

SUMMARY OF SUBMISSIONS

PA23/54 – Lot 87, 26 Karbro Drive, Cardup - Amendment to Condition E of Approved Stable

Submitter	Submitter Comments	Applicant Comment	Officer Comment
A144201	<p>We object to the arena lights new proposal with lights angled down to a 14 degree angle.</p> <p>They are still far too bright even after being angled down.</p> <p>When going into my chicken run at night to lock chickens up I need no torch as arena lights light it up enough. Even after they were angled down.</p> <p>They shine down our driveway and if we are coming home at night time it is like a car coming towards you with high beam on and also lights up some of our front paddock. If it wasn't for us having our shed there we would be unable to sit on our back patio but the shed stops the light shining directly into patio.</p> <p>If the block of land directly in front of them is getting sold in the near future {currently a rental} I am sure new owners would not want them shining directly into their property as they do now and also the arena being directly on the boundary fence between the 2 properties.</p> <p>On page 25 of the Ordinary Council Meeting Agenda Monday the 19th September 2022{Copy attached Attachment 2.) It was noted by the shire that the lights where "high powered LED lights" considered very visible and "unexpected" within a rural landscape. We totally agree as you can see by photographs (attachment 3). I have enclosed. The lights are angled south away from their house but upsetting surrounding neighbours on both sides of them and house in front being a rental and will not comment in writing but has told us they shine right through his house.</p> <p>Have attached submission from other neighbour regarding lights etc for Equine plan attachment 1 which was submitted by them last year and arena lights complained about then.</p> <p>ATTACHMENT 1. HARRY AND JAQUIE'S SUBMISSION FOR EQUINE PLAN - RE: ARENA LIGHTS etc</p> <p>On page 26 of the council meeting it was recommended by council to have the lights facing north which would be towards their own house. We see the only solution to this problem is to move the arena closer to the house so that they</p>	<p>Chickens are permanently restrained in a coop environment.</p> <p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p> <p>Refer to letter from Pierre – Neighbour at 28 Karbro Drive. He has provided written and verbal confirmation that the lights do not bother him.</p> <p>Equine Management Plan already approved.</p> <p>Horse Arena Approved.</p> <p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p>	<p>Thank you for the submission. It is noted the key concern you raise is relating to the adverse amenity impacts resulting from the lights as received at adjoining properties. The Shire has undertaken an assessment of this concern within the amenity section of the report. Several recommendations have been made to ensure impacts to amenity are managed.</p>

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	<p>can have the arena lights shining on their own house and not have spill onto neighbouring properties.</p> <p>I disapprove of the proposed keeping of 5 horses, riding arena and removal of trees at Lot 87, 26 Karbro Drive Cardup</p> <p>Our property is on the other side of the battle-ax driveway that runs between our two properties.</p> <p>I fear that the long term erosion and the environmental impact will have a devastating effect to the bio diversity of our property. The established habitat trees, of which a lot have been lopped already, were there for a reason and I feel that this will have a long term negative effect on our property and on the flora and fauna. This will also impact the water run off to our property. With the trees that have already come down and have been mulched for over a week had a huge impact on us as we had to retreat inside due to the noise and dust.</p> <p>The Arena so close to the driveway as well also has an impact already. The arena lights are kept on, our master bedroom is to the rear of our house and the lights are very, very bright and shine straight through our bedroom windows. The arena will also have an effect on the dust that depending which way the wind blows will also impact our property.</p> <p>The horses will have a health impact including flies, smell and also have an irreparable impact on the soil and noise pollution.</p> <p>The high volume of traffic and trucks that has been up and down the battle-ax driveway has increased tenfold this could lead to pot holes and damage being done to the driveway, and cost a considerable amount to repair. As per their business webpage they are running a couple of businesses from the property. This has attracted a high volume of people (strangers) going up and down the battle-ax driveway as well.</p> <p>We have lived at the property for approximately 15 years and have never had issues with any of our neighbours.</p>	<p>Keeping of Horses already Approved.</p> <p>Arena light are used for a max of 1.5-2 hours, couple times a week during the season's when daylight is less OR when weather is too hot and animal welfare has to be taken into account. You cannot ride according to Equestrian Australian Rules horses in heat above 35-36 degrees. Hence why later in afternoons or early mornings are better for the horses.</p> <p>What surprises me is that this neighbour who is complaining actually also owns a horse and is aware of the negative impact heat can have on horses.</p> <p>We have now only lived at 26 Karbro for over 18 months, previous owners built this arena and also had horses, so why complain now only.</p>	




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	<p>ATTACHMENT 2. COUNCIL MEETING NOTES WITH HIGHLIGHTED PARTS</p> <p>How can the current south facing arena lights shine so far and brightly up the trees and into the paddock to the neighbouring property directly in front of them with a 3 metre spill and also over to our property. Complete rubbish. The lights are just too powerful for this area. See photos (attachment 3) and there is not a lot of difference of light spill between angled down and not. I have attached photos of lights over a period from 3/4/22 to 9/1/23. These are all I have as I only see the lights when I have to go outside for anything at night time. I am sure there are many more times they have been on.</p>	<p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p> <p>Neighbour contradicting herself here. Now saying she only sees lights when outside but before said lights shines into the house.</p> <p>Again - Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p>	

