots. An effluent disposal system is required to be wholly contained on the same lot as the development it is serving. Advice notes on any approval can be used to advise the applicant of their obligations under other legislation.</p> <p>Submissions from the State Heritage Office, Department of Aboriginal Affairs, and Department of Parks and Wildlife confirmed that the proposal would not impact on any heritage or biodiversity values.</p> <p>The submission from Main Roads Western Australia stated no objection, subject to implementation of the traffic management plan. It is recommended that a condition be placed on the approval to ensure ongoing implementation of the traffic management plan.</p>	
Condition 3. Applications for planning consent shall be advertised in accordance with Clause 8.3.3 of the Scheme.	
<p>The application was advertised in accordance with Clause 8.3.3 of the Scheme.</p> <p>Four submissions were received during advertising; 3 objecting to the proposal and 1 in support.</p> <p>Objections related to:</p> <ul style="list-style-type: none"> <li>• Noise impacts from the "Reception Centre" component of the proposal, in particular as a result of outdoor, evening events; and</li> <li>• Visual impact of temporary ablutions block utilised for the "Reception Centre" component of the proposal.</li> </ul> <p>These submissions relate to valid planning issues, and are discussed in the following planning review.</p>	
Condition 4. Any application for planning consent for the site shall be accompanied by a site management plan that	

addresses amenity impacts, including, but not limited to:

- hours of operation;
- location of temporary structures;
- noise management (internal and external);
- complaints management procedure;
- traffic and parking management;
- landscaping and screening; and
- public health and safety.

The application was supported by a detailed planning report which includes a site management plan (for the reception centre use) with sections relating to all condition requirements. The suitability of these elements is discussed in relation to the specific scheme decision guideline to which they apply.

## 8.5 - MATTERS FOR CONSIDERATION

- a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.

Relevant provisions of the scheme are discussed above.

### 4.5. Car Parking Requirements

*4.5.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 4 unless car parking spaces as specified in Schedule 4 are provided and such spaces are constructed and maintained in accordance with the Scheme.*

Schedule 4 of the Scheme does not prescribe the necessary number of parking bays for the use class "Reception Centre". In lieu of guidance from the Scheme, the applicant has provided an assessment against the requirements for "restaurant" which is an appropriate benchmark.

Based on the maximum number that can be accommodated at an event, a minimum of 32 bays is required (based on the requirements for a "restaurant").

The application provides 50 onsite car parking spaces. 8 bays are identified in the application report as being set aside for the existing guest house (subject to an existing planning consent) and the use of owners/residents. This leaves 42 bays remaining for the proposed reception centre, which is considered appropriate.

Furthermore, the applicant utilises a bus service to reduce the need for car parking at larger events.

The amount of onsite car parking provided is sufficient to support all proposed uses.

*4.5.2 When considering any application for planning consent, the local government shall have regard to and may impose conditions on the provision of car parking spaces and the details of locating and designing the required spaces; landscaping, and pedestrian spaces on the lot. In particular, the local government shall take into account and may impose conditions concerning:*

- a) the proportion of car spaces to be roofed or covered;*
- b) the means of access to each car space and the adequacy of any vehicle manoeuvring area;*
- c) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;*
- d) the extent to which car spaces are located within required building setback areas;*
- e) the locations of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;*
- f) the suitability and adequacy of proposed screening or landscaping;*
- g) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.*

*4.5.3 The parking spaces shall measure not less than the dimensions as shown in Schedule 4 for the type of parking layout adopted, except that the local government may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.*

*4.5.4 Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the local government. .*

The site plan includes a number of parking areas, with a more detailed parking plan provided for the main parking area. Current operation of the temporary land uses on the site indicate that the provision and layout of car parking is appropriate.

The proposed spaces are open. Any roofing or covering of car spaces will be subject to separate development application. The open and generally dispersed nature of onsite car parking will not have any impact on the amenity of adjoining development. No building setback areas are defined for the special use zone. The open and generally dispersed nature of onsite car parking will not have any impact on the amenity of adjoining development. The property includes ample landscaping areas, which are suitable to maintain visual amenity.

