

**Town Planning Scheme No. 2  
Amendment 82**

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**Shire of Manjimup**

**Report and recommendations  
of the Environmental Protection Authority**

**Environmental Protection Authority  
Perth, Western Australia  
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## Summary and recommendations

The Shire of Manjimup initiated Amendment 82 to Town Planning Scheme No. 2 for the purposes of allowing the continued operation of two saw mills in the Northcliffe townsite and rezoning adjacent land from 'Residential' to 'Service Industrial' as a buffer for those uses. This report provides the Environmental Protection Authority's (EPA's) advice to the Minister for the Environment.

Section 48D of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment on the environmental factors relevant to the proposed scheme amendment and on the conditions and procedures to which the proposed scheme amendment should be subject, if implemented. In addition, the EPA may make recommendations as it sees fit.

### Relevant environmental factors

Although other environmental factors were considered by the EPA in the assessment, it is the EPA's view that the following are the environmental factors relevant to the proposed scheme amendment:

- (a) Noise - impact on residential land and dwellings;
- (b) Dust/Particulates - impact on nearby residences; and
- (c) Visual Amenity - effect on views from roads and nearby area.

### Conclusion

The EPA considers the proposed scheme amendment to Shire of Manjimup Town Planning Scheme No. 2, for the purposes of allowing the continued operation of two saw mills in the Northcliffe townsite and rezoning adjacent land from 'Residential' to 'Service Industrial', is environmentally unacceptable as it cannot be managed to meet the EPA's environmental objectives in relation to noise.

The EPA has noted the Shire of Manjimup's advice that the continued operation of the saw mills are likely to detrimentally impact on the amenity (including noise) of the existing residential area and has recommended that the proposed amendment should 'not be adopted'.

### Recommendations

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister considers the report on the relevant environmental factors of noise, dust/particulates and visual amenity, as set out in Section 3.
2. That the Minister notes that the EPA has concluded that the proposed scheme amendment cannot meet the EPA's environmental objective for noise.
3. That the Minister notes the Shire of Manjimup's advice that the continued operation of the saw mills are likely to detrimentally impact on the amenity (including noise) of the existing residential area and has recommended that the proposed amendment should 'not be adopted'.
4. That the Minister notes that the EPA has not included in this Bulletin "conditions and procedures to which the proposed scheme amendment should be subject, if implemented" because the EPA is recommending that the proposed scheme amendment should not be implemented.
5. That the Minister seek the agreement of the Minister for Planning that a statement that the proposed scheme amendment may be implemented should not be issued.
6. That the Minister notes the EPA's other advice (Section 4) in relation to assessing a new zoning proposal and providing an adequate buffer around the saw mills if they are likely to continue operating.

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## **1. Introduction**

The Shire of Manjimup, the Responsible Authority, initiated Amendment 82 to Town Planning Scheme No. 2 for the purposes of allowing the continued operation of two saw mills in the Northcliffe townsite and rezoning adjacent land from 'Residential' to 'Service Industrial' as a buffer for those uses.

Amendment 82 was referred to the Environmental Protection Authority (EPA) by the Shire of Manjimup pursuant to Division 3 of Part IV of the *Environmental Protection Act 1986*. The EPA set the level of assessment at Environmental Review, in January 1998, because it was considered that an environmental impact assessment was needed to properly determine whether the saw mills would have significant noise impacts on nearby sensitive land uses in the Northcliffe townsite.

In compiling this report, the EPA has considered the Environmental Review associated with the proposed scheme amendment, issues raised in public submissions, specialist advice from the Department of Environmental Protection (DEP) and other government agencies, the Responsible Authority's response to submissions and the EPA's own research and expertise.

Further details of the proposed scheme amendment are presented in Section 2 of this report while Section 3 discusses environmental factors relevant to the proposed scheme amendment. Section 4 provides the EPA's Other Advice, Section 5 presents the EPA's Conclusions and Section 6, the EPA's Recommendations.

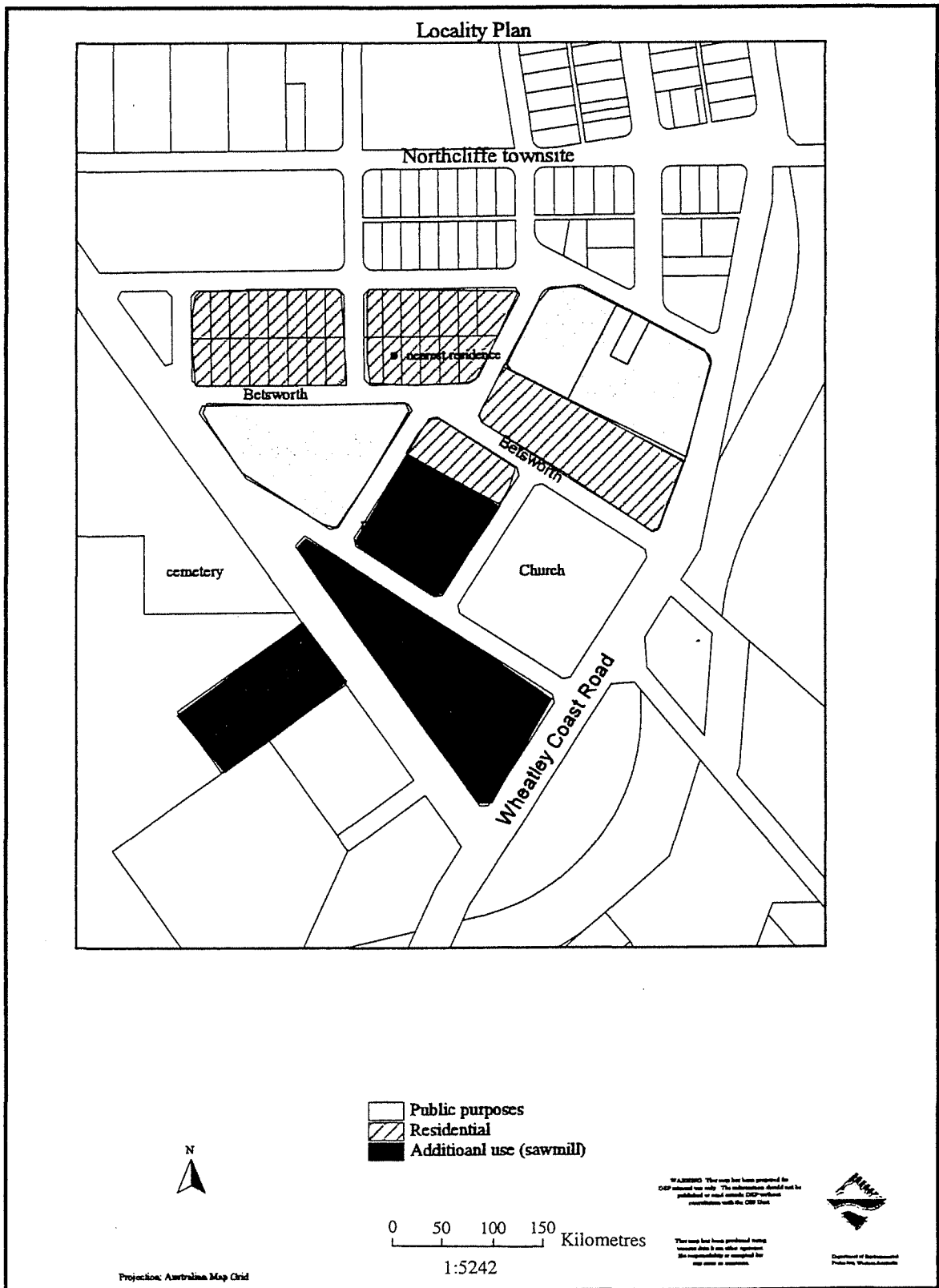
A locality plan and a plan of the proposed rezoning are included in Appendices 1 & 2. A list of people and organisations that made submissions is included in Appendix 3 and references are listed in Appendix 4. Appendix 5 contains the amendment text and provisions and Appendix 6 contains excerpts from the *Environmental Protection (Noise) Regulations 1997* relevant to the EPA's assessment.

Appendix 7 contains a summary of the public submissions and the Responsible Authority's responses. The summary of public submissions and the Responsible Authority's responses is included as a matter of information only and does not form part of the EPA's report and recommendations. The EPA has considered issues raised in public submissions when identifying and assessing relevant environmental factors.

## **2. The proposed scheme amendment**

The land the subject of Amendment 82 is situated within the Northcliffe town site (Figure 1). There are two saw mills currently operating without valid planning approvals on Lots 156, 157, and 160 and another on 159 Main Road, Northcliffe. The land on which the saw mills are situated is zoned 'Service Industry' and saw mills are not a 'permitted use' in this zone. The amendment proposes to include Lots 156, 157, 160 and 159 Main Road in an 'Additional Use' zone to allow the continued operation of the saw mills.

Currently there is vacant residential zoned land within 20m of the saw mill situated on Lot 159 Main Road. The amendment proposes to rezone the majority of the vacant residential land bounded by Betsworth, Francis, Stewart and Collins Streets, adjacent to the saw mills, from 'Residential' to 'Service Industry' to ensure that an appropriate buffer is provided between the saw mills and residential land and existing dwellings. Rezoning the vacant residential land to 'Service Industry' will provide a 200m buffer between the saw mills and the nearest residential land. Provisions are included in the amendment to ensure that noise sensitive premises cannot be established in the 'Service Industry' buffer.

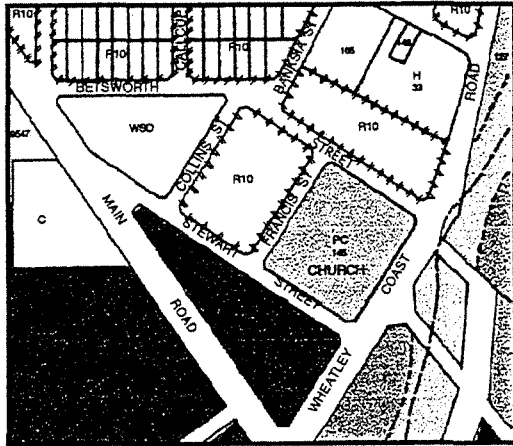


**Figure 1. Locality plan**

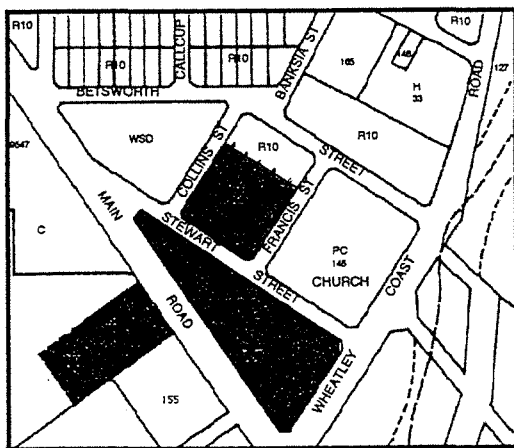
# SHIRE OF MANJIMUP

## TOWN PLANNING SCHEME NO. 2

### AMENDMENT NO 82



**EXISTING ZONING**



**PROPOSED ZONING**

#### LEGEND

##### RESERVES

 PARK AND RECREATION

 PUBLIC PURPOSES

C - CEMETARY


WSD - WATER SUPPLY, SEWERAGE  
AND DRAINAGE

H - HOSPITAL

 RAILWAY

##### ZONES


 RESIDENTIAL

 PRIVATE CLUBS AND INSTITUTIONS


PC PRIVATE SCHOOL

 SERVICE INDUSTRY

 GENERAL INDUSTRY

 RURAL

##### OTHER

 R - CODES


 ADDITIONAL USE/RESTRICTED USE

Figure 2. Existing and proposed zoning.