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	<p style="text-align: center;">Attachment </p> <div style="display: flex; justify-content: space-between; align-items: center;">  <div style="text-align: center;"> <p>Continued</p> <p>Ordinary Council Meeting Agenda Monday, 19 September 2022</p> </div> </div> <hr/> <p>The stocking rate calculation in accordance with the Guidelines would allow for 1.9 horses without any stabling to rest paddocks. Should the horses be stabled for 16 hours and granted eight hours grazing time per day, the stocking rate increases to permit five horses.</p> <p>To support the stocking of five horses on the site, the applicant has provided an Equine Management Plan (EMP). The EMP outlines the horse and land management practices. The EMP states that the horses would be stabled for 16 hours. Officers are therefore satisfied that appropriate stocking and land management would occur should the applicant adhere to the management measures proposed in the EMP (contained within attachment 1).</p> <p><u>Amenity</u></p> <p>Clause 67(2)(n) of the <i>Deemed Provisions</i> requires the Shire to be satisfied that the proposal would not adversely impact the amenity of the locality. An objection was received advising that the operation of the horse arena to the south of site was adversely impacting neighbours by way of light and dust. Concern was also raised that the keeping of horses would impact the locality by way of waste and odour. These matters are addressed in the following sections.</p> <p><u>Light:</u></p> <p>There are three double-sided spotlights that provide light to the arena, enabling the use of the arena for extended periods. The lights themselves are high-powered LED lights, which are considered a very visible and unexpected feature within the rural landscape at night. The lights are angled towards the south, which is where adjoining properties are located. This is detailed in the following Figures.</p>  <p style="text-align: center;">Figure 8: Photo of the arena lights in operation</p>	<p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p>	

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Continued

Ordinary Council Meeting Agenda
Monday, 19 September 2022



Figure 9: Existing arena light position angled towards neighbouring properties

The applicant has responded to the concerns by advising that they only have the arena lights on occasionally. The lights would typically be on once a week for about an hour when the arena is being used. The applicant has also responded to Officers request to set the angle of the lights lower.

Despite these measures, Officers consider the lights would result in an adverse impact to the amenity of immediately adjoining neighbours. Officers recommend that Council require all lights to be north facing, so they are directed away from immediate neighbours. This would eliminate any light spill or nuisance to neighbouring properties and still permit the operation of the horse arena during evening periods. The applicant would need to install new light posts along the south side of the arena to facilitate this, as pictured in Figure 10 following.



Figure 10: Officer recommendation for an additional row of light posts and to direct the lights internally to the site

As per numerous site visit meetings the lights cannot be moved to the other side as that is the boundary of the property and the arena falls on the boundary.

Arena has been approved with its position.

Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.

Letter of neighbour confirmed he is not bothered by the lights.

Huge green shed of neighbour at 42 Karbro also obstruct light into their property including all the trees surrounding the neighbouring properties.

Lights were angled down during the week of 31/10/2022-03/11/2022.

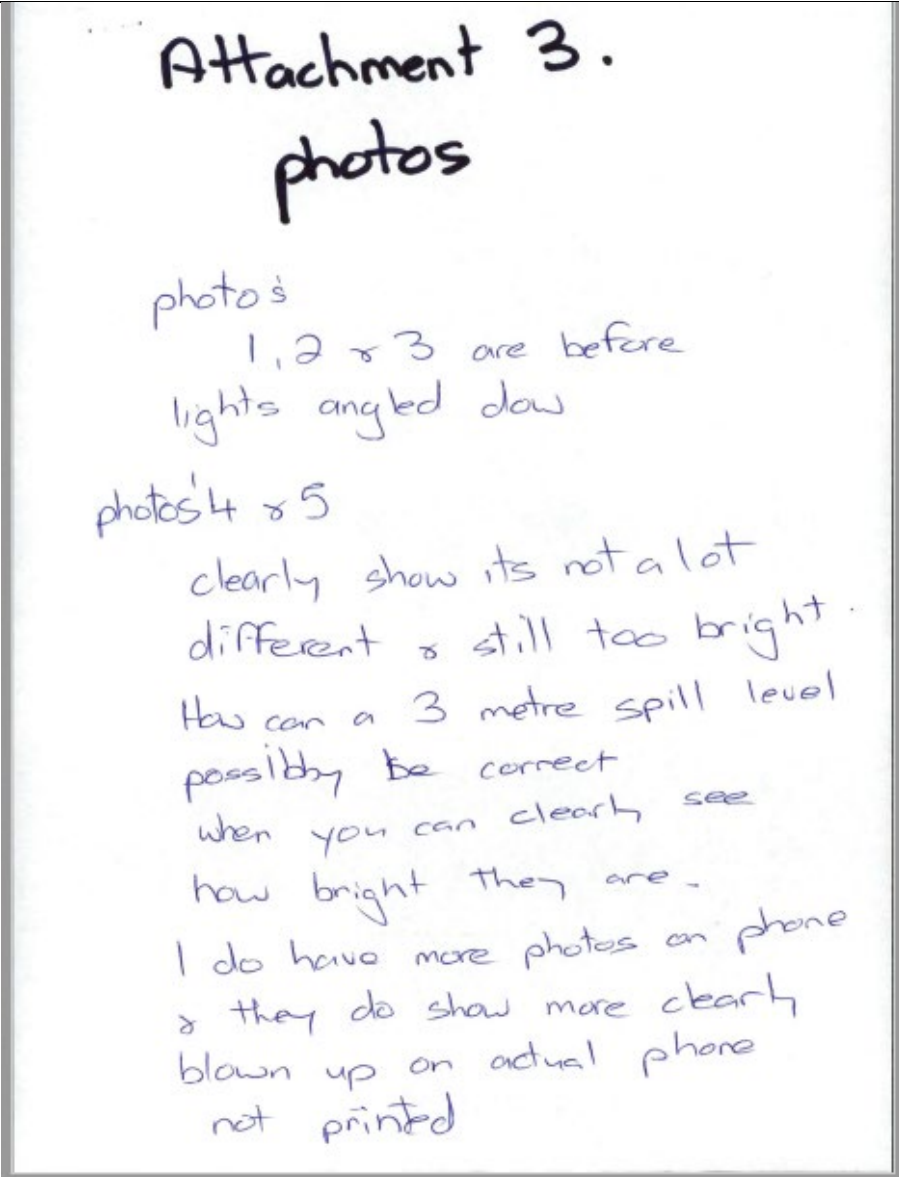
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	<p>See ATTACHMENT 3. PHOTOS dating from 3/4/22 to 25/10/22 lights not angled down and from 2/12/22 to 9/1/23 lights angled down.</p>	<p>Photos provided clearly showed light spill difference.</p> <p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p>	