All parking bays are adequately serviced by a one-way access system. The parking areas are gravelled; this is appropriate based on the character of the property, and the numbers and frequency of vehicles accessing the property. No conditions are considered necessary.

*4.5.5 Where the local government so decides, it may accept cash payment in lieu of the provision of parking spaces but only subject to the following requirements:*

- a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value, as determined by the Valuer General or a Licensed Valuer appointed by the local government, of that area of the land which would have been occupied by the parking spaces.*
- b) payments made under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The local government may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.*

No parking shortfall; not applicable.

- b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.

N/A

- c) Any approved statement of planning policy of the Commission.

N/A

- d) Any approved environmental protection policy under the *Environmental Protection Act 1986*.

N/A

- e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.

N/A

- f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.

The subject land is listed on the Shire of York's Municipal Heritage Inventory as a Category 3 place. No significant changes or modifications are proposed to any of the buildings.

The proposed Guest House and Exhibition Centre have and will result in the heritage buildings being renovated and maintained to a very high standard, providing a beneficial outcome to the heritage values of the property.

- g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.

N/A

- h) The conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.

N/A

- i) The compatibility or a use or development with its setting.

<p>The proposed use is consistent with the Special Use Zone, therefore capable of approval with conditions to ensure compatibility.</p> <p>Concerns raised in submissions suggest that the outdoor nature of evening reception events create noise issues that are not compatible with the residential setting of the property. This is discussed in z) below.</p>
<p>j) Any social issues that have an effect on the amenity of the locality.</p>
<p>Trial approval of the proposed use has not generated any social issues.</p>
<p>k) The cultural significance of any place or area affected by the development.</p>
<p>The Department of Aboriginal Affairs (DAA) has advised that the proposal will not impact on any places of cultural significance.</p>
<p>l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.</p>
<p>N/A</p>
<p>m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.</p>
<p>N/A</p>
<p>n) The preservation of the amenity of the locality.</p>
<p>Temporary structures (marquee and temporary ablutions block) may have some visual impact. This is discussed in o) below.</p> <p>Amenity impacts in relation to noise pollution is discussed in z) below.</p>
<p>o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.</p>
<p>The residential, exhibition centre, and guest house uses are all proposed within existing buildings on the property.</p> <p>The reception centre use proposes two temporary structures:</p> <ul style="list-style-type: none"> <li>• Marquees for reception events; and</li> <li>• A temporary ablutions block.</li> </ul> <p>The site management plan identifies that marquees are erected only for the duration of the event, plus set up and dismantle time. The location of the temporary marquees is well set back from the street, although will be visible from the public realm. Conditions on any approval should ensure that marquees do not remain erected between events.</p> <p>With regard to the temporary ablutions facility, the site management plan has identified that screening has been erected around the building to soften the appearance, however long-term it is proposed to construct a permanent amenities building setback further on the property that will be designed sympathetically to the main dwelling. Despite the screening, the facility is still visually obvious from the street, and has a presentation inconsistent with the visual quality of the locality.</p> <p>The presence of the facility cannot be avoided in the short term, and it is required for upcoming events booked by the applicant. It would be unreasonable to require the immediate construction of a permanent ablutions facility keeping with the visual quality of the subject land. Additional screening can remediate the visual impact of the facility in the short term, and a condition on any approval given can confirm the temporary nature of the facility and require their removal in an appropriate timeframe, following the 2015 spring and summer season.</p>
<p>p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.</p>
<p>The site management plan includes a Traffic Management Plan. Advice from Main Roads Western Australia confirms that the plan is suitable for managing access and egress from the site.</p> <p>Site plans provided by the applicant includes internal access, egress and car parking areas. Compliance with the scheme is discussed above.</p>
<p>q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.</p>
<p>The site management plan includes a Traffic Management Plan. Advice from Main Roads Western Australia confirms</p>