The main characteristics of the proposed scheme amendment are summarised in Table 1 below. A detailed description of the proposed scheme amendment is provided in Section 4 of the Environmental Review (Shire of Manjimup, 1999).

**Table 1 - Key characteristics of proposed scheme amendment**

<b>Element</b>	<b>Description</b>
Lots 156, 157, 160 and 159 Main Road	<p><b>Area:</b> 5 hectares</p> <p><b>Existing zoning:</b> Service Industrial</p> <p><b>Existing land use:</b> saw mills (2)</p> <p><b>Proposed zoning:</b> Service Industrial Additional Use Saw mill</p> <p><b>Proposed land use:</b> saw mills (2)</p>
Vacant Crown Land	<p><b>Area:</b> 1.2 hectares</p> <p><b>Existing zoning:</b> Residential</p> <p><b>Existing land use:</b> vacant land</p> <p><b>Proposed zoning:</b> Service Industrial &amp; Residential</p> <p><b>Proposed land use:</b> Service Industrial &amp; Residential</p>
Existing buffer width between the nearest saw mill and the 'Residential' zone	20 metres
Proposed buffer width between the nearest saw mill and the 'Residential' zone	200 metres

### 3. Environmental factors

#### 3.1 Relevant environmental factors

Section 48D of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment on the environmental factors relevant to the proposed scheme amendment and the conditions and procedures to which the proposed scheme amendment should be subject, if implemented. In addition, the EPA may make recommendations as it sees fit.

It is the EPA's opinion that the following are the environmental factors relevant to the proposed scheme amendment, which require detailed evaluation in this report:

- (a) Noise - impact on residential land and dwellings;
- (b) Dust/Particulates - impact on nearby residences; and
- (c) Visual Amenity - effect on views from roads and nearby area.

The above relevant factors were identified from the EPA's consideration and review of all environmental factors (preliminary factors) generated from the Environmental Review document and the submissions received, in conjunction with the proposed scheme amendment characteristics and alternative approvals processes which ensure that the factors will be appropriately managed. On this basis, the EPA considers that the preliminary factors and other issues raised in the submissions do not require further evaluation by the EPA. The identification process is summarised in Table 2 (Appendix 1).

The relevant factors are discussed in Sections 3.2 to 3.5 of this report and are summarised in Table 3 (Appendix 2).



## 3.2 Noise

### Description

The likely impact of noise from the saw mills on nearby residential land and existing residential dwellings in the Northcliffe townsite is the environmental factor of most concern to the EPA in relation to the proposed amendment.

The amendment proposes to rezone the vacant residential land between Betsworth, Stewart, Collins and Francis Street from 'Residential' to 'Service Industry' to provide a buffer between the saw mills and existing residential dwellings. The saw mill on Lot 159 is currently 20m from vacant 'Residential' land and 240m from the nearest existing residential dwelling.

### Assessment

The EPA's environmental objective for this factor is to protect the amenity of nearby residents from noise impacts by ensuring that noise meets the criteria in the Environmental Protection (Noise) Regulations 1997.

A noise study of the site was undertaken by ERM Mitchell McCotter as part of the Environmental Review. Based on current saw mill operations and worst case meteorological conditions the noise study concluded that noise levels received at the existing residential dwelling nearest to the saw mill are as follows :

- The noise levels from the saw mill on Lots 156, 157, and 160 Main Road does not comply with the *Environmental Protection (Noise) Regulations 1997* between the hours of 7am and 7pm Monday to Friday; and
- The noise levels from the saw mill on Lot 159 does not comply with the Environmental Protection (Noise) Regulations 1997.

The noise study advised that noise levels at the residential dwelling nearest to the saw mill on Lot 159 will only comply with the Noise Regulations if noise mitigation measures are incorporated in the proposed amendment. The noise study recommended that a 3.5m high earth bund between the existing shed on Lot 159 and the residential land on Betsworth Street be constructed as a noise mitigation measure. The study advised that no noise mitigation measures are required for the saw mill on Lots 156, 157, and 160.

The DEP advised that the noise study conducted as part of the Environmental Review does not conclusively demonstrate that the noise levels from the saw mills would comply with the Noise Regulations at the nearest existing residential dwelling on the north side of Betsworth Street or on the vacant residential land on Betsworth Street.

The DEP considers that the noise study carried out by ERM Mitchell McCotter does not:

- adequately determine the tonality of the noise from the saw mills at the existing residence nearest to the saw mill on Lot 159; and
- consider the impact of noise levels on the vacant residential land on Betsworth Street where residential dwellings may be developed in the future.

In relation to tonality, the DEP has advised that the presence of tonal characteristics in a noise emission alters the impacts of that noise emission on sensitive premises and the allowable noise level under the Noise Regulations. Where tonality is present a +5dB adjustment to the noise level is required under the Noise Regulations. If noise from the saw mills has tonal characteristics then the noise levels at the existing residence nearest to the saw mills would not comply with the Noise Regulations. The DEP has advised that there is a high probability that noise from the saw mills will be tonal.

The noise study did not describe noise levels on the vacant residential land that is closer to the saw mills than the nearest existing residential dwelling. Therefore, the EPA is unable to determine whether noise levels on this land will comply with the Noise Regulations.

To reduce the impact of noise emissions from the saw mills, provisions in the proposed amendment require:

- construction of a 3.5m high earth bund between the existing shed and the residences on Betsworth Street;
- the saw shed on Lot 159 to be relocated to face away from the residents and placing a 3m high barrier behind the shed;
- a 5m wide native vegetation buffer to be established along all boundaries of the saw mill operations; and
- the hours of operation of the saw mill to be restricted to between 7am and 7pm Monday to Saturday.

The EPA acknowledges that a 'Service Industry' buffer between the saw mills and residential land would be an improvement on the existing situation where residential land is currently directly adjacent to the saw mill on Lot 159.

The EPA notes that:

- fifteen public submissions were received by the Shire of Manjimup during the public review period. The majority of the submissions were from Northcliffe residents concerned with the impact of noise from the saw mills.
- the Shire of Manjimup has advised that the continued operation of the saw mills are likely to detrimentally impact on the amenity (including noise) of the existing residential area and has recommended that the proposed amendment should 'not be adopted'.

### **Summary**

The EPA notes the DEP's advice that the noise study conducted as part of the Environmental Review did not consider tonal aspects of noise and did not conclusively demonstrate that the noise levels from the saw mills would comply with the Noise Regulations at the nearest existing residential dwelling on the north side of Betsworth Street and vacant residential land on Betsworth Street.

As a consequence the EPA considers that on the basis of the information provided in the Environmental Review document the amendment does not meet the EPA's environmental objective for noise and is not environmentally acceptable because the nearest existing residence on the north side of Betsworth Street and vacant residential land on Betsworth Street may be subject to noise levels from the saw mill situated on Lot 159 that do not comply with the Environmental Protection (Noise) Regulations.

It is the EPA's view that the proposed scheme amendment as submitted cannot meet the EPA's objective for noise.

### **3.3 Dust/Particulates**

#### **Description**

The two saw mills are 240m from the nearest existing residential dwelling and 20m from existing vacant 'Residential' land. The amendment proposes to provide a 'Service Industry' buffer between the saw mills on Lots 156, 157, 160 and 159 Main Road and the existing residential dwellings and residential land on Betsworth Street. Sensitive land uses would be prevented from locating in this buffer through provisions included in the amendment.

## **Assessment**

The EPA's environmental objective for this factor is to ensure that particulate emissions, both individually and cumulatively, meet appropriate criteria and do not cause an environmental or human health problem.

To reduce the impact of dust/particulate emissions from the saw mills, provisions in the proposed amendment require a 5m wide native vegetation buffer to be established along all boundaries of the saw mill operations.

Concern was raised in the public submissions that dust/particulates from the saw mills may impact on nearby residences.

The EPA notes that the saw mills operate in sheds which may reduce dust emissions.

## **Summary**

The EPA considers that if the amendment were to proceed it would provide an adequate buffer between the saw mills, existing residential dwellings and residential land to ensure that the saw mills meet the EPA's environmental objective for dust/particulates.

It is the EPA's opinion that the proposed scheme amendment, if implemented, could meet the EPA's environmental objective for dust/particulates.

### **3.4 Visual amenity**

#### **Description**

Concerns were raised in the public submissions that the saw mills can be seen when travelling on the adjacent roads and that the saw mills may impact on the visual amenity off the immediate area.

#### **Assessment**

The EPA's environmental objective for this factor is that visual amenity of the area adjacent to the proposal should not be unduly affected.

To reduce the impact of the saw mills on visual amenity, provisions in the proposed amendment:

- prevent vegetation on site being cleared; and
- require the provision of a vegetation buffer along all lot boundaries.

#### **Summary**

The EPA considers that the proposed scheme amendment, if implemented, can meet the EPA's environmental objective for visual amenity.

## **4. Other Advice**

The EPA provides the following advice in relation to the proposed amendment.

If the Shire of Manjimup wants the EPA to assess a new zoning proposal to allow the continued operation of the saw mills, an additional noise study should be conducted which considers both the sound power level and tonality of noise emissions from the saw mills on all residential land outside the 'Service Industry' buffer on Betsworth Street. This will enable the EPA to determine the adequacy of the buffer around the saw mills and whether the saw mills can comply with the Noise Regulations. The 'Service Industry' buffer may need to be extended to include more residential land on Betsworth Street in order to comply with the Noise Regulations.

The EPA notes the Shire of Manjimup's advice that the continued operation of the saw mills are likely to detrimentally impact on the amenity (including noise) of the existing residential area and has recommended that the proposed amendment should 'not be adopted'.

## **5. Conclusions**

The EPA considers that the proposed scheme amendment to the Shire of Manjimup Town Planning Scheme No. 2, for the purposes of allowing the continued operation of two saw mills in the Northcliffe townsite and rezoning adjacent land from 'Residential' to 'Service Industrial', is environmentally unacceptable as it cannot be managed to meet the EPA's environmental objectives in relation to noise.