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	 <p>Attachment 3. photos</p> <p>photos 1, 2 & 3 are before lights angled down</p> <p>photos 4 & 5 clearly show its not a lot different & still too bright. How can a 3 metre spill level possibly be correct when you can clearly see how bright they are. I do have more photos on phone & they do show more clearly blown up on actual phone not printed</p>	<p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p> <p>Any light you look at directly will be bright – Outside lights at 42 Karbro Drive, are just as bright if I had to look at them directly. The purpose of a light is to be able to see.</p>	

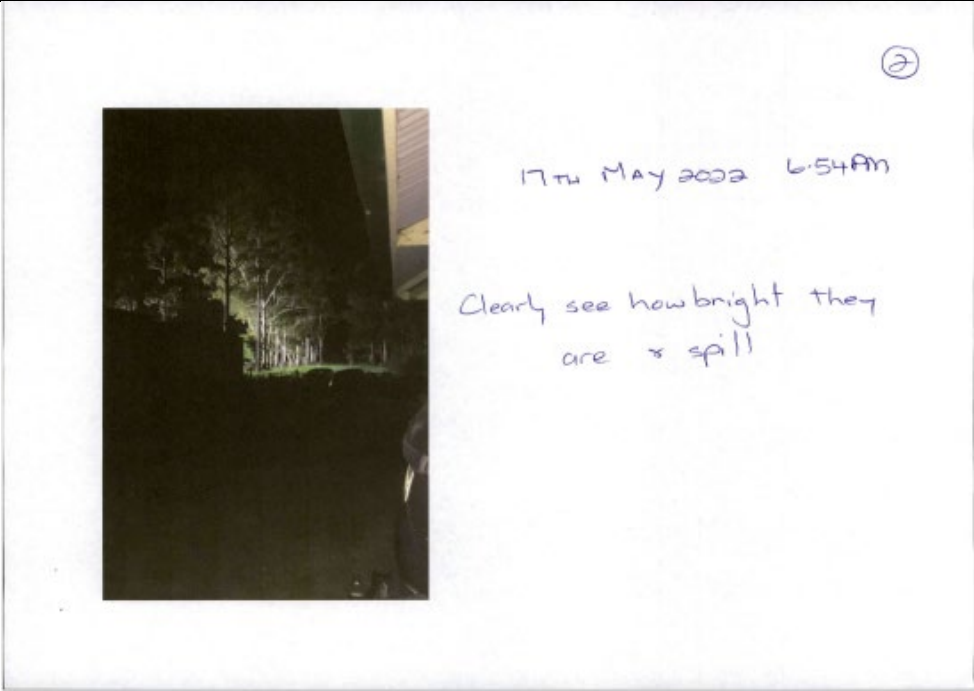
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	 <p style="text-align: right;">①</p> <p>26th April 23 5:49 AM</p> <p>Light shining over roof of our shed & you can clearly see light spill & arena lit up completely</p>	<p>This photo clearly demonstrates, yes you can see the light as you would see any streetlight, but the surrounding areas are black. The area in front of where she is standing and taking the photos is clearly black.</p> <p>The arena needs to have adequate light. You cannot have shadowing on the arena especially not when jumping.</p> <p>One of the main concerns with lighting at night is it needs to be safe. Horses can be unpredictable in how they react to shadows and so we need to ensure that the amount of light provided in an arena is suitable and reduces shadowing to a safe level.</p> <p>Horses' vertical visual range is narrower, its important to install lights at the correct height for riding safety. Which is what we have done.</p>	

