

**Attention: Joanna Wilson**

Statutory Planning Coordinator

City Of Busselton

2 Southern Drive, Busselton, WA 6280

Ref: 17/1002—Wildwood Wake and Aqua Park

Dear Jo,

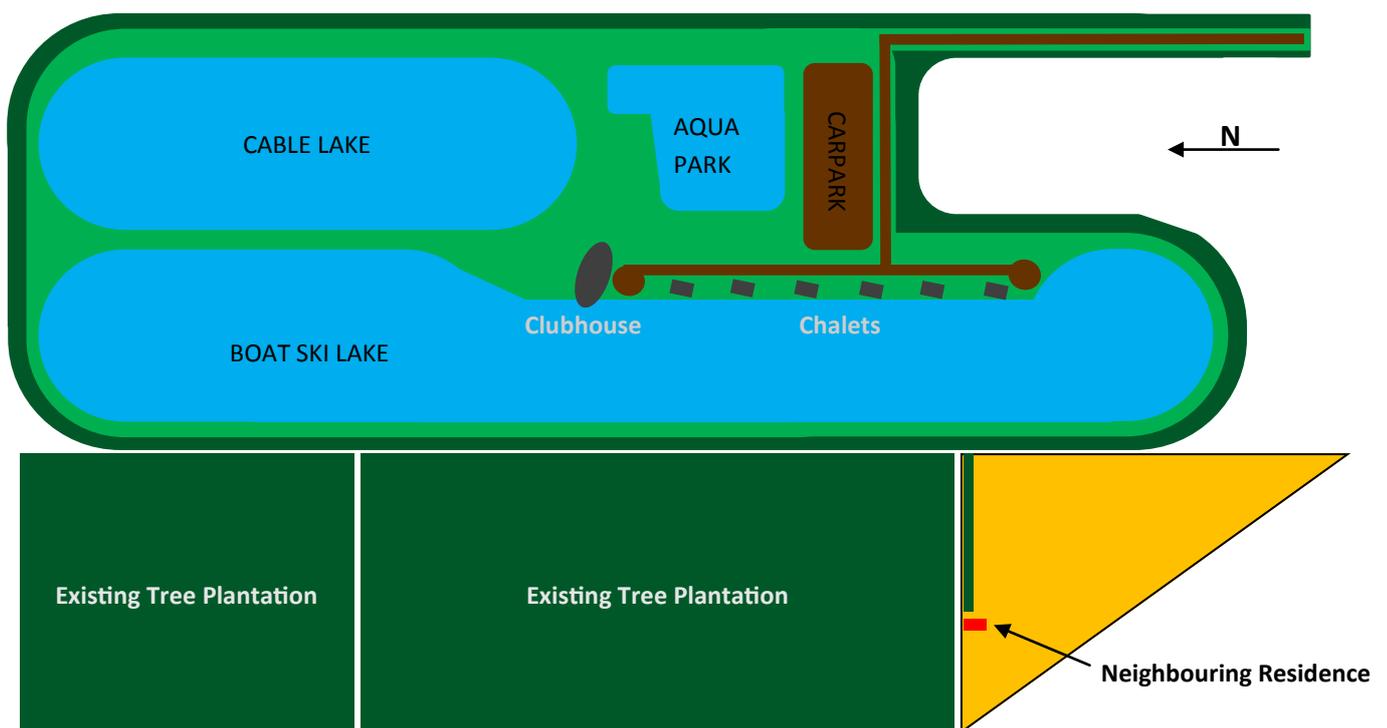
I am writing in regards to concerns raised by the City of Busselton regarding the proposed development application 17/1002.

Based on our discussions to date, it is understood the development application meets all relevant technical planning criteria. However, the planning department still has concerns with respect to a perceived loss of both visual and audible amenities to the neighbouring property to the west. I hereby seek to clarify the potential impact to the neighbouring property and how we propose to mitigate it.

*Background and Context*

The diagram below shows the proposed layout of the facility and the neighbouring properties to the west. The triangular area shown in orange indicates the property the planners believe is most affected by the proposed development. This property is 10 acres in size and as can be seen from aerial footage on google earth, is bordered by the development site to the east, Wildwood Road to the south and an existing blue gum tree plantation to the north. The blue gum plantation in dark green immediately adjacent the neighbouring property has been in existence since the neighbours purchased the property in 2005. It was harvested 12 months ago but the owners have indicated they intend to re-establish it. The dark green area on the development site immediately surrounding the lakes indicates the new three tiered vegetated windbreaks we are proposing.