On the basis of information provided in the Environmental Review document the amendment is not environmentally acceptable because the nearest existing residence on the north side of Betsworth Street and the residential land on Betsworth Street may be exposed to noise levels from the saw mills that do not comply with the Environmental Protection (Noise) Regulations.

In relation to the environmental factors dust/particulates and visual amenity the EPA has concluded that the proposed amendment would meet the EPA's environmental objectives subject to the provision of a 'Service Industry' buffer, a landscape buffer around the saw mills and the prevention clearing on site. However, because the proposed amendment cannot be managed to meet the EPA's environmental objectives for noise the amendment as presented is considered to be environmentally unacceptable.

## **6. Recommendations**

Section 48D of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment on the environmental factors relevant to the proposed scheme amendment and on the conditions and procedures to which the proposed scheme amendment should be subject, if implemented. In addition, the EPA may make recommendations as it sees fit.

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister considers the report on the relevant environmental factors of noise, dust/particulates and visual amenity, as set out in Section 3.
2. That the Minister notes that the EPA has concluded that the proposed scheme amendment cannot meet the EPA's environmental objective for noise.
3. That the Minister notes the Shire of Manjimup's advice that the continued operation of the saw mills are likely to detrimentally impact on the amenity (including noise) of the existing residential area and has recommended that the proposed amendment should 'not be adopted'.
4. That the Minister notes that the EPA has not included in this Bulletin "conditions and procedures to which the proposed scheme amendment should be subject, if implemented" because the EPA is recommending that the proposed scheme amendment should not be implemented.
5. That the Minister seek the agreement of the Minister for Planning that a statement that the proposed scheme amendment may be implemented should not be issued.
6. That the Minister notes the EPA's other advice (Section 4) in relation to assessing a new zoning proposal and providing an adequate buffer around the saw mills if they are likely to continue operating.

## **Appendix 1**

### **Table 2: Identification of Relevant Environmental Factors**

**Table 2 - Identification of Relevant Environmental Factors**

FACTOR	AMENDMENT COMPONENT WITH POSSIBLE IMPACT	GOVERNMENT AGENCY AND PUBLIC COMMENTS	IDENTIFICATION OF RELEVANT ENVIRONMENTAL FACTORS
<b>POLLUTION MANAGEMENT</b>			
Noise	<ul style="list-style-type: none"> <li>•Two sawmills currently operate from Lot 156, 157, 159 and 160.</li> <li>•The sawmills on Lot 159 is 20 metres from undeveloped land currently zoned "Residential" and 240m from an existing dwellings.</li> <li>•The amendment proposes to rezone the undeveloped land from "Residential" to "Service Industry" to provide a buffer between the sawmills and the residential dwellings.</li> <li>•The noise study found that the noise levels received at the nearest residence from the sawmill on:               <ul style="list-style-type: none"> <li>- Lots 156, 157, and 160 comply with the <i>Noise Regulations</i>.</li> <li>- Lot 159 do not comply with the <i>Noise Regulations</i>.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The hours of operation are unacceptable and need to be regulated (public).</li> <li>• The saw mills produce unacceptable noise levels (public).</li> <li>• Visitors to the cemetery nearby will experience unacceptable noise levels (public).</li> <li>• Inadequate noise modelling (public)</li> <li>• Does not comply with the EPA's 500m noise buffer (public).</li> </ul>	Considered to be a relevant factor.
Dust/Particulates		<ul style="list-style-type: none"> <li>•Measures to control dust, soot and smoke pollution have never been employed and were not addressed in the Environmental Review (public).</li> </ul>	Considered to be a relevant factor.
<b>SOCIAL SURROUNDINGS</b>			
Visual Amenity	<ul style="list-style-type: none"> <li>• A landscape buffer will be provided to ensure that the sawmills are screened from surrounding areas.</li> </ul>	<ul style="list-style-type: none"> <li>•One of the mills is visible from Wheatley Coast Road (public).</li> <li>•The proposed noise bunds would be unsightly (public).</li> </ul>	Considered to be a relevant factor.
Fire	Burning off unchippable material and storage of saw dust.	<ul style="list-style-type: none"> <li>•The saw mills are a fire risk to nearby properties and bushland (CALM &amp; public).</li> <li>•The sawmills should meet fire protection requirements to the satisfaction of the Shire of Manjimup and the Fire and Emergency Services Authority (CALM).</li> <li>•Smoke from burning off and saw dust fires is unpleasant and hazardous in the township (public).</li> </ul>	<p>No further evaluation required.</p> <p>Can be adequately managed by the local authority and the Fire and Emergency Services Authority.</p>

## **Appendix 2**

**Table 3: Summary of Assessment of Relevant Environmental Factors**

**Table 3 - Summary of Assessment of Relevant Environmental Factors**

RELEVANT FACTOR	RELEVANT AREA	EPA OBJECTIVES	EPA ASSESSMENT	EPA ADVICE
<b>POLLUTION MANAGEMENT</b>				
Noise	Northcliffe townsite	<ul style="list-style-type: none"> <li>Protect the amenity of nearby residents from noise impacts by ensuring that noise meets the criteria in the Environmental Protection (Noise) Regulations 1997.</li> </ul>	<p>The noise study does not:</p> <ul style="list-style-type: none"> <li>adequately determine the tonality of the noise from the sawmills at the existing residence nearest to the saw mill on Lot 159; or</li> <li>consider the impact of noise levels on vacant residential land on Betsworth Street that may be developed where residential dwellings may be developed in the future.</li> </ul> <p>The EPA notes that:</p> <ul style="list-style-type: none"> <li>fifteen public submissions were received by the Shire of Manjimup during the public review period. The majority of the submissions were from Northcliffe residents who are concerned with the impact of noise from the sawmills; and</li> <li>the Shire of Manjimup has advised that the continued operation of the sawmills are likely to detrimentally impact on the amenity (including noise) of the existing residential area and has recommended that the proposed amendment should 'not be adopted'.</li> </ul>	<p>The EPA notes the DEP's advice that:</p> <ul style="list-style-type: none"> <li>the noise study conducted as part of the Environmental Review did not conclusively demonstrate that the noise levels from the sawmills would comply with the Noise Regulations at the nearest existing residential dwelling on the north side of Betsworth Street and vacant residential land on Betsworth Street.</li> <li>the noise study does not adequately determine the tonality of the noise from the sawmills at the nearest existing residence; or consider the impact of noise levels on future residential dwellings on the vacant residential land on Betsworth Street.</li> </ul> <p>As a consequence the EPA considers that:</p> <ul style="list-style-type: none"> <li>on the basis of existing information in the Environmental Review document the amendment does not meet the EPA's environmental objective for noise and is not environmentally acceptable because the nearest existing residence on the north side of Betsworth Street and the residential land on the south side of Betsworth Street may be subject to noise levels from the saw mill situated on Lot 159 that do not comply with the Environmental Protection (Noise) Regulations.</li> </ul> <p>It is the EPA's opinion that the proposed scheme amendment as submitted can not meet the EPA's objective for noise.</p>
Dust/ Particulates	Northcliffe townish	<ul style="list-style-type: none"> <li>Ensure that particulate emissions, both individually and cumulatively, meet appropriate criteria and do not cause an environmental or human health problem.</li> </ul>	<p>The EPA notes that:</p> <ul style="list-style-type: none"> <li>the saw mills operate in sheds which should minimise dust emissions; and</li> <li>the provisions included in the amendment requiring a 5m vegetated buffer around the saw mills will assist in minimising the impact of any dust / particulates which could escape from the mill.</li> </ul>	<p>The EPA considers that if the amendment were to proceed it would provide an adequate buffer between the saw mills and existing residential dwellings and residential land to ensure that the saw mills meet the EPA's objective for dust/particulates.</p> <p>It is the EPA's opinion that the proposed scheme amendment, if implemented, could meet the EPA's environmental objective for dust / particulates.</p>
<b>SOCIAL SURROUNDINGS</b>				
Visual Amenity	Lots 156, 157, 160 and 159 Main Road and the land adjacent to these lots.	<ul style="list-style-type: none"> <li>The EPA's objective is that visual amenity adjacent to the proposal should not be unduly affected.</li> </ul>	<p>The EPA notes that the proposed amendment:</p> <ul style="list-style-type: none"> <li>does not permit the clearing of vegetation on site; and</li> <li>requires the provision of a vegetation buffer along all lot boundaries.</li> </ul>	<p>The EPA's considers that the proposed scheme amendment, if implemented, can meet the EPA's environmental objective for visual amenity.</p>



## **Appendix 3**

### **List of submitters**

**Organisations:**

Department of Conservation and Land Management  
Water and Rivers Commission

**Individual:**

Tracy Needs  
Naomi Backhouse  
Sonia Hycza  
Erin Sweeny  
John Hemsley  
Kellee Simone  
Robert Minchin  
Warrick Hatch  
D McCullough  
Sharon Blair  
Paul Owens  
Susan Anthony & Donna Livingstone  
Peta Sargison  
Ross Facius  
One (1) confidential submission

## **Appendix 4**

### **References**

- Environmental Protection Authority (1997). *Guidelines for Environment and Planning*, Environmental Protection Authority. Perth, WA.
- Environmental Protection Authority (1998). *Guidance for the assessment of environmental factors - Draft Guidance No 8 Environmental Noise*. Environmental Protection Authority. Perth, WA.
- Shire Of Manjimup (1999). *Lots 156, 157, 159 and 160 Main Road, Northcliffe - Noise Assessment*. ERM Mitchell McCotter. Perth, WA.
- Shire Of Manjimup (1999). *Shire of Manjimup Town Planning Scheme No. 2 Amendment 82 Environmental Review - Lots bounded by Betsworth Street, Main Road and Wheatley Coast Road, Northcliffe*. Thompson McRobert Urban and Rural Planning Consultants. Perth, WA.
- Shire Of Manjimup (1999). *Shire of Manjimup Town Planning Scheme No. 2 Amendment 82 Environmental Review - Response to Environmental Submissions*. Thompson McRobert Urban and Rural Planning Consultants. Perth, WA.
- Western Australian Government (1997). *Environmental Protection (Noise) Regulations 1997* Government of Western Australia. Perth, WA.

