

SUMMARY OF SUBMISSIONS

PA22/94 - Tunney Road, Oldbury 12 (L10) 174000 - Change of Use - Transport Depot

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
DWER		<p>Thank you for providing the development application at Lot 12 Tunney Road, Oldbury for the Proposed Change of Use – Transport Depot received on 17 August 2022 for the Department of Water and Environmental Regulation (the Department) to consider.</p> <p>The Department has identified that the proposed change of use from poultry farm to transport and storage depot may have the potential for impacts on water resource values and/or management. In principle the Department does not object to the proposal however given the proximity to Wellhead Protection Zones and the Jandakot Underground Water Pollution Catchment Area (UWPCA), declared Priority 2 (P2) source protection area, key issues and advice are provided below and these matters should be addressed.</p> <p>Issue</p> <p>Chemical Storage</p> <p>Advice</p> <p>Chemicals stored at the depot should be handled and stored consistent with the Department’s Water Quality Protection Note 65: <i>Toxic and hazardous substances – storage and use</i> (DWER, 2006). This includes,</p> <ul style="list-style-type: none"> All chemicals and other toxic or hazardous substances should be stored so there is no discernible risk of contamination of groundwater or surface water. Chemicals should be held in 		<p>Noted</p> <p>A condition is recommended to ensure all chemicals are stored in accordance with the WQPN. In addition a Spill Management Plan has been recommended to include detailed design of shed 3 where the chemicals are to be stored in line with the comments from DWER.</p>

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		<p>weather-proof buildings, on properly constructed concrete floors that are graded to spill containment sumps or with perimeter bund walls designed to contain the volume of chemical stored.</p> <ul style="list-style-type: none"> The maximum volume of chemicals and number of trucks to be held on-site at any one time should be detailed in the development approval. Chemicals to be stored are limited to those detailed in the proposal. <p>Issue Contingency Plan Advice A contingency plan for managing and responding to spills, as per the Department's Water Quality Protection Note 10: <i>Contaminant spills – emergency response plan</i> (DWER, 2020), should be completed by the applicant and approved by the Shire as part of the development approval process.</p> <p>Issue Stormwater Management Advice Stormwater management systems should be designed and constructed in accordance with the Department's <i>Stormwater management manual</i> (DWER, 2022) and <i>Decision process for stormwater management in Western Australia</i> (DWER, 2017). The first 15 mm of stormwater runoff from roads, hardstands and</p>		<p>A condition is recommended restricting the types and quantity of chemicals to be stored consistent with the application details.</p> <p>This information is required as part of the Spill Management Plan recommended as a condition.</p> <p>A stormwater management plan is required prior to commencement of operations.</p>

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		<p>2.1, <i>Peel-Harvey Coastal Plain Catchment</i> (SPP 2.1) shall apply.</p> <p>In the event there are modifications to the proposal that may have implications on aspects of water management, the Department should be notified to enable the implications to be assessed.</p> <p>Should you require any further information on this matter please contact Mark Hingston at the Department's Mandurah office on 9550 4209.</p>		
DBCA		<p>Thank you for your letter of 17 February 2022 referring the above development application to the Department of Biodiversity, Conservation and Attractions for comments.</p> <p>Please be advised DBCA has no comments to make on the proposal.</p>	Noted	Noted
A402442	1	<p>I oppose this development as it will increase dust and fumes pollution, road traffic and noise.</p> <p>I am <u>not</u> permitted to park trucks on my property due to the affect of ground contamination and the water table.</p> <p>A transport depot in this vicinity will affect the peaceful lifestyle.</p> <p>More road traffic will make it busier and the roads are not made for heavy vehicles, they will be unsafe for local traffic.</p>	<p>a) As detailed in the planning report, traffic generation from the proposed change of use will be less than the existing land use (boiler farm).</p> <p>b) This is not relevant as it doesn't relate to the subject site.</p>	<p>Given the scale of the proposed development and the 4 truck movements generated per day, it is considered that the proposal would not adversely impact on the level of residential amenity currently afforded to the locality. It is considered that the road network is capable of</p>

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			<p>c) The proposed use will generate significantly less activity than the current use.</p> <p>d) Traffic generation for the proposed use will be significantly lower than the current use.</p>	accommodating the additional movements.
Oldbury Action Group	2	<p>Please find attached an objection to the Application for Development for Lot 10 (No. 12) Tunney Road, Oldbury WA 6121.</p> <p>This submission is from a concerned group of residents who live in close proximity to the proposed Transport Depot for the movement and storage of Agricultural chemicals.</p> <p>Please find below a response to the Application for Development to the Serpentine Jarrahdale Shire for Lot 10 (No. 12) Tunney Road, Oldbury.</p> <p>The Development Application is for a Change of Use from a Poultry Farm to a Transport Depot.</p> <p>This response is being prepared on behalf of a group of concerned residents of Tunney Road and Orton Road in the suburb of Oldbury.</p> <p>The group of residents has many concerns about the Development Application and want to ensure that all the correct procedures are followed in the planning process.</p> <p>In regards to the Application for Development: Change of Use of the property at Lot 10 (No.12)</p>	<p>a) Concerns regarding the public notice period is a matter for the Shire to address.</p>	

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		<p>Tunney Road, Oldbury, we have the following concerns:</p> <ul style="list-style-type: none"> • The amount of time given to respond to the application. The letter from the Shire of Serpentine Jarrahdale was dated 17th February 2022, no resident received this letter before 22nd February 2022. With a closing date of 10th March 2022, this allows concerned residents just over 2 weeks to respond, with one of those days being a public holiday. This is not sufficient and we request an extension to the response time for this Development Application. • No bushfire assessment has been done as a part of the Application for Development. As chemical storage is a part of the proposal, there is a concern for the high probability of toxic fumes from these chemicals in the event of a fire on the property. • The Development Application claims an exemption from a bushfire assessment because of Section 2.6 of the Guidelines for Planning in Bushfire Prone Areas <ul style="list-style-type: none"> o 2.6 DISCRETIONARY DECISIONMAKING o Decision-makers can apply exemptions from the requirements of SPP 3.7 and these Guidelines where there is no intensification of land-use, and/or the proposal is not increasing the bushfire threat. Intensification of land use and/or development may include planning 	<p>b) A Bushfire Management plan has been prepared and submitted to the Shire. An arborist has also been engaged to ensure compliance with Shire's Fire Hazard Reduction Notice. The application has been referred to DBCA who have no comments.</p>	<p>The application was advertised for a period of 21 days in accordance with Local Planning Policy 4.1 – Consultation for Planning Matters. Shire Officers are accepting of extensions to these timeframes on request.</p> <p>A Bushfire Management Plan (BMP) was requested through the assessment process and provided by the applicant on 16 June 2022. The BMP demonstrates compliance with SPP3.7 – Planning in Bushfire Prone Areas and is addressed within the report.</p>