**Figure 1— Proposed Layout and neighbouring properties to the west**



*Current State—Visual Amenity*

As can be seen from aerial footage below (taken in Nov 2016), the neighbouring property is already heavily vegetated, with the exception of one space to the north east corner. Aerial images taken from google earth over time show the owners have chosen to increase the amount of vegetation on the property with the majority of it being planted since 2003. The neighbouring residence shown below is approximately 160m from the boundary fence to the east (development site), 20m to the boundary fence to the north (blue gum plantation), and 58m from Wildwood Road to the south. Given the increase in vegetation and the proximity of vegetation around the house, it is unclear if the property would comply with current bushfire regulations.

**Figure 2—Aerial image courtesy Google Earth (Nov 2016)**



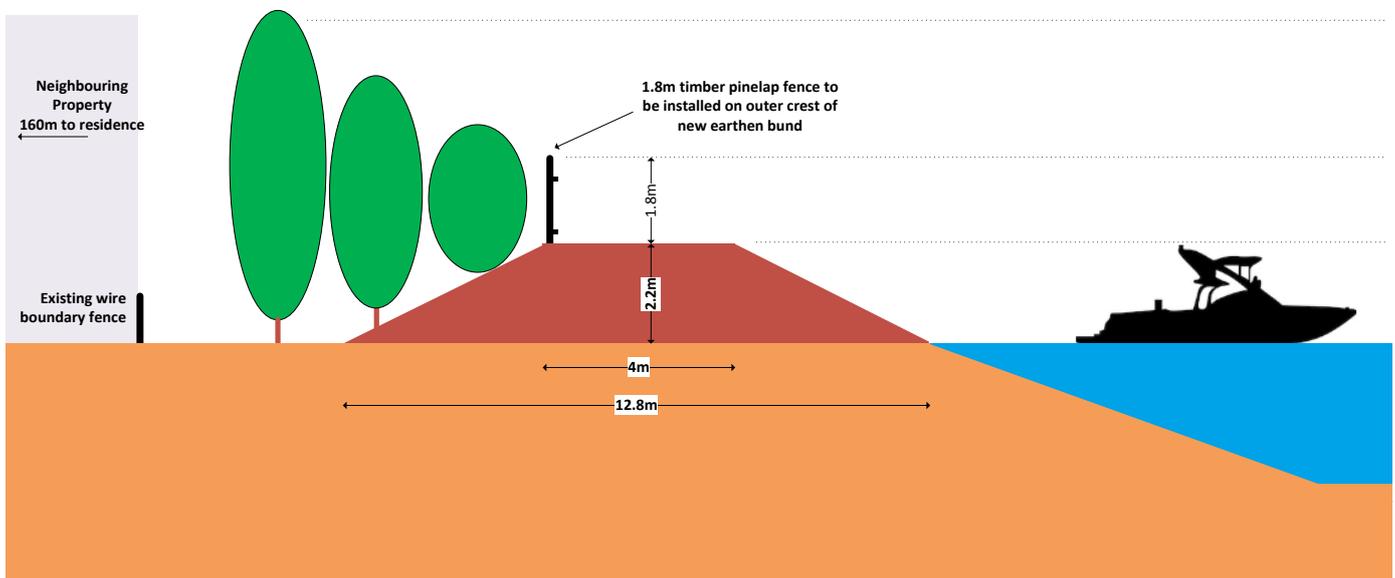
**Figure 3 —Aerial image courtesy Google Earth (Dec 2003)**



### Proposed Design

The following diagram shows a cross-sectional image of the proposed design on the south-western corner of the boat lake. It is proposed to use material reclaimed during construction of the lake to create an earthen bund surrounding the entire lake to minimise noise, wind (and evaporation), whilst also providing a visual buffer to Wildwood Road and neighbouring properties. The proposal includes a three-tiered vegetated buffer outside the earthen bund that surrounds the entire facility and a 1.8m high timber pine lap fence on the southern end and south west corner to provide additional visual and noise mitigation to both the neighbour’s properties and the owners’ potential house site.

**Figure 4 —Proposed Design of Earthen Bund and Vegetated Windbreak**



As described in the development application, we have engaged a local landscaping company (Brett Walsh Landscapes) for advice in regards to species selection for the vegetated windbreaks. We have also referenced the “Engineering and Works Services Standards and Specifications - Section 9(c) Landscape, Rural & Urban Road Reserves” for guidance on plant selection and planting techniques. The landscaping consultant has made the following recommendations based on his experience in this field, the local climate, soil conditions and water conservation principles:

#### Lakes (Windbreak)

- *Agonis Flexuosa (Peppie tree)* to 6/10m, weeping growth habit, wind resistant, dense foliage. Spacing 4/6m
- *Callistemon Kings Park Special*, shrub to 3/5m, dense growth habit, flowering, fast growing. Spacing 3/5m
- *Callistemon Great Balls of Fire*, shrub to 1/3m, dense foliage, attractive new growth, fast growing. 1/1.5m
- *Grevillea Olivacea*, shrub to 2/3m, dense foliage, relatively fast growing.

