



Shire of Dardanup

Development Services

Directorate

# APPENDICES

Item 12.2.1

## ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 19<sup>th</sup> of November 2025

Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive – EATON

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DR 109 of 2025  
Breese and Shire of Dardanup  
22 October 2025

## **1. Reconsideration**

- 1.1 Following mediation on 8 September 2025, the applicant was invited to provide more information, and the Shire of Dardanup to reconsider its decision on or before 29 November 2025.
- 1.2 The Shire (via Altus Planning) confirmed in an email on 16 September 2025 that additional information was to be lodged by 29 October 2025, which enables the matter to be reconsidered at the Shire Council meeting to be held on 19 November 2025.
- 1.3 The matter is listed for Directions Hearing by teleconference 9.30am 12 December 2025.
- 1.4 Following the recent mediation the Shire provided suggested wording edits to two (2) conditions and requested an Addendum be provided to the Acoustic Technical Note in the original application material.
- 1.5 Breese has considered these matters at length. Much is agreed in principle; however, some alternatives are proposed. The reasons are outlined as follows noting the resultant outcome is not dissimilar, just considered less ambiguous and better fit for purpose.
- 1.6 This has been a long-running matter, resolution is desired. It is hoped the following resolves this. If the Shire has any questions, please call or email.

## **2. Background**

- 2.1 The Breese grounds of review and orders sought have been served under separate correspondence. These set out reasons for lodging the proceedings.
- 2.2 Breese sought SAT review of the following matters:
  - Classification of the land use, as best fit, from Commercial Vehicle Parking to Rural Home Business.
  - Condition 3 – clarify crossing specifications.
  - Condition 4 – opposed to severe restrictions on the hours of operation.

### 3. Classification of use

3.1 Shire representatives have advised that whilst most of the Rural Home Business definition is met, they do not concur with Breese that part e. of the Rural Home Business definition is satisfied.

3.2 Although this is not what Breese has applied for, it is understood this is because either approved truck and trailer combination has a maximum Gross Vehicle Mass (GVM) or Maximum Registered on road mass capacity of up to 42.5 tonne.

3.3 Rural Home Business is a D use. The Rural Home Business definition states, with part e. in bold:

*A dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation –*

*(a) does not involve employing more than 2 people who are not members of the occupier's household; and*

*(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*

*(c) does not occupy an area greater than 200 m<sup>2</sup>; and*

*(d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*

***(e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonne gross weight.***

3.4 At no stage in this process has Breese sought to bring onto the subject land a fully loaded commercial vehicle to the maximum GVM.

3.5 The proposal remains a low-key operation; the truck and trailer combinations are effectively a commuter vehicle. This is a Home Business in a rural, smallholdings area, recognized by the Rural Smallholdings zone applied under the new Shire Planning Scheme. A single truck and two (2) trailers park on the subject land, with Home Business administration activities occurring within the home. All other business activities are carried out elsewhere.

- 3.6 The catalyst for Shire action has been the size of vehicles in the approved, existing Home Business exceeding 4.5 tonne tare. The existence of Home Business has been uncontested; it is known to have operated from the subject land for around 14 years now.
- 3.7 Further, Condition 2 of the DA specifically limits the number of vehicles to three (3), comprising one (1) truck and two (2) trailers. This is also uncontested.
- 3.8 In addition, DA Advice Note 3 acknowledges in effect the only permitted Home Business equipment is *‘the incidental equipment such as the bobcat, excavator and forklift already exist and is lawfully used in accordance with historical approvals for the site.’*
- 3.9 This incidental equipment that may also be loaded on/off the trailers on the subject land is small scale, comprising a small bobcat 3.5 tonne, small forklift 2.5 tonne and mini excavator 4.4 tonne. Although it is rare all three (3) equipment are loaded on at the same time, combined gross weight of this is 10.4 tonne.
- 3.10 Loaded onto the trailer this is under the maximum permitted Rural Home Business 30 tonne gross weight ie. 9.5 tonne Prime Mover + 2.8 tonne flatbed trailer (tare weight) + 3 equipment 10.4 tonne = 22.7 tonne gross.
- 3.11 No other non-residential use is proposed.
- 3.12 On this basis, Breese has sought advice from the Department of Planning, Lands and Heritage (DPLH) about intent of the Rural Home Business definition.
- 3.13 Rural Home Business has a different vehicle / weight measure to other Model Scheme definitions, including the Home Business and Commercial Vehicle Parking definitions.
- 3.14 DPLH effectively concur with Breese that “30 tonne gross weight” in part e. of the Rural Home Business definition is different to GVM (the on road maximum registered weight) and Tare (the unloaded weight).

- 3.15 DPLH also effectively agrees that intent of the Rural Home Business definition is that gross weight is a measure of the Tare (unloaded) vehicle weight plus its load at that time it is on the subject land, the location of the Rural Home Business. This is different and is not the maximum load the vehicle may be registered to carry on a public road, the GVM, and how the vehicles may operate when loaded away from the subject land.
- 3.16 The DPLH advice is provided in Annexure 1.
- 3.17 On this basis, and for the reasons set out in the lodged Breese grounds of review served separately, **Rural Home Business is the correct, best fit classification** of this land use.
- 3.18 This maximum vehicle gross weight of 30 tonne when at the subject land is enforceable.
- 3.19 Given this, it is suggested that **Condition 2** be amended (or a new condition added) as follows with the new wording underlined:

*The approval is one (1) Modern Euro 5 Prime Mover and two (2) trailers being a tipper and a flatbed trailer unless otherwise approved by the Shire of Dardanup. The maximum weight of any vehicle on the subject land as part of the Rural Home Business is limited to 30 tonne gross weight.*

#### 4. Condition 3

- 4.1 With regards to **Condition 3**, Shire representatives have proposed the following updated wording.

*Within three (3) months of the date of this approval, the existing vehicular crossover and culvert is to be upgraded by:*

- a. Widening the crossover by 3.0m to the south;*
- b. Extending the culvert by 2.3m to the southern end; and*
- c. Sealing the full width of the crossover to a distance of approximately 1.5 metres from the edge of the road to prevent migration of gravel onto existing road as well as to protect the road from edge break to the satisfaction of the Shire.*

- 4.2 This updated Condition 3 wording clarifies and resolves the Breese concerns about the extent of seal required at the crossover.

## 5. Condition 4

- 5.1 With regards to **Condition 4**, Shire representatives have proposed the following updated wording:

*Activities associated with Commercial Vehicle Parking are only permitted to take place between the hours of 6am and 7pm, Monday to Saturday. No other activities associated with the use are permitted except for:*

- a. the loading and unloading of the trailer(s) on Sundays and Public Holidays; and*
- b. a total of 20 individual instances, in any 12-month period, whereby the commercial vehicles (truck and trailer combination) leave or return to the property outside of the approved hours. A logbook must be kept of these out of hours occurrences and be available for inspection by the Shire at any time.*

- 5.2 Whilst this is agreed to be an improvement to the original condition wording under review, limited to 20 instances overnight to either enter or depart, this is unduly restrictive. This restricts business activities conducted off site to part time because it forces travel time to and from jobs to also be accommodated within usual business hours. Like in any job, travel to and from occurs outside of work being undertaken.

- 5.3 The rationale for only 20 instances across 52 weeks/year, when there is no discernible or demonstrated amenity impact prevalent, other than perception, is not clear. As a commuter vehicle, worst case scenario like a passenger vehicle is depart, and then return from work once each day.

- 5.4 Alternative Condition 4 wording is proposed as follows. This wording is proposed to replace the above condition in its entirety, but it still includes reassuring limitations. The revised wording is with intent to:

- Remove ambiguity.
- Capture all likely outside Rural Home Business-related activities.
- To continue to manage amenity expectations, including worst case.
- Be relative to Rural Home Business, a permissible D use.
- And importantly to Breese, to meet the operational needs of the permitted Home Business, ensuring it remains financially viable.

Viability, reasonableness, and nexus to the actual operations have been at core of lodging these SAT review proceedings.