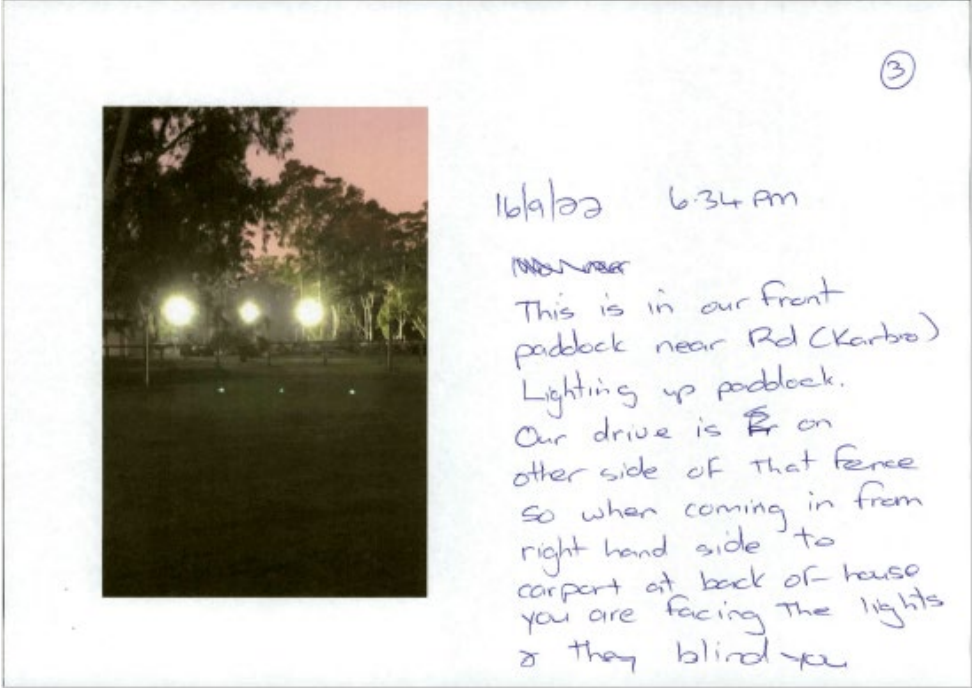
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		<p>This photo clearly demonstrates, yes you can see the light as you would see any streetlight, but the surrounding areas are black. The area in front of where she is standing and taking the photos is clearly black.</p> <p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p>	

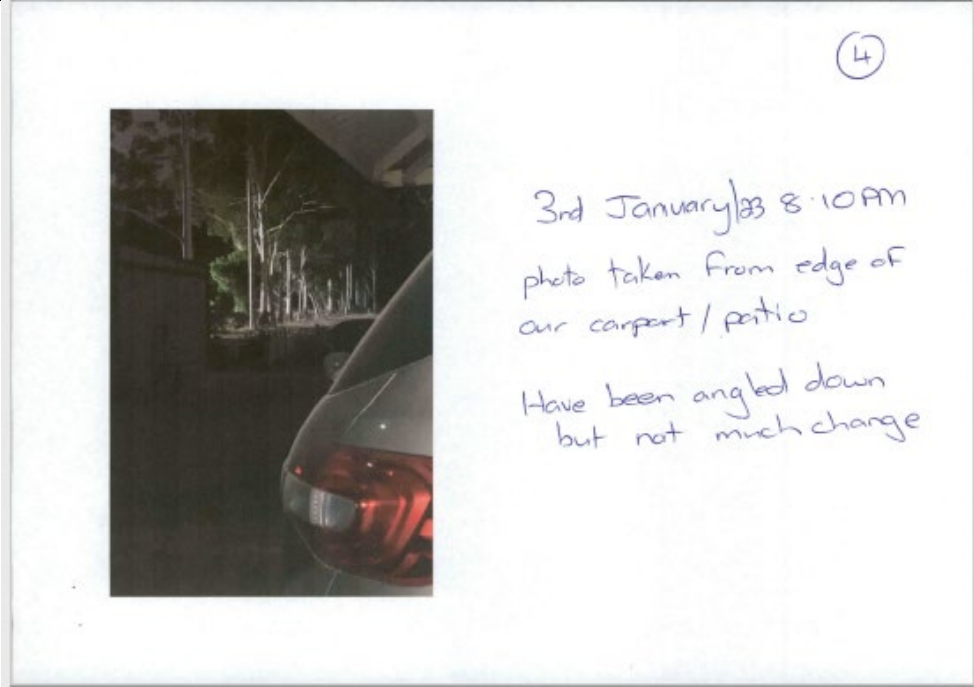
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		<p>Photo is prior to us changing the angle of the lights. They also have a sea container blocking their driveway, including an orchard of fruit trees.</p> <p>If they drive down the driveway and the lights are on, it would only be for a moment that they would see the lights, given they are sitting in a car and the car has a roof so yes, they would see it as they drive in. It would not blind you, unless you have serious health vision problems, but then I would suggest you should not be driving a vehicle as this could cause a serious accident.</p> <p>Again - Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p> <p>No light spill on their property.</p>	

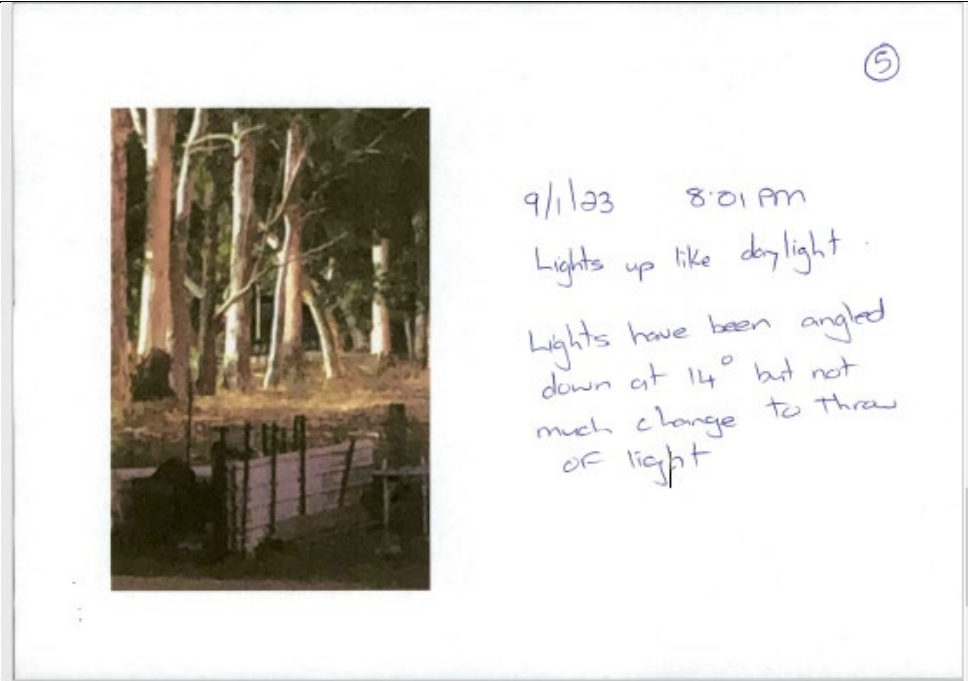
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	 <p style="text-align: right;">④</p> <p>3rd January/23 8:10 AM photo taken from edge of our carport / patio Have been angled down but not much change</p>	<p>Yes, again photo clearly demonstrates reduced light spill after we have changed the lights.</p> <p>This also again shows that every time we use our arena they are out there taking photos. Given I have three little girls this has now become rather disturbing as my girls every time they ride, they are out there taking photos. The girls will go - Mum the man is there is again – how are they supposed to concentrate and try and enjoy themselves on their ponies, with someone strange that keep looking and taking photos.</p> <p>We moved to this picturesque place that should be peaceful and filled with tranquillity but since April 2022 it has been nonstop with complaints, how is one supposed to live like this.</p>	