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		<p>proposals that: a) result in an increase of visitors, residents or employees;</p> <ul style="list-style-type: none"> • The quoting of this Section as a reason for an exemption from a bushfire assessment is very concerning and one that needs to be investigated. The exemption from a bushfire assessment is a concern for a proposal for chemical storage and movement in a Bushfire Prone area. • The concrete floors of the current chicken farm would not have been designed or built for the proposed purpose. This is a concern because of the proximity of the land zoned 'Rural Water Protection' and the possibility of leakage into the water table from stored chemicals. • A more detailed explanation of the terms 'incidental storage of chemicals' and 'occasionally use the existing poultry sheds for ancillary storage'. The concern is that the sheds will become permanent chemical storage facilities. • A more detailed explanation of the statement 'storage of materials will occur within the concrete bunded sheds, depending on the material and container size.' The concern is that some chemicals will be stored on the property outside of the existing sheds. • A clause ensuring that no outside flood lighting of any type is to be added to the 	<p>c) The current sheds are designed for heavy machinery access and are deemed suitable for the incidental storage of non-hazardous chemicals. The shed and proposed hardstand are not within the Public Drinking Water Source area.</p> <p>d) The incidental storage of non-hazardous chemicals will occur in two situations as detailed:</p> <ul style="list-style-type: none"> - Where trucks return to the depot fully loaded at the end of the day and are parked in the sheds for delivery to clients situated in the south of Perth the following morning. - Where delivery locations cannot accommodate larger (50 tonne) trucks, chemicals will be stored at the depot for smaller (4 tonne) trucks to deliver in batches. <p>e) No storage will occur outside the concrete bunded sheds.</p>	<p>Prior to storage of any chemicals, information demonstrating the construction of the shed is required to ensure chemicals can be stored safely and in accordance with the WQPN.</p> <p>Further information was requested in relation to storage as part of the assessment process. This is recommended to be reflected in the conditions to ensure the storage is incidental.</p>

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		<p>Development Application. This should not be a problem, as the hours of operations are proposed to be within the standard business hours of 7:00am to 5:30pm weekdays.</p> <ul style="list-style-type: none"> • In accordance with State Planning Policy 2.5 Rural Planning (SPP 2.5) <p>Clause 3.4 (e) There are nineteen separate regulations that fall under the Environmental Protection Act 1986. These relate to matters such as abattoirs, abrasive blasting, rural landfill, packaged fertiliser and concrete batching.</p> <ul style="list-style-type: none"> • There is no mention in the Development Application of any consideration being given to this particular clause of the SSP 2.5 • There is no mention in the Development Application of the Environmental Protection Act 1986 • The definition of a Transport Depot as outlined in Section 4.3 of the Development Application includes the following statements that do not align with the proposed Change to <ul style="list-style-type: none"> o The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or people o The transfer of goods (including livestock) or passengers from one vehicle to another 	<p>f) The current lighting will be retained. There is no intention to install flood lighting.</p> <p>g) SSP 2.5 has been addressed in the application report. Clause 3.4 (e) isn't relevant to this application and merely advises of the individual regulations that fall under the Environmental Protection Act 1986.</p> <p>h) Any approval and subsequent conditions will strictly be for the intended</p>	<p>Noted</p> <p>SPP2.5 is addressed within the Officers report.</p>

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		<ul style="list-style-type: none"> o The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above • The concern is that the inclusion of this definition allows the Change of Use to take on a different character to the one outlined in the Development Application • The concern for the statement o (a) any ancillary maintenance or refuelling of those vehicles • This allows for the storage of fuel on the property and the use of the proposed hard stand area as a vehicle maintenance area. This type of area is subject to further regulations which have not been mentioned in the Development Application • Section 5.2 Stormwater Management states that water will be drained from the hardstand into the surrounding sandy soils. Diesel runoff from refuelling and maintenance on this hardstand area is a concern. • The absence of the Department of Water input into the Development Application process. This is based on the following clause from SCA 6 – Buffers for the Jandakot Groundwater Protection Policy o 7. Contamination prevention is important with land use activities set up and operated to have minimal impact on buffers and associated water resources. Precautionary strategies to protect buffers from harm, erosion 	<p>use as outlined in the report. Any changes that take on a different character to that specified in an approval or subsequent conditions will require a further approval from the Shire.</p> <p>i) No heavy vehicle maintenance or refuelling will occur on site.</p> <p>j) The proposed ‘ Transport Depot’ is located outside the Public Drinking Water Source Area. Additionally, 4 blind sumps will be installed to capture runoff from the hardstand area.</p> <p>k) As per schedule 6 - SCA6 Buffers of LPS 3 relates to the existing poultry operations</p>	<p>The applications and conditions will ensure that the proposal is consistent with the land use.</p> <p>The application does not propose vehicle maintenance and a condition is recommended accordingly.</p> <p>DWER have provided a submission.</p>

