

Submitter Number	Comment	Officer Comment
1	Non-Objection	Noted.
2	<p>Objection</p> <ul style="list-style-type: none"> <li>• <b>Increased noise:</b> - the street is on a slope and noise travels a lot. This is a quiet family area. People in the street are retired, have small children and work different hours. There is no 'good' time to make noise for commercial purposes. How is the council going to monitor and ensure that the business adheres to the one hour a day limit? We have not been provided with enough information about what kind of machinery etc will be used to properly consider how this will affect our peace and serenity.</li> <li>• <b>Increased traffic to the street:</b> - this is a quiet family street where children and pets play in the street. It is also a curved shape and narrow with little visibility. An increase in traffic to the street poses a risk to the neighbourhood. There is also nowhere in the street for people to park. This becomes an issue every time someone has a party in the street. There is not the capacity to facilitate commercial parking. As our house is directly opposite this is likely to negatively affect us considerably and we strongly object. We also do not want to have to look at a car park or business signs across the street, this would significantly decrease our enjoyment of our property and the amenity of our street</li> <li>• <b>The nature of the proposed business and the associated negative impacts:</b> - we do not want firearms in our street, and particularly not across the road from our house. Whilst we recognise that people are entitled to store firearms on their property where there are appropriate licences in place, should a commercial business be operating across the road from us and advertising as a gunsmith, we believe the risk is significantly higher. People other than the owner of the business would be bringing firearms into our quiet family street where we (the residents of the street) exercise, socialise with our neighbours and play with our pets and kids. How can the proposed owner or the council vouch for the firearm safety practices of people bringing their firearms to our street for repair etc.? Will the council/ proposed business</li> </ul>	<p><b>Increased Noise:</b></p> <p>The applicant has provided an acoustic assessment that has been prepared by a suitably qualified acoustic engineer. This report assessed the noise emissions from the equipment used against the limits prescribed within the Environmental Protection (Noise) regulations 1997. The report concluded that subject to implementing operational and engineering controls, the development would comply with these limits. A condition has been imposed to ensure that these recommendations are implemented prior to commencing the business.</p> <p><b>Increased Traffic</b></p> <p>The applicant has indicated that he does not wish to have people attending his property and is therefore offering collection and delivery for all items so there will be no additional volumes of traffic associated with this development.</p>

	<p>owner take responsibility if an accident/ near miss occurs with a loaded firearm brought for a repair to this proposed business? Additionally, we are concerned about the type of people that such a business may attract into our street, including the risk of people wanting to steal firearms from an advertised gunsmith. We do not want such a business in our street.</p> <ul style="list-style-type: none"> <li>• <b>Increased bushfire risk:</b> - we believe that the type of business proposed poses an increased risk of fire in an area which has been categorised as having an above average bushfire risk. We love the trees and bushland area, but they are a fire risk. We do not believe it would be appropriate to run a commercial engineering workshop in a bush fire risk area.</li> <li>• <b>Contravention of Council By-Laws:</b> - How can a premise that is used for manufacturing, dismantling, process assembly, testing, servicing, maintenance and repairing of goods and products not be considered as "industry" and therefore be allowed in a residential zone? We bought into a residential zone and do not want to live across the road from an industrial premise.</li> <li>• In the Link supplied by the Council, i.e. " Courts Portal/Decisions...." (Page 22, Item 111). It states that "A Home Business cannot then be a premises used for manufacture, dismantling, process assembly, testing, servicing, maintenance and repairing of goods, products....." so as to be an "industry" for the purposes of LPS3 (Local Planning Scheme 3). Therefore, in accordance with Council By-Laws, as such, an "Industry" cannot be performed in a Residential Zone.</li> </ul>	<p><b>Nature of business amenity impacts</b></p> <p>The land use 'Home Business' is intended to allow for small scale commercial activities to occur in residential areas without compromising the amenity of the neighbouring properties. The business is considered to be low scale and is compliant with the relevant planning legislation.</p> <p><b>Bushfire Risk</b></p> <p>A Home Business is considered minor development under the Guidelines for Planning in Bushfire Prone Areas and as such the proposal will not significantly increase the bushfire risk for the area.</p> <p><b>Contravention of Council by-Laws</b></p> <p>The application is considered a Home Business by virtue of its small scale and whilst the business does include manufacturing and repairing components it is considered a Home Business and is capable of being approved. The City refused an application for a similar land use and were challenged through the State</p>
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	<p><b>Fundamental right to live in a ‘residential area’ free from commercial industry</b></p> <p>This is not simply a case of whether there is physical impact or not, there is an important and fundamental principle that when a house is purchased in a residential area in good faith by an individual, we believe there is a reasonable expectation and a right is that an industry such as this does not occur within the residential area. We believe there is certainly general agreement with this view amongst the residents and property owners in the vicinity.</p> <p>All of our immediate neighbours bought their houses in a residential area on the understanding it was just that, a residential area, within which this type of industry should not, and does not occur.</p> <p>We all, as residents within a residential area, have a fundamental right for it to be free of industry, whether council perceive a physical impact or not. This right is inherent in our ownership and enjoyment and a right to a high standard of amenity and safety. Our expectation and understanding of that fundamental right was clear when we chose to live in this area and we feel that it is the duty of council to protect our rights in this area.</p> <p>For these reasons, we strongly object to the proposed home business (gunsmith and engineering services) at Lot 6 (10) Vernallan Way in Lesmurdie. We have discussed these objections with others in the street who feel the same way. We will consider engaging further legal advice should this business proposal be accepted by council.</p>	<p>Administrative Tribunal, whereby the Tribunal disagreed with the City’s reasons for refusal, for more information please refer to paragraph 12 under the details and analysis section of the council report.</p> <p>Noted.</p>
3	<p><b>Objection</b></p> <p>At the time of purchase it was clearly evident that all residences of Vernallan Way, Ronneby Road and Karralika Avenue were of Family style dwellings and this was why people chose to live in this area. Had we known at the time of purchase that the likelihood of a Home Business (Gunsmith &amp; Engineering Services) at lot 6 (10) Vernallan Way, Lesmurdie was proposed, we would most definitely not have made the purchase.</p>	