5.5 The proposed alternative wording is:

*Loading and unloading of the permitted Rural Home Business vehicles, including swapping, coupling and decoupling trailers to the truck, is only permitted to take place between the hours of 6am and 7pm daily.*

And

*Rural Home Business vehicle entry and departure at the subject land is limited during the following overnight circumstances, between the hours of 7pm and 6am daily:*

- a. Maximum of a single truck entry and a single truck departure during any overnight period.*
- b. In any overnight period, the truck shall enter and park in a forward direction in the approved area, without any reversing or maneuvering.*
- c. On arrival at the subject land, the truck is parked and turned off within 90 seconds of entering the property from Gardincourt Drive.*
- d. Truck departure is limited to a maximum of 5 minutes from switching the truck on to exiting the property in a forward direction onto Gardincourt Drive.*

## **6. Discussion**

- 6.1 As the best fit definition is Rural Home Business, which limits the gross weight to 30 tonne or less, and given the nature of the existing permitted Home Business, there is no utility in evaluating potential noise of the truck as the Shire has requested at its on road registered, fully loaded GVM.
- 6.2 Most commonly the truck and trailer combination will only be its Tare weight, with worst case being under 30 tonne gross weight permitted by the Rural Home Business definition.

- 6.3 Addendum advice from Herring Storer is provided at Annexure 2.
- 6.4 The Herring Storer advice clarifies as requested the type of truck and trailer combination the original advice was based upon. This satisfies worst case considerations, including at GVM (even though it is not proposed), as well as 30 tonne gross weight.
- 6.5 Shire concern about greater than 45dB(A) to the nearest sensitive neighbour is unfounded. Herring Storer confirms 43dB(A) is the highest noise level for a one (1) second period at worst case noise propagation and maximum load conditions (which do not occur).
- 6.6 Further, the Herring Storer advice confirms distance, attenuation, duration, barriers and time of day of the outside loading / unloading activities ensure noise compliance for these associated activities too, and around the clock 24/7.
- 6.7 Minimal Rural Home Business activities occur at the site. These are only associated with driving in and out and parking, and then swapping over, removing or loading / unloading minimal equipment on and off the trailers, with the loading activities only occurring during daylight hours, not overnight.
- 6.8 The truck entering and exiting takes little time. The Breese view remains this is not discernible from other residential vehicles.
- 6.9 All these activities are for short, infrequent and ad hoc duration, set well away from neighbours.
- 6.10 The Breese suggested conditions, in conjunction with the other conditions, provide ample limitations plus assurance and regulation, against actual and worst-case scenarios.



DR 109 of 2025  
Breese and Shire of Dardanup  
22 October 2025

## **7. Summary**

7.1 In reconsidering the proposal, Breese seeks the Shire to:

- Amend the permitted use from Commercial Vehicle Parking to Rural Home Business. The Rural Home Business definition is demonstrably satisfied.
- Amend Condition 2 (or make a new condition) by adding extra words to limit the maximum vehicle weight to 30 tonne gross weight (not GVM or Tare).
- Breese accepts amended Condition 3 as per the Shire wording.
- Reword Condition 4 as suggested.

7.2 I am advised that with these changes approved by the Shire, Breese will withdraw from the SAT review proceedings.

DR 109 of 2025  
Breese and Shire of Dardanup  
22 October 2025

**Annexure 1 – DPLH Rural Home Business advice**

**From:** [June Wang](#)  
**To:** [Kanella Hope](#)  
**Cc:** [Regional South Planning](#)  
**Subject:** FW: Definition meaning query  
**Date:** Friday, 26 September 2025 11:47:48 AM

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OFFICIAL

Hi Kanella,

Thanks for your email. I have sought advice from the Department's Strategy and Engagement (S&E) division on this matter. The feedback I received suggests that the interpretation being applied in your enquiry seems reasonable. I have also received some background information regarding vehicle weights from Cath Meaghan, Planning Director Land Use Planning, which suggests that the intent of the definition is to allow for a decent-size truck, but would rule out any kind of articulated or freight carrying vehicle (such as some of the ones shown in the Class 2 section here [Classes of Heavy Vehicles in the Heavy Vehicle National Law](#)).

I hope the above is of assistance. Please do not hesitate to contact me if you need further information.

Kind Regards,

**June Wang**  
Senior Planner | Land Use Planning  
**Department of Planning, Lands and Heritage**  
140 William Street, Perth WA 6000  
W: [dph.wa.gov.au](http://dph.wa.gov.au) | P: 6551 9242



The Department of Planning, Lands and Heritage acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people. Learn more about our [Stretch Reconciliation Action Plan](#).

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**From:** Kanella Hope <[kanella@plannedfocus.com.au](mailto:kanella@plannedfocus.com.au)>  
**Sent:** Wednesday, 17 September 2025 3:15 PM  
**To:** David Brash <[David.Brash@dph.wa.gov.au](mailto:David.Brash@dph.wa.gov.au)>  
**Cc:** Regional South Planning <[regionalsouthplanning@dph.wa.gov.au](mailto:regionalsouthplanning@dph.wa.gov.au)>  
**Subject:** Definition meaning query

Hi David,

I trust this finds you well :)

I am seeking clarification about meaning of the Model Scheme definition *Rural Home Business* and in particular, the size of vehicle intended to be permitted but I am not sure who to direct this to! Are you able to assist, or can you please redirect this to the appropriate DPLH Model Scheme expert? The query is as follows:

*Rural Home Business, Home Business and Commercial Vehicle* definitions in the Model Scheme text (MST) differ about vehicle weights. This has presumably been intentional.

For *Rural Home Business*, part e) of the MST land use definition states 'Does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes **gross weight**.' For *Home Business* part f) of its definition refers to 'a vehicle more than 4.5 tonnes **tare weight**', whilst the term definition of *Commercial Vehicle* is different again, stating 'a vehicle, whether licenced or not, that has a **gross vehicle mass** of greater than 4.5 tonnes'.

The ordinary interpretation of gross vehicle mass (GVM) is the maximum loaded mass, the greatest weight the vehicle is licenced to carry. The actual or gross weight the vehicle carries from day to day, this does of course vary depending on the type / extent of load, but nonetheless the maximum loaded weight cannot exceed the specified GVM. By distinction, Tare is the unloaded weight of the licenced vehicle ie. an empty truck.

*Rural Home Business* does not refer to either GVM or Tare, both of which are common truck and vehicle registration terminology. Instead, the definition refers only to gross weight, which seems to only have common meaning. Presumably, use of the term gross weight is to allow for actual load carried in context of Scheme decisions, which may be different, if not sometimes significantly different to the licenced GVM, which would be enforceable. For example, licenced Tare of an unloaded Prime Mover with trailer can weigh around 25 tonnes but its registered, licenced to carry GVM is more than double, around 55 tonnes. What the vehicle actually carries in gross though, this can vary anywhere between the minimum Tare and maximum GVM weights, it is a different measure.

On this basis, I seek confirmation or alternative interpretation about the following:

- Confirmation the term gross weight in the *Rural Home Business* definition has common and different meaning to the terms GVM and Tare weight.
- As gross weight (and not GVM), the ordinary meaning of *Rural Home Business* allows the presence, use or calling of a vehicle that may be licensed and registered with a GVM greater than 30 tonnes, but when the vehicle is used in the *Rural Home Business* ie. on the subject land, the vehicle and its total load cannot exceed 30 tonnes gross weight.

Kind regards,

Kanella

*Kanella Hope*  
*Director + Principal Planner*  
*M: 0401 046 852*

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DR 109 of 2025  
Breese and Shire of Dardanup  
22 October 2025

**Annexure 2 – Herring Storer Addendum**



Our ref: 35466-1-25147

20<sup>th</sup> October 2025

Planned Focus  
Bunbury WA 6230

Attention: Kanella Hope  
Address: [kanella@plannedfocus.com.au](mailto:kanella@plannedfocus.com.au)

Dear Kanella,

**COMMERCIAL VEHICLE PARKING – 111 GARDINCOURT DRIVE, HENTY  
PRIME MOVER TRUCK NOISE – FURTHER CLARIFICATION**

As requested, we provide further clarification regarding the noise levels associated with the movement of a Prime Mover Truck at the above address.

Previous advice was provided by Herring Storer Acoustics in 34473-3-25147, however it is understood further clarification is required for the following:

1. *The size and composition of the truck the original commentary is based upon. Did this assume a trailer was attached to the 9.5t Euro 5 Prime Mover or just the truck? Use of either a tipper or flatbed trailer >19m have been approved.*

The assessment was based on the sound power level of a prime mover. In terms of noise emissions, the prime mover is the dominant noise source, with or without the trailer. It is noted the trailer tends to act as a barrier for the truck, towards the rear, hence with a trailer, the noise emissions maybe slightly less, if not the same.