that the plan is suitable for managing access and egress from the site.	
r)	Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.
N/A	
s)	Whether public utility services are available and adequate for the proposal.
Submissions from utility providers suggest that current services are adequate.	
t)	Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).
N/A	
u)	Whether adequate provision has been made for access by disabled persons.
The application does not include detailed information regarding disabled access, however this is otherwise managed by the Building Code of Australia.	
v)	Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.
The subject land is substantially landscaped, no further conditions in this regard are required.	
w)	Whether the proposal is likely to cause soil erosion and degradation.
No clearing or soil disturbance is proposed.	
x)	The potential loss of any community service or benefit resulting from the planning consent.
<p>Community benefit, related to heritage value of the property, will be maintained and enhanced by the proposal which will provide opportunity for open days and community experience of the property.</p> <p>The exhibition centre component of the proposed development provides a potential community service through the provision of art display and a cultural space within York.</p> <p>The reception centre component of the proposed development brings a significant number of visitors to York, with benefits to local accommodation and hospitality businesses.</p> <p>The applicant has a longer term plan of creating Laurelville Manor as a destination – with a focus on alternative uses to the current reception centre focus - attracting a range of tourists to York. This will have a positive flow on effect to businesses across York as increased numbers of tourists visit and invest in the town.</p>	
y)	Any relevant submissions received on the application.
Submissions are discussed in Condition 3 above, and valid planning consideration raised are discussed in relation to the relevant planning scheme matter in this report.	
z)	The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.
<p><u>Noise:</u></p> <p>The applicant's response to potential noise impacts is provided by three elements of the site management plan:</p> <ul style="list-style-type: none"> <li>• hours of operation;</li> <li>• noise management (internal and external);</li> <li>• complaints management procedure;</li> </ul> <p>Additional information was provided by the applicant in relation to self-initiated noise recording at events.</p> <p><b>Noise Management</b></p> <p>Irrespective of any development approval, any development is required to comply with the Environmental Protection (Noise) Regulations 1997. However, potential noise impacts can have a significant impact on the amenity of the locality and are also a planning consideration.</p> <p>The application was referred to the Department of Environment and Regulation to access available noise monitoring for the property to compare it against noise regulations and conditions on the previous temporary planning consent.</p>	

Previous noise monitoring results have been provided by the Department of Environmental Regulation for one event. This monitoring event – based on setting up of a monitoring device by a neighbour at their property - showed that the noise regulations had been exceeded at a neighbouring house. The applicant has suggested that this is inconsistent with results of their own noise measurements, undertaken during events on a hand held noise monitor. Noise measurements provided by the applicant were unable to be independently reviewed prior to agenda settlement timeframes. The accuracy of either of the available monitoring reports/documents cannot be verified at this time. There is benefit in requiring an independent acoustic report to remedy the discrepancy between applicant and neighbour monitored results, and understand with greater reliability the actual noise emissions from events.

The applicant has provided a noise management plan to implement noise management techniques to ensure the noise regulations are not exceeded at neighbouring premises. The management plan presents a framework by which amplified noise is turned down if levels are exceeded. Overall, such an approach will ensure that noise emissions stay within regulated levels, as noise would be turned down until they comply. This approach is complaint based, and only operates if an affected resident complains directly to the operator during an event. Furthermore, the approach only manages amplified sound based noise, and does not address crowd noise. Discrepancy between applicant and other stakeholder noise monitoring is necessary to resolve before the efficacy of this management approach can be confirmed. The Department of Environmental Regulation will be an important stakeholder in such a process.

Because the issue of exceedance of noise regulations is covered by other legislation, and the use of "reception centre" is a contemplated use on the subject land, the most appropriate response is through planning conditions that require an acoustic report and updated management plan to assist the applicant comply with the regulations, ease the concerns of affected neighbours, and ensure the development and implementation of a management plan that minimises amenity impacts on the surrounding residential area. An advice note should be included on the approval advising the applicant that, irrespective of the development approval or the endorsement of management plans, the applicant is required to comply at all times with the Environmental Protection (Noise) Regulations 1997.