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		<p>or smothering may include: a. restricting land disturbance activities to the low rainfall seasons; b. managing stock numbers and location to lower risks; c. isolating potentially harmful chemicals; d. immediate and effective chemical spill clean-up; e. use of structural stormwater retention/ detention/ treatment systems (see Chapter 9 of Stormwater Management Manual for Western Australia); f. preparation and implementation of environmental management plans; and g. training of staff and contractors in good operational practice</p> <ul style="list-style-type: none"> • The absence of the Department of Water input into the Development Application process. This is based on the following clause from SCA 6 – Buffers for the Jandakot Groundwater Protection Policy <ul style="list-style-type: none"> o 13. Factors influencing selection of buffer dimensions <ul style="list-style-type: none"> <input type="checkbox"/> e. Significance of any contaminant discharge to the water resource. Effects may be both environmental (i.e. affect the wellbeing of humans, animals or plants), social (e.g. people may lose confidence in the management of the resource) and economic (e.g. result in the loss of the resource to agricultural or industrial users). • The truck movement on both Orton Road and Tunney Road will further deteriorate 	<p>onsite and the appropriate environmental buffers to sensitive land uses in accordance with the <i>Environmental Protection Authority's Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land uses</i>. Acknowledging the proposed DA seeks to cease poultry operations onsite, no further consideration of the requirements of SCA 6 are considered applicable to this application. The shed and proposed hardstand are not within the Public Drinking Water Source area. The application has also been referred to DBCA who have no comment.</p> <p>l) The proposed change of use as outlined in the report will significantly reduce</p>	<p>Consideration has been given to the proximity to the water resource and potential contamination. It is considered that through careful design of the shed and spill management measures that the proposal does not pose an adverse risk by way of contamination.</p>

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		<p>a poorly maintained road with poorly maintained verges.</p> <ul style="list-style-type: none"> Concern that once the Proposal has been granted permission, there will not be adequate control over the chemical storage on the site and that there are very few avenues for residents to challenge any practices that are outside the parameters of the Development Proposal. Concern that the small scale operation, as outlined in the Proposal, will not be adhered to in the future, with expansion of both truck movement and chemical storage on the site without any policing. <p>Please be aware that this list of concerns has been put together in a very short time by this concerned group of residents who live in the vicinity of Lot 10 (No. 12) Tunney Road, Oldbury. We are hoping that you will view these concerns favourably and contact us as soon as possible.</p> <p>We are very aware of the very short amount of time we have been given for this process. We need to have the ability to hear back from you and then respond further before the Application Process is finalised. of Use Application.</p>	<p>traffic. Any road maintenance concerns are a matter for the Shire to address.</p> <p>m) If approved, any conditions of approval will be honoured. Development compliance concerns is a matter for the Shire.</p> <p>n) If approved, any conditions of approval imposed will be honoured. Any future changes to operation would need subsequent approval.</p>	<p>Officers are satisfied that the low traffic generation would not adversely impact upon the road network.</p> <p>Chemicals will be required to be stored in accordance with the proposal and conditions imposed.</p>
Oldbury Action Group Second Submission	3	Please find below a further response to the Application for Development to the Serpentine Jarrahdale Shire for Lot 10 (No. 12) Tunney Road, Oldbury.	The proposed use is 'Transport Depot' as stated in the application. The proposed use under LPS 2 and Draft LPS 3 may be approved under council discretion and therefore would not require rezoning.	

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		<p>The Development Application is for a Change of Use from a Poultry Farm to a Transport Depot.</p> <p>This response is being prepared on behalf of a group of concerned residents of Tunney Road and Orton Road in the suburb of Oldbury.</p> <p>It has come to our attention that the Chicken Farm was sold in December 2021. Someone representing the new owners has reportedly told a member of the previous owner's family, that they wish to use the sheds on the property to store chemicals from ships in Fremantle until there is room at their facility in Bayswater.</p> <p>While this may simply be gossip or hearsay, it is enough to make us very concerned about the possibility of the Application for Development being a front for a different form of use of the property at Lot 10 (No. 12) Tunney Road, Oldbury. We were always a little sceptical about the proposed use of the property, wondering why chemicals needed to be removed from one truck to another before being delivered to farm properties.</p> <p>We believe that for this alleged use to take place, the property would need rezoning from Rural to Light Industrial.</p> <p>This Application for Development needs to be given serious consideration by the following Government Departments...</p> <p style="padding-left: 40px;">Department of Fire and Emergencies</p> <p style="padding-left: 40px;">The Water Authority</p>	<p>The application has been referred to the DBCA who have no comments.</p>	<p>Noted, these concerns have been addressed within the Land Use section of the report.</p>

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		<p>The Volunteer Fire Brigade</p> <p>The Department of Environmental Protection.</p> <p>Please accept this submission, we are aware that today, 10th March 10, 2022 was the closing date for submissions.</p> <p>We are looking forward to hearing from you about this issue.</p>		
A173101	4	<p>In response to the development application, change of land use – and the proposed use as a transport depot I would ask the Serpentine Jarrahdale executive to please consider my comment. I have attached a type written addendum for your perusal to make my comment clear and precise.</p> <p>No! This is Rural Land. With Chemical Storage the land is not safe . Spillage-Fire -& wind drift can harm the lives of people & livestock, plus groundwater contamination.</p>	<p>The proposed use is ‘Transport Depot’ with incidental Storage of non-hazardous material. This use may be approved at the discretion of the Shire within a Rural Zone.</p> <p>The various risks referred to have not been explained or substantiated, and are not based on facts.</p>	<p>The proposal has been assessed against the objective of the rural zone within the Officer report.</p> <p>Due to the storage measures proposed and the condition imposed, it is considered that spillage and bushfire are appropriately managed.</p>
A400179	5	<p>In response to the development application, change of land use – and the proposed use as a transport depot I would ask the Serpentine Jarrahdale executive to please consider my comment.</p> <p>When we purchased our property, it was a designated rural property, in a rural setting. We have lived in this pleasant setting, alongside our rural neighbours, in complete harmony with all parties, mostly considering each other, as to</p>	<p>a) The proposal does not include a caretakers dwelling, as advised in the planning report the truck driver will reside in the dwelling. Furthermore, a</p>	<p>The proposed operations have been assessed against the objectives of the rural zone and considered consistent as per the Officer report.</p>