The selected species are fast growing which is beneficial for neighbouring properties from a noise suppression standpoint, but also minimise the risk to patrons and their vehicles from the impact from falling branches.

We are prepared to work with the neighbouring property owners and landscape designer to refine the species selection based on their personal preference and their ability to blend in with the natural environment. We recognise this is in the interest of all parties to select species that provide adequate noise and visual suppression whilst blending in as much as possible with the existing properties.

Once established, the earthen buffer and windbreak will completely conceal the proposed development from Wildwood Road and all neighbouring properties. This is further demonstrated in the 3D fly through video available on our website and that was submitted as part of the development application.

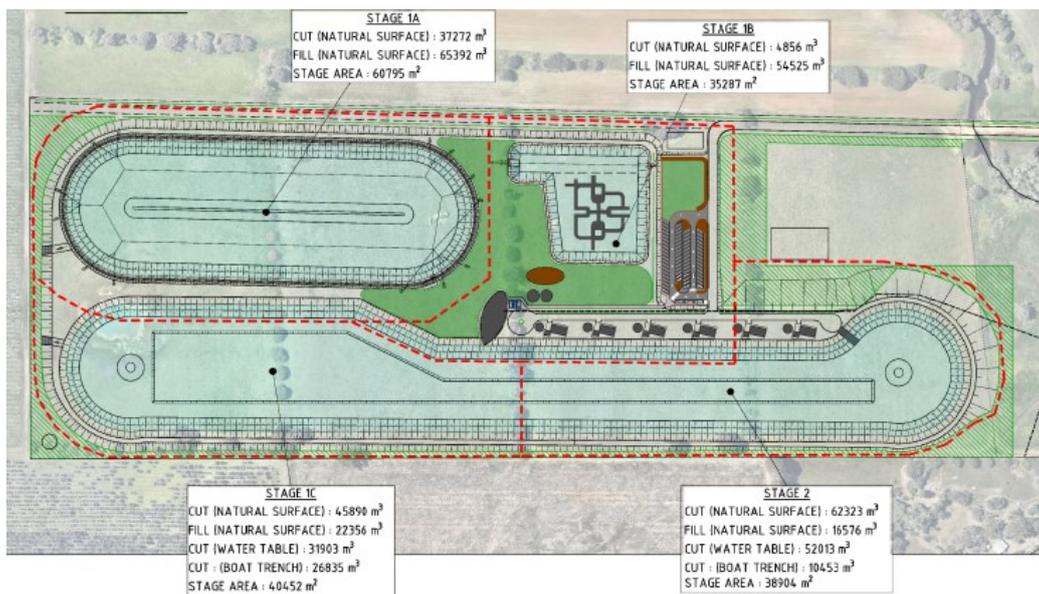
*Perceived Loss of Amenity - Visual*

Like other rural landholders, we are legally entitled to plant a windbreak around the property to prevent erosion due to wind and provide additional shade for livestock. In these circumstances, there is no requirement to seek or gain approval from neighbouring property owners regarding species selection or to a possible loss of amenity. Similarly, there is no requirement to seek or gain approvals to convert the land from grazing to a blue gum plantation if we choose to, providing the plantation maintains a suitable buffer from the neighbouring properties.

As a demonstration of goodwill, we have personally contacted the neighbours to state their intent and offer the chance to actively participate in the selection of plant species for the windbreak. Whilst this offer was initially rejected, we remain committed to working with the neighbouring property owners in this regard.

A staging plan was submitted as part of the development application to further minimise impact to the neighbouring property. We are proposing to construct the earthen bund and plant the vegetated windbreak adjacent the neighbouring property as soon as possible, allowing it time to establish prior to excavating the southern end of the boat lake. Doing this will minimise impact to the neighbouring property both during construction and during ongoing operations. We remain committed to this staging plan as it is in the best interest of both parties.