Appropriate management techniques presents potential to ensure that exceedances of the noise regulations do not occur, although compliance with regulations are only one component of managing the amenity impacts of noise. Hours of operation and complaints management are key components which manage amenity impacts, beyond simply the level of noise being experienced.

#### **Hours of operation**

The site management plan restricts reception events to Fridays and Saturdays, with a conclusion of amplified music at 11.30pm and cessation of the event at 12am.

Greater restriction of operation, for the reception centre use, is necessary considering the location of the use in a residential area. Whilst the current operator does not host more than one event per weekend, this should be confirmed as a condition of approval to ensure that only 1 reception event be hosted per weekend, and no reception events to be hosted from Monday to Thursday. Events should cease at 11.30pm, with the cessation of amplified sound, to ensure that crowd noise does not create amenity impacts beyond 11.30pm when events are held.

A previous, temporary approval for the reception centre use included a restriction on the maximum number of people present at any time. This is an appropriate manner to assist in the management of crowd noise, and should be placed on any new, permanent approval.

#### **Complaints Management Procedure**

The site management plan includes a complaints management procedure. The approach provides contact details of the operator to all neighbouring premises, and involves the operator visiting premises to measure noise levels, and adjust volumes if exceedances are identified. The approach requires some clarification, in respect of:

- The procedure refers to "legislated requirements" which should be "the Environmental Protection (Noise) Regulations 1997". The maximum noise levels in the regulations vary with time of day/evening. These levels should be specified in the procedure for clarity.
- The procedure identifies that if more than 3 unsubstantiated complaints are received from a complainant, then the complainant's premises will not be visited and a "standard noise monitoring measurement" will be taken. This should be clarified, as the noise regulations relate to exceedances at a sensitive receptor; unless measurements at the boundary of the property show emissions within the levels set by the noise regulations.
- The procedure identifies that the complaints register will be provided to the Shire upon request. This should be provided in all instances where a complaint is made, so the Shire is aware of issues before complaints are elevated to their attention.

These clarifications should be addressed in a revised complaints management plan, prepared as a condition of any approval.

Should the complaints management procedure not adequately address neighbour issues, then the noise regulations provide a formal process by which noise exceedances can be addressed by the regulators. Should the applicant not adequately manage their own complaints, they risk higher level action through these formal procedures.

aa) The comments or submissions received from any authority consulted under clause 7.4.

These are discussed in Condition 2 above.

bb) Any other planning consideration the local government considers relevant.
Interest Declared - To be signed by CEO
Recommendation
<p>Approval subject to conditions:</p> <ul style="list-style-type: none"> <li>• Development must substantially commence within two (2) years from the date of this decision. This approval is only valid from the date of this decision and does not retrospectively authorise any previous unapproved development on the subject land</li> <li>• Development must substantially commence within two (2) years from the date of this decision. This approval is only valid from the date of this decision and does not retrospectively authorise any previous unapproved development on the subject land</li> <li>• The development shall take place in accordance with the stamped approved plans.</li> <li>• The Traffic Management Plan provided as Appendix 6 of the Site Management Plan, dated May 2015 shall be implemented to the satisfaction of the Shire of York.</li> <li>• No outdoor evening reception events are to be hosted from Sunday to Thursday.</li> <li>• Outside of the periods from 1 March to 30 April and 1 October to 30 November, any temporary structures associated with reception events (such as tents or marquees) shall not be erected earlier than the Thursday prior to the event and shall be removed no later than the Tuesday following the event.</li> <li>• The temporary ablutions block is to be screened to the satisfaction of the Shire of York.</li> <li>• The temporary ablutions block is to be removed from the property no later than 31 December 2016.</li> <li>• Prior to 31 December 2015, the applicant is to submit a revised acoustic report and management plan, to be approved by the Shire of York on the advice of the Department of Environmental Regulation, and thereafter implemented (Note 5)</li> <li>• The maximum number of people present at any given time be limited to 130 inclusive of guests, staff, subcontractors and the residents of the land.</li> <li>• Only one evening reception event with amplified sound is to be hosted in any weekend, and events shall conclude no later than midnight.</li> <li>• Any amplified music or amplified speaking shall cease by 11.30pm.</li> <li>• 12Prior to the commencement of development, the applicant is to submit a revised complaints management procedure, to be approved by the Shire of York, and thereafter implemented.</li> </ul> <p>Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.</p> <p>Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.</p> <p>Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning &amp; Development Act 2005. An appeal must be lodged within 28 days of the determination.</p> <p>Note 4: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.</p> <p>Note 5: The acoustic report and management plan is to be prepared by a suitably qualified professional, and include:</p> <ul style="list-style-type: none"> <li>• Noise monitoring or modelling, including amplified and crowd noise, to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997, at all surrounding receptors;</li> <li>• Appropriate management techniques to be employed to ensure that noise levels will not exceed the Environmental Protection (Noise) Regulations 1997</li> </ul> <p>Note 6: The Department of Health advises that the lots will need to be amalgamated as the on-site wastewater system serving the development is located on both lots. An effluent disposal system is required to be wholly contained on the same lot as the development it is serving.</p> <p>Note 7: All food related aspects to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.</p> <p>Note 8: All public related developments (reception centre) to comply with the provisions of the Health Act 1911, related regulations and guidelines and in particular Part VI – Public Buildings.</p>