## **Appendix 5**

### **Amendment 82**

#### **Text and Provisions**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**(as amended)**

**SHIRE OF MANJIMUP**  
**TOWN PLANNING SCHEME NO.2**

**AMENDMENT NO.82**

The Shire of Manjimup under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended) hereby amends the above Town Planning Scheme by:

1. Rezoning Lots 156, 157, 160, and 159 by applying the zone 'Additional Use' (Sawmill).
2. Rezoning a portion of the Vacant Crown Land bounded by Betsworth Street, Stewart Street, Collins Street and Francis Street from 'Residential R10/15' to 'Service Industry'.
3. Introducing Lots 156, 157, 160 and 159 Main Road to Appendix V - Schedule of Additional Uses of the Scheme, together with the additional permitted use and the conditions of use:

	<b>ZONE IDENTIFICATION</b>	<b>ADDITIONAL PERMITTED USE</b>	<b>CONDITIONS OF USE</b>
4	Lot 156, 157, 160 & 159 Main Road, Northcliffe	Saw Mill	Extension of the hours of operation will not be supported by Council.  Hours of operation to extend between 6.30 am and 5.30 pm.  Noise levels are not to exceed the levels specified in the Noise Abatement Regulations 1997.  No clearing of vegetation to be permitted on the site.  A landscape buffer of native trees to be provided along the boundaries of the site excluding boundaries that front Cemetery Road, if a 5 metre buffer of remnant vegetation does not already exist, to ensure the sawmills are visually and acoustically screened from surrounding areas.

	<b>ZONE IDENTIFICATION</b>	<b>ADDITIONAL PERMITTED USE</b>	<b>CONDITIONS OF USE</b>
4	Lot 156, 157, 160 & 159 Main Road, Northcliffe	Sawmill	The construction of a 3.5 metre high earth bund is to be provided on Lot 159 between the existing saw shed on Lot 159 and the residences on Betsworth Street or alternatively the shed on Lot 159 is required to be relocated to face away from the residences in conjunction with the provision of a 3.5 metre barrier behind the shed between the residences.  Operation of the Sawmills to be in accordance with the Department of Environmental Protection for the Operation of Sawmills.

4. Adding to Clause 5.2.7 the following:-

“Within the Northcliffe Service Industrial area bounded by Collins Street, Stewart Street, Francis Street and the residential land fronting Betsworth Street the following special development conditions will apply:

1. The objective for this zone is to act as a buffer transition area between the residential land fronting Betsworth Street and the existing sawmills on Main Road. In considering applications for development within this zone Council will have special regard to the potential impacts on the adjoining residential land. The opportunity exists for the creation of lots which establishes or allows to be developed a Service Industrial development where a residence is constructed on the land zoned ‘Residential - R10’ fronting Betsworth Street.
2. No development shall occur within this zone until a 5 metre wide vegetation buffer has been heavily planted adjoining the residential area fronting Betsworth Street.
3. All subsequent landowners are required to maintain this buffer.

4. Buffer Planting is to be encouraged along proposed new road reserves to assist in screening of development from surrounding areas”

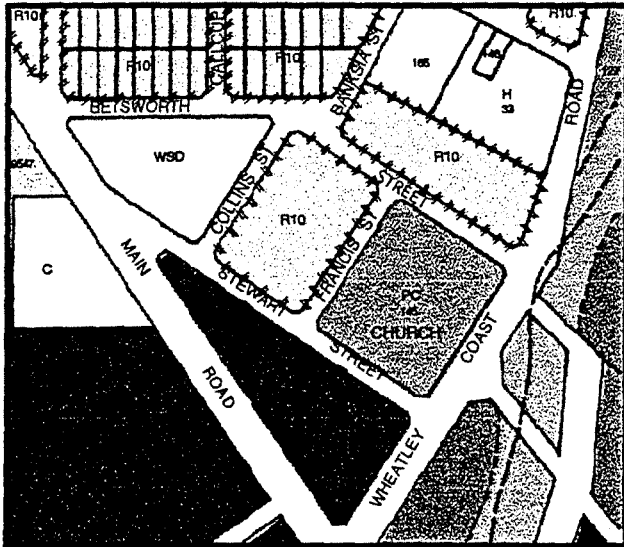
as depicted on the amending map adopted by the Council of the Shire of Manjimup.



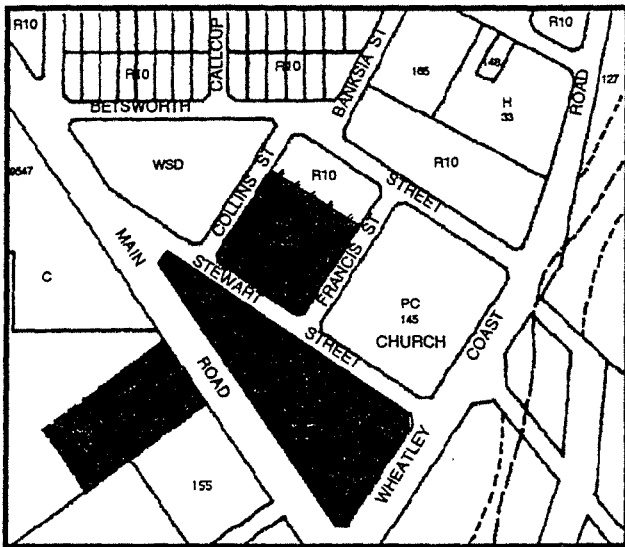
# SHIRE OF MANJIMUP

## TOWN PLANNING SCHEME NO. 2

### AMENDMENT NO 82



**EXISTING ZONING**



**PROPOSED ZONING**

### LEGEND

#### RESERVES

 PARK AND RECREATION

 PUBLIC PURPOSES

C - CEMETARY

WSD - WATER SUPPLY, SEWERAGE  
AND DRAINAGE

H - HOSPITAL

 RAILWAY

#### ZONES

 RESIDENTIAL

 PRIVATE CLUBS AND INSTITUTIONS

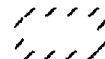
PC PRIVATE SCHOOL

 SERVICE INDUSTRY

 GENERAL INDUSTRY

 RURAL

#### OTHER

 R - CODES

\* ADDITIONAL USE/RESTRICTED USE

**ADOPTION**

Adopted by resolution of the Council of the Shire of Manjimup at the Ordinary Meeting of the Council held on the .....day of .....199.....

.....  
**SHIRE PRESIDENT**

.....  
**CHIEF EXECUTIVE OFFICER**

**FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Manjimup at the Ordinary Meeting of the Council held on the.....day of..... 199.....

The Common Seal of the Shire of Manjimup was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
**SHIRE PRESIDENT**

.....  
**CHIEF EXECUTIVE OFFICER**

Recommended/submitted for final approval

.....  
**CHAIRMAN WESTERN AUSTRALIAN  
PLANNING COMMISSION**

.....Date

Final Approval Granted

.....  
**MINISTER FOR PLANNING**

.....Date

## **Appendix 6**

**Excerpts from the  
Environmental Protection (Noise) Regulations 1997  
concerning tonality of noise emissions**

# Environmental Protection (Noise) Regulations 1997

## (excerpts concerning tonality of noise emissions)

Prescribed standard for noise emissions

7.(1) Noise emitted from any premises or public place when received at other premises —

- (a) must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
- (b) must be free of —
  - (i) tonality;
  - (ii) impulsiveness; and
  - (iii) modulation, when assessed under regulation 9.

(2) For the purposes of subregulation (1) (a), a noise emission is taken to "significantly contribute to" a level of noise if the noise emission as determined under subregulation (3) exceeds a value which is 5 dB below the assigned level at the point of reception.

(3) A level of a noise emission may be determined by —

- (a) measurement at its point of reception when, to the extent practicable, other noises that would contribute to the measured noise level are not present; or
- (b) calculation of the level at its point of reception based on measurement of the noise emission at a reference point determined by the inspector or authorized person to be a point where the relationship between the noise emission as measured at the reference point and at the point of reception can be established.

8.(1) In this regulation and in regulation 7 —

"impulsiveness" means a variation in the emission of a noise where the difference between LA peak and LA Max slow is more than 15dB when determined for a single representative event;

"modulation" means a variation in the emission of noise that —

- (a) is more than 3dB LA Fast or is more than 3dB LA Fast in any one-third octave band;
  - (b) is present for at least 10% of the representative assessment period; and
  - (c) is regular, cyclic and audible;
- "tonality" means the presence in the noise emission of tonal characteristics where the difference between —
- (a) the A-weighted sound pressure level in any one-third octave band; and
  - (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands, is greater than 3dB when the sound pressure levels are determined as LAeq,T levels where the time period T is greater than 10% of the representative assessment period, or greater than 8dB at any time when the sound pressure levels are determined as LA Slow levels.

(2) In subregulation (1) —

- “LA Fast” means the reading in decibels (dB) obtained using the “A” frequency-weighting characteristic and the “F” time-weighting characteristic as specified in AS 1259.1-1990 with sound level measuring equipment that complies with the requirements of Schedule 4;
- “LA peak” means the maximum reading in decibels (dB) obtained using the “A” frequency-weighting characteristic and “P” time-weighting characteristic as specified in AS 1259.1-1990 with sound level measuring equipment that complies with the requirements of Schedule 4;
- “LAeq,T” means the equivalent continuous A-weighted sound pressure level in decibels (dB) as specified in AS 1055.1-1989 determined over measurement time period T with sound level measuring equipment that complies with the requirements of Schedule 4;
- “LA Max slow” means the maximum reading in decibels (dB) obtained using the “A” frequency weighting characteristic and the “S” time-weighting characteristic as specified in AS 1259.1-1990 with sound level measuring equipment that complies with the requirements of Schedule 4;
- “one-third octave band” means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive as incorporated in a filter that complies with the requirements of Schedule 4.

(3) Noise is taken to be free of the characteristics of tonality, impulsiveness and modulation if —

- (a) the characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of the noise emission; and
- (b) the noise emission complies with the standard prescribed under regulation 7 (1) (a) after the adjustments in the table to this subregulation are made to the noise emission as measured at the point of reception.

TABLE 2

<p>Adjustment where noise emission is not music. These adjustments are cumulative to a maximum of 15 dB.</p> <p>Where tonality is present    Where modulation is present    Where impulsiveness is present</p>	<p>Adjustment where noise emission is music</p> <p>Where impulsiveness is not present    Where impulsiveness is present</p>
<p>+5 dB   +5 dB   +10 dB</p>	<p>+10 dB    +15 dB</p>

## **Appendix 7**

### **Summary of Submissions and Responsible Authority's Response to Submissions**

**SUMMARY OF SUBMISSIONS  
SHIRE OF MANJIMUP TOWN PLANNING SCHEME NO. 2  
AMENDMENT NO. 82**

**Grounds of Submission (by Environmental Factor/Issue)**

**Noise**

- 1.1 The mill/s cause noise pollution/unacceptable noise close to a residential area/extreme noise/at times noise has started at 6 am in the morning/the mill can be heard right across town from early morning until dark.
- 1.2 Moving (the mill?) closer and clearing land will increase the noise.
- 1.3 At the very least hours need to be regulated.
- 1.4 The measures suggested in the Environmental Review to bring noise levels to proscribed maxima under the Environmental Protection Act 1986 are unacceptable. The construction of a 3.5 metre earth wall would be unsightly and require continual renewal given the wet conditions.
- 1.5 Visitors to the cemetery would experience noise nuisance.
- 1.6 Noise levels will be a problem if the proposal goes ahead. They may cut at all hours and even on weekends.
- 1.7 The noise assessment taken on 25 May 1998 can hardly be considered "various meteorological" scenarios as it occurred on one day. Noise from those spot mills can be extremely intrusive when it is a still overcast day.
- 1.8 Should log handling machinery be deemed noisy, possibly improved muffler systems could be a solution.