2. *Is there likely to be any discernible difference in possible noise generation between the Tare / unloaded weight of the truck / trailer combination or if this is fully loaded to its maximum GVM?*

In terms of noise modelling, the assessment was based on the sound power level of a fully laden truck. Thus, is the worst case scenario.

3. *Is there likely to be any discernible difference in possible noise generation if the gross loaded weight of the truck / trailer combination is under 30t? Under 30t is the maximum gross / loaded weight proposed to enter / exit / park here, yet the permitted-on road fully loaded GVM is much greater, 42t.*

No, we believe that there would be no difference in noise emissions.



4. The Shire has zeroed in on Figure 1 of your advice which indicates potential for up to 43dB(A) to the nearest neighbour. Does this change in context of your responses to Q1, 2 and 3?

As per the above, the noise levels are based on the “worst case” noise propagation conditions, i.e slight winds and cold conditions from source to receiver. It also considers the truck at near to maximum load and operating conditions.

The 43 dB(A) is the highest noise level for a one second period.

5. Final question the Shire has asked is if loading / unloading in the approved parking area is likely to be compliant on a Sunday or Public Holiday. Noise generation associated with the Commercial Vehicle Parking loading / unloading could come from the following activities which we believe are well within daytime tolerances:

- Decoupling or coupling of a trailer to the truck, and any reversing and manoeuvrings to swap between the 2 permitted trailers and park the vehicles.
- Loading / unloading any or all of the approved 3 small equipment on or off the trailers (small bobcat 3.5t, small forklift 2.5t and mini excavator 4.4t).
- This loading / unloading takes my client minimal time and is infrequent, taking maybe between 15 to 30 minutes at most.

Based on other similar assessment of this type, generally the distance, attenuation provided by barriers (shed) and the duration of the noise events, compliance would be likely for the activities outlined.

We trust the above meets your requirements on this matter. Should you have any queries, please do not hesitate to contact this office.

Yours faithfully,  
For **HERRING STORER ACOUSTICS**

Paul Daly

**Schedule of Submissions – Commercial Vehicle Parking - Lot 24 (No. 111) Gardincourt Drive, Henty**

No	SUBMITTER COMMENT	OFFICER COMMENT
1	<p>We write in support of the Development Application by Pete &amp; Gerri Short of Breese Earthmoving &amp; Transport. As with the previous owners, Pete and Ros Edmonds, Pete &amp; Gerri run their small business from home. We consider them a value to the community, as we did the previous owners, and have employed both companies for small jobs on our property. It would be a loss to our community if they were to be prevented from continuing.</p> <p>We have no objections to the DA proposed by them.</p>	<p>Noted for submission in support.</p>
2	<p>I am writing to support the commercial vehicle parking application at Lot 24 (111) Gardincourt Drive in Dardanup.</p> <p>My residence is located approximately 600 meters from the area in question, and at no point have I ever heard the vehicle in question operating. This contrasts with the haulage trucks operating on Pile Rd, which I can hear from 1km or further away.</p> <p>Having reviewed the details of this application, I am impressed by the thorough and professional approach the landowner has taken to ensure their business operates harmoniously within our community.</p> <p>It's noteworthy that an earthmoving business has operated at this location for over 12 years, with the previous landowner conducting the same activities for 10 years prior without complaint.</p> <p>Small home-based businesses are essential to the economic and social fabric of rural communities like ours in the Ferguson Valley. They:</p> <ol style="list-style-type: none"><li>1. Provide necessary local services that support the ongoing development of our community</li><li>2. Create employment opportunities that allow residents to live and work within the community</li><li>3. Contribute to the diverse mix of land uses that gives our region its unique character</li><li>4. Support other local businesses through supply chains and service needs</li></ol> <p>The Ferguson Valley's vibrancy depends on a balance of agricultural, tourism, and service-based enterprises. Home businesses like this earthmoving operation are vital components of this ecosystem, providing essential services that support our agricultural sector and local development.</p> <p>I was particularly impressed by the professional acoustic assessment provided with this application. The report conclusively demonstrates that noise impacts from the operation fall well within acceptable parameters. I find it difficult to understand how any neighbouring property would be adversely impacted by the operation of this vehicle, which falls well below the impacts of a dirt bike, quadbike or tractor, which would all be permitted uses.</p> <p><b>Landowner's Significant Efforts</b></p> <p>The applicant has made considerable efforts to address potential concerns:</p> <ol style="list-style-type: none"><li>1. Committing to daylight-only loading and equipment operations</li><li>2. Conducting activities predominantly around the existing shed</li></ol>	<p>Noted for submission in support, with particular reference to noise.</p>



**(Appendix ORD: 12.2.1B)**

No	SUBMITTER COMMENT	OFFICER COMMENT
	<p>3. Implementing noise minimisation practices during truck operations 4. Ensuring vehicles are stored out of sight from public areas 5. Installing appropriate turning circles to ensure safe access 6. Positioning equipment in a forward-facing direction for departure to minimise disruption</p> <p>These commitments demonstrate a genuine effort to respect neighbouring properties.</p> <p>The overwhelming support from neighbours (with just one exception) speaks volumes about how well this business has integrated into the community. The fact that most potentially affected residents have provided written consent indicates the respect the operator has earned through responsible business practices.</p> <p>Home businesses that operate responsibly, like this one, should be encouraged rather than hindered. They exemplify the self-reliance, entrepreneurship, and community connection that define our community.</p> <p>I ask the Shire to approve this application, recognising its technical merit and the important contribution such businesses make to maintaining the Ferguson Valley as a vibrant, economically diverse, and sustainable community.</p>	
3	<p>As the adjoining property owner, I wish to advise I support this application.</p> <p>Since Peter Breese and Gerri Short have owned the property, they have upgraded and improved the property from a street view prospective with new fencing, driveway entrance and the placement of vintage tractors along their entrance road. I consider the continuation of this business will be a benefit to the area.</p>	<p>Noted for submission in support.</p>
4	<p>My submission relates to the letter I received regarding the "Application for development approval use not listed- commercial vehicle parking- Lot 24 (111) Gardincourt Drive Henty WA 6236"</p> <p>Peter and Gerri purchased their property around the time we purchased our property. Aprox 3 years ago in that time I have never heard or had issue with Peter starting or parking his trucks or gear at his property.</p> <p>I'm very confused by the complaints made by my other neighbour who has complained about this issue. I share a boundary fence with Peter and Gerri i would be one of their closest neighbours. I certainly didn't purchase my property to be quiet and peaceful.</p> <p>We have serval wineries within close proximity to us that operate tractors, harvest vines and neighbouring property's with farm animals. If they would like peace and serenity then this not area for them and they should purchase 100 acres not a 10 acre property in "small holdings zoning". This is prime agricultural land and many tourism businesses operate in the area winery's, breweries etc.</p>	<p>Noted for submission in support.</p> <p>It is acknowledged that this landowner did not purchase the property for the amenity, however this may not be the case for every property.</p> <p>It also noted that the Rural Smallholdings zone, while it allows for some agricultural activities to occur, is not intended to have agriculture as the predominant land use. However, it is accepted that there will be some noise and traffic generated from tourism based land uses.</p>