Note 9: Irrespective of the approval and implementation of the management plan referred to in Condition 7, the applicant is required to comply at all times with the Environmental Protection (Noise) Regulations 1997.

**SCHEDULE OF SUBMISSIONS**

Schedule of Submissions					
Public Submissions					
No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
1.	27-May-15	Ms Jan Linto		<ul style="list-style-type: none"><li>• ...</li><li>• The proposed Application has caused me some serious concern since the trail operation of the Reception centre holding weddings and functions. I have had sleepless nights and found it difficult to hear my TV. I have previously formally complained to the Shire, especially about the excessive noise emanating from Laurelvile.</li><li>• The proposed Application has addressed most of my concerns with the exception of noise management.</li><li>• Paragraph 6.2: The marquee has also been erected during summer and winter. Weddings have been held all year round.</li><li>• Paragraph 7.3. During the trial period we have complained more than twice to the Shire about excessive loud noise.</li><li>• Paragraph 7.5. The Shire to its credit dealt promptly with the traffic problem when I complained, but not with the noise problem.</li><li>• Appendix 4 – Noise Management Plan</li><li>• Summary produced by Shire of Northam has not been attached.</li><li>• The row of deciduous jacarandas will only partly mitigate the noise. What is required is a more substantial barrier like an evergreen hedge and trees. Flowering plums are deciduous, weddings are held all year round.</li><li>• Is the noise officer appoint by owner or hirer?</li><li>• I do not agree with Laurelvile being solely responsible for measuring and recording noise complaints. I should also have the option to complain to an independent person such as the Shire Ranger who has an identical noise meter to one used by Laurelvile. This will stop Laurelvile turning down the noise, then measuring it at my residence and then turning it up again. The temptation could be there. This way both parties knowing there is an independent part involved should prevent this and also potential conflict between me and Laurelvile. I envisage the use of the ranger would be used when there is a different of opinion between me, (my neighbours) and of course Laurelvile.</li></ul>	Noted. Noise considerations are discussed in the responsible authority report.