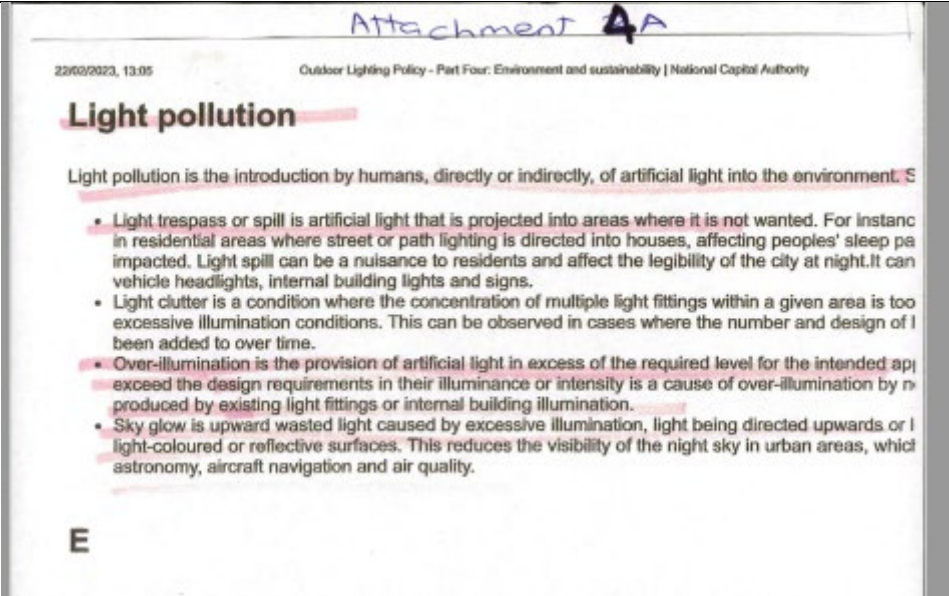
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	 <p>As far as we are concerned this is light pollution and not taking any control of the lighting situation.</p> <p>See ATTACHMENT 4A and 48 TWO ARTICLES WITH HIGHLIGHTED SECTIONS I.Light Pollution</p>	<p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p> <p>Photos are not date stamped – so can't confirm time/date.</p>	

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	 <p>2.The control of light part 1</p> <p>Has anyone from the Shire actually been out and inspected these lights at night time?</p> <p>I believe Andrew Trosic saw them one night when leaving the shire late from work driving down Soldiers Rd and wondered what on earth the bright lights are. I believe he drove down Karbro Drive to look so maybe speak to him as to how bright they are. There are 3 properties between them and Soldiers Rd so that's how bright they are to be seen from Soldiers Rd.</p> <p>Mr and Mrs Stephens have shown that they have no respect for any rules and shire regulations in the past and present and have told many lies to the shire in their building applications and Equine management plan which we can prove.</p>	<p>Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.</p> <p>We have respect and have demonstrated this on many occasions. Yes, there was times where we were no so mindful over the phone as you can imagine how would you feel being attacked every week. Not wanting to check the mailbox in fear of another fine or issue due to a neighbour complaining. We felt we are being attacked.</p>	