**Dust/Particulates**

- 2.1 Problems with the sawmills include fire haze. A couple of years ago there was a fire which was started in a sawdust pile in one of the mills which created an unpleasant and hazardous smoke haze around the town for days.
- 2.2 Measures to control dust, soot and smoke pollution have never been employed by either mill and were not addressed in the Environmental Review. Mill operations regularly burn all unchippable material creating a serious hazard to surrounding residents.
- 2.3 Both mills have mountains of sawdust waiting to either explode or smoke the town out for weeks.

**Pollution Management - General**

- 3.1 The rezoning does not comply with the submitter's understanding of the EPA requirement that there be 500 metres between a mill and housing/the 500 metre buffer prescribed by the EPA is unachievable.
- 3.2 The buffer won't work.
- 3.3 The buffer zone around the area has already been severely degraded since the mills set up 3-4 years ago.

- 3.4 A mill should not be right in the middle of town near existing and future residences /the mills are too close to town/these mills could be relocated in the industrial area/the mills should be relocated away from town on rural zoned land.
- 3.5 The old people's retirement village corner of B? and Mearup Roads should be considered.
- 3.6 The sawmills should be moved when a suitably located serviced affordable site is established.
- 3.7 When the mill operator was allowed by the Shire to return to the site his mill occupies now, the residents agreed that they would not oppose his return provided he met certain requirements. That agreement was signed by the operator and residents but the requirements were not honoured, including requirements regarding hours of operation.
- 3.8 The Amendment does not have a sensible leg to stand on when considering the future of the Northcliffe townsite. It only talks about the continued operation of two mills not the specific needs for a townsite.
- 3.9 It is not appropriate to have the mills/the service industrial area on land marked as prime housing land/on the most suitable land for residential expansion/on Northcliffe's future residential area.
- 3.10 The rezoning is strongly objected to on the basis of the effect it will have on the nearby land. The rezoning may affect nearby landowners who intend to build on nearby property. Proposals include building a retiree's house opposite the proposed rezoning site. Some submitters have bought blocks on Bettsworth Street, thinking the mills were there on borrowed time, the town having an industrial area.

### **Visual Amenity**

- 4.1 CALM submitted that, given the focus on tourism in the Northcliffe community, it may be desirable to include conditions to improve the aesthetics of the site.
- 4.2 The mill on Lot 159 has removed trees. This mill which originally could not be seen while driving along Wheatley Coast Road is now very noticeable.
- 4.3 Vegetation does not screen the mill on Lot 159 and some trees have been cleared.
- 4.4 The mills create visual pollution.

### **OTHER ISSUES**

#### **Fire**

(A number of submissions referred to the mills as a fire hazard. This issue is generally not an issue which the EPA may take into account under the EIA process. However, some aspects of fire hazard may be of relevance, for example, where fire may lead to significant adverse effects on the biological environment.)

- 5.1 Two years ago a fire broke out in the sawdust pile of one of the mills which escaped into the surrounding bushland, causing concern from neighbouring residents.

#### **Forest Practices**

- 6.1 The forestry regimes in place are unsustainable.



**Portability of Mills**

7.1 The mills can be relocated. They are “spot mills” ie portable mills.

**Clearing**

8.1 Water and Rivers Commission advised that a submission for assessment should be made to the Commissioner for Soils under the Soil and Land Conservation Act for clearing greater than 1 ha.

**Note:**

1 Only grounds of submission which may be relevant to the environmental impact assessment process have been identified.



**SHIRE OF MANJIMUP**  
**TOWN PLANNING SCHEME NO. 2**  
**AMENDMENT NO. 82**

**“RESPONSE TO  
ENVIROMENTAL  
SUBMISSION”**

THOMPSON McROBERT EDGELOE



TOWN PLANNING • MANAGEMENT • ENGINEERING

SEPTEMBER 1999

97060

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## 1.0 INTRODUCTION

The land the subject of Amendment No. 82 and the Environmental Review is Lots 156, 157, 160 and 159 Main Street Northcliffe. This land is located within the Northcliffe townsite and contains two operative saw mills. Both sawmills are currently operating without valid approvals because their temporary approvals have expired.

The expiration of these non conforming use rights has prompted the Shire to resolve to advise the sawmill operators to apply to have the land rezoned to permit the continued operation on the mills in a 'Service Industry' zone.

## 2.0 BACKGROUND

Amendment No. 82 has been prepared to include Lots 156, 157, 160 and 159 Main Road, Northcliffe in and 'Additional Use' zone to allow the continued operation of two sawmills located on these lots. In addition the amendment proposes to include the land generally bounded by Betsworth, Francis, Stewart and Collins Street in a 'Service Industrial' zone with appropriate development controls. The Amendment identifies proposed Conditions of Used which will form a statutory part of the Town Planning Scheme upon final approval being granted. The Conditions of Use provide Council with the powers to monitor and control development on the subject lots by way of its Town Planning Scheme.

In accordance with the requirements of the Town Planning and Development Act 1928 (as amended) the Amendment was referred to the Environmental Protection Authority for consideration of environmental factors. The Environmental Protection Authority considered the rezoning and advised the Shire that the proposal is likely to cause significant environmental impacts and would be subject to a formal assessment by the Environmental Protection Authority.

An Environmental Review has been prepared in accordance with Section 48A of the Environmental Protection Act 1986. The Environmental Review is of a proposal to rezone Lots 156, 157, 160 and 159 Main Road, Northcliffe to permit the continued operation of two existing sawmills.

Amendment No. 82 and the Environmental Review have been advertised for a period of 42 days in accordance with the requirements of the Town Planning and Development Act 1928 (as amended) and the Environmental Protection Act 1986. During the statutory advertising period numerous public submissions were received.

The following responses address the submissions which have been identified as being of relevance to the Environmental Protection Authority and which raise issues of environmental significance.

### 3.0 NOISE

#### ***3.1 The mills cause noise pollution/unacceptable noise close to a residential area/extreme noise/at times noise has started at 6 am in the morning/the mill can be heard right across town from early morning until dark.***

The sawmills located on Lots 156, 157, 159 and 160 Main Street are situated on the south eastern extremity of the Northcliffe Townsite and at the closest boundary are located 240 metres from the nearest residential premises. The bulk of the sawmill activities are located between 320 metres and 460 metres from the nearest residential premises.

A Noise Assessment has been undertaken and has predicted noise levels under various meteorological scenario's. From this and taking into account the assigned noise levels as determined in the Environment Protection (Noise) Regulations, a noise model has been prepared and identifies the following:

- i) that noise levels received at the nearest noise sensitive premises as a result of emissions from the sawmill located on Lot 156, 157 and 160 comply with the Environmental Protection (Noise) Regulations 1997, between the hours of 7.00 am to 7.00 pm Monday to Saturday; and
- 2) that the noise levels received at the nearest noise sensitive premises as a result of noise emissions from the sawmill located on Lot 159 do not comply with the Environmental Protection (Noise) Regulations 1997.

The Noise Assessment has only identified a noise nuisance resulting from the operation of the mills on Lot 159. This has however, not been identified as being unacceptable, as noise pollution or as extreme noise. In fact the predicted noise levels identify that in a worst case scenario the sawmill and loader on Lot 159 would emit 53 dB (A) which is only marginally above the assigned noise level of 46 dB(A) and in the best case scenario would only emit 40 dB(A). These assigned noise levels and predicted noise levels are applicable to a mill operating between the hours of 7.00 am and 7.00 pm.

Any noise heard from the mill prior to 7.00 am and after 7.00 pm will increase in noise nuisance as a result of background buffer noises being reduced. The Environmental Protection Authority have also established assigned noise levels for sawmill operations between 9.00 pm and 7.00 am which is 36 dB(A). The Noise Assessment has identified that the mills on the subject lots exceed this and this would indicate that no mill activities should be permitted on the subject lots beyond 7.00pm and before 7.00 am.

The owners of the mill on Lot 159 have advised that the hours of operation for both mills are between 7.00am and 5.00pm and that no sawing occurs prior to or after that. More specifically saws are sharpened and equipment greased from 7.00 am to 7.30 am and sawing commences between 7.15 am and 7.30 am.

The Noise Assessment and Environmental Review has identified noise mitigation measures which should be implemented in order to achieve the assigned noise levels at the nearest noise sensitive premises or residence. The noise mitigation measures which have been recommended only apply to the mill operating on Lot 159 because the mill operation on Lots 156, 157 and 160 meets the assigned noise levels in its current state.

The Environmental Review identifies that with the implementation of a 3.5 metre high earth bund between the existing saw shed on Lot 159 and the residential land on Betsworth Street, noise emissions would be reduced to 42 dB(A) in a worst case scenario and 36 dB(A) in a best case

scenario. The noise emission would meet the assigned noise level as identified by the Environmental Protection Authority.

The Noise Assessment has concluded the following:

*“Predicted noise levels from the sawmill located on Lot 159 will only comply with the Environmental Protection Noise Regulations, between the hours 7.00 am to 7.00 pm Monday to Saturday with the incorporation of noise mitigation measures”*

In conclusion the Environmental Review has determined that with the appropriate noise mitigation measures being applied, noise emissions from the mill will not have a detrimental impact on the nearest noise sensitive residences. The requirement for noise mitigation measures has been reflected in Amendment No. 82 in the proposed Conditions of Use and is considered to be an acceptable way to control the impact of noise emission.

It is recommended however, that the Conditions of Use in Amendment No. 82 be modified to require that the hours of operation extend only between 7.00 am and 7.00 pm Monday to Saturday to ensure that noise emission from the mills can meet the assigned noise levels.

### ***3.2 Moving the mill closer and clearing land will increase the noise.***

Amendment No. 82 does not propose to move or expand either of the mills. The Amendment proposes to address noise emissions and appropriate noise and landuse buffers. Amendment No. 82 does not propose any clearing and this is reflected in the Conditions of Use contained in Amendment No. 82.

### ***3.3 At the very least hours need to be regulated.***

The Environmental Protection Authority in its Environmental Protection (Noise) Regulations 1997 determine maximum allowable noise levels according to the type of land use and the nearest noise sensitive premises. The Regulations establish different assigned noise levels for different time and day periods.