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		<p>how we impact each other, through activities carried out at our respective properties. My concern is that this may change, as the intention outlined in the current Development proposal is for a Caretaker - Manager to be installed in the residence – to manage the proposed usage of the land as set out in the proposal. It is fact, an employee – caretaker – renter – etc., would not hold the same level of regard to a property owners neighbours re: their considerations and not be as considerate re: care of the property, as the impact to them is negligible.</p> <p>I note! The proposal has been submitted on behalf of Diamond shelf PTY Ltd I assume is the possible current landholder. After perusing the Harley Dykstra document and it's attached appendix's, including Materials Safety Data Sheets supplied, that the current landowner, I assume, is intending to lease – or possibly sell the land to the business: Able Westchem, currently located 273 Collier Road, Bayswater. W.A. I have visually viewed this property, which seems to have restrictions with space at the current property – currently storing chemical containers against the boundary fence lines, not within the confines of the sheds on the property. I am concerned, The property Lot 10 Tunney Road , has been sought as a possible storage area not just for transfer.</p> <p>I have interpreted, that this proposal has been designed to specifically cater for Able Westchem, yet it has had no mention of Able</p>	<p>Bushfire Management Plan has been prepared.</p> <p>b) The submitters research and assumptions regarding a related business operation in Bayswater has no relevance to this application for the transport depot.</p>	<p>A caretakers dwelling does not form part of the application.</p> <p>Additional information was provided by the applicant to demonstrate that the storage element of the proposal is incidental to the Transport Depot. Conditions are recommended to ensure storage is only undertaken within the shed 3.</p>

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		<p>Westchem being the intended user of the property for storage or distribution of its products. The Harley Dykstra document states it has been prepared for and on behalf of the client, but I am confused as to who the document has been prepared for : The Landowner or Able Westchem ?.</p> <p>My Google research of Able Westchem concludes it is a large and rapidly expanding business. The business is a supplier to the market of large range of chemicals both toxic and non – toxic. It is noted 4. Material Safety Data Sheet have been included for perusal as attached in the Appendix? After Reading Page 2 the MSDS sheet for each product put forward and attached, it came to my attention that the products require a cool dry storage area and required storage away from the risk of ignition. It also concerns me at least one of the products contains a percentage 30-60% of Naxphthalene which is toxic and a possible Carcigen.</p> <p>Concerning factors of mine are: Are the bunded chicken sheds designed and fit for the intended storage of chemicals? It is to be ascertained, what is the definition of the words “incidental storage”, what restrictions are to be placed on the quantity of chemicals that can be stored on the site? – what is the limit of time deemed to be “as a required basis”?</p> <p>These concerns are relevant to the facts, that the property, Lot 10 Tunney Road is designated to be bushfire prone by the Department of Fire</p>	<p>c) Refer to response 2(d) above.</p>	<p>Conditions are recommended to ensure the storage shed is constructed to a suitable standard.</p> <p>Additional information has been provided by the applicant detailing limits on the storage which is reflected in the conditions.</p>

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		<p>and Energy – it's prevailing winds could send toxic fumes direct to an established prison complex within 1km of the property, should fire take hold as well as nearby residents. The property has an abundance of trees, it is especially relevant given there has been at least 2 major recent bushfires in the proximity within the last 18 months. It's concerning any major spillages – water runoff – flooding, could environmentally impact a designated water course as the chemical storage area is only metres away from a designed water mound.</p> <p>It's also concerning to me, the relevant governing departments, who I think should have reason to be informed re: the proposal for the change of use: The Department of Fire and Energy – The Prisons Department – The Environmental Protection Agency have not been consulted or have been inclusive in discussions regarding the proposal. I would also suggest that the property is on the border of the Kwinana Shire boundary, so they should also have been consulted as this may affect future planning of that shire</p> <p>The proposal development seeks to meet the exemptions requirements, listed SPP 3.7 stating employees who are to be on site are to be less than 3.0 hours at a time, yet the proposal also states that is intended to have a resident caretaker installed 24 hours on the property with a further employee to lodge there at intervals.</p>	<p>d) Refer to response 2(b) above.</p> <p>e) The Shire, as part of its own assessment of the development application, determines which government agencies are to be consulted.</p>	<p>The applicant submitted a BMP demonstrating compliance with SPP3.7 – Planning in Bushfire Prone areas which is addressed within the Officer report.</p> <p>Spill Management measures are required to be provided through the imposition of a condition.</p> <p>A BMP was provided following a request for further information.</p>

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		<p>The above concerns are all relevant to the business, Able Westchem becoming the Lessee – my assumed possible purchaser – possible future owner of the property as I have interpreted to be a possibility.</p> <p>A further Concern is : What happens should Able Westchem not become the business installed at the property following the proposed Change to usage to land be accepted and changed by the Shire of Serpentine Jarrahdale . Will the next possible tenant be held accountable to the same development requirements?</p> <p>In summation: We, do not wish to see the proposed land use proposal to be accepted due to the above concerns.</p>	<p>f) Refer to response 2(b) above.</p> <p>g) Any development approval is against the land and not the owner/tenant. Any future owner/tenant must comply with any approval or apply for a change of use or amendment.</p>	<p>Any future land owners will be bound by the conditions of the approval.</p>

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A190605	6	<p>Please find below a response to the Application for Development to the Serpentine Jarrahdale Shire for Lot 10 (No. 12) Tunney Road, Oldbury.</p> <p>The Development Application is for a Change of Use from a food producing Poultry Farm to a bulk chemical and truck storage 'Transport Depot'.</p> <p>We are opposed to the application for change of zoning from Rural to any form of Industrial.</p> <p>We are of the opinion that this application is in fact Industrial and not Rural.</p> <p>In regards to the Application for Development: Change of Use of the property at Lot 10 (No.12) Tunney Road, Oldbury, we have the following concerns:</p> <ol style="list-style-type: none"> 1. We have lived here for 40 years and are concerned that this application will affect the valuation and ability to sell of our properties. It will also affect our lifestyle and increase the incident of heavy trucks and other vehicles into Tunney Road, Oldbury. We agree with all the concerns put forward by Robyn Clarke and the other neighbours surrounding for Lot 10 (No. 12) Tunney Road, Oldbury. 2. This is our home we live, eat, wash and drink the water from the water mound underneath the applicant property. There is NO scheme water on these blocks. A food producing Market Garden exists on the block adjoining our block to Robyn Clarke's block to the applicants block. 	6.1, 6.2 Please refer to previous responses to 1(d) and 2(j) above.	<p>The application is considered consistent with the objectives of the rural zone and the traffic generation low.</p> <p>Storage and transfer of goods is required to be undertaken so as to not adversely impact on the water mound.</p>

