

It is my view that Mr Martin has dealt with a significant and unnecessary bureaucratic obligations imposed upon him by the City of Swan.

I am of the understanding that Mr Martin purchased a plot of 'general rural' zoned land in 1990 where he established a small mushroom farming business called West Australian Mushrooms. Over the next decade a number of restrictions would be imposed on Mr Martin, including the rezoning of the property on which his business was run in 1994.

In an 'Approval to Commence Development' dated 07 April 1993, which contains some 27 conditions, contains a condition (#20) requiring Mr Martin to keep noise on the property between 40dB-50dB at varying times. They are:

Period	Timeframe	dB Limit
Monday – Friday	0700 – 1900 hrs	50dB(A)
Monday – Friday	1900 – 2200 hrs	45dB(A)
Always	2200 – 0700 hrs	40dB(A)
Weekends & Public Holidays	0700 – 2200 hrs	45dB(A)

Purdue University notes that a vacuum cleaner operates at 70dBs, a passenger vehicle travelling at speed is 77dBs.¹ The highest volume permitted at 50dB, the equivalent of 'conversation at home' (50dB).

It is my understanding that this, or another order from the City of Swan, prevented Mr Martin from using his truck on the premises for either private or business use.

I note that the (no longer in effect) *Noise Abatement (Neighbourhood Avoidance) Regulations* do not account for rural zones, and have restricted Mr Martin to "residential, educational, hospital, or the like" category 2 "Other residences with some commerce or some light industry, or with some places of entertainment or public assembly, or with dense transportation".² It is no wonder these regulations were updated in 2017 to reflect more realistic noise levels, allowing up to 90dB in some areas.³

Mr Martin was also pressured by the City of Swan for an Odour Management Plan. However as noted in a letter dated 30 January 1995, the City of Swan states;

It is confirmed that a recent investigation failed to support a complaint of offensive odour from your premises.

Mr Martin was pressured into doing this by the City of Swan owing to complaints, principally from one neighbour. Mr Martin insists that there was no such odour, which is supported by his 1995 letter. Similarly, in a letter dated 06 January 1993 (which was submitted alongside the Management Plan), Mr Martin notes odour control measures in point 1 "Condition 16".

In 2001 Mr Martin proposed building a shed over the composting area to contain any possible odour. The proposal, along with an earlier request to widen a 'machinery driveway', was rejected by the City of Swan.

¹ <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

² *Noise Abatement (Neighbourhood Annoyance) Regulations 1979*, Table 1.

³ *Environmental Protection (Noise) Regulations 1997*, Table 1.

Despite attempting to remedy these issues through the appropriate channels, Mr Martin's attempts to solve these issues were consistently rejected by the City of Swan and the Minister for Planning. It appears that while Mr Martin's business was allowed to operate, the City of Swan had development plans for the area which were never revealed to Mr Martin, but were manifested by the increasing number of issues raised by the City of Swan to Mr Martin.

It is my view that the issues Mr Martin face with respect to his property on Lot 52 Victoria Road, and his other property of Lot 20 Victoria road are due to undue and unnecessary restrictions placed upon him by his local government, who have had no intention to resolve these issues.

It appears that little to no attempts were made to resolve the issues with Mr Martin, rather, the City of Swan spend significant resources in monitoring his properties while imposing further restrictions, which impugned his ability to run his business and offended his right to the quiet use and enjoyment of his land. From what I have seen, and been informed of by Mr Martin I believe that the City of Swan has behaved inappropriately in their dealings with Mr Martin over this period.