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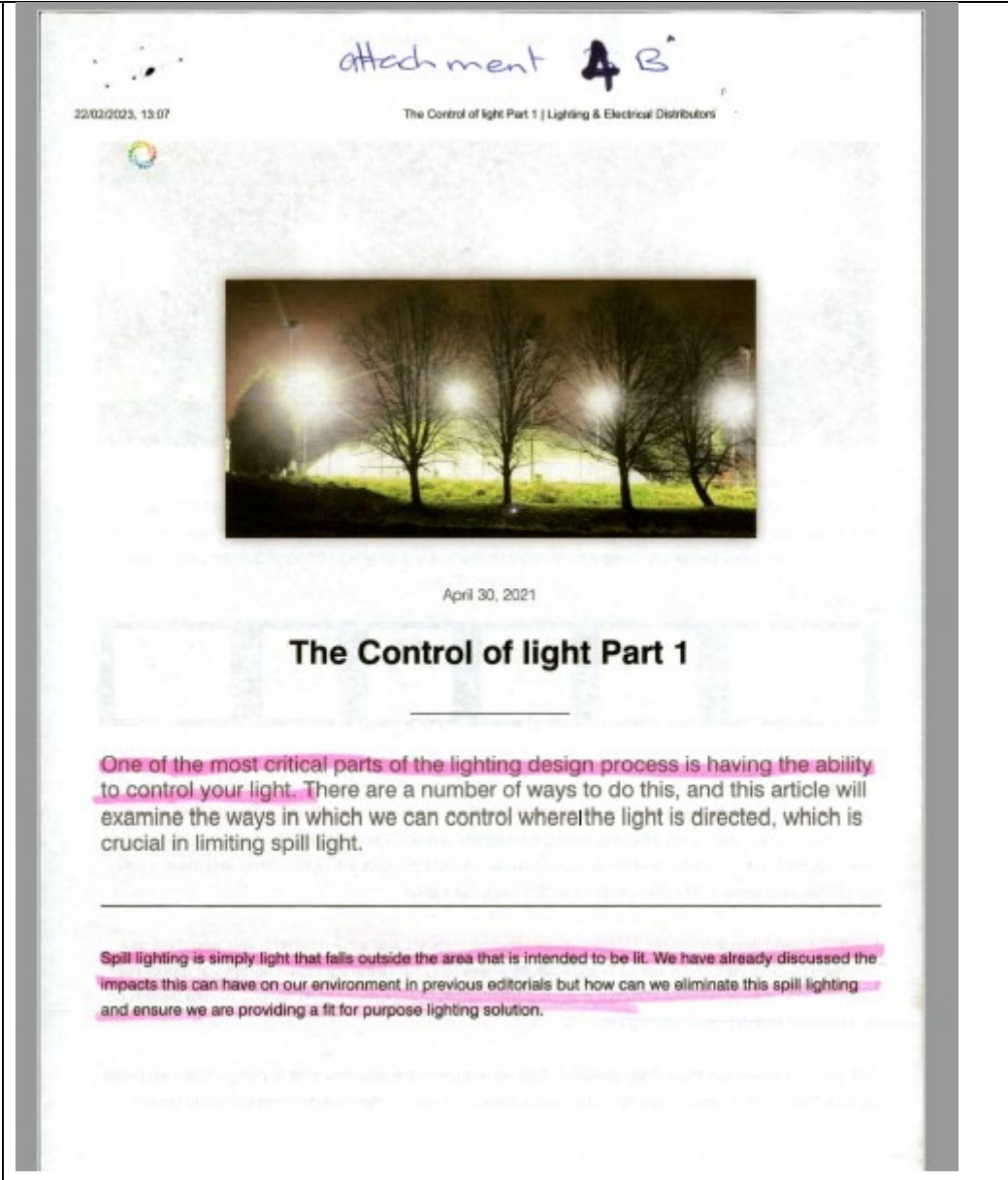
Submitter	Submitter Comments	Applicant Comment	Officer Comment
	<p>As they cannot move the lights inside the arena a metre off boundary fence facing north as the lights would be actually be in the arena making it unsafe.</p> <p>The arena could be moved closer to house in paddock 5 as they removed all the trees from middle of paddock without permission so plenty of room to move arena closer to their house and off the boundary fence and lights then point north.</p>	<p>We worked very hard, and still are. From immigrating from South Africa where one just tries to stay alive every day, as in not being shot dead for something to living in beautiful Australia with our Beautiful family. That is all we want - we will consult with the Shire like we did already when we wanted to put up a shed.</p>	

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E23/3358



Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.

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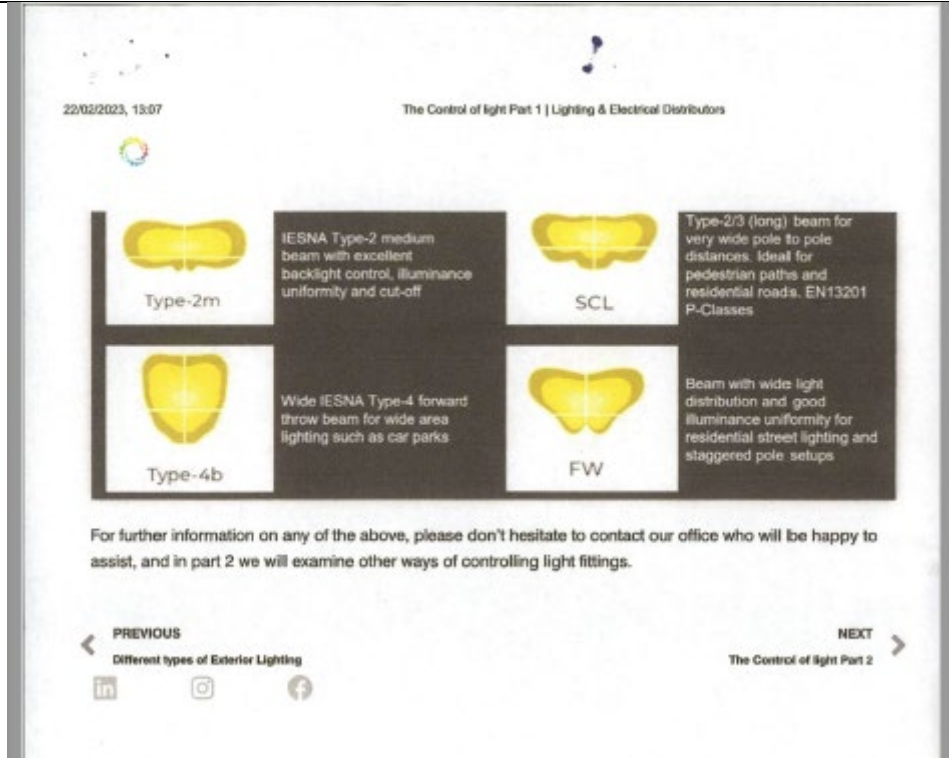
Refer to Lighting Specialist Report, lights meet Australian Standard 4282:2019.