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		<p>3. To our knowledge there has been no application for assessment by the Fire Brigade, the Water Authority or the E.P.A in regards to the mound that exists directly under the application property. A detailed assessment by the relevant departments is essential. The application states that they are not requiring any assessments. We challenge that alleged exemption. The mound was designed to be abused in that manner.</p> <p>4. There is nothing in the application in regards to how they intend to deal with water runoff or toxic spillage or how they intend to deal with water runoff.</p> <p>5. The existing chook sheds are and were not designed to accommodate container storage, large forked or otherwise vehicles to handle bulk chemicals.</p> <p>6. This application is not consistent with the rural family, food processing and agricultural setting. Bulk storage of chemicals and truck storage are not appropriate for these and is more consistent with industrial sites.</p> <p>7. The Modung Regional Park is adjacent to the applicant property approximately 100 metres away. This area is a bushfire risk area and has been burnt in the past. Houses and property many times over the years, as recent as 2019. The applicant property are also a bushfire risk currently.</p> <p>8. The casuarina Prison is 1 kilometre from the application property. There are around 3,000 prisoners. Any Toxic smoke or dust from a chemical spill at the application property necessitating evacuation of those prisoners is a logistical nightmare and a state of emergency.</p> <p>9. The chemicals that have so far been declared must be stored in a secure environment, not exposed to bushfire or naked flame. This will require modifications of current buildings with machinery to maintain</p>	<p>6.3 A Bushfire Management Plan has been submitted at the request of the Shire. The shed and proposed hardstand are outside the Public Drinking Water Source area.</p> <p>6.4 Please refer to Appendix C which outlines measures of non-hazardous chemicals. Stormwater Management has been addressed in section 5.2 of the report.</p> <p>6.5 Refer to response 2(c) above.</p> <p>6.6 This application is not for bulk storage of materials. The application is for a transport depot, with incidental storage associated with transport logistics.</p> <p>6.7 The chemicals are non-hazardous and non-combustible. A Bushfire Management Plan has been prepared.</p> <p>6.8 refer to response 6.7 above.</p> <p>6.9 All necessary considerations regarding the conditions required for incidental storage of non-hazardous chemicals will be appropriately managed.</p>	<p>A Spill Management Plan is recommended through a condition which will include ensuring the construction of the shed is capable of managing any spill.</p> <p>The applicant has demonstrated how the proposal is associate with rural pursuits, consistent with the objective of the zone under TPS2.</p> <p>None proposed.</p> <p>Conditions are recommended to ensure the storage is incidental to the Transport Depot.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>10. The maintenance, repair and refuelling of heavy trucks and inconsistent with a Rural Zoning.</p> <p>11. The term "Incidental Chemicals" is ambiguous and leaves chemical regardless of toxicity or danger.</p> <p>12. The term in the application "Occasionally using the Poultry storage" is also ambiguous, Storing what. Leaves the door any application.</p> <p>13. This application has been rushed through and neighbour reply to the application. The applicant obviously has had employed professional parties to submit the application. unfair.</p> <p>14. The current owners Jeff and Kerry MOORE do not live at done so for many years. This application is purely a business</p>	<p>6. 10. Please refer to response 2 (i) above.</p> <p>6.11. Details of the non-hazardous chemicals associated with the proposal are outlined in Appendix C.</p> <p>6.12. Please refer to response 2 (d) and 6.11 above.</p> <p>6.13. Please refer to response 2 (a) above.</p> <p>6. 14. This is not a planning related matter.</p>	
A190700	7	<p>I am a landowner of on Tunney Road, Oldbury 6121 I have lived at this location with my family for the past 32 years and was looking forward to a quiet and peaceful life when the Chicken Farm ceases operating.</p> <p>I believe if this application to alter the license of operation from a Rural Special License food producing Chicken Farm to in reality an Industrial Bulk Chemical Storage and Trucking and Transport depot will only increase in size and will destroy our way of life as we now know it, and probably contaminate ground water in the water mound whilst introducing a potential toxic</p>		