The Noise Assessment has taken into account all influencing factors and concludes that the existing mills are required to operate within an assigned noise level (which is considered to be satisfactory when assessing the impact on the nearest residential premises) and is as follows;

- 7.00 am to 7.00 pm Monday to Saturday 46 dB(A).

The Noise Assessment provides predicted noise levels and indicates that in a worst case scenario the saw mill and loader on Lot 159 will create a predicted level of 53 DB(A) and Lot 156, 157 and 160 will create a predicted level of 39 dB(A). From this it is evident that the mill operations on Lot 159 do not currently comply with the assigned noise levels as required by the Environmental Protection Authority. As a result noise mitigation measures have been identified and the Noise Assessment concludes that if noise mitigation measures are incorporated, then the predicted noise levels would be acceptable.

Amendment No. 82 currently suggests that hours of operation extend between 6.30 and 5.30 pm. In an effort to address this submission it is suggested that the Conditions of Use in Amendment No. 82 be modified to require that the hours of operation extend between 7.00 am and 7.00 pm.

**3.4 The measures suggested in the Environmental Review to bring noise levels to prescribed maxima under the Environmental Protection Act 1986 are unacceptable. The construction of a 3.5 metre earth wall would be unsightly and require continual renewal given the wet conditions.**

The Noise Assessment predicts noise levels to the nearest noise sensitive premises resulting from the operation of the saw mills and relates the predicted noise levels to the assigned noise levels identified in the Environmental Protection (Noise) Regulations 1997.

The Noise Assessment has determined that noise resulting from the saw milling activities at the mills on Lots 156, 157 and 160 are acceptable at the nearest noise sensitive premises. As a result the Environmental Review has not identified any mitigation measures to be incorporated on these lots. The Noise Assessment has however, identified that to achieve the assigned noise levels to the nearest noise sensitive premises, noise mitigations methods would-need to be implemented in the design of the mill on Lot 159 and include:

- Construction of a 3.5 metre high earth bund between the existing saw shed and the residences on Betsworth Street; or
- Relocating the saw shed to face away from the residents and placing a 3.5 metre barrier behind the shed.

In addition the Noise Assessment has predicted noise levels assuming an earth bund is constructed between the saw shed on Lot 159 and the existing residential land on Betsworth Street. From this it is identified that predicted noise levels from the sawmill on Lot 159 will comply with the Environmental Protection (Noise) Regulations.

The submission raises concerns regarding the unsightly appearance of a 3.5 metre high earth bund and states that such a noise mitigation measure would require continual renewal given the wet conditions. As identified in the Environmental Review, portions of the assessment area are subject to water logging. Conditions of Use identified in Amendment No. 82 require the provision of a 5 metre wide landscape buffer along the boundaries of the site if a 5 metre buffer does not already exist. This requirement for a vegetation buffer will not only assist in screening the sawmills but will also assist in addressing the water logging of the site.

It is suggested that Amendment No. 82 be modified to incorporate a Condition of Use to require that the proposed 3.5 metre high earth bund be densely landscaped/vegetated to ensure visual aesthetics and to ensure the bund is stabilised. The dense landscaping will ensure that the earth wall is not unsightly and will also assist in visually and acoustically separating the sawmills from other landuses including the cemetery.

**3.5 Visitors to the cemetery would experience noise nuisance.**

As identified above, the provision of an earth bund will minimise the impact of noise emissions on the nearest residences on Betsworth Street by up to 11 db(A). The construction of this bund will also minimise the impact of noise emissions on the cemetery as will the landscaping of that bund as well as visually screening the mills.

It is suggested that the Conditions of Use in Amendment No. 82 be expanded to require the provision of a landscape buffer along Cemetery Road with the exception of the access ways to ensure that the cemetery is visually screened from the sawmills.

**3.6 Noise levels will be a problem if the proposal goes ahead. They may cut at all hours and even weekends.**

The results of the Noise Assessment demonstrate that planning measures around the sawmill on Lot 159 are required. Amendment No. 82 will incorporate development controls to ensure those measures are implemented and include the following:

- Hours of operation to extend between 6.30am and 5.30pm.
- Extension of the hours of operation will not be supported by Council.
- Noise levels are not to exceed the levels specified in the Noise Abatement Regulations 1997.
- No clearing of vegetation to be permitted on the site.
- A landscape buffer of native trees to be provided along the boundaries of the site excluding boundaries that front Cemetery Road, if a 5 metre buffer of remnant vegetation does not already exist, to ensure the sawmills are visually and acoustically screened from the surrounding areas.
- The construction of a 3.5 metre high earth bund is to be provided on Lot 159 between the existing saw shed on Lot 159 and the residences on Betsworth Street or alternatively the shed on Lot 159 is required to be relocated to face away from the residences in conjunction with the provision of a 3.5 metre barrier behind the shed between the residences.
- Operation of the sawmills to be in accordance with the Department of Environmental Protection Requirements for the operation of Sawmills.

The amendment includes appropriate planning controls to prevent sensitive landuses within the buffer by way of rezoning the land between the existing sawmills and the residences on Betsworth Street to 'Service Industry' which will act as a buffer between the two landuses.

The Special Provisions proposed by way of Amendment No. 82 will facilitate the protection of the amenity of nearby residents from noise impacts resulting from activities associated with the continued operation of the sawmills and the proposed extension of the 'Service Industrial' zone, by ensuring that noise levels meet statutory requirements in the Environmental Protection (Noise) Regulations 1997 and that saw milling activities occur only within specified acceptable hours.

**3.7 The noise assessment taken on 25 May 1998 can hardly be considered "various meteorological" scenarios as it occurred on one day. Noise from those spot mills can be extremely intrusive when it is a still overcast day.**

On site measurements were carried out by ERM Mitchell McCotter on 25th May, 1998. In addition to this the predicted noise levels, under various meteorological scenarios, were determined using the noise modelling computer program ENM for Windows (\*version 3.06). ENM for Windows has been extensively validated and results from the model are accepted by all Australian Environmental Authorities, including the Department of Environmental Protection. ENM takes into consideration the frequency spectrum of the noise sources, barrier attenuation, air absorption, meteorological conditions and the the land topography of the surrounding area.

The utilisation of ENM has enabled the Noise Assessment to identify a worst case and best case scenario.

Based on this it is believed that the noise assessment which has been undertaken has assessed the impact of the sawmills using meteorological variables and that this is sufficient.



**3.8 *Should log handling machinery be deemed noisy, possibly improved muffler systems could be a solution.***

The Noise Assessment has identified that the saws are the noise factor. The assessment has concluded that with the construction of an earth bund noise impact will be appropriately addressed.

It should also be noted that all vehicles at the mill are fitted with the appropriate exhaust systems.

It is considered that the noise mitigation measures proposed in the Environmental Review will be adequate.

**4.0 DUST/PARTICULATES**

**4.1 *Problems with the sawmills include fire hazard. A couple of years ago there was a fire which was started in a sawdust pile in one of the mills which created an unpleasant and hazardous smoke haze around the town for days.***

Advice received from the mill operators on Lot 159 indicate that the fire which occurred 2 years ago did not start in a sawdust pile, but was lit deliberately by persons unknown. More specifically the fire was set in the stock pile of mill waste on Lot 159 which could not be chipped because of 'green' interjection in the Forest Agreement (Waste was from Gardner Block which was stopped from being chipped and was kept in stock piles over summer). Because of the mill's proximity to fire fighting equipment, the fire was contained promptly.

It should be noted that annually a Fire Order is issued by the Shire to all mill operators and can specify operation requirements for mills,

Fire hazard and management should be addressed adequately to ensure that should fire ignite in the mill appropriate measures are contained on site to treat the fire in a quick response time. This could include the following:

- Installation of sprinkler systems within the mill which would assist immediately in suppressing the fire; and
- Installation for fire fighting equipment including a wall mounted fire extinguisher in all building development.

It is recommended that Amendment No. 82 be modified to include a provision in the Conditions of Use to require the provision of fire attenuation measures to the satisfaction of the Manjimup Shire.

**4.2 *Measures to control dust, soot and smoke pollution have never been employed by either mill and were not addressed in the Environmental Review. Mill operations regularly burn all unchippable material creating a serious hazard to surrounding residents.***

The Environmental Protection Authority assessed the subject amendment and identified that noise was the only environmental factor which was relevant to the amendment and as a result the Environmental Review has only concentrated on the potential impacts of noise.

Dust should not be a problem because the sawing activities occur inside sheds. It is believed however, that the provision of the 5 metre vegetation buffer will assist in minimising the impact of any dust particulate which could escape from the mill.

Amendment No. 82 could also be modified to include a provision requiring that dust emissions from saws be collected by hooding or direct extraction and ducted to an efficient dust collection system.

With regard to the the mill burning unchippable material it should be noted that the Mill on Lot 159 currently only burns unchippable material 4 times per year. The amount of unchippable material burnt would equate to approximately 50 tone per year which would be far less than domestic burning in the townsite. The burning which occurs on the mills is not continuous and not regular.

It is recommended that Amendment No. 82 be amended to require that no sawdust stockpiles remain on site while the mill is not operational for extended periods. In addition sawdust should be stored on site appropriately (i.e. hoppers, storage bins or pits) and should be removed on a regular basis in an effort to reduce the risks of fire threat and dust. Another condition of use could require that the yard area and access ways be maintained in a clean condition free of any accumulated sawdust unless being used on site for works associated with the saw mills.

***4.3 Both mills have mountains of sawdust waiting to either explode or smoke the town out for weeks.***

The amount of sawdust contained at the mill sites varies depending on mill activities. The above statement that both mills have mountains of sawdust waiting to explode is incorrect. In most cases sufficient saw dust is kept on site for use by the mills and the remainder (majority) is sent to Perth for use in the poultry industry.

It is believed that the recommendation identified for 4.2 is appropriate to address the concerns raised in this submission.

It should also be noted that the subject mills are not the most significant fire threat to the Northcliffe townsite and in fact, this would come from the large amount of vacant uncleared Crown Land which surrounds the town.

**5.0 POLLUTION MANAGEMENT - GENERAL**

***5.1 The rezoning does not comply with the submitter's understanding of the Environmental Protection Authority requirement that there be 500 metres between a mill and housing/the 500 metre buffer prescribed by the Environmental Protection Authority is unachievable.***

The rezoning does comply with the Environmental Protection Authority Guidelines relating to the location of sawmills. The Environmental Protection Authority currently suggest as a generic guide that a 500 metre buffer be provided between proposed sawmills and existing residential areas. The subject sawmills are existing and have been established for some time.