2.	5-Jun-15	David and Robyn Hovell	123 Herbert Rd, York, WA, 6302	<ul style="list-style-type: none"> <li>• <i>Objection to proposal.</i></li> <li>• <i>Topography – our home... is sited on a sloping block with panoramic views facing west...</i></li> <li>• <i>We purchased our home in 2005 for its amenities, quiet rural setting and proximity to the town: we never foresaw outdoor functions would be allowed to operate in a residential zoned area. The surrounding topography and associated land forms have combined to produce a natural amphitheatre where sound, especially amplified music/announcements and crowd noise, is carried some distance. Given the relatively close proximity and elevation of our property to Laurelvale, any type of outdoor event with and amplified music/announcements will produce unacceptable levels of noise.</i></li> <li>• <i>The development proposal to mitigate noise emissions by planting screening bushes and jacaranda trees at the front of the property will have no effect on the carriage of sound in our direction.</i></li> <li>• <i>Objections to conducting outdoor functions.</i></li> <li>• <i>We oppose the redefinitions of the proposed development, when referring to the "reception centre," which would allow the owners to conduct outdoor functions held in a large (temporary) marquee. These functions have been typically wedding receptions or other ceremonial events.</i></li> <li>• <i>We do not object to the other business proposals: art gallery, cooking school, community events proposed at Laurelvale. We acknowledge the considerable expense invested towards improvement and restoration of the property under the current owners.</i></li> <li>• <i>We consider marquees are not an appropriate type of enclosure to have outdoor functions such as wedding receptions, given the topography and residential area.</i></li> <li>• <i>Marquees are not designed to offer suitable insulation to contain noise from general chatter or music. Amplified music acts in the same way within a marquee as if it was played in the open. Any use of marquees for such activities is therefore totally opposed.</i></li> <li>• <i>Our experience of the activity to date, despite some efforts of the organiser to monitor noise levels, has demonstrated that noise cannot be appropriately managed to enable ourselves to enjoy our own amenity.</i></li> <li>• <i>The noise levels resulting from these functions, including crowd chatter, announcements and music, are regarded by ourselves as a nuisance and interfere with our ability to enjoy a quiet evening or attempt to sleep, which reasonably should be any time after 10.00pm.</i></li> <li>• <i>We lodged our first complaint with regard to noise in November 2011, and have continued to express our concerns, via letter or emails since that date, when noise levels from outside functions has what we would consider an unreasonable intrusion on our amenity.</i></li> <li>• <i>It is noted that the owner have also added a future plan to move the function centre to a more permanent location toward the back of the property. Altering the direction of speakers or the proposed development of</i></li> </ul>	Noted. Noise considerations and visual impact of temporary structures are discussed in the responsible authority report.
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			<p>a more permanent facility towards the rear of the property will only compound this problem, given our position and location of the facility. Propose to manage noise emissions - ... the owners have set out a detailed procedure for Complaints Management...</p> <ul style="list-style-type: none"> <li>The proposal has clearly identified noise emissions from outdoor functions are problematic but has stated they can be managed. The owners have accepted noise levels were exceeded on two occasions we contend there are more than two where noise levels have been unacceptable.</li> <li>The current proposal for resident/s to contact the owner should excessive noise be reported and the owners attend the residents' home is not reasonable. The potential for the event organiser to make discrete adjustments to noise levels prior to the owner visiting the resident/s home would automatically eliminate any proof of exceeded levels.</li> <li>We consider a conflict of interest would exist between the owners of the property and the complainants. We contend that all complaints should be investigated by an independent body, currently the Shire of York.</li> <li>Further, WA guidelines regarding who may undertake sound monitoring and reporting state,... Acoustic consultants or authorised persons under the Act usually qualify as approved persons to conduct sound monitoring...</li> <li>We also have concerns about the accuracy and reliability using the handheld instruments proposed by the owners to measure sustained sound emissions over the requisite period...</li> <li>Sound recording for the purpose of accurately establishing intensity, impulsiveness and fluctuation should be conducted by an Environmental Officer appointed by the Shire of York using equipment approved by the DER.</li> <li>Location of temporary structures... The current toilet facilities are reason for concern, given their appearance and close proximity to the adjacent property. We are confused over the term 'temporary structures' when the current toilet facility has been in a 'permanent position' for over twelve months...</li> <li>Despite the efforts of including a fence and surrounding shrubs, the building is still recognized as a demountable facility and clearly visible to passing traffic. The location and appearance of the facilities are regarded as unconducive to the heritage setting of the property and should not be given approval to remain on the site...</li> <li>... I have read the 26 page submission supporting this development and find very little in there to allay my concerns.</li> <li>In the submission the point is made that the owners hope to severely restrict the wedding events (which appear to be the main business to date), and focus on cooking classes, art exhibitions, etc. Having been involved in and owner hospitality/catering businesses in my professional life, weddings are a very lucrative aspect of this type of business – the returns are significant in comparison to the majority of other events. In the petition (distributed by the owners when applying for rezoning and requesting</li> </ul>			<p>Noted. Noise considerations and visual impact of temporary structures are discussed in the responsible authority report.</p>
3.	5-Jun-15	Renee Rees	27 Suburban Rd, York, WA, 6302			