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>fire hazard to locals. I purchased my property as Rural.</p> <p>Please find below my response to the Application for Development to the Serpentine Jarrahdale Shire for Lot 10 (No. 12) Tunney Road, Oldbury. The Development Application is for a Change of Use from a 'Poultry Farm' to a 'Transport Depot'.</p> <p>I am opposed and strongly object to the application for Lot 10/12 Tunney Road, Oldbury for the following reasons:-</p> <p>1. This application was dated 17th February, 2022 and was not received by myself until Friday 25th February, 2022. My response is required before Thursday 10th March, 2022. The bulldozing timeframe of this application is not appreciated.</p> <p>2. This application is inconsistent with the purpose and intent of the Rural Zone because of the bulk chemicals and the trucking and other machinery intended to be stored there. There will be no food production or stock agisting carried out on the site. Therefore it could not be considered Rural. There will be no families living on the site. Bulk chemicals and trucks are more commonly associated with industrial areas away from residential living areas.</p> <p>3. The intent of this application is to have a 'caretaker', probably an random overnight truck driver, live on site, presumably for security, comply with driver regulations and to keep the</p>	<p>1. Please refer to response 2 (a) above.</p> <p>2. Please refer to response 6.6 and 3 above.</p> <p>3. It is not a requirement for the owners to reside on the property.</p>	<p>Noted</p> <p>The land use and zone objectives are addressed within the Officer report.</p> <p>The dwelling on site is existing and the application does not propose a caretakers dwelling.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>neighbours out, otherwise it would simply function as bulk chemical and a truck garaging and repair, storage, removal and repair workshop. An Industrial site disguised as Rural. The property will not be Rural Residential and be occupied by a family. The owners won't be living there.</p> <p>4. My property adjoins the application property owned by Mr and Mrs Jeff and Kerry Moore by a boundary fence. I and my family live, eat, wash and drink the water gleaned from a bore on my property in addition to captured rainwater. There is NO scheme water on any of the blocks in this area. Any form of contamination of the ground water is critical to our existence and health.</p> <p>5. The property behind mine, and also adjoining the applicants property, owned by Mr and Mrs Vince D'Ercole, is a working market garden producing food for sale and also dependant on the ground water from the mound underneath all our properties, including the applicants property.</p> <p>6. There has not been, to our knowledge, any application or advice received/made to WA Fire Brigades, The water Authority or the Environment Protection Authority for any assessment in this application. It merely states that the applicants, Mr Moore and Harley Dykstra acting for the Chemical Company Able</p>	<p>4. Please refer to response 2(j) above.</p> <p>5. Please refer to response 2 (j) above.</p> <p>6. Please refer to response 5 (e) above.</p>	<p>Spill Management measures are required to address risk in relation to water contamination.</p> <p>Noted</p> <p>The application has been referred to relevant Government Agencies</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>Westchem, declare themselves exempt. Who is the owner/applicant in this application?</p> <p>7. Directly across Orton road, from the applicant property, within ten metres is the "Modung Regional Park" which is a heavy bush area. There have been multiple fires, some uncontrollable, in the last 32 years that I am aware of. Last year multiple buildings were destroyed as a result of the fires in this bush from King Road, right along Orton road and over Thomas Road and towards the freeway. I am sure the Fire Brigade and Insurance Companies will verify this information.</p> <p>8. Should the fire jump Orton road, and the applicants have been extremely lucky to date, the applicants property would be susceptible to the full force of the fire and with bulk chemicals, sheds, vehicles, storage tanks etc, a disaster waiting to happen. Throw in NO scheme water, only bore and tank water, as a bonus. The property is heavy tree'd, with vegetation planted many years ago by Mrs Moore, as it is now a fire on that property would be uncontrollable.</p> <p>a. All of the declared chemicals that the application states would be stored in the current chook sheds require storage in a cool controlled situation and not exposed to heat and especially fire. All chemicals when burning create toxic fumes.</p> <p>b. The application is a fire and toxic fume hazard and a health and safety hazard for</p>	<p>7. Please refer to response 2 (b) above.</p> <p>8. Please refer to response 2 (b) and 2 (c) above.</p>	<p>A Bushfire Management Plan has been provided consistent with the State Planning Policy Framework.</p> <p>Chemicals are required to be stored in accordance with DWER's Water Quality Protection Note.</p> <p>The chemicals would be stored within containers within a shed. It is considered</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>humans in the surrounding area. If you need to work upwind, it's toxic. Below 30 degrees requires air conditioning and machinery to run it. Prevent run offs? Carcinogenic?</p> <p>c. Furrow – PK. Storage – must be kept in cool place. Accidental Release - In the event of a major spill, prevent spillage from entering drains or water courses. Section 10. Conditions to avoid : this product to be kept in a cool place preferably below 30%</p> <p>d. Eco Break -Eco Degreaser. Accidental Release Measures Large Spills – Prevent runoff to drains and waterways, Work up wind or increase ventilation when containing the spill.</p> <p>e. Aqua – Soil Wetter. Handling and Storage - store in a cool dry well ventilated place – store away from sources of heat and /ignition.</p> <p>f. Able PNS Solution. Chemical composition - Naphthalene Sulfonic Acid , Sodium salt 30 - 60% Balance. After doing a Google search I have read, Naphthalene is a Carcingen and is on a Right to Know Hazardous Substance List (New Jersey Department of Health). The MSDS supplied also states to be kept in a cool dry well ventilated place away from sources of ignition</p> <p>9. There is nothing in the application in regards to how the applicant and chemical company intend to correct chemical or toxic spillage or how they intend to deal with water</p>	<p>9. Please refer to response 6.4 above.</p>	<p>that health and safety has been addressed within the management measures proposed and imposed through conditions.</p> <p>This information is required through a condition.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>runoff and drainage management. There is a water mound directly under the applicants property and washing and draining chemicals into the same is not an option. I drink the water they could be contaminating.</p> <p>10. The existing chook sheds were designed to store roost chickens. The concrete floors are cracked/worn and were never intended to support heavy containers, bulk chemicals or heavy lift vehicles. There is currently no waste drainage system for water never mind chemicals or fuels.</p> <p>11. The applications states they intend to store "Incidental Chemicals". What are these incidental chemicals, how will they be declared, supervised. What is the toxicity level and danger to the public and environment. Who decides what is incidental.</p> <p>12. The application states they intend to "occasionally use the Poultry sheds for ancillary storage". Another ambiguous statement intended to store anything they like and maybe turn the premise into an overnight or derelict trucking yard as well. Nothing Rural about this statement, even trying with special licenses and the various subsections, entirely Industrial in nature and use.</p> <p>13. No application or thought has been made in regards to Casuarina Prison which is situated 1 Kilometre as the crow flies. Any toxic fumes from a bushfire and burning chemicals</p>	<p>10. Please refer to response 2 (c) above.</p> <p>11. Please refer to response 6.11 above.</p> <p>12. Please refer to response 6.6 and 6.11 above.</p>	<p>This will be required to be demonstrated prior to any storage occurring.</p> <p>Conditions will ensure storage is incidental.</p> <p>Spill will be addressed through a management plan.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>would necessitate possible evacuation of up to or more than 3,000 prisoners. That in itself is a logistics nightmare and a health and safety risk for occupants of the area. Has the Justice Ministry been advised and been offered to make comment.</p> <p>14. Trucking movements in Tunney Road over the years have left their mark on the road. With further truck movements and possible heavy crane and machinery movement, trucks on a regular basis, the road will deteriorate further. Trucks destroy roads, not family sedans or the occasional pushbike. With an 'Transport Depot' heavy vehicle movements will increase and the alleged two vehicles per day will increase to multiple entry and exit vehicles. The area will no longer be Rural with that type of industrial movement.</p> <p>15. There is no doubt that whatever classification this application is attempting to make for the property at Lot 10 (No. 12) Tunney Road, Oldbury. The rezoning will devalue my property and make any sale harder with a limited market, due to the very nature of a Chemical dump and Trucking and maintenance business next door.</p>	<p>13. Please refer to response 2(b) and 5 (e) above.</p> <p>14. Please refer to response 2(i) above.</p> <p>15. This is not a planning matter.</p>	<p>The traffic generation is considered low and capable of being accommodated on the road network.</p> <p>Noted</p>
A190400	8	We have serious concerns regarding the proposed business activities of Lot 10 Tunney Road, Oldbury outlined in the accompanying letter.		

