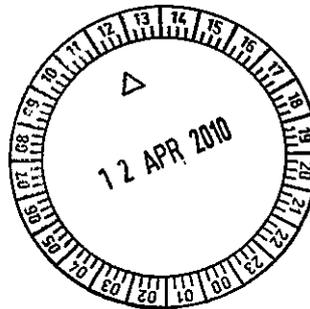




Reference: Constituents – Wanneroo Council  
Our refs: 333726, 333727

31 March 2010

**PUBLIC**



RECEIVED

6 APR 2010

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

Dear Brian

**PETITION NO 54 – STRAWBERRY PACKING SHED ON A RURAL PROPERTY**

Thank you for your invitation to provide a submission in relation to the above petition, which I tabled on behalf of several constituents on 3 March 2010.

My comments are as follows:

I support the Committee in investigating this complaint as there are, *prima facie*, some questions to be asked about how the operators (TI Dragon Management Limited - TIDML) of this facility managed to have the development approved and to what extent the Wanneroo City Council (the Council) may have been misled in its deliberations as to whether or not to approve this use of Lot 52 Hawkins Road, Jandabup.

Some have suggested, for example, that the approval process might have been perverted due to conflicts of interest and, possibly, friendships between the proponents and council members. If this were true, I would be extremely troubled.

Clearly though, the project's proponents applied to build a 'packing shed'. I understand that would be a permissible use for the property, which is situated in Wanneroo's Rural Resource Zone. However, the finished 'shed' could better be described as an industrial-style *warehouse*, which is *not* a permissible use under the zoning laws for this type of area. This leads to the questions I posed earlier, as to whether the applicants were entirely forthright in their original application to the Council.

There are six householders living in very close proximity of this facility and I am told that the operation has caused significant stress and ill-health to these citizens. Their complaints relate mainly to late night and early morning truck movements, the constant beeping of truck reverse sensors and the noise produced by the facility's cold storage rooms. In the planning stages, residents were assured these noise issues would not arise.

I will leave further details of this disruption to them as I believe they will also be taking the opportunity to make submissions.

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What is curious from my standpoint is that, when the City initially approved the proposal, it deemed it appropriate to impose a condition (Condition 10) that "the movement of trucks within the site is to be restricted to the hours between 6am and 8pm".

However, in February 2009 the Council considered a request by TIDML to relax this restriction. The City's planners recommended that the Council should not accede to this request and should retain this restriction.

Despite this, and via a mechanism of which I am still not fully cognizant (and hence the need for some investigation) the City subsequently relaxed the restriction on the movement of trucks for this business. I am led to believe residents were told by a City official that the City was forced to do this to avoid an inevitable appeal to the WA Planning Commission which it (the City) would surely lose and which could result in the business operating 24 hours-a-day without any restrictions at all.

As it is, regardless of what restrictions may, or may not, be in place the residents continue to report that trucks arrive, and leave, the premises at all hours of the day and night, beepers are continually in use and the noise from the cooling apparatus is intolerable.

The noise levels have been independently tested and proven to be very significantly above allowable levels – for example, at 2200 hours to 0700, the level was measured at 59.4 dBA when the maximum allowable level is 35 dBA

The facility also continued operating earlier this year well past the end of the strawberry growing season despite it being restricted to operating only within that season.

Unfortunately, the picture all of this conjures up is that of a business which, on the anecdotal and scientific evidence, is operating without any adherence to council regulations and with a total disregard for the neighbours.

How the decision was made to allow this facility to set up, and operate, under these circumstances is troubling and I welcome any investigation the Committee might deem appropriate.

I trust this information is sufficient to express my view that I do believe there exists enough doubt about how this local government matter has been handled as to warrant as full an investigation as possible.

Yours sincerely



**Michael Mischin MLC**  
**Member for North Metropolitan Region**  
**Parliament of Western Australia**

**Parliamentary Secretary to the**  
**Attorney General; Minister for Corrective Services**

CC: Mrs Anthea Gill and Mrs Donna North

PER