				<p>support from the town), they state that without these functions they would be in financial difficulties.</p> <ul style="list-style-type: none"> <li>Also, should the owners reduce the number of wedding events, there is no guarantee that any future buyers of the property will be as accommodating.</li> <li>As documented in my letter of 13 August 2014, the prospect of a function venue at the edge of my property, being utilised 52 weeks of the year with the accompanying band (and obligatory throbbing base), sharing the reminiscing via the microphone of sentimental fathers, groomsmen and whoever else feels the love, will have a detrimental effect on the value of our property and also our quality of life.</li> <li>I am also concerned with the visual aspect of the present ablation block.</li> <li>It is not so long ago that the Council vigorously pursued/brought in restrictions on the use of containers on properties. A toilet block on a main road for all to see is neither a desirable nor appropriate tourist attraction. Neither is the sight, smell or noise of the sewerage being removed a pleasant experience.</li> <li>Finally, I am concerned that this application will be decided upon by our present "council" – a temporary government appointee who has apparently voiced his support for this venture.</li> <li>In my opinion, having expressed support, our "council" is not fulfilling their duty in considering the concerns of ALL residents.</li> <li>Councils decision in allowing this disruptive commercial activity in the midst of a residential area establishes an unacceptable precedent and shows a blatant disregard for the towns' zoning laws, heritage environment and may lead to a class action against Council by many affected ratepayers.</li> <li>I ask that Council not grant this application as it denigrates the amenity of the area.</li> </ul>
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#### Agency Submissions

No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
4.	22-May-15	Telstra	N/A	<ul style="list-style-type: none"> <li>...</li> <li>At present, Telstra Corporation Limited has no objection.</li> <li>A network extension may be required for any development within the area concerned. The owner/developer will have to submit an application before construction is due to start to NBN Co. (for greater than 100 lots or living units in a 3 year period) or Telstra (less than 100 lots or living units).</li> <li>Developers are now responsible for telecommunication infrastructure, i.e. conduits and pits. At present NBN or Telstra will provide the cable.</li> <li>...</li> </ul>	Noted.
5.	22-May-15	Western Power	N/A	<ul style="list-style-type: none"> <li>Western Power does not have any specific comments at this time to the</li> </ul>	Noted.





No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
11.	9-Jun-15	Department of Environment Regulation	N/A	<ul style="list-style-type: none"> <li>... In response to the request for analysis of noise data, technical advice has been prepared by experts employed within DER. The results will allow consideration of the analysis against assigned levels in the noise regulation.</li> <li>Technical report provided</li> </ul>	Results have been considered by an acoustic consultant; monitoring results indicate that crowd noise and music noise exceeded the noise regulations in the location of the monitoring. Noise is discussed further in the responsible authority report.
12.	12-Jun-15	Department of Health	N/A	<ul style="list-style-type: none"> <li>... The DOH provides the following comment:               <ol style="list-style-type: none"> <li>Water Supply and Wastewater Disposal DOH has no objection to the proposal seeking to formalise an existing use, however, the lots will need to be amalgamated as the on-site wastewater system serving the development is located on both lots. An effluent disposal system is required to be wholly contained on the same lot as the developments</li> <li>Food Act Requirements All food related aspects to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.</li> <li>Health Act Requirements All public related developments (reception centre) to comply with the provisions of the Health Act 1911, related regulations and guidelines and in particular Part VI – Public Buildings.</li> </ol> </li> </ul>	Noted. These Health Act requirements are recommended to be included as advice notes on any approval given.