**(Appendix ORD: 12.2.1B)**

No	SUBMITTER COMMENT	OFFICER COMMENT
	<p>I would like to also note- I don't appreciate the way my other neighbour (the main complainers) has gone about contacting me and husband regarding this matter. On Mother's Day (a Sunday) they entered my property after having interaction with my other neighbour at my gateway. Who stated I wasn't home as he seen me leave for the day- not only did they continue entering my property when told I wasn't home, they left a typed letter in my mailbox expressing their concerns and wanting me to contact them. I believe this is unprofessional and not acceptable behaviour not once have I received information from Peter in this format. It feels borderline harassment from them pressuring us to support them on this matter.</p> <p>We give our full support to Peter and Gerri we hope you can see this as simple decision and have some common sense to grant Peter his approval.</p>	
5	Regarding the above development application for commercial vehicle parking at Lot 24 Gardincourt Drive Henty we have no objection to this.	Noted for submission in support.
6	<p>Thankyou for alerting me to this development proposal at 111 Gardincourt Drive and providing the information about the proposal.</p> <p>I have no concerns in relation to the development proposal.</p>	Noted for submission in support.
7	<p>Thank you for the opportunity to comment on the DA for 111 Gardincourt, Henty. We fully support the Development application for Commercial Vehicle parking on this property. The attached report from "Planned Focus" thoroughly covers the background and necessary supporting material for the application, but having owned 26 Pfennig Place Henty for 17 years and lived here for most of that time, I would like to make a few additional points;</p> <p>The smallholding properties in the Henty and Ferguson area are a mixture of lifestyle blocks and business enterprises. The latter include Vineyards and Wineries, as well as cafe's and Restaurants. Most lifestyle blocks also graze livestock and/or grow fruit and nut trees etc. It is therefore only reasonable to expect machinery and heavy vehicle movements close to our properties on a regular basis. Some examples;</p> <p>Vineyard maintenance and harvesting at various times of the year at the many local wineries.</p> <p>Deliveries of consumables and equipment to the above.</p> <p>Use of tractors, quad bikes and heavy duty lawnmowers by all landholders in the area.</p> <p>Use a petrol driven water transfer pumps in summer, and generator use during power outages.</p> <p>Use of petrol chainsaws for dealing with fallen trees and branches.</p> <p>School bus pick ups and drop offs.</p>	<p>Noted for submission in support.</p> <p>Also noted on the comments regarding the general amenity and activities in the area.</p>

**(Appendix ORD: 12.2.1B)**

No	SUBMITTER COMMENT	OFFICER COMMENT
	<p>Rubbish truck collecting our bins weekly, and often twice a week.</p> <p>I believe it is totally unreasonable to expect a life of "silence" from one's neighbours in our area, and I believe the only complaint to date regarding Mr Breese's truck is unwarranted and vexatious. I really hope the Shire of Dardanup resolve this unfair situation Mr Breese has been placed in, by approving the Development approval.</p>	
8	<p>As a local resident of Henty, we are opposing the development application of lot 24, due to the current zoning of small holdings, planning scheme No 3 as Henty is part of the Ferguson Valley region, a rural character area with visual amenities that tourists and residents attribute to the quiet and natural beauty of this unique location.</p>	<p>Noted, objection.</p> <p>The objectives of Rural Smallholdings zone have given less weight to the protection of residential amenity, as reflected by LPS9. However, it remains that any land use is to be complimentary/consistent with the existing amenity of the locality.</p> <p>It is considered that the locality is afforded certain levels of amenity, without compromising on incidental rural land uses.</p> <p>Whilst a Transport Depot is considered to be of a scale and intensity of a use that will be unacceptable, 'Commercial Vehicle Parking' with no frequent traffic movements is acceptable on the site.</p>
9	<p>We will be on the direct road the trucks will be going past.</p> <ul style="list-style-type: none"> <li>The development application if approved would reduce the rural character and amenity of the neighbourhood including noise and visual intrusion by increased heavy vehicle movements.</li> <li>The development application if approved will set a dangerous and permanent precedent for Henty Brook Estate and Greenwood Heights that could permanently affect everyone living here and their way of life.</li> </ul> <p>We wish to oppose permanent parking of these machine at the property.</p>	<p>Noted, objection.</p> <p>A 'Commercial Vehicle Parking' is a 'D' use within Rural Smallholdings zone. Given so, it is considered that such a land use can be considered.</p> <p>It can be accepted that the parking of commercial vehicles onsite will not be visible onto the surroundings. However, the presence of such commercial vehicles will be visible when transversing the site and surrounding road network.</p>
10	<p>Dear Sir/Madam,</p> <p>On 13 May 2025 we received written advice from Shire of Dardanup regarding an Application for Development Approval - Use Not Listed - Commercial Vehicle Parking - Lot 24 (111) Gardincourt Drive, Henty (DAP-F0415914). The advice included a statement by Planned Focus on behalf of the proponents and an acoustic report written by Herring Storer Acoustics on potential noise associated with the</p>	<p>The amenity of the immediate locality is noted. However, it is considered that for rural land, there is the potential for commercial vehicles to transverse the site.</p> <p>It can be agreed that there is a lack of information concerning the suitability of existing road network to</p>

**(Appendix ORD: 12.2.1B)**

No	SUBMITTER COMMENT	OFFICER COMMENT
	<p>subject commercial vehicle parking. We were invited to submit comment on the proposal to the Shire. This message contains our comments.</p> <p><b>General Comments</b></p> <p>We own the property at 19 The Dress Circle in Henty, approximately 250 m south from the proposed commercial vehicle parking area. Since we purchased the property in 2021 we have met most of our immediate neighbours but we have never met or corresponded with the proponents. The Henty locality is green and peaceful with picturesque views and a mix of treed areas, vineyards, restaurants, wineries, niche accommodation and low-density livestock (sheep, horses, cattle, alpacas). All Henty residents share an interest in maintaining these general amenities of the locality, as does the Shire. It is hard to see how the commercial vehicle parking proposal is consistent with maintaining the general Henty amenity. We wouldn't want to see such a proposal setting a detrimental precedent for the area.</p> <p><b>Comments on Truck Noise</b></p> <p>We have never identified any noise associated with the truck parking or other operations at 111 Gardincourt Drive. However we are situated well down-slope with our own vegetation screen so our not noticing noise impacts is not necessarily conclusive that there are no potential noise impacts on the streetscape or on our neighbours.</p> <p><b>Comments on Local Traffic</b></p> <p>Gardincourt Drive is an adequate road for local light traffic. But although it is sealed it is not perfectly suitable for heavy traffic. This is because it is not straight (it bends), it is not flat (it has quite steep grades and a dip) and is not wide enough (it has variable width, no kerbing and no line markings). In saying this we do not intend to imply that the proponent is an unsafe driver. We simply suggest that an increase in the number of heavy vehicle transits on Gardincourt Drive will not lessen existing traffic risks in the area, and that we trust that the Shire will factor this into the matter. As residents of The Dress Circle we are familiar with poor visibility at the sloping T-junction with Gardincourt Drive and with occasional light vehicles moving south on Gardincourt Drive at high speed through the junction. Prudence is required for local motorists!</p> <p><b>Comments on Planned Focus Statement</b></p> <p>We do not understand some of the key claims made in the statement.</p> <ol style="list-style-type: none"><li>1. The statement claims that since no prior complaint has been made for 12+ years it is unreasonable to complain now. But if there is indeed an issue now with altered conditions it is perfectly reasonable to lodge a complaint for investigation.</li><li>2. The statement claims that no advertisement of the application should be made because the opinions of those most impacted are already established. We beg to differ.</li></ol> <p>We are also not convinced that all of the planning/zoning interpretations in the statement are objective and accurate in detail.</p>	<p>accommodate frequent commercial vehicle usage. However, any heavy vehicles (particularly RAV rated), will require permit and order from Main Roads.</p> <p>It is agreed that the acoustic report lacks clarity. Based on the acoustic report and information provided, a conservative approach has been undertaken to limit the operations of the commercial vehicles to Monday – Saturday 7am – 7pm in accordance with the most lenient time period allowable pursuant to the Noise Regulations.</p>