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>In response to the development application, change of land use – and the proposed use as a transport Depot I would ask the Serpentine Jarrahdale executive to please consider my comment.</p> <p>When we purchased our property, it was a designated rural property, in a rural setting. We have lived in this pleasant setting, alongside our rural neighbours, in complete harmony with all parties, mostly considering each other, as to how we impact each other, through activities carried out at our respective properties. My concern is that this may change, as the intention outlined in the current Development proposal is for a Caretaker - Manager to be installed in the residence – to manage the proposed usage of the land as set out in the proposal. It is fact, an employee – caretaker – renter – etc., would not hold the same level of regard to a property owners neighbours re: their considerations and not be as considerate re: care of the property, as the impact to them is negligible .</p> <p>I note! The proposal has been submitted on behalf of the current landholder. After pursuing the Harley Dykstra document and its attached appendix's, including Materials Safety Data Sheets supplied, that the current landowner is intending to lease – or possibly sell the land to the business: Able Westchem, currently located 273 Collier Road, Bayswater. W.A. I have visually viewed this property , which seems to have restrictions with space at the current</p>	<p>a) The proposal does not include a caretakers dwelling, as advised in the planning report the truck driver will reside in the dwelling. Furthermore, a Bushfire Management Plan has been prepared.</p>	<p>The proposal has been assessed against the objectives of the zone and is considered consistent.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>property – currently storing chemical containers against the boundary fence lines not within the confines of the sheds .</p> <p>I have interpreted, that this proposal has been designed to specifically cater for Able Westchem, yet it has had no mention as an intended user of the property for storage of its products. The Harley Dykstra document states it has been prepared for and on behalf of the client, but I am confused as to who the client may be : The Landowner or Able Westchem ?.</p> <p>Able Westchem is a large and rapidly expanding business. The business is a supplier to the market of large range of chemicals both toxic and non – toxic . It is noted 4. Material Safety Data Sheet have been included for perusal as attached in the Appendix? After Reading the MSDS sheet for each product these points have come to my attention:</p> <p>Furrow – PK. Storage – must be kept in cool place. Accidental Release - In the event of a major spill,</p> <p>prevent spillage from entering drains or water courses. Section 10. Conditions to avoid: this product to be kept in a cool place preferably below 30% Eco Break -Eco Degreaser. Accidental Release Measures Large Spills – Prevent runoff to drains and waterways, Work up wind or increase ventilation when containing the spill.</p>	<p>b) The submitters research and assumptions regarding a related business operation in Bayswater has no relevance to this application for the transport depot.</p> <p>c) All non-hazardous chemicals that are proposed to be incidentally stored are sealed, safely packaged and when required will be stored appropriately.</p>	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>Aqua – Soil Wetter. Handling and Storage - store in a cool dry well ventilated place – store away from sources of heat and /ignition.</p> <p>Able PNS Solution. Chemical composition - Naphthalene Sulfonic Acid, Sodium salt 30 - 60% Balance.</p> <p>After doing a Google search I have read, Naphthalene is a Carcinogen and is on a Right to Know Hazardous Substance List (New Jersey Department of Health). The MSDS supplied also states to be kept in a cool dry well ventilated place away from sources of ignition.</p> <p>Concerning factors of mine are: Are the chicken sheds designed and fit for the intended storage of chemicals? It is to be ascertained, what is the definition of the words “incidental storage”, what restrictions are to be placed on the quantity of chemicals that can be stored on the site? – what is the limit of time deemed to be “as a required basis”?</p> <p>These concerns are relevant to the facts, that the property, Lot 10 Tunney Road is designated to be bush fire prone by the Department of Fire and Energy – it's prevailing winds could send toxic fumes direct to an established prison complex within 1km of the property, should fire take hold . This is especially relevant given there has been at least 2 major recent bushfires in the proximity within the last 18 months. Its concerning any major spillages – water runoff – flooding, could environmentally impact a</p>	<p>d) Refer to response 2(d) above.</p>	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>designated water course as the chemical storage area is only metres away from a designed water mound.</p> <p>It's also concerning to me, The relevant governing departments, who I think should have reason to be informed re: the proposal for the change of use: The Department of Fire and Energy – The Prisons Department – The Environmental Protection Agency have non been consulted or have been inclusive in discussions regarding the proposal .</p> <p>The proposal development seeks to meet the exemptions requirements, listed SPP 3.7 stating employees who are to be on site are to be less than 3.0 hours at a time yet the proposal also states that is intended to have a resident caretaker installed 24 hours on the property with a further employee to lodge there at intervals.</p> <p>The above concerns are all relevant to the business, Able Westchem becoming the Lessee – possible purchaser - owner of the property as I have interpreted to be a possibility.</p> <p>A further Concern is: What happens should Able Westchem not become the business installed at the property following the proposed Change to usage to land be accepted and changed by the Shire of Serpentine Jarrahdale . Will the next possible tenant be held accountable to the same development requirements?</p>	<p>e) Refer to response 2(b) above.</p> <p>f) The Shire, as part of its own assessment of the development application, determines which government agencies are to be consulted.</p> <p>g) Refer to response 2(b) above.</p>	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>In summation: We do not wish to see the proposed land use proposal to be accepted due to the above concerns.</p>	<p>h) Any development approval is against the land and not the owner/tenant. Any future owner/tenant must comply with any approval or apply for a change of use or amendment.</p>	
