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- NOTE:**
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
  - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 18<sup>th</sup> DECEMBER, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham ..... Presiding Member  
JE Price  
AW Wigg  
KR Murphy  
JC Star  
JA Scott  
EE Brown  
WJ Kirkpatrick  
MJ Geurds  
M Harris

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr D Long ..... Director Corporate Services (from 7.02pm)  
Mr S Bell ..... Director Engineering  
Mr B Gleeson ..... Executive Manager Planning & Regulatory Services  
Ms S van Aswegen ..... Executive Manager Strategic Community Planning  
Mr T Turner ..... Principal Environmental Health Officer  
Mrs S Langmair ..... Minute Secretary

**APOLOGIES:** Nil

**GALLERY:** 2

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice  
Nil

**3. PUBLIC STATEMENT TIME:**

Public Statement Time commenced at 7.02pm

Mr Reg Ellery, 146 Henderson West Road, Hopeland WA 6125

Mr Ellery referred to his letter dated 23<sup>rd</sup> October regarding Henderson Road access to the Kwinana Freeway and a response from the Director Engineering. Mr Ellery's letter stated that he wanted to have the matter placed before Council. Following the receipt of the letter from the Director Engineering Mr Ellery realised that his letter did not go to Council as he requested. Mr Ellery believes that without Council's endorsement, this matter will not be heard by the State Government. Mr Ellery asked Council to consider this matter.

The Presiding Member advised that Council will consider his letter.

Public Statement Time concluded at 7.05pm

**4. PETITIONS & DEPUTATIONS:**

Nil

**5. PRESIDENT'S REPORT:**

Nil

## 6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Kirkpatrick declared a financial interest in SD067.2/12/06 Lot 120 King Jarrah Circle, Jarrahdale – Patio, Woodshed & Pergola (retrospective) as this property belongs to Cr Kirkpatrick.

## 7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:

### 7.1 Ordinary Council Meeting – 27<sup>th</sup> November, 2006

#### **COUNCIL DECISION**

Moved Cr Murphy seconded Cr Geurds  
That the minutes of the Ordinary Council Meeting held on 27<sup>th</sup> November, 2006 be confirmed.  
**CARRIED 10/0**

## REPORTS OF COMMITTEES:

SD060/12/06 PROPOSED OVERSIZE SHED – LOT 62 (102) BLAIR ROAD, OAKFORD (P06158/02)		
Proponent:	Fox United Building Pty Ltd	In Brief  The applicant seeks planning approval for an oversize and overheight shed. It is recommended that the application be refused.
Owner:	Tracey Diederich	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 November 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	26 September 2006
Advertised:	Yes
Submissions:	No
Lot Area:	2.04 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	NA
Rural Strategy Policy Area:	Rural Living B
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	NA

#### **Background**

The applicant seeks approval for an oversize shed. The purpose of the shed is to cover an existing dressage arena on the property which will allow the horses to be used under cover out of the weather.

The proposed shed is to be 60m by 20m in size (1 200m<sup>2</sup>), have a wall height of 4.5m and is to be constructed out of 'Mist Green' colorbond with a zincalume roof. The shed will be enclosed on three sides with one of the longer sides remaining open. The shed is also proposed to be located 15m from the nearest property boundary.

There is an existing stable complex and shed on the property which have a combined floor area of 600m<sup>2</sup>. If the proposed shed were to be approved, the combined floor area of all outbuildings would reach 1 800m<sup>2</sup>.

***A copy of the development plans and aerial photograph are with attachments marked SD060.1/12/06.***

### **Sustainability Statement**

***Effect on Environment:*** The proposal will not result in the removal of any vegetation as the shed is to cover an existing dressage arena on the property.

***Resource Implications:*** Due to the size of the proposed shed, stormwater will need to be suitably catered for on site to prevent direct discharge onto adjoining properties or into existing drainage lines.

***Use of Local, renewable or recycled Resources:*** The proposal may utilise locally available resources.

***Social – Quality of Life:*** Although no submissions were received during the advertising period, it is considered that the proposal may impact on surrounding properties and the locality due to its size. The shed will be highly visible from neighbouring land and from Blair Road.

***Social Diversity:*** It is considered that the proposal does not disadvantage any social groups.

### **Statutory Environment:**

Town Planning Scheme No.2  
Local Planning Policy No.17 – Residential and Incidental  
Development within Serpentine-Jarrahdale Shire

### **Policy/Work Procedure Implications:**

The combined floor area of the existing and proposed sheds exceeds Council's Policy requirements for the maximum floor area of outbuildings within the Rural Zone

### **Financial Implications:**

There are no Financial implications to Council related to this application/issue.