**(Appendix ORD: 12.2.1B)**

No	SUBMITTER COMMENT	OFFICER COMMENT
	<p><b>Comments on Acoustic Report</b></p> <p>The proponents provide an acoustic report to support their claim that any noise generated by the proposed operations will be below threshold and will not constitute unreasonable impacts. We think this is an appropriate general approach. However, as detailed below, the nature of the acoustic report tendered falls short of providing confidence about the actual acoustic impacts at the site.</p> <p>The acoustic report deals with a desktop study using a common acoustic modelling package. The report presents results showing a maximum sound pressure of 43 dbA at the complainants' residence. This is compared with a regulatory LA01 threshold of 45 dbA with the conclusion that noise exceedances will not occur because 43 is less than 45. We feel that this advice is unreliable and liable to mislead, for the following reasons:</p> <ol style="list-style-type: none"><li>1. We suspect that the choice of applicable acoustic threshold may not be as cut and dried as presented in the report. Presumably the Shire has more experience in this.</li><li>2. There is no discussion in the report on potential sources of uncertainty in the parameter values used or in the choice of physical reflector models.</li><li>3. There is no analysis of sensitivity of results to changes in parameter values, e.g. if the ground factor was varied, or a more detailed topographic relief map was employed, or higher-order reflection paths were included. No attempt at model calibration is reported, and no error bars are shown on calculated results. This lack is a serious omission in any engineering study.</li><li>4. There is no commentary on the accuracy of desktop studies as compared to true sound pressure measurements. Differences between desktop predictions of traffic noise and actual measurements may be as much as 5 db above or below (e.g. NSW DoT Road Noise Model Validation Guideline, May 2025).</li></ol> <p>With these comments we see that the desktop acoustic study is, sadly, not fit for purpose because it cannot say with any confidence that actual noise levels will be below (their chosen) threshold. The only way to get to the bottom of the actual noise impacts at such a heavily treed and sloping site with several outbuilding reflectors is to take actual sound pressure measurements under vehicle operating conditions (including under load).</p> <p>We hope our comments will provide the Shire with a few more data points for their consideration.</p>	
11	<p>We are emailing to register with the Council our opposition to the Application for Development Approval - Use Not Listed - Commercial Vehicle Parking - Lot 24 (111) Gardincourt Drive, Henty</p> <p>We live in nearby Greenwood Heights, that like Henty Brook Estate, is also zoned Small Holdings under the Shire of Dardanup Local Planning Scheme No 3.</p> <p>We oppose the application for the following reasons:</p>	<p>Noted, objection.</p> <p>The presence of commercial vehicles is not uncommon within a rural area, however, the issue will mostly be the frequency of those movement.</p>

(Appendix ORD: 12.2.1B)

No	SUBMITTER COMMENT	OFFICER COMMENT
	<ul style="list-style-type: none"><li>• The development application if approved would reduce the rural character and amenity of the neighbourhood including noise and visual intrusion by increased heavy vehicle movements.</li><li>• The development application if approved will set a permanent precedent for Henty Brook Estate and Greenwood Heights that could permanently affect everyone living in the area and their way of life.</li></ul> <p>Please in the interests of all residents in Henty Brook Estate and Greenwood Heights reject this inappropriate application.</p>	
12	<p>We act for the owners of Lot 25 (No. 24) 24 the Dress Circle, Henty. We write to formally object to the proposed Commercial Vehicle Parking (Use Not Listed) at Lot 24 (No. 111), Gardincourt Drive, Henty, in association with an earthmoving business.</p> <p>Refer to full letter in <b>Attachment 1</b>.</p>	<p>Noted, objection.</p> <p>The principal areas of concern have been noted. However, it is considered that 'Commercial Vehicle Parking', is acceptable according to the objectives of the 'Rural Smallholdings' zone. As the zone allows for a range of limited rural land uses, the presence of commercial vehicles in the area is not uncommon. Furthermore, the subject site sits on the edge of a Rural Smallholdings estate and is bounded by other rural lots. It can be agreed and accepted that should the proposal include more than one (1) truck and one (1) trailer, the impact will be much more significant.</p> <p>It can be concurred that the noise report is insufficient, and a peer review would be preferred. However, it is also considered that such an extent is not necessary, on the condition that the operations are to be limited to the 7am – 7pm Monday till Saturday (excluding Public Holidays). Furthermore, the likely traffic movement is only likely to be 2 – 4 per day which is not considered a significant incurrence.</p> <p>In addition, should it be required, compliance action can be undertaken to ensure compliance with <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>It is noted that some of the concerns are valid, i.e. no information is provided on the types and weight of the</p>

(Appendix ORD: 12.2.1B)

No	SUBMITTER COMMENT	OFFICER COMMENT
		<p>proposed vehicles to be parked on site, which prevents a proper assessment of the application.</p> <p>It is also concurred that despite historical background on the site, it does not take away the consideration of orderly and proper planning. A cumulative impact due to proposed land use will need to be considered across the site and against its adjoining land.</p> <p>On the other hand, reference to SPP2.5 is not very relevant in this instance. SPP2.5 is more of a strategic document and weighs more heavily towards the protection of rural land and its land uses, whereby it cautions the proximity of sensitive land uses within rural land. This is only relevant when new sensitive land uses are introduced within a rural setting.</p>
13	<p>We are writing to formally object to the proposed Commercial Vehicle Parking (the use of why they are parking commercial vehicles not listed) at Lot 24 (No 111), Gardincourt Drive, Henty, in association with an Earthmoving Business.</p> <p>Refer to <b>Attachment 2</b></p>	<p>Noted, objection.</p> <p>It is noted that the proposal and previous operations are of different scale and intensity. The proposal has been considered in the context together with existing land use on site to determine if there is any cumulative impact/intensification of use.</p> <p>In this instance, it is considered that the proposed land use is for the parking of commercial vehicles on site. The existing Home Business use does not allow for presence of vehicles more than 4.5 tonnes tare weight. As such, the commercial vehicle parking will allow for the parking of two (2) commercial vehicles which will otherwise not be permitted to transverse the site.</p> <p>Notwithstanding the above, consideration has been given to the acceptability of commercial vehicles movements and the associated noise impact within the locality. It is considered that, given the site abuts rural land, the presence of commercial vehicles is not uncommon in this instance.</p>

(Appendix ORD: 12.2.1B)

No	SUBMITTER COMMENT	OFFICER COMMENT
		<p>The submitter has concern with the operating hours and breach of approval. In this instance, the operating hours is recommended to be conditioned to the following hours:</p> <ul style="list-style-type: none"><li>Monday till Saturday 7am – 7pm, excluding public holidays.</li></ul> <p>Within these hours, the assigned noise level for noise sensitive premise is more lenient and therefore is likely to be capable in accommodating such noise incurrence. However, it also has been noted that should there be noise nuisance during these hours, compliance action can be undertaken.</p> <p>There are no specific planning limitations that can be applied to the traffic movement transversing the site. However, it can be hypothetically assumed that for the purpose of commercial vehicle parking, realistically, this can look like 2 – 4 vehicular movements per day. This is further limited through the operating times. In this instance, the traffic movement arising from the proposal is considered to be acceptable.</p> <p>In regard to SPP2.5, the primary objective of this policy is to protect rural land uses. Rural smallholdings fall under the classification of rural living which has residential component. The policy simply gave rise to consideration and careful planning of creation of rural living zone land.</p> <p>However, it is accepted that there is the need to consider residential amenity, such zoned land would similarly make allowance for limited range of rural uses.</p> <p>It can be agreed that should there be an intensification of the use, i.e. a 'Transport Depot', it will be more akin to an industrial land use.</p>



## Applicant response to Schedule of Submissions – Commercial Vehicle Parking - Lot 24 (No. 111) Gardincourt Drive, Henty

No	SUBMITTER COMMENT	APPLICANT COMMENT
1	<p>We write in support of the Development Application by Pete &amp; Gerri Short of Breese Earthmoving &amp; Transport. As with the previous owners, Pete and Ros Edmonds, Pete &amp; Gerri run their small business from home. We consider them a value to the community, as we did the previous owners, and have employed both companies for small jobs on our property. It would be a loss to our community if they were to be prevented from continuing.</p> <p>We have no objections to the DA proposed by them.</p>	<p>Support is noted and appreciated.</p> <p>No impacts identified.</p>
2	<p>I am writing to support the commercial vehicle parking application at Lot 24 (111) Gardincourt Drive in Dardanup.</p> <p>My residence is located approximately 600 meters from the area in question, and at no point have I ever heard the vehicle in question operating. This contrasts with the haulage trucks operating on Pile Rd, which I can hear from 1km or further away.</p> <p>Having reviewed the details of this application, I am impressed by the thorough and professional approach the landowner has taken to ensure their business operates harmoniously within our community.</p> <p>It's noteworthy that an earthmoving business has operated at this location for over 12 years, with the previous landowner conducting the same activities for 10 years prior without complaint.</p> <p>Small home-based businesses are essential to the economic and social fabric of rural communities like ours in the Ferguson Valley. They:</p> <ol style="list-style-type: none"> <li>1. Provide necessary local services that support the ongoing development of our community</li> <li>2. Create employment opportunities that allow residents to live and work within the community</li> <li>3. Contribute to the diverse mix of land uses that gives our region its unique character</li> <li>4. Support other local businesses through supply chains and service needs</li> </ol> <p>The Ferguson Valley's vibrancy depends on a balance of agricultural, tourism, and service-based enterprises. Home businesses like this earthmoving operation are vital components of this ecosystem, providing essential services that support our agricultural sector and local development.</p> <p>I was particularly impressed by the professional acoustic assessment provided with this application. The report conclusively demonstrates that noise impacts from the operation fall well within acceptable parameters. I find it difficult to understand how any neighbouring property would be adversely impacted by the operation of this vehicle, which falls well below the impacts of a dirt bike, quadbike or tractor, which would all be permitted uses.</p> <p><b>Landowner's Significant Efforts</b></p> <p>The applicant has made considerable efforts to address potential concerns:</p> <ol style="list-style-type: none"> <li>1. Committing to daylight-only loading and equipment operations</li> <li>2. Conducting activities predominantly around the existing shed</li> </ol>	<p>Support is noted and appreciated.</p> <p>No impacts identified.</p> <p>The landowner's efforts to keep their business low key are recognised.</p> <p>It is well known that in immediate proximity of the subject land, there is only the one discontent neighbour, and that basis for their concerns appears unduly personal.</p>