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(ATTACHMENT 5 COPY OF Mr and Mrs Stephens LETTER ATTACHED). And it would not interfere with QUOTE (the subsurface drains that were installed in the arena below the sand etc etc. Stated in her Equine plan submission.

Has anyone from the shire seen this sub surface drains and filtration system that is supposed to be under arena or are you just going to take their word for it as it's another lie. There is nothing underneath that arena. This is why we now have run off from their arena because they brought fill into paddock 5 more than is allowable to build it up. Previously storm water would disperse across

Arena Drainage Approved and requirements met already.

Why did they not complain about arena when it was originally built – as it was on the boundary then. This was now 4 years ago almost – we have only lived here 18 months.

False allegations are being made again against us.

Refer to Equine Management plan that explains the drainage in detail.

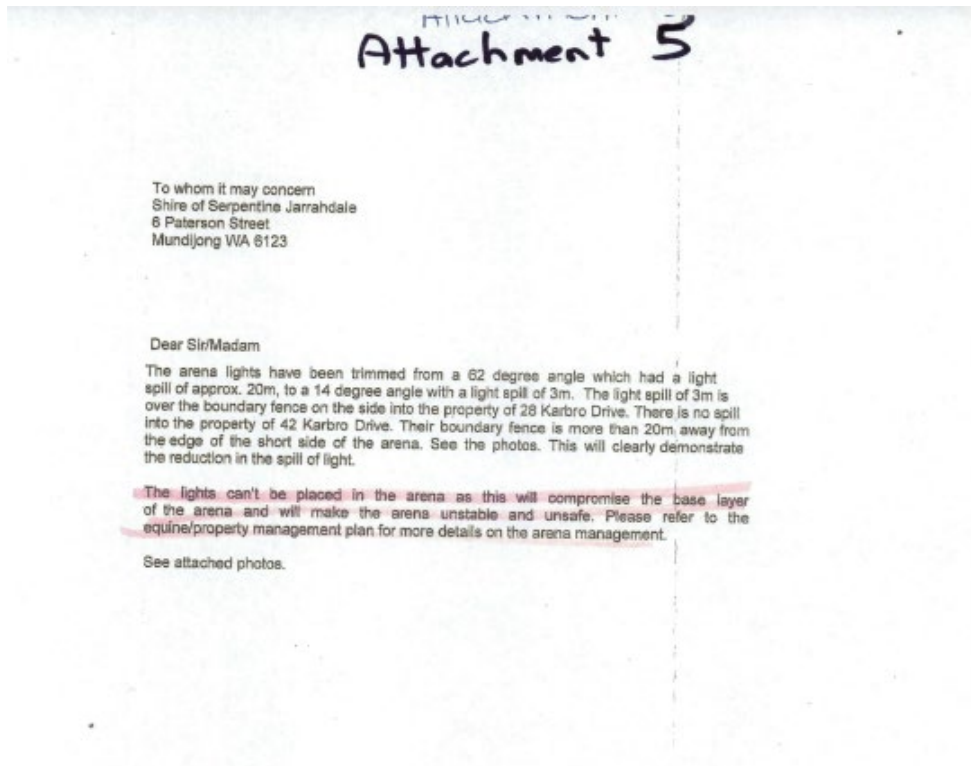
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paddocks. This has never happened to us before. (One of our complaints in with the shire equine plan excess fill and drainage issues).

We have lived here 25 years and watched that arena built by previous owner and spoken with Kelly previous owner and there is nothing there except blue gravel and river sand topping. So no reason not to move the arena and the lights.



ATTACHMENT 6 Councils recommendations meeting 19th sept 2022 This has all blown out from the 60 days to correct from the meeting in September to now be 5 months down the track and not much has changed.

Excess fill – again there was fill brought in for two approved shed pads that require to be constructed. The level of the ground was very uneven.

Soil conditioner was added to the paddocks. As this is a 6.5-acre property a couple of wheel barrows or bags from bunnings will not be enough. This property has been not maintained. To ensure the grass grown and paddocks can be fully covered to reduce dust we had to condition the soil with fertiliser etc.

Again – Refer to Lighting Specialist Report.