The issue of the Environmental Review is how to treat noise emission from the sawmills to ensure that there is no impact on noise sensitive land uses which are situated within the 500 metre buffer. This is consistent with the State Industrial Buffer Policy (Statement of Planning Policy No. 4) which has been adopted by the Western Australian Planning Commission. This Policy allows for a variation to buffer areas around established industry when justified by the proponent by seeking a scientifically based study. A Noise Assessment has been undertaken and scientifically demonstrates that with the implementation of Best Environment Management Practices, the existing mills can operate in accordance with the Environmental Protection Authority (Noise) Regulations in the existing buffer. This supports the continued operation of the mills and supports Amendment No. 82.

Obviously the 500 metre buffer between the mill and existing housing is unachievable because both landuses are existing. The Environment Review has been prepared to address treatment of any noise emission from the sawmills which impacts on residential premises within the preferred 500 metre buffer. In addressing landuses within the buffer to the existing sawmill Amendment No. 82

proposes the following:

- Facilitate the continued operation of the existing sawmills in a 'Service Industry' zone as an 'Additional Use' on Lots 156, 157, 160 and 159.
- Rezone a portion of the Vacant Crown Land which is situated within the buffer to the existing sawmill and which is zoned 'Residential - R10/15' bounded by Betsworth Street, Stewart Street, Collins Street and Francis Street to 'Service Industry' to facilitate an appropriate landuse buffer between the sawmills and existing residential areas.

Whilst the Environmental Protection Authority did not identify any other environmental factors relating to Amendment No. 82 other than noise emission from the sawmills, Amendment No. 82 does address other environmental factors and include the following:

- noise emissions from the possible new industries in the proposed extension of the 'Service Industrial' Zone; and
- odour emissions from the possible new industries in the proposed 'Service Industrial' Zone.

The Shire's TPS No. 2 requires that development within a 'Service Industry' zone be in accordance with minimum lot size, frontage and setbacks specified by Clause 5.2.7 of that Scheme. Amendment No. 82 to TPS No. 2 also proposes adding to Clause 5.27 the following:

"Within the Northcliffe Service Industrial area bounded by Collins Street, Stewart Street, Francis Street and the residential land fronting Betsworth Street the following special development conditions will apply:

1. The objective for this zone is to act as a buffer transition area between the residential land fronting Betsworth Street and the existing sawmills on Main Road. In considering applications for development within this zone Council will have special regard to the potential impacts on the adjoining residential land. The opportunity exists for the creation of lots which establishes or allows to be developed a Service Industrial development where a residence is constructed on the land zoned 'Residential - R10' fronting Betsworth Street.
2. No development shall occur within this zone until a 5 metre vegetation buffer has been heavily planted with vegetation adjoining the residential area fronting Betsworth Street.
3. All subsequent landowners are required to maintain this buffer."
4. Restrictions on landuses permissible on the site.

In an effort to address the deferred environmental impacts it is recommended that Amendment No. 82 be modified to include an additional clause to control noise and odour emission. It is suggested that this be included within the Conditions of Use to read as follows.

1. The objective for this zone is to act as a buffer transition area between the residential land fronting Betsworth Street and the existing sawmills on Main Road. In considering applications for development within this zone Council will have special regard to the potential impacts on the adjoining residential land. Council will only approve uses within the 'Service Industry' zone which can demonstrate that noise and odour emissions will not impact on the nearest residential residences. The opportunity exists for the creation of lots which establishes or allows to be developed a Service Industrial development where a residence is constructed on the land zoned 'Residential - R10' fronting Betsworth Street.

Amendment No. 82 and the Environmental Review provides for landuse compatibility and provides for an appropriate landuse buffer between the existing sawmills and existing residential areas.

**5.2 The buffer won't work.**

It is assumed that this submission relates to the landuse buffer which is proposed between the existing mills and the existing residential area. This buffer is the area generally bound by Collins Street, Betsworth Street, Francis Street and Stewart Street.

Amendment No. 82 provides an innovative buffer solution by proposing to rezone this land to 'Service Industry' and retain a small area of R10 fronting Betsworth Street. This provides an opportunity for the creation of lots which allow service industrial development to occur and allow at the front of the lot a residence to be constructed on the land zoned 'Residential'. This promotes opportunities for composite Service Commercial/Residential development.

Amendment No. 82 proposes to add a clause to the Shire's Town Planning Scheme which stipulates specific development controls as described above and requires the provision of a landscape buffer along the boundaries of the mill sites and within the proposed residential lots adjoining Betsworth Street. It is understood that this will be effective in visually screening the existing sawmills development from the surrounding areas and the proposed 'Service Industrial' zone.

The Environmental Review has identified that the proposed buffer will be effective in providing a landuse and visual buffer.

**5.3 The buffer zone around the area has already been severely degraded since the mills set up 3 to 4 years ago.**

Amendment No. 82 requires that no further clearing of vegetation be permitted on site and also requires the provision of a landscape buffer. As identified in Section 4.2, another condition of use could be included within Amendment No. 82 to require that the yard area and access ways be maintained in a clean condition free of any accumulated sawdust. These requirements will ensure that the buffer zone around the mills contained on Lots 156, 157, 159 and 160 will not be degraded.

The surrounding landholdings are Vacant Crown Land and not managed by the owners of the mill. The reason these lots look degraded is because they are undeveloped and unmanaged. Any degraded appearance that is prominent on these sites is difficult to address as part of the subject Amendment. However, the rezoning proposal does propose to rezone land in the existing buffer to 'Service Industry'. This zoning change will facilitate development to occur more promptly than has occurred on the residential land because of a lack of supply for residential land. Development of this area will address the current degraded state of land surrounding the mills.

**5.4 A mill should not be right in the middle of town near existing and future residences. The mills are too close to town/these mills could be relocated in the industrial area/the mills should be relocated away from town on rural zoned land.**

The properties have been used for saw milling activities at various times over the past 30 years. The land is included within a 'Service Industry' zone which does not permit the development of a sawmill. The powers under which the Shire granted approval to the use of the sawmills was controlled under the Town Planning Scheme whereby there was discretion available to the Council to grant approval for the use. This provision of the Shire's Town Planning Scheme have now been revoked and the Shire cannot approve the development because of a sawmill being prohibited in the 'Service Industrial' zone.

The issue is that the mills are located on the periphery of the Northcliffe Townsite and the construction of these mills and historic use of these mills for saw milling has occurred as a result of

Council's approval. Whilst the Scheme does not currently permit saw milling activities in the 'Service Industrial' zone, the sawmills have been fully developed and are fully operation on the subject locations. Amendment No. 82 has been prepared in an effort to address this zoning discrepancy and address appropriate buffer and management controls between the existing sawmills and existing residences.

Alternative sites have been sought by the saw mill owners in both Northcliffe and Manjimup but nothing has been identified which is appropriate. It should be noted that one of the mills have installed a fully electric mill and both mills are connected to a power service and have constructed sheds and workshops. Relocation would be a very repetitive and costly exercise.

The mills are currently also two of Northcliffe's tourist attractions and are serviced by a tourist coach. The mills form an integral part of the history and significance of the Northcliffe townsite.

***5.5 The old peoples's retirement village at the corner of Betsworth and Meerup Roads should be considered.***

The Aged Person Home is located on Reserve 41910 and is situated approximately 380 metres from the Mill located on Lot 159. As identified, a Noise Assessment has been taken from the nearest residential premises which is closer to the saw mill than the Aged Persons Home. The Environmental Review demonstrates that with the implementation of noise mitigation measures noise levels received at these premises will be acceptable and meet the assigned noise level requirements.

Whilst the Environmental Review has not analysed the direct impact of the mills on the Aged Person Home, it is evident from the Noise Assessment that noise levels would be acceptable at this point also because it is further away and will also be separated and buffered from the mill by the proposed earth bund.

***5.6 The sawmills should be removed when a suitably located serviced affordable site is established.***

As discussed in Section 5.4 above the mills are fully developed and would be costly to relocate. The Environmental Review has identified that noise attenuation measure applied to mill operations on Lot 159 will ensure that nearby existing residential premises are not impacted upon by the continued mill operations.

The outcomes of the Noise Assessment and Environmental Review support Amendment No. 82 and the proposed zoning change to reflect the current landuse. This also supports the proposed zoning change to the undeveloped residential land to a 'Service Industry' zone to provide a buffer between the mills and the nearest residences.

***5.7 When the mill operator was allowed by the Shire to return to the site his mill occupies now, the residents agreed that they would not oppose his return provided he met certain requirements. That agreement was signed by the operator and residents but the requirements were not honoured, including requirements regarding hours of operation.***

An agreement was reached between the residences of Northcliffe and the mill operators and required hours of operation to be addressed, an ablution block to be installed, mill waste to be removed and cosmetics of the mill to be improved. Advice from the mill operators has revealed that the hours of operation have been addressed, an ablution facility has been installed, mill waste has been removed from the site and plans for aesthetic improvements to the mill have been identified, however, have not been completed because of the uncertainty of the future of the mill.

Amendment No. 82 proposes to rezone the lots to 'Additional Use' (Sawmill) to enable the continued operation of the mills. The rezoning facilitates the inclusion of Conditions of Use including the following:

- hours of operation;
- noise level requirements;
- Clearing restrictions;
- visual buffering requirements and vegetation buffers;
- noise mitigation measures to be implemented; and
- requirement for the mills to operate in accordance with the Department of Environmental Protection Guidelines for the Operation of Sawmills.

Amendment No. 82 will make the operation of the sawmills an approved use and will enable the Shire to impose development controls and monitor if the conditions of use are being complied with. This will also enable the Shire and the Department of Environmental Protection to penalise the mill operators if conditions of use are not complied with.

***5.8 The Amendment does not have a sensible leg to stand on when considering the future of the Northcliffe townsite. It only talks about the continued operation of two mills not the specific needs for a townsite.***

The saw mills have operated at various times over the past 30 years and it is our understanding that the Department of Environmental Protection or the Shire has not in that time received a complaint regarding any form of disturbance or pollution resulting from the operation of the mills.

Amendment No. 82 addresses the specific needs of the Northcliffe Townsite. In the preparation of the Amendment regard was given to the 'Warren Blackwood Regional Planning Study - Urban Services and Infrastructure Sub Study'. The Warren Blackwood Regional Planning Strategy is a Regional Planning Document which identifies the residential land stock, based on the 1991 occupancy rate for the Northcliffe Urban Centre. Consistent with the Ministry for Planning's population projections, the study provides an estimate of the additional number of dwellings and residential land requirements to meet the housing needs of the projected Northcliffe townsite population to the year 2021. The analysis identifies a potential demand for up to 19.8 ha of residential land to accommodate the 'possible' projected population as at the year 2021.

As of April 1995, the area of zoned 'undeveloped' residential land within the Northcliffe townsite was approximately 13.5 ha. At this time an additional 10 single residential lots were vacant. In addition to this the Bunnings saw mill has been proposed to be developed into 20 residential lots. This would indicate that there is sufficient zoned residential land to accommodate medium to high population projections.