No	SUBMITTER COMMENT	APPLICANT COMMENT
	<p>3. Implementing noise minimisation practices during truck operations  4. Ensuring vehicles are stored out of sight from public areas  5. Installing appropriate turning circles to ensure safe access  6. Positioning equipment in a forward-facing direction for departure to minimise disruption</p> <p>These commitments demonstrate a genuine effort to respect neighbouring properties.</p> <p>The overwhelming support from neighbours (with just one exception) speaks volumes about how well this business has integrated into the community. The fact that most potentially affected residents have provided written consent indicates the respect the operator has earned through responsible business practices.</p> <p>Home businesses that operate responsibly, like this one, should be encouraged rather than hindered. They exemplify the self-reliance, entrepreneurship, and community connection that define our community.</p> <p>I ask the Shire to approve this application, recognising its technical merit and the important contribution such businesses make to maintaining the Ferguson Valley as a vibrant, economically diverse, and sustainable community.</p>	
3	<p>As the adjoining property owner, I wish to advise I support this application.</p> <p>Since Peter Breese and Gerri Short have owned the property, they have upgraded and improved the property from a street view prospective with new fencing, driveway entrance and the placement of vintage tractors along their entrance road. I consider the continuation of this business will be a benefit to the area.</p>	<p>Support is noted and appreciated.</p> <p>The landowner's efforts to keep their business low key and to maintain their property commensurate with the locality is also recognised.</p>
4	<p>My submission relates to the letter I received regarding the "Application for development approval use not listed- commercial vehicle parking- Lot 24 (111) Gardincourt Drive Henty WA 6236"</p> <p>Peter and Gerri purchased their property around the time we purchased our property. Aprox 3 years ago in that time I have never heard or had issue with Peter starting or parking his trucks or gear at his property.</p> <p>I'm very confused by the complaints made by my other neighbour who has complained about this issue. I share a boundary fence with Peter and Gerri i would be one of their closest neighbours. I certainly didn't purchase my property to be quiet and peaceful.</p> <p>We have serval wineries within close proximity to us that operate tractors, harvest vines and neighbouring property's with farm animals. If they would like peace and serenity then this not area for</p>	<p>Support is noted and appreciated, particularly by an abutting neighbour who could be impacted.</p> <p>This submission sets out characteristics of the neighbourhood, recognising the level of activity, including other noise generation that occurs here. This is not a quiet location.</p> <p>One neighbour pressuring others has caused division which is not desirable. It is well known that in immediate proximity of the subject land, there is only the one discontent neighbour.</p>

No	SUBMITTER COMMENT	APPLICANT COMMENT
	<p>them and they should purchase 100 acres not a 10 acre property in “small holdings zoning”. This is prime agricultural land and many tourism businesses operate in the area winery’s, breweries etc.</p> <p>I would like to also note- I don’t appreciate the way my other neighbour (the main complainers) has gone about contacting me and husband regarding this matter. On Mother’s Day (a Sunday) they entered my property after having interaction with my other neighbour at my gateway. Who stated I wasn’t home as he seen me leave for the day- not only did they continue entering my property when told I wasn’t home, they left a typed letter in my mailbox expressing their concerns and wanting me to contact them. I believe this is unprofessional and not acceptable behaviour not once have I received information from Peter in this format. It feels borderline harassment from them pressuring us to support them on this matter.</p> <p>We give our full support to Peter and Gerri we hope you can see this as simple decision and have some common sense to grant Peter his approval.</p>	
5	Regarding the above development application for commercial vehicle parking at Lot 24 Gardincourt Drive Henty we have no objection to this.	Noted, support is appreciated.
6	<p>Thankyou for alerting me to this development proposal at 111 Gardincourt Drive and providing the information about the proposal.</p> <p>I have no concerns in relation to the development proposal.</p>	Noted, support is appreciated.
7	As a local resident of Henty, we are opposing the development application of lot 24, due to the current zoning of small holdings, planning scheme No 3 as Henty is part of the Ferguson Valley region, a rural character area with visuals amenities that tourists and residents attribute to the quiet and natural beauty of this unique location.	<p>This is not a quiet, remote location. Anyone who visits here will see this. Standing outside of their vehicle one can hear a range of noises and see the activity that occurs.</p> <p>This includes the large vineyard opposite, the number of homes, home business and mixed farming properties alongside lifestyle properties, and the extensive tourism operations that characterise the area.</p> <p>No amenity impacts are identified.</p>
8	<p>We will be on the direct road the trucks will be going past.</p> <ul style="list-style-type: none"> <li>The development application if approved would reduce the rural character and amenity of the neighbourhood including noise and visual intrusion by increased heavy vehicle movements.</li> </ul>	<p>Submission incorrectly refers to “trucks”. Only one single truck is proposed. There is no restriction on a single truck travelling on the local road network.</p> <p>Each application is considered on its own merit.</p>

No	SUBMITTER COMMENT	APPLICANT COMMENT
	<ul style="list-style-type: none"> <li>The development application if approved will set a dangerous and permanent precedent for Henty Brook Estate and Greenwood Heights that could permanently affect everyone living here and their way of life.</li> </ul> <p>We wish to oppose permanent parking of these machine at the property.</p>	<p>The use has already been operating, and there is no mention in this submission of any existing impact in consequence of this – this is because the truck driving past wherever this property is located, has not been discernible amongst other traffic.</p>
9	<p>Dear Sir/Madam,</p> <p>On 13 May 2025 we received written advice from Shire of Dardanup regarding an Application for Development Approval - Use Not Listed - Commercial Vehicle Parking - Lot 24 (111) Gardincourt Drive, Henty (DAP-F0415914). The advice included a statement by Planned Focus on behalf of the proponents and an acoustic report written by Herring Storer Acoustics on potential noise associated with the subject commercial vehicle parking. We were invited to submit comment on the proposal to the Shire. This message contains our comments.</p> <p><b>General Comments</b></p> <p>We own the property at [REDACTED], approximately [REDACTED] from the proposed commercial vehicle parking area. Since we purchased the property in 2021 we have met most of our immediate neighbours but we have never met or corresponded with the proponents. The Henty locality is green and peaceful with picturesque views and a mix of treed areas, vineyards, restaurants, wineries, niche accommodation and low-density livestock (sheep, horses, cattle, alpacas). All Henty residents share an interest in maintaining these general amenities of the locality, as does the Shire. It is hard to see how the commercial vehicle parking proposal is consistent with maintaining the general Henty amenity. We wouldn't want to see such a proposal setting a detrimental precedent for the area.</p> <p><b>Comments on Truck Noise</b></p> <p>We have never identified any noise associated with the truck parking or other operations at 111 Gardincourt Drive. However we are situated well down-slope with our own vegetation screen so our not noticing noise impacts is not necessarily conclusive that there are no potential noise impacts on the streetscape or on our neighbours.</p> <p><b>Comments on Local Traffic</b></p> <p>Gardincourt Drive is an adequate road for local light traffic. But although it is sealed it is not perfectly suitable for heavy traffic. This is because it is not straight (it bends), it is not flat (it has quite steep grades and a dip) and is not wide enough (it has variable width, no kerbing and no line markings). In saying this we do not intend to imply that the proponent is an unsafe driver. We simply suggest that an increase in the number of heavy vehicle transits on Gardincourt Drive will not lessen existing traffic risks in the area, and that we trust that the Shire will factor this into the matter. As residents of The Dress Circle we are familiar</p>	<p>This submission says they “have never identified any noise associated with the truck parking or other operations at 111 Gardincourt Drive”. On this basis, the submission is in support, not opposed.</p> <p>The rest of this submission is speculation and such comments should be discounted.</p> <p>Other comments:</p> <ul style="list-style-type: none"> <li>Gardincourt Drive is a public road used by a variety of vehicles.</li> <li>Herring Storer are reputable Acoustic Consultants. Their conclusions are based on qualified, considerable, and recognised experience in noise assessment.</li> </ul> <p>The threshold for further acoustic evaluation is not met.</p> <p>Is the submitter a qualified acoustic engineer?</p> <ul style="list-style-type: none"> <li>The submitter describes the locality as comprising “vineyards, restaurants, wineries, niche accommodation and low-density livestock (sheep, horses, cattle, alpacas)”. These comments confirm this is not a remote, isolated or quiet location. These are all uses that generate activity, noise and traffic.</li> </ul>

