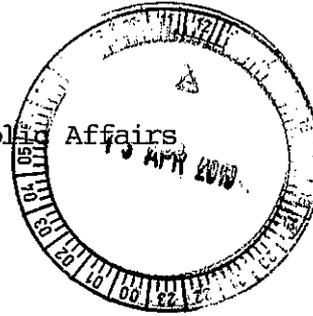


Hon Brian Ellis MLC
Chairman
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office
18-32 Parliament Place
WEST PERTH WA 6000



Mrs Anthea Gill

6 April 2010

PUBLIC

Dear Mr Ellis

Petition No 54 - Strawberry Packaging Shed on a Rural Resource Property

Thank you for giving us the opportunity to present a submission. This letter is to draw your attention to, and outline the issues of concern to the petitioners.

We live in an area of East Wanneroo which has market gardens, interspersed with horticultural and other rural and special rural activities. A lot of these properties are small 2, 5 and 10 acres in size.

On 3 October 2008 we received a letter from the City of Wanneroo advising us it had received an application for 'Approval to Commence Development' of the proposed Industry. Strawberries would be brought to a proposed 'shed' and be re-packaged for export. Work would be from 10am to 11pm, and staff would number 12.

We were given very limited time, 8 working days, to prepare and submit comments. The only other information we gained from the City's planning officers was that the 'shed' was to be approximately 1,100m² in size.

It was discovered the business was currently operating from a leased shed in an existing market garden, with no Council approval or conditions applied specifically to it. Trucks were delivering produce and collecting pallets, etc until 11pm - 12am and later every night.

We realized the new development would be a purpose built, sophisticated, industrial, wholesale warehouse, housing large coolrooms for storing produce awaiting export.

We lodged objections to the proposed late night operating hours and the noise and nuisance that would be experienced by the nearby residents. This would be very noticeable when night time ambient noise levels are lowest.

There are 6 family homes within 75 - 150 metres of this facility/Industry.

The ward Councillors, market gardeners, local residents and others we contacted all agreed this type of industry should be operating in an Industrial area. Similar wholesale fruit and vegetable export agents operate from Market City Canning Vale and other industrial sites.

The proponent's website describes their facility as a warehouse, which is not a permitted use in the City of Wanneroo Rural Resource Zone.

At the Council meeting in November 2008, Ms North, Mrs Cavlovic and I gave deputations expressing our concerns about how the business operations would affect us and our families, especially not being able to get a restful, or adequate night's sleep.

At this meeting, Council voted to 'restrict vehicle movements to 6am - 8pm', with the 11pm closing time being described as 'wholly unreasonable'.

At the Council meeting in February 2009, the proponents appealed to Council to reconsider and delete this 'Condition 10' , but Council resolved to retain it in its entirety.

The proponents then applied to the State Administrative Tribunal to have the Condition deleted. SAT sent it back to Council for reconsideration.

At the June 2009 Council meeting, an in-confidence decision was made to delete the previous Condition 10 and substitute one which gave unrestricted truck movements from July to November, inclusive.

This is 5 months of every year, which equates to almost half of all the time that we remain living where we are. We find this unreasonable and unacceptable.

The inadequate building sketch presented to Council at the November 2008 meeting indicated an enclosed loading dock. The finished facility has no such thing. For all of the July '09 - Nov '09 strawberry season, we suffered from the noise and nuisance associated with truck movements, forklift loading and unloading operations, exposed refrigeration compressors, clanging metallic noises, and light spill from a huge undercover loading area. The truck collections and deliveries occurred every night, at regular intervals, until approximately 11pm - 12am and later, including weekends. This will happen each season.

The Director of Planning and the Chief Executive Officer eventually had to personally visit the facility and request the proprietors to attend to the issues and problems the neighbours have been experiencing. It is our understanding these requests are ongoing.

At the end of the day, we want to be able to get to sleep, and stay asleep at night, undisturbed by the business operations of this warehouse/packing house, distribution facility next to us.

These activities are having an adverse impact on the amenity of our homes, and significantly affecting our health and wellbeing, and causing unnecessary stress. Sleep deprivation can have serious health consequences.

It is our belief that the proponents did not initially reveal to the City the true nature of their business and its operations, resulting in a flawed consultation and assessment process.

Long standing ratepayers and residents are suffering the consequences of questionable decisions that have been made.

We feel a thorough investigation is needed to ascertain how and why this situation has occurred.

A complaint has been taken to the Ombudsman.

Yours sincerely



Mrs Anthea Gill

Also for and on behalf of Ms Donna North, the Principal Petitioner.