### **Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

1. Provide recreational opportunities.

#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

##### Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

### **Community Consultation:**

The application was referred to three adjoining properties for comment. No submissions were received.

### **Comment:**

Under Council's Local Planning Policy No.17, the maximum floor area of all outbuildings in the Rural zone is 500m<sup>2</sup>. The floor area of the proposed shed combined with the existing stable complex and shed exceeds the maximum size allowable by 1 300m<sup>2</sup>.

### **Conclusion**

The proposed oversize shed is not supported as the combined floor area of all outbuildings will exceed the maximum allowable under LPP17 by 1 300m<sup>2</sup>. Although the property is zoned Rural under the scheme, the size of the land is only 2.0 ha and will therefore result in the proposal being highly visible from adjoining properties as no landscaping is proposed adjacent to the proposed shed. Further, the approval of this application may set a precedent for other 2.0 ha lots within the Blair Road precinct to construct similar structures.

Therefore, it is recommended that the application be refused.

**Voting Requirements:** Normal

### **SD060/12/06 Committee/Officer Recommended Resolution:**

The application for an oversize shed on Lot 62 (102) Blair Road, Oakford be refused for the following reasons:

1. The shed is not in accordance with Council's Local Planning Policy No. 17 relating to size.
2. The combined floor area of all outbuildings on the property will exceed the maximum area stipulated under Council's Local Planning Policy No.17 for the Rural zone by 1 300m<sup>2</sup>.
3. The proposed oversize shed will have an adverse impact on the visual amenity of the street and adjacent properties by virtue of its size and design.
4. The proposed shed may set a precedent for other lots within the Blair Road precinct to construct similar oversize structures.

### **SD060/12/06 COUNCIL DECISION**

**Moved Cr Price seconded Cr Star**

**That Council's decision on item SD060/12/06 is deferred until the January 2007 round of meetings so that the applicant has the opportunity to submit to Council the reason for such a large shed.**

**Advice Note: That the applicant be advised that Council may consider an amended application that is less visually intrusive.**

**CARRIED 6/4**

### **FORESHADOWED MOTION:**

During debate Cr Murphy foreshadowed that he would move the Committee/Officer Recommended Resolution if the motion under debate was defeated.

**Council Note:** A new motion was put requesting the applicant to submit further information to Council to support their application.

SD061/12/06 PROPOSED ADDITION TO POULTRY FARM – LOT 8 (47) MANNING ROAD, HOPELAND (P00604/02)		
Proponent:	Terrigal Investments Pty Ltd	In Brief  Proposed extension to existing poultry farm by installing an additional shed. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	10 November 2006	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 31 October 2005  
 Advertised: 16/12/05 – 17/01/06  
 Submissions: Yes  
 Lot Area: 19.52 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: NA  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: NA  
 Municipal Inventory: NA  
 Townscape/Heritage Precinct: NA  
 Bush Forever: NA  
 Date of Inspection: 14 December 2005

### **Background**

The subject site is located on the western side of Manning Road and is known as Walloway Downs. The site is flat with a significant area of natural vegetation located on the western side of the property. A line of trees exists around all property boundaries to screen the site from adjoining properties.

Existing development on the site comprises five broiler sheds, a dwelling, a workshop and two sheds. A single crossover provides access to the site. The existing broiler sheds are located 106 metres from the northern property boundary, 100 metres from the southern boundary, 120 metres from the eastern (front) boundary and 210 metres from the western (rear) boundary. The five existing broiler sheds house approximately 60,000 birds each representing a total of 300,000 birds.

The application proposes an additional shed located in between existing sheds 4 and 5. The sheds are approximately 2800m<sup>2</sup> in size. The total number of birds per batch will increase by approximately 60,000 to a total maximum of 360,000 birds.

***A copy of the site and development plans and an aerial photograph of the site is with the attachments marked SD061.1/12/06.***

### **Sustainability Statement**

***Effect on Environment:*** The proposed poultry farm will not require the clearing of any remnant native vegetation.



**Resource Implications:** The poultry farm will involve the use of groundwater as there is no reticulated water supply in the area. The new technology incorporated into the controlled environment poultry sheds means that water usage is 50% less than with older style sheds. Any increase in the use of bores outside current licensing limits, will require an application to the Department of Environment and Conservation.

**Use of local, renewable or recycled Resources:** It is uncertain whether the proposed sheds will be constructed from locally available resources.