**Figure 4 — Proposed Staging Plan**



Contrary to some peoples belief the amenity of the local area is changing - it is no longer purely a farming community. In the last two years, there have been a number of development applications approved by the City of Busselton in the surrounding area that have already or will change the visual amenity of the area. These include a Caravan Park on the corner of Chain Avenue and Vasse-Yallingup Siding Road, a mixed use (hotel, cottage industry, market, restaurant and winery) development in Carbanup River, a microbrewery and restaurant on Wildwood Road (opposite Butterly Road), and a two-storey accommodation complex on Wildwood Road adjacent the Steiner School. A liquid waste treatment facility was also approved on Yelverton North Road, to name a few.

A number of these developments had significantly less design documentation accompanying their development application outlining how they intended to manage the loss of both visual and noise amenities to neighbouring properties. Based on the sketch shown in figure 4 and the proposed earthworks and landscaping design already submitted with the application, we don't believe the development will impact the current visual amenity of the area any more than installing a windbreak around the property, which we are planning to do anyway. If the planning department requires further information with regards to the proposed design, species selection, planting densities or landscape architect recommendations, please don't hesitate to contact us. We are more than happy to discuss this further.



### Perceived Loss of Amenity—Noise

The development application submitted in December 2017 included a detailed Environmental Noise Assessment undertaken by Lloyd George Consulting Engineers. Predicted noise levels were mapped at all sensitive receivers surrounding the property based off the proposed civil design, historical weather data and actual noise levels recorded during the on water boat test at Bonney's Ski Park using the same type of boat proposed for the park. It assumed worst case and included a 5dB tonality penalty that may or may not be present. The results concluded that the facility could comply with the noise regulations when running one boat under all circumstances, and when running two boats with the exception of the wind in a westerly direction.

Subsequent monitoring was conducted on the site to measure the background noise generated from traffic on Wildwood Road in April 2018 over a two-week period - this data was submitted to the City of Busselton in May. Vehicle traffic data obtained from the City (based on the Department of Main Roads surveys) show vehicle numbers exceed 962 vehicles per day (vpd) on Wildwood Road west of Bussell Highway (2012 data) and 433vpd west of Chain Ave (2009 data). It concluded that the intrusive noise measured 58m off Wildwood Road (an equivalent distance to the neighbouring houses on Wildwood Road) of 49dB currently exceeds the predicted noise output from the facility both from an average and peak noise perspective.

As you know traffic on Wildwood Road is highly varied, ranging from passenger vehicles, through to sports cars, motorcycles, and heavy vehicles (tractors and trucks), both loaded and unloaded. Consequently, the average and peak intrusive noise emissions vary greatly and there is no restriction on this road in terms of hours of use. Unlike Wildwood Road, noise emissions from the proposed facility will be regulated through controlled conditions. The original development application made provision for patrons to bring their own boats subject to assessment and approval by the owners. Based on public feedback with respect to noise, this was amended by the owners to limit boat usage to a maximum of two boats at any time and restrict this to the park boats only. This allows noise to be completely controlled to what has been measured during the Environmental Noise Assessment undertaken by Lloyd George Consultants in October 2017.

Previous email correspondence between the owners and council indicated that Malibu Boats were planning to release their latest generation engines in Australia sometime in late 2018. The engines have been completely redesigned to meet strict US environmental licencing criteria and they were rumoured to be quieter than previous models. Malibu have since confirmed the first of these engines was shipped to Australia in May 2018 and was tested on water in the first week of July. When compared to the previous model, test data proved the new engine was on average 6.2dB(A) quieter than its predecessor when measured at a distance of 30m from the centreline of the boat, with the meter at 1.3m above ground and at a speed of 30mph.

The tests were conducted in Albury NSW under the same controlled conditions (same day, same weather and same ambient noise) to ensure the tests were representative. Malibu Boats have confirmed these engines will be fitted to all new boats manufactured from January 2019 onwards. The park boats will be ordered beyond this date so will receive the new generation engines. Malibu have also confirmed there are additional factory supplied options such as motor box insulation and surf pipe exhaust which can be fitted to further reduce the noise output below what has been tested.

It has hence been proven the development will have minimal impact on the current audible amenity of the area given the proposed noise suppression techniques that are planned, the number of vehicles traversing Wildwood Road and their variable noise output, and the owners commitment to order the latest generation boats inclusive of the additional factory fitted noise suppression equipment. A revised version of the Lloyd George Environmental Noise Assessment outlining the new predicted noise at all sensitive receivers surrounding the property is currently being finalised and will be submitted to the planning department by Wednesday 11th July.

I hereby request the planning department reconsider this information prior to making their final recommendations on the development proposal and finalising their report to the elected councillors.

Yours Sincerely,

Cameron Akers