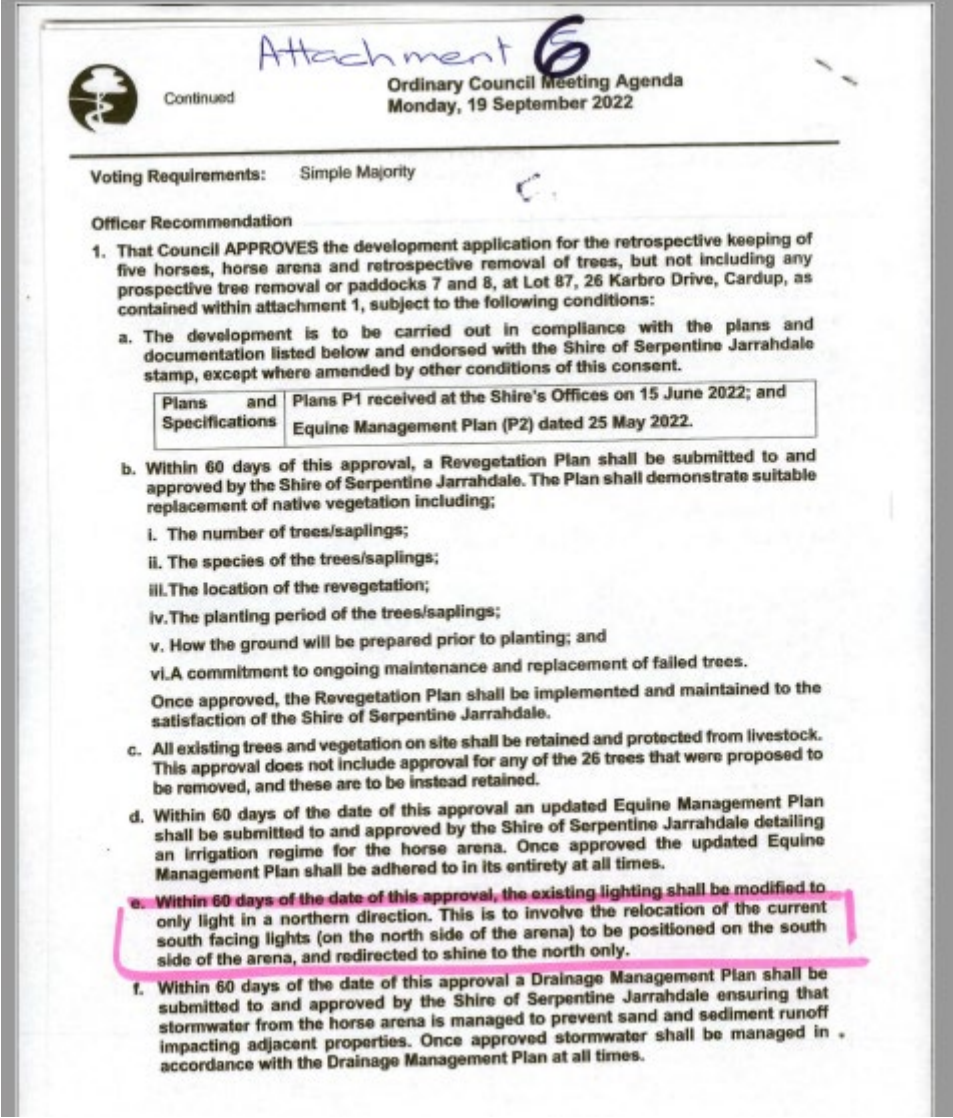
Amended Application submitted as instructed by Shire SJ.

Neighbour confirmed on text message (also Supplied to SJ Shire), where she clearly says the lights don't bother them as their bedrooms as on the other side of the house. We have fully complied with every request from SJ Shire.

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	 <p>Attachment 6 Continued Ordinary Council Meeting Agenda Monday, 19 September 2022</p> <p>Voting Requirements: Simple Majority</p> <p>Officer Recommendation</p> <p>1. That Council APPROVES the development application for the retrospective keeping of five horses, horse arena and retrospective removal of trees, but not including any prospective tree removal or paddocks 7 and 8, at Lot 87, 26 Karbro Drive, Cardup, as contained within attachment 1, subject to the following conditions:</p> <p>a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.</p> <table border="1" data-bbox="465 683 1126 746"> <tr> <td>Plans and Specifications</td> <td>Plans P1 received at the Shire's Offices on 15 June 2022; and Equine Management Plan (P2) dated 25 May 2022.</td> </tr> </table> <p>b. Within 60 days of this approval, a Revegetation Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan shall demonstrate suitable replacement of native vegetation including;</p> <ol style="list-style-type: none"> The number of trees/saplings; The species of the trees/saplings; The location of the revegetation; The planting period of the trees/saplings; How the ground will be prepared prior to planting; and A commitment to ongoing maintenance and replacement of failed trees. <p>Once approved, the Revegetation Plan shall be implemented and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.</p> <p>c. All existing trees and vegetation on site shall be retained and protected from livestock. This approval does not include approval for any of the 26 trees that were proposed to be removed, and these are to be instead retained.</p> <p>d. Within 60 days of the date of this approval an updated Equine Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale detailing an irrigation regime for the horse arena. Once approved the updated Equine Management Plan shall be adhered to in its entirety at all times.</p> <p>e. Within 60 days of the date of this approval, the existing lighting shall be modified to only light in a northern direction. This is to involve the relocation of the current south facing lights (on the north side of the arena) to be positioned on the south side of the arena, and redirected to shine to the north only.</p> <p>f. Within 60 days of the date of this approval a Drainage Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale ensuring that stormwater from the horse arena is managed to prevent sand and sediment runoff impacting adjacent properties. Once approved stormwater shall be managed in accordance with the Drainage Management Plan at all times.</p>	Plans and Specifications	Plans P1 received at the Shire's Offices on 15 June 2022; and Equine Management Plan (P2) dated 25 May 2022.		
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	<p>So bottom line is we DO NOT want the arena lights facing South upsetting surrounding neighbours. We want them facing North as suggested by the shire in recommendations of 19th Sept2022 council meeting. And we feel the only solution is to move the arena closer to their own house with North facing lights. Let them look at the lights not the neighbours.</p>	<p>It is not just about what you want.</p> <p>Again – Refer to Lighting Specialist Report.</p>	