No	SUBMITTER COMMENT	APPLICANT COMMENT
	<p>with poor visibility at the sloping T-junction with Gardincourt Drive and with occasional light vehicles moving south on Gardincourt Drive at high speed through the junction. Prudence is required for local motorists!</p> <p><b>Comments on Planned Focus Statement</b></p> <p>We do not understand some of the key claims made in the statement.</p> <ol style="list-style-type: none"> <li>1. The statement claims that since no prior complaint has been made for 12+ years it is unreasonable to complain now. But if there is indeed an issue now with altered conditions it is perfectly reasonable to lodge a complaint for investigation.</li> <li>2. The statement claims that no advertisement of the application should be made because the opinions of those most impacted are already established. We beg to differ.</li> </ol> <p>We are also not convinced that all of the planning/zoning interpretations in the statement are objective and accurate in detail.</p> <p><b>Comments on Acoustic Report</b></p> <p>The proponents provide an acoustic report to support their claim that any noise generated by the proposed operations will be below threshold and will not constitute unreasonable impacts. We think this is an appropriate general approach. However, as detailed below, the nature of the acoustic report tendered falls short of providing confidence about the actual acoustic impacts at the site.</p> <p>The acoustic report deals with a desktop study using a common acoustic modelling package. The report presents results showing a maximum sound pressure of 43 dbA at the complainants' residence. This is compared with a regulatory LA01 threshold of 45 dbA with the conclusion that noise exceedances will not occur because 43 is less than 45. We feel that this advice is unreliable and liable to mislead, for the following reasons:</p> <ol style="list-style-type: none"> <li>1. We suspect that the choice of applicable acoustic threshold may not be as cut and dried as presented in the report. Presumably the Shire has more experience in this.</li> <li>2. There is no discussion in the report on potential sources of uncertainty in the parameter values used or in the choice of physical reflector models.</li> <li>3. There is no analysis of sensitivity of results to changes in parameter values, e.g. if the ground factor was varied, or a more detailed topographic relief map was employed, or higher-order reflection paths were included. No attempt at model calibration is reported, and no error bars are shown on calculated results. This lack is a serious omission in any engineering study.</li> <li>4. There is no commentary on the accuracy of desktop studies as compared to true sound pressure measurements. Differences between desktop predictions of traffic noise and actual measurements may be as much as 5 db above or below (e.g. NSW DoT Road Noise Model Validation Guideline, May 2025).</li> </ol> <p>With these comments we see that the desktop acoustic study is, sadly, not fit for purpose because it cannot say with any confidence that actual noise levels will be below (their chosen) threshold. The only</p>	<ul style="list-style-type: none"> <li>• It would be inappropriate, and unsubstantiated to suggest the applicant does not respect or maintain their property. The applicant has volunteered conditions to abide by.</li> </ul>

No	SUBMITTER COMMENT	APPLICANT COMMENT
	<p>way to get to the bottom of the actual noise impacts at such a heavily treed and sloping site with several outbuilding reflectors is to take actual sound pressure measurements under vehicle operating conditions (including under load).</p> <p>We hope our comments will provide the Shire with a few more data points for their consideration.</p>	
10	<p>We are emailing to register with the Council our opposition to the Application for Development Approval - Use Not Listed - Commercial Vehicle Parking - Lot 24 (111) Gardincourt Drive, Henty</p> <p>We live in nearby Greenwood Heights, that like Henty Brook Estate, is also zoned Small Holdings under the Shire of Dardanup Local Planning Scheme No 3.</p> <p>We oppose the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• The development application if approved would reduce the rural character and amenity of the neighbourhood including noise and visual intrusion by increased heavy vehicle movements.</li> <li>• The development application if approved will set a permanent precedent for Henty Brook Estate and Greenwood Heights that could permanently affect everyone living in the area and their way of life.</li> </ul> <p>Please in the interests of all residents in Henty Brook Estate and Greenwood Heights reject this inappropriate application.</p>	<p>This is not an immediate or nearby neighbour.</p> <p>The use has already been operating, and there is no mention in this submission of any existing impact in consequence of this – this is because the truck driving past wherever this property is located, has not been discernible amongst other traffic. Because of distance, where the truck parks does not impact this landowner.</p> <p>Each application is considered on its own merit.</p> <p>It is not appropriate for individuals to suggest what is best for others. Others, including most of those who could potentially be impacted, indicate their support and no impact.</p>
11	<p>We write to formally object to the proposed Commercial Vehicle Parking (Use Not Listed) at Lot 24 (No. 111), Gardincourt Drive, Henty, in association with an earthmoving business.</p> <p>Refer to full letter in <b>Attachment 1</b>.</p>	<p>Whilst this is a long submission, there is little substance. From the outset the submission does not address the likely, or actual amenity impacts.</p> <p>This is a submission written to throw shade without providing anything substantiated. Actual amenity impact, and in this circumstance that has benefit of already occurring, is the key consideration about whether this proposal is appropriate or not.</p> <p>This appears to be from the neighbour abutting to the south of the subject land who has complained and sought to encourage others to object. This neighbour does not live at this property year-round. It is unrealistic to</p>

No	SUBMITTER COMMENT	APPLICANT COMMENT
		<p>expect, in this busy area full of homes, farming and tourist activities, a level of silence, or ability for 1 neighbour to dictate to others how they should live their lives or operate their small businesses.</p> <p>Neighbours have had time and opportunity to collect evidence, and still, they have not provided this to demonstrate any real problem.</p> <p>Neighbours have capacity to produce for example their own acoustic assessment, and this has not been forthcoming. It is not forthcoming because there is not a noise issue and no qualified acoustic engineer could measure anything. The infrequency of a single truck occasionally travelling along a short driveway does not meet any reasonable threshold, especially when the driveway and parking location is positioned as it is a distance away, at a different elevation, and with thick vegetation plus a shipping container intervening.</p> <p>Because of these factors, the decision maker needs to exercise care when discerning what is fact and what is hot air. Jumping to satisfy a single complainant without evidence or not reasonably weighing up and balancing fact, creates precedence best avoided.</p> <p>Other comments:</p> <p>Zoning &amp; use compatibility:</p> <ul style="list-style-type: none"><li>• The use is discretionary under the existing and proposed zone.</li><li>• The land use remains predominantly residential and low key, consistent with the zone objectives.</li><li>• The single truck movement is low key and infrequent. The nature of the operation, commuting to work sites elsewhere dictates</li></ul>

No	SUBMITTER COMMENT	APPLICANT COMMENT
		<p>this. No earthworks occur on the subject land, just parking of the truck.</p> <ul style="list-style-type: none"><li>• A single truck parked, out of sight from all neighbours, is not an industrial or commercial operation.</li><li>• Potential impacts are mitigated against by site and operational circumstances.</li><li>• This is not a quiet or tranquil area. There is a major winery opposite, there are many homes on large lots that also conduct small scale agriculture and home businesses. The area is renowned for tourism.</li><li>• The web site and services capable of being provided elsewhere is irrelevant. Only a single truck/trailer with a second trailer is proposed to be parked at the site as part of an existing Home Business, which can be reinforced by condition.</li><li>• It is irrelevant if the applicant has a range of skills or can hire other equipment to use for jobs elsewhere. No goods are stored at the subject land other than the equipment that has been readily explained and seen at the site.</li><li>• ASIC address as the home address is irrelevant. This is an administrative address. A husband and wife sitting at a computer and answering phone calls from their home office to coordinate jobs elsewhere has no impact and is not discernible from residential use. All contract work is undertaken elsewhere.</li><li>• There is no source for the estimated weights of vehicles on page 4 of the Rise Urban submission. These are exaggerated guesses. The author does not seem familiar with trucks or has chosen to overlook the existing Home Business approval.</li><li>• The excavator, bobcat and forklift, and the second trailer all weigh under 4.5tonnes tare weight. This fits under the existing DA or meets</li></ul>