A174400	9	<p>In response to the Application for Development to the Serpentine Jarrahdale Shire of Lot 10, 12 Tunney Road, Oldbury. The Development Application is for a Change of Use from a Poultry Farm to a Transport Depot.</p> <p>As land owners of on Orton Road we would ask you to consider the following concerns for such an operation in close proximity to our property.</p> <p>This application is inconsistent with the purpose and intent of the Rural Zone, because of the bulk chemicals and the trucking/machinery intended to be on the site as a storage and transport depot.</p> <p>Therefore is there to be a change of zoning for this area?</p> <p>Our main concern is that there has not been, according to the Development Application, any application or advice received/made to:</p> <p>WA Fire Brigade The Water Authority Environmental Protection Authority Dept. Of Prisons (1kl from Tunney Road)</p>	<p>a) Please refer to response 3 above.</p> <p>b) Please refer to response 5 (e) above.</p>	<p>No rezoning is proposed.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>AS the applicants, Mr Moore and Harley Dykstra acting for the Chemical Company Able WestChem have declared themselves exempt where and what departments did they obtain this exemption from?</p> <p>All the declared chemicals that the application states are required to be stored in a cool controlled situation and not exposed to heat and especially fire. All chemicals when burning create toxic fumes. We live in a bush fire prone area and have had many fires over the 40 years that we have lived here. We believe the application to be a fire and toxic fume hazard and health and safety hazard for humans and our stock.</p> <p>Then there is also no mention to the ground water. We all have to use the ground water as there is no scheme water in the area. There is nothing in the application in regards to how the applicant and chemical company intend to correct chemical or toxic spillage or how they intend to deal with water runoff and drainage management. There is a water mound under the property and washing and draining chemicals into the same is not an option. We all use this water daily for personal and stock use.</p> <p>Our family oppose this development application and thank the Shire for the opportunity to express our concerns as in doing so you accept that the residents in the area would be greatly concerned and if this application goes ahead</p>	<p>c) Please refer to response 2 (c) above.</p> <p>d) Please refer to response 2 (j) above.</p>	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		you accept responsibility having had the concerns addressed to you.		
A400178	10	<p>Please find below our response to the Application for Development to the Serpentine Jarrahdale Shire for Lot 10 (No. 12) Tunney Road, Oldbury. The Development Application is for a Change of Use from a 'Poultry Farm' to a 'Transport Depot'.</p> <p>This application appears to be inconsistent with the purpose and intent of the Rural Zone, because of the bulk chemicals and the trucking and other machinery intended to be stored there. There will be no food production or stock agistment carried out on the site. Therefore, we find it difficult to understand how it could be considered Rural.</p> <p>Our main concern is that there has not been, according to the Development Application, any application or advice received/made to</p> <ul style="list-style-type: none"> • WA Fire Brigade, • The Water Authority or the • Environment Protection Authority for <p>any assessment in this application. It merely states that the applicants, Mr Moore and Harley Dykstra acting for the Chemical Company Able WestChem, declare themselves exempt.</p> <p>All of the declared chemicals that the application states would be stored in the current chook sheds, require storage in a cool controlled situation and not exposed to heat and especially</p>	<p>a) Please refer to response 4 and 6.6 above.</p> <p>b) Please refer to response 5 (e) above.</p> <p>c) Refer to response 2(b) and 4 above.</p>	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>fire. All chemicals when burning create toxic fumes.</p> <p>We believe the application is a fire and toxic fume hazard and a health and safety hazard for humans and animals in the surrounding area.</p> <p>There is nothing in the application in regards to how the applicant and chemical company intend to correct chemical or toxic spillage or how they intend to deal with water runoff and drainage management. There is a water mound directly under the applicants property and washing and draining chemicals into the same is not an option.</p> <p>The existing chicken sheds were designed to store roost chickens. The concrete floors are cracked/worn and were never intended to support heavy containers, bulk chemicals or heavy lift vehicles. There is currently no waste drainage system for water, chemicals or fuels.</p> <p>As the owners of a Performance Horse business, we have grave concerns about:</p> <ul style="list-style-type: none"> • the possibility of chemical leakage into the water that our horses drink. • the possibility of toxic fumes from a chemical fire affecting our stock and ourselves • the eroding of the rural environment of the Tunney Road/Orton Road area – which is a major highlight of the area at the moment 	<p>d) Please refer to response 6.4 above.</p> <p>e) Please refer to response 2(c) above.</p> <p>f) Please refer to response 6(k), 2(b) and 7.15 above.</p>	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<ul style="list-style-type: none"> • the devaluing of our property's resale value because of the close proximity of a chemical storage and movement business <p>In response to the development application, change of land use – and the proposed use as a transport Depot, we would ask the Serpentine Jarrahdale executive to please consider our comment.</p> <p>When we purchased our property, it was a designated rural property, in a rural setting. We have lived in this pleasant setting, alongside our rural neighbours, in complete harmony with all parties, mostly considering each other, as to how we impact each other, through activities carried out at our respective properties.</p>		
A174200	11	<p>In relation to proposed Application for Development for lot 10 (No. 12) Tunney Road Oldbury</p> <p>Our major concern with the proposed change of use as follows:</p> <ul style="list-style-type: none"> a) Exact nature of chemicals being stored on site b) Protection of the existing water mound if there is a chemical/ fuel spill c) Fire protection d) Actual owner/ developers of the property 	<ul style="list-style-type: none"> a) Refer to response 6.11 above. b) Refer to response 2(j) above. c) Refer to response 2(b) above. d) The application relates to the property and therefore e) Refer to response 2(c) above. 	

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>e) Rectification works required to the existing sheds for storage</p> <p>As we are the owner of a working market garden on lot 704 Orton Road Oldbury we would like to know what conditions will be enforced to ensure the water table will not be affected</p>		