	<p>Subsequently we hereby <b>Object</b> to the proposal for the Home Business (Gunsmith &amp; Engineering Services) as it would be in direct contravention with the idea of a “<b>Home in the Forest</b>” and the Amenity of the neighbourhood as per the following.</p> <p>Clarification required as to which outbuilding/shed the business will be operated from and the level of security, fire risk and sound absorption provided therein.</p> <p>Will the Gunsmith &amp; Engineering Service include firearm testing and what provision will be made for the safety thereof including fume emissions and sound generation?</p> <p>Clarification is required in order to establish the type of clientele that could be expected to come to the property and the traffic problems which could result on a difficult dangerous blind corner of Vernallan Way.</p>	<p>The applicant will be using the outbuilding located toward the eastern lot boundary marked ‘Existing Garage’ on the site plan, please refer to attachment 1 of the council report.</p> <p>Under no circumstances will the applicant be discharging firearms on the subject property.</p> <p>The proposal does not seek to have customer visiting the site, he offers collection and delivery for all items.</p> <p>The applicant has provided an acoustic assessment that has been prepared by a suitably qualified acoustic engineer. This report assessed the noise emissions from the equipment used against the limits prescribed within the Environmental Protection (Noise) regulations 1997. The report concluded that subject to implementing operational and engineering controls, the development would comply with these limits. A condition has been imposed to ensure that these recommendations are implemented prior to commencing the business.</p>
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	<p>Further to the comments made above and the grave concern we have for the presence of a firearm business contained in our residential community which over time would become public knowledge, thereby having the potential to result in unfavourable outcomes. Furthermore the problem would be far more considerable if this proposed business was also intended to sell to the public, firearms and ammunition.</p> <p>A business of this nature would have a direct negative impact on the amenity of this residential area. High pitched machinery noise (metal grinding, boring and metal cutting) would have considerable effect on the human residents and the wildlife of the vicinity, including Bandicoots and Birds such as Bronzewinged Pigeons, Owls, Magpies and various species of Honeyeaters as seen and reside in our garden as well as the gardens of other residents in this area.</p> <p>It should be noted that Vernallan Way Reserve which houses many of the species listed above as well as others, are all in very close proximity to the proposed business (one house block separating the business and the Reserve). Further to this it should be noted that apparently two artificial nesting hollows have been placed in Vernallan Way Reserve for Carnaby's Cockatoos. In addition the City of Kalamunda would be aware that this Reserve has a high level of Zoning Classification to provide Special Protection to avoid destruction in any way.</p>	
<p>4.</p>	<p>Non-Objection</p> <p>We have no objection to the proposed non conforming use (Gunsmith and Engineering Services) of the premises referred to being the residential property at 10 Vernallan Way Lesmurdie based on the fact that:</p>	<p>Noted.</p>

	<p>The Applicant has informed us personally that the business will be carried out in the small garage in the south east corner not the larger open fronted shed.</p> <p>Additionally that guns will be picked up by him from customers and returned to the customers to ensure no customers will be driving in/out of Vernallan Way.</p> <p>The Applicant advises the noise level will be low eg no more than a whipper snipper.</p> <p>We are still very disappointed with the SAT decision as it is a local matter and we agree with Council that it should be in a Light Industrial Area.</p>	
<p>5.</p>	<p>Objection</p> <p>a) No comments provided</p>	<p>Noted.</p>
<p>6.</p>	<p>Non-Objection.</p>	<p>Noted.</p>

	<p>Comments: <u>We have been over to speak with the applicant about this proposal in order to glean more specific detail about the nature of his proposed business — the Council letter was very vague and actually created a bit of 'Street panic'</u></p> <p><u>After speaking with Dan, we are completely satisfied that should his business be approved, there will be absolutely no adverse impact on Vernallan Rd residents or native wildlife through increased traffic, noise, 'unsavoury customers,' or danger.</u></p> <p><u>In summary, we would be happy for his proposal to be accepted</u></p>	
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7.	<p>Objection.</p> <p>requirements your name and address details will remain confidential.</p> <p>Comments: We are concerned about having guns in our street. I understand there are strict guidelines about storing them + getting a licence. But what are the rules when travelling in cars?</p> <p>Extra traffic is a concern to our tranquility along with the 1 hour noise a day</p> <p>What type of clientel will this attract? Maybe this is judgemental - but a concern</p> <p>Where will cars park? Our roads are very skinny</p> <p>I understand that there are nesting boxes for black sooties + noise disturbs them. I don't have full info on this however</p> <p>There is an industrial area approx 2km up the road in Walliston that would be much more appropriate for a gun and furniture # business</p> <p>In addition to the above, if people park out the front of my property my dogs will bark and do not want to annoy my neighbours or endanger my dogs by people reacting badly.</p>	<p>The proposal does not seek to have customer visiting the site, he offers collection and delivery for all items.</p> <p>The applicant has provided an acoustic assessment that has been prepared by a suitably qualified acoustic engineer. This report assessed the noise emissions from the equipment used against the limits prescribed within the Environmental Protection (Noise) regulations 1997. The report concluded that subject to implementing operational and engineering controls, the development would comply with these limits. A condition has been imposed to ensure that these recommendations are implemented prior to commencing the business.</p>

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