**Economic Benefits:** The proposal has the potential to generate long term employment within the Shire.

**Social – Quality of Life:** The application was referred to surrounding landowners for comment. No comments were received. Additional impacts on the area due to the sixth shed are considered minor as there are already five sheds operating on the property.

**Social and Environmental Responsibility:** In order to prevent any adverse impacts on the environment or amenity of the area, the owners would need to demonstrate a commitment to a high level of social and environmental responsibility. In order to determine what measures will be needed to achieve this, appropriate odour and noise modelling has been carried out with regard to potential impacts. The onus is on the applicant to demonstrate that the proposed development will not have an adverse effect on the amenity of adjacent properties, particularly with regard to existing dwellings on adjacent properties given that the use of Poultry Farm is a discretionary use in the Rural zone except within the Poultry Farm Special Control area.

**Social Diversity:** The application for the extension of the poultry farm does not directly impact on any particular social group.

**Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No.2

As per the resolution of the Western Australian Planning Commission made under Clause 32 of the Metropolitan Region Scheme, extensions to poultry farms that are greater than 100 square metres in area require separate determination by the WA Planning Commission under the Metropolitan Region Scheme (MRS). The Shire determines the application under the Town Planning Scheme (TPS) only.

**Policy/Work Procedure Implications:**

The application was required to be referred to the Department of Environment and Conservation and Department of Agriculture as the site is within the Peel-Harvey Coastal Plain Catchment Area Statement of Planning Policy No.2.1, Statement of Planning Policy No. 5, Draft Environmental (Peel Harvey Estuarine System) Policy 1992

**Financial Implications:**

There are no Financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

*Objective 2: Strive for sustainable use and management of natural resources*

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

**Comments from External Agencies**

No comments were received from the Department of Agriculture. The Department of Environment and Conservation lodged a submission of 'no comment'.

**Community Consultation:**

The application was referred to adjoining land owners for comment. No comments were received.

**Comment:**

**Environmental Health Comments**

**Environmental Protection Authority (EPA) – Guidelines for Separation Distances**

Under the Environmental Protection Authority's *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses (Draft June 2004)* the proposed use fits within the land use category of Poultry Industry – Intensive Farming. Under this document the potential impacts for this use are dust, noise and odour.

This document identifies a guideline separation distances between poultry farms and sensitive land uses as between 500-1000 metres depending on the size of the farm. It should be noted that the document does not detail what is considered to be a small, medium or large poultry farm. Clause 2.3 of the document defines "Sensitive Land Uses" as follows:

*Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential areas, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings.*

The Environmental Code of Practice for Poultry Farms in Western Australia also recommends an internal separation distance from the shed to the boundary of 100m and an

external separation distance of 300m between the development and future or existing rural residences.

There are seven residences located within a 1km radius of the subject site. All of these properties are rural based and predominantly broad acre farms other than the large scale nursery to the south. The farm complies with the 100m internal buffer but there are two residences just inside or near the 300m separation distance, one on the nursery site to the south and the other to the east of the site. The impacts on the residence to the south within the nursery operation are being managed with an earth bund and vegetative screening adjacent to the shed. The extraction fans are located at the western end of the sheds minimising impacts from odour and noise for the residents to the east and south.

### Previous Complaints

Over the past 12 months the Shire has not received any complaints from adjoining properties with respect to the operation of the farm.

### Odour

The Environmental Protection Authority Guidance for the Assessment of Odour Impacts No.47 provides advice relating to the minimum requirements for environmental management and modelling, where proponents are required to provide information to regulatory authorities. The guidance refers to odour modelling and the proponent demonstrating that the ambient odour concentrations do not exceed a two-part criterion at existing or proposed sensitive premises (this is a green light criterion that provides some confidence that odour nuisance is unlikely). The criterion is:

1. 2OU/m<sup>3</sup> 3minute average 99.5th percentile
2. 4OU/m<sup>3</sup> 3 minute average, 99.9th percentile

The guidance also refers to Poultry Farms where 7OU/m<sup>3</sup> 3 minute average 99.5th percentile will correspond with a distinct odour intensity rating.

The odour modelling supplied indicates that there will be a marginal increase to the current odour footprint because the proposed shed is located between existing sheds. The Odour Assessment report details a 7OU/m<sup>3</sup> 3minute 99.5 percentile contours (Figure 6) and states that with the additional shed there will be a maximum increase of 100m to the foot print, but the increase will not include any additional surrounding residences. Exposure to 7OUm<sup>3</sup> of poultry farm odour is a distinct smell, but because of the limited amount of exposure time and the relatively compatible land uses it would be reasonable to assume that an annoyance response is unlikely and that the