Amendment No. 82 will only have a minimal impact on the supply of zoned undeveloped residential land in Northcliffe and proposes to rezone approximately 1.3 ha of land currently zoned for 'Residential' to the 'Service Industry' zone. This would still leave available approximately 12.2 ha in addition to the current vacant lots and potential Bunnings development of undeveloped residential land and could meet the medium to high projections for population growth in the Northcliffe townsite. The future of Northcliffe townsite must also pay regard to the fact that the majority of developed residential lots are approximately 2020m<sup>2</sup> or larger. Accordingly the advent of a reticulated sewerage supply to the townsite would provide an opportunity for the consolidation of existing built up areas together with higher density development.

Amendment No. 82 offers an innovative approach to resolving an existing situation and proposes a land use buffer of service industrial zoned land and the potential for 5 residential lots adjoining this service industrial area. This provides the opportunity for home based service industrial development and also promotes that any further development on land immediately facing Betsworth Street be developed for residential purposes to ensure the residential amenity of the townsite is maintained.

Alternatively the Amendment could identify all of the Vacant Crown Land to be included within the 'Service Industry' zone with appropriate vegetation buffers to visually screen the development to the Residential areas.

**5.9 It is not appropriate to have the mills/the service industrial area on land marked as prime housing land/on the most suitable land for residential expansion/on Northcliffe's future residential area.**

As discussed in Section 5.8 above, the mills are already situated in proximity to established residential areas. Amendment No. 82 merely proposes to rezone a 1.3 ha portion of residential land to 'Service Industry'. It has been demonstrated that this will not deplete the residential land stock ensuring that the medium to high population projections can still be met.

**5.10 The rezoning is strongly objected on the basis of the effect it will have on the nearby land.**

**The rezoning may affect nearby landowners who intend to build on nearby property. Proposals include building a retiree's house opposite the proposed rezoning site. Some submitters have bought blocks on Betsworth Street, thinking the mills were there on borrowed time, the town having an industrial area.**

As discussed in Sections above, the Environmental Review has determined that if noise mitigation measures are applied to the mill on Lot 159, the saw mills will meet the assigned noise levels of the Department of Environment Protection and will not have an adverse affect on the nearby residential land. Any additional development which occurs on Betsworth Street will be beyond the tested noise sensitive premises and noise levels received at these premises will be in accordance with the assigned noise levels identified by the Department of Environmental Protection.

The Amendment also proposed the requirement for the provision of a 5 metre wide vegetation buffer around the sawmill boundaries. This will ensure the mills do not visually impact on the townsite.

It should be accepted that any blocks which have been purchased on Betsworth Street and in other areas of the townsite have been purchased with full knowledge of the location of the existing saw mills.

## **6.0 VISUAL AMENITY**

**6.1 CALM submitted that, given the focus on tourism in the Northcliffe community, it may be desirable to include conditions to improve the aesthetics of the site.**

As identified in Section 4.2 another condition of use could be included within Amendment No. 82 to require that the yard area and access ways be maintained in a clean condition. These requirements will ensure that the buffer zone around the mills contained on Lots 156, 157, 159 and 160 will not be degraded.

It has been identified that the owners of the mills intend to address the aesthetic appearance of the mills upon the finalisation of rezoning. Amendment No. 82 could be amended to require that clean buildings and structures should be finished in an aesthetically pleasing and practical colour. Features such as trees and shrubs around the building and the requirement for a 5 metre landscape buffer will

assist in making the development aesthetically pleasing as well as acting as a barrier to both noise and dust.

**6.2 *The mill on Lot 159 has removed trees. The mill which originally could not be seen while driving along Wheatley Coast Road is now very noticeable.***

No clearing of vegetation has occurred on Wheatley Coast Road. The bush along Wheatley Coast Road was burnt, however, is regenerating successfully. A large pile of waste timber was once visible from Wheatley Coast Road, however this has been burnt in accordance with the Shire's requirements.

Amendment No. 82 requires that no clearing of vegetation to be permitted on site. As mentioned previously the subject Amendment is the only way to control land use and development of the sawmills in their existing location. Amendment No. 82 also requires the provision of a vegetation buffer along all lot boundaries including those which adjoin and address Wheatley Coast Road.

As previously mentioned the Amendment should include an additional provision to require the provision of a landscape buffer along the front of the saw mills along Cemetery Road with the exception of access ways.

**6.3 *Vegetation does not screen the mill on Lot 159 and some trees have been cleared.***

The Conditions of Use proposed in Amendment No. 82 which control clearing and visual screening have been discussed above and it is evident that these provisions will ensure that the mills are visually and acoustically screened.

**6.4 *The mills create visual pollution.***

A site inspection has not revealed that the mills create visual pollution. Amendment No. 82 does however, propose numerous measures to minimise any potential visual impacts and suggests additional Conditions of Use to ensure the mills do not cause visual pollution.

## **7.0 OTHER ISSUES**

**7.1 *Two years ago a fire broke out in the sawdust pile of one of the mills which escaped into the surrounding bushland, causing concern from neighbouring residents.***

As indicated earlier all mill waste has been removed from the sites and there is very little fuel for fires on the site. Sections 4.1, 4.2 and 4.3 have discussed requirements to be incorporated into Amendment No. 82 to ensure fire hazards are minimised and immediate fire response is available. It is believed that these fire prevention and protection measures will minimise the potential fire threat on surrounding residential areas.

It is also understood that fire prevention measures are being investigated for all mills in the Northcliffe area by the Shire and mill representatives.

## **8.0 FOREST PRACTICES**

**8.1 *The forestry regimes in place are unsustainable.***

The issue of sustainable forest regimes has been addressed in the Regional Forestry Agreement by the relevant authorities. This issue whilst of relevance to the Regional Forestry Agreement is not related to the continuation of the subject mills and cannot be addressed in Amendment No. 82.



## 9.0 PORTABILITY OF THE MILLS

### ***9.1 The mills can be relocated. They are "spot Mills" ie portable mills.***

The mills are fully established on the subject lots and as identified earlier both mills have carried out substantial development including connection to a power service and construction of sheds and workshops. This would suggest that these mills are considerably more substantial than 'spot mills' and relocation would be costly.

The Environmental Review has demonstrated that the continued operation of the mills with the application of certain noise mitigation measures will result in the noise emissions from the sawmills being an acceptable level at the nearest noise sensitive premises. The main issue of the Environmental Review has been to address the appropriateness of the subject site's to accommodate the continued operation of the mills. With scientific assessment it has been demonstrated that the subject site is appropriate and based on this relocation of the mills should not enter into the assessment.

## 10.0 CLEARING

### ***10.1 Waters and Rivers Commission advised that a submission for assessment should be made to the Commissioner for soils under the Soil and Land Conservation Act for clearing greater than 1 ha.***

Amendment No. 82 requires that no additional clearing occur on the site.

## 11.0 RECOMMENDATIONS

1. The Conditions of Use in Amendment No. 82 be modified to include an additional provision to require the provision of a landscape buffer along the front of the saw mills along Cemetery Road with the exception of access ways.
2. The Conditions of Use in Amendment No. 82 be modified to require that the hours of operation extend between 7.00 am and 7.00 pm Monday to Saturday based on the assigned noise levels as required by the Environmental Protection Authority.
3. The Conditions of Use in Amendment No. 82 be modified to require the proposed 3.5 metre high earth bund be densely landscaped/vegetated to ensure visual aesthetics and to ensure the bund is stabilised. The dense landscaping will ensure that the earth wall is not unsightly and will also assist in separating the sawmills from other landuses.
4. The Conditions of Use in Amendment No. 82 be modified to require the provision of a landscape buffer along Cemetery Road with the exception of the access ways to ensure that the cemetery is visually screened from the sawmills.
5. The Conditions of Use in Amendment No. 82 be modified to include a provision in the Conditions of Use to require the provision of fire attenuation measures to the satisfaction of the Manjimup Shire.
6. The Conditions of Use in Amendment No. 82 be modified to require that no sawdust stockpiles remain on site while the mill is unoperational for extended periods of time. In addition sawdust should be stored on site in a satisfactory way and disposed of regularly. An other condition of use could require that the yard area and access ways be maintained in a clean condition free of any accumulated sawdust.
7. The Conditions of Use in Amendment No. 82 be modified to require that the yard area and access ways be maintained in a clean condition free of any accumulated sawdust unless the sawdust is packed firmly. These requirements will ensure that the buffer zone around the mills contained on Lots 156, 157, 159 and 160 will not be degraded.
8. The Conditions of Use in Amendment No. 82 be modified to identify all of the Vacant Crown Land to be included within the 'Service Industry' zone with appropriate vegetation buffers to visually screen the development to the Residential areas.
9. The Conditions of Use in Amendment No. 82 be modified to require that clean buildings and structures should be finished in an aesthetically pleasing and practical colour. Features such as trees and shrubs around the building and the requirement for a 5 metre landscape buffer will assist in making the development aesthetically pleasing as well as acting as a barrier to both noise and dust.

## 12.0 CONCLUSION

The Environmental Protection Authority provides generic advice on recommended buffer distances which may be used as a guide to separate residential areas from industrial land uses. In addition to this the State Industrial Buffer Policy (Statement of Planning Policy No. 4) allows for variation to buffer areas around established industry when justified by a scientifically based study. The Noise Assessment and Environmental Review have determined that with the implementation of specific noise attenuation measures the noise emissions from the mill will be acceptable at the nearest noise sensitive premises.

This supports the continued operation of the mills with in a 500 metre buffer to the nearest noise sensitive premises and is consistent with the Shire's treatment of other mills within the Shire including Rudd's Mill which is in the Northcliffe townsite and the situation in Pemberton where the majority of the townsite is located within 500 metres of existing mills.

The mills are currently operating without any valid approvals and resultantly the Shire of Manjimup and the Department of Environmental Protection have not imposed any development conditions to ensure that the mills operate in accordance with the requirements of the Department of Environmental Protection. Amendment No. 82 proposes to rezone the mills and surrounding land to provide the Council and the Department of Environment Protection with the ability to impose Conditions of Use and in effect control the continued operation of the mills. In addition the Environmental Response has recommended other Conditions of Use to be included within Amendment No. 82. With the inclusion of these Conditions of Use it is believed that the continued operation will be acceptable and controllable. This would mean that there is no need to relocate the mills and supports the proposed rezoning.

The retention of the mills will support the Northcliffe townsite in many other ways, including employment, transport and tourism. With appropriate aesthetic improvements including landscape buffering, the mills will form an important historic and tourist feature of the townsite and will become integral to the significance of the Northcliffe community.

It is recommended that the submissions be dismissed and the recommendation detailed in the preceding section be required by the Department of Environment Protection and the Council, to be incorporated into Amendment No. 82 prior to Final Approval being granted to the Amendment by the Hon. Minister for Planning and the Hon. Minister for the Environment.