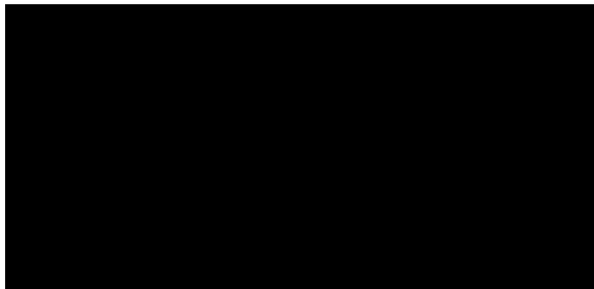


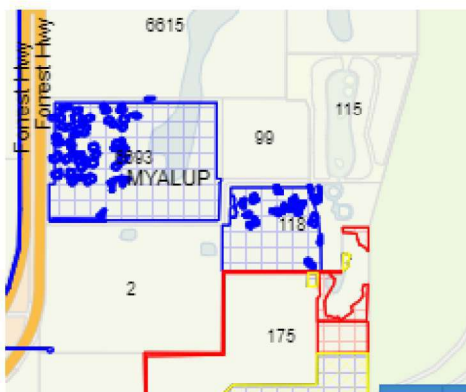
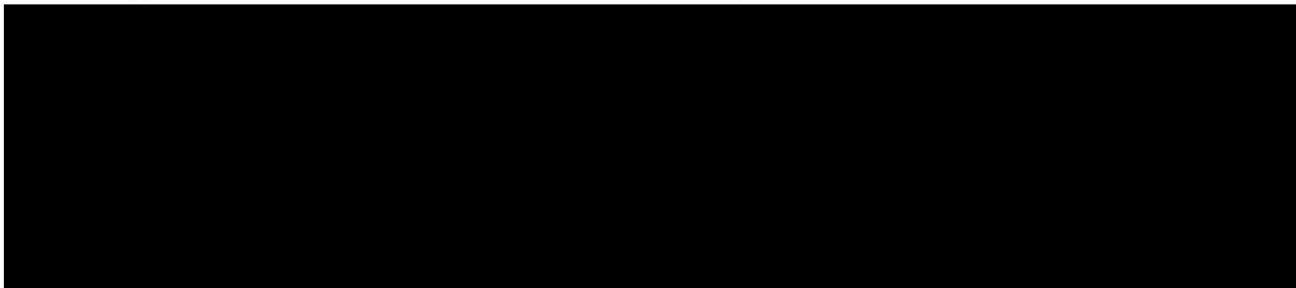
Department of Water and Environmental Regulation,
Locked Bag 10,
Joondalup DC,
WA, 6919



17/05/2020

Dear Sir/ Madam,

Re : Application number: CPS 9252/1 Patane Farms Pty Ltd



[REDACTED]

The proposal, as it currently stands, would have significant impact on [REDACTED]
[REDACTED] wish to raise these concerns so the department is made aware of the risks as we see them.

Our major concern is the impact of the use of chemicals and spray drift will have on our health, use and enjoyment of our properties. As residents we are all totally dependent on rain water for all our household uses. Any chemicals used on the market garden would inevitably end up on roof and into our rainwater tanks, therefore we feel it would be it only be a matter of when, not if ,residents health would be effected by chemicals. We all feel there is very little that can be done to mitigate this risk due to the proximity of the proposed development and due to our location we regularly get strong sea breezes which will compound the issue. Additional to the threat of chemicals contaminating our drinking water there is also the fact that the use of chemicals so close to our properties would impact on our daily activities like being able to open windows, hang out washing or sit outside. As such I would like to draw your attention to the following policy bullet points :

6. Buffers

6.1 Land uses with the potential to create conflict with agricultural activities should be separated from such activities by buffers, to protect the primacy of agricultural activities within the priority agricultural land areas and, in doing so, protect people from emissions such as spray draft, noise, dust and odours. These buffers should be determined in accordance with State Planning Policy 2.5: Rural Planning. Footnote 1

5.8 Intensive agriculture

(c) in considering buffer distances between intensive agriculture and sensitive land uses, the requirements of clause 5.12 should be observed, and the following matters may also affect the buffer –
(i) types of chemicals used and their method of application;

(ii) the characteristics of the site/s, including vegetation, topography and prevailing winds;

(iii) potential mitigation approaches, including fencing, vegetation buffers, open space, road reserves and other compatible uses; and (iv) potential staging and/or expansion intention of the intensive agriculture operator

Footnote 2

5.12.1 Avoiding land use conflict

Planning decision-makers shall take the following approach to avoid land use conflict:

(a) where an existing land use that may generate impacts is broadly compatible with surrounding zones and land uses, a separation distance should be indicated in a local planning strategy so there is broad awareness of the land use;

(b) where a development is proposed for a land use that may generate off-site impacts, there should be application of the separation distances used in environmental policy and health guidance, State Planning Policy 2.5 Rural Planning December 2016 10 prescribed standards, accepted industry standards and/or Codes of Practice, followed by considering –

(i) whether the site is capable of accommodating the land use; and/or

(ii) whether surrounding rural land is suitable, and can be used to meet the separation distances between the nearest sensitive land use and/or zone, and would not limit future rural land uses; and

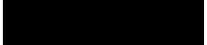
(iii) whether if clauses (i) and/or

(ii) are met, a statutory buffer is not required;

(c) where a development is proposed for a land use that may generate off-site impacts and does not meet the standard outlined in clause 5.12.1 (b) then more detailed consideration of off-site impacts will be required, in accordance with clause 5.12.3 of this policy; and

(d) where a development is proposed that could be contemplated in the zone, and has been assessed under clause 5.12.3 as having unacceptable offsite impacts that cannot be further mitigated or managed, the proposal should be refused.

Footnote 3

Another concern raised  is the impact of dust that the large scale clearing will have on households. Once the land is cleared and converted to market gardens the ground will need to be rested at intervals. When the soil is being rested there is no ground cover to control the dust that will inevitably occur when the sea breeze comes in. The issue of dust is already prevalent in the area with the other market gardens on the other side of Forrest Highway. When these paddocks are being rested the dust often impacts the highway and surrounding properties. Again, we feel there is very little that could be done to mitigate this risk to the residents.

Noise from farm machinery has also been noted as a point of concern. Operating a market garden requires operations to run outside normal working hours. The proposal, as it now stands, would potentially mean that we would be subject to operational noise from 2 boundaries of Kookaburra Close and the properties around Lot 115.

Financially, there is the real risk of considerable loss to all properties owners on Kookaburra Close and Lot 115. Most of the properties are well established and we have all put considerable time, money and personal investment into our respective properties. We all followed due process when we either submitted our building application to the shire or bought an established property. At no point we were made aware of the potential conflict of land use so close our boundaries. Any potential conflict with competing land uses should have been highlighted by the appropriate authorities before allowing families to establish permanent residences. Please note the following policy bullet point :

5.6 There is a presumption against rezoning, subdivision and development that would result in the establishment of sensitive land uses on land within, adjacent to, or in close proximity to the priority agricultural land areas, which could prejudice current or potential agricultural activities and production
Footnote 4

I understand, that from an environmental perspective, the land that is to be cleared has been deemed as of little value and that the flora and fauna is not classed as significant. On this point we would like to make the department aware that there is considerable wildlife, especially birdlife in the area. Red tailed, Carnaby and Baudin Cockatoos all frequent the area. These cockatoos are all classed as either vulnerable/threatened chiefly due to habitat loss. There is currently a range of birdlife in the area including eagles, spoonbills, wrens, kingfishers, honeyeaters and migrating rainbow bee eaters. Additionally, the lake/wetland area on Lot 115 has a number of wetland birds. Were the smaller plot to be cleared and used as market gardens there would be the risk of chemical run off into the wetland system.

As permanent residents we would believe we are entitled to know what would be done to mitigate the considerable risks that we would face should this proposed market garden be given approval.

Who would be accountable for any future serious or potentially terminal illness that are the result of chemical exposure and the resultant emotional, psychological and financial stress.?

What recourse would we, as residents, have for the potential financial loss due to the devaluing of our properties and the emotional, mental and financial stress this would place on all residents?

We have raised our concerns to ensure that they are taken into consideration before any decisions are made as we feel that to proceed with the proposal as it currently stands will have serious future ramifications.

[REDACTED]

[REDACTED]

Thank you for your time.

Regards



Footnote 1 reference : [Greater Bunbury Region Scheme Priority Agricultural Land Policy 2017 \(dplh.wa.gov.au\)](http://dplh.wa.gov.au) Page 6

Footnote 2 reference : [State Planning Policy 2.5 - Rural Planning - December 2016 \(dplh.wa.gov.au\)](http://dplh.wa.gov.au) Page 10

Footnote 3 reference : [State Planning Policy 2.5 - Rural Planning - December 2016 \(dplh.wa.gov.au\)](http://dplh.wa.gov.au) Pages 11 and 12

Footnote 4 reference: [Greater Bunbury Region Scheme Priority Agricultural Land Policy 2017 \(dplh.wa.gov.au\)](http://dplh.wa.gov.au) Page 5