No	SUBMITTER COMMENT	APPLICANT COMMENT
		<p>the Home Business definition under the new and imminent Scheme.</p> <ul style="list-style-type: none"><li>• Intensification is not permissible or proposed. It is presumptuous to suggest this. It is also inconsistent with how the business has demonstrably operated to date.</li></ul> <p>Noise</p> <ul style="list-style-type: none"><li>• In relation to noise, general comments about ambient noise in this area being equivalent to rustling leaves is completely unrealistic and shows a lack of understanding of the subject land, the neighbours land and the locality.</li><li>• Distance means thresholds for evaluating noise impacts are not met. Because of this, there is no basis for unreasonable noise impacts.</li><li>• A single truck infrequently, not regularly and repeatedly, commuting to and from the subject land has no discernible impacts.</li><li>• There is no limit on how much traffic, including trucks, can use Gardincourt Drive or The Dress Circle, both public roads, which are also close by.</li><li>• Ample, and reasonable safeguards about noise via conditions are proposed by the applicant.</li><li>• This includes hitching and unhitching, plus any loading activities, which may involve more than the truck just driving in or out and being switched off, to only occur during daylight hours.</li><li>• A modern Euro 5 truck can be switched off immediately, there is no necessity to idle as the engine cools down. In terms of warm up, a modern Euro 5 truck does not require idling time before it can be driven. The switch on takes approximately 3 minutes. This is well within tolerance and noise regulation levels which have an assessment period of 15 minutes,</li></ul>

No	SUBMITTER COMMENT	APPLICANT COMMENT
		<p>at any time of day or night. Turned on, warmed up and out of the driveway is under 5 minutes. This is not within the realms of annoying or excessive, or beyond current road noise levels, and neither does it warrant restrictive conditions.</p> <ul style="list-style-type: none"><li>• The truck comes and goes to attend to jobs elsewhere. These jobs take hours, often days or weeks, sometimes months to complete, not minutes before it comes back again or repeatedly to and from the subject land.</li><li>• There are no restrictions on residential or other vehicles arriving or departing from properties, including residential properties, in this locality, at any time of day or night.</li><li>• Modern Euro 5 trucks are quiet, many passenger vehicles are far noisier. The harvest and tending of the winery immediately opposite for example happens 24/7 at certain times of the year.</li><li>• The nature of this business is sometimes early starts or late arrivals home. The driveway arrangement enables the truck to drive in and stop, no manoeuvring, the engine is turned off.</li><li>• Likewise, to depart, all manoeuvring (which is limited to driving equipment on or off or hitching / unhitching the trailer to park them or to swap trailers), is done in daylight hours. Very little time is required to turn on then drive out forwards, especially when the truck is loaded and facing forwards ready to exit in daylight hours.</li><li>• Conditions are proposed by the applicant which limit reversing beepers and air brakes switched off (when it is safe to do so).</li></ul> <p>Traffic</p>

No	SUBMITTER COMMENT	APPLICANT COMMENT
		<ul style="list-style-type: none"><li>• The Shire did not request a traffic evaluation. This is because an increase of a single, infrequent truck on a public road has no discernible impact.</li><li>• The nature of the conditions proposed by the applicant are relevant and limiting to the proposed truck parking.</li></ul> <p>SPP2.5</p> <ul style="list-style-type: none"><li>• Relevance of SPP2.5 is limited.</li><li>• The use is not industrial or commercial, it is a low-key home business to park a commuter truck, out of sight to neighbours and passing traffic.</li><li>• Land use conflict is avoided and has not been demonstrated by submitters as occurring. This remains a low density, high amenity environment.</li><li>• It is not factually correct to suggest this is a quiet area. SPP2.5, indeed cl 67 and other facets of the planning framework, does not talk to the notion of quiet or silence, and preservation of quiet.</li></ul> <p>Relevance of site history and previous approval</p> <ul style="list-style-type: none"><li>• The previous approval continues to apply.</li><li>• Parking a truck is not a de facto industrial use.</li><li>• The language and expression used here inaccurately amplifies the concerns being suggested.</li><li>• The single neighbour who has complained has made many complaints about this property, even when in different ownership over the years.</li><li>• It is up to the decision maker to balance history with other relevant considerations.</li></ul>

No	SUBMITTER COMMENT	APPLICANT COMMENT
		<ul style="list-style-type: none"> <li>• The proposal is not a significant intensification – whilst the truck is bigger, this does not automatically mean impacts are bigger.</li> <li>• Modern Euro 5 trucks are very different to older diesel trucks that are louder, have more emissions and require time to idle to both warm up and cool down. To meet the emission standards adds weight to modern trucks, but the noise and operating emissions are as a result significantly reduced.</li> <li>• Actual and likely impacts should be the focus, and these are demonstrably, not unreasonable.</li> <li>• The nexus to the approved Home Business is not extinguished. This remains Commercial Parking for an approved Home Business /p permitted Home Business.</li> <li>• The Home Business, and positioning of associated storage for this, which is not visible outside of the property, cannot cause an impact.</li> </ul> <p>Conclusion</p> <ul style="list-style-type: none"> <li>• Reality is that Home Business, including parking of trucks used for commuting, is rife across the Shire, especially on larger lots.</li> <li>• The undesirable precedence is hammering this one small business owner where there is no demonstrable impact.</li> </ul>
12	<p>We are writing to formally object to the proposed Commercial Vehicle Parking (the use of why they are parking commercial vehicles not listed) at Lot 24 (No 111), Gardincourt Drive, Henty, in association with an Earthmoving Business.</p> <p>Refer to <b>Attachment 2</b></p>	<p>It is not clear where this submitter lives. Do they live anywhere near the subject land or on the same land as other submitters, hence duplicating?</p> <p>Without knowing this, it is not possible to make much judgement and duly respond, especially about amenity impacts they allege affect them.</p>

No	SUBMITTER COMMENT	APPLICANT COMMENT
		<p>It is recognised this submission replicates similar commentary to Submission 11, Attachment 1, which makes it less credible. This does not add more weight to submission 11 when there is no evidence of amenity impact provided by this different landowner about their individual circumstances relative to the subject land.</p> <p>The comments demonstrate little understanding of how this business has been operating to date, amplifying minor issues to make them seem more serious.</p> <p>Comments like “In reality the application should be around an application for operating their commercial earthmoving and heavy haulage business from their domestic residence” are nonsensical – the application is for parking a truck at their home because this where they undertake business administration and where they live, seeking to park their business commuter vehicle overnight.</p> <p>The character and amenity of this area is readily discerned by visiting in person. It is not quiet or remote, and at night time, there is no prohibition of traffic, including trucks, using the public road network. A truck arriving takes about a minute to go up the driveway and park, then less than 5 minutes to start up and leave. It is a nonsense to suggest a dog barking half a kilometre away is a major noise problem that causes distress.</p>

**(Appendix ORD: 12.2.1D)**

RISK ASSESSMENT TOOL								
<b>OVERALL RISK EVENT:</b> State Administrative Tribunal s31 Reconsideration Parking of Commercial Vehicles, 111 Gardincourt, Henty								
<b>RISK THEME PROFILE:</b>								
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)								
<b>RISK ASSESSMENT CONTEXT:</b> Operational								
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATEMENT OR CONTROL		
		CONSEQUENC E	LIKELIHO OD	INHERENT RISK RATING		CONSEQUENC E	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	If Council refuses the application, and noting a review is already lodged with the Tribunal, reasons for refusal must be provided and be based on sound planning principles. Equally, if the Applicant remains dissatisfied with any conditions of approval, retained or varied, the matter will likely progress to a final hearing for adjudication by the Tribunal. This is generally a costly exercise for both parties.	Minor (2)	Unlikely (2)	Likely (4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	The Shire could be seen as not supporting/encouraging the use of the gym for a wide demographic	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not required.	Not required.	Not required.	Not required	Not required.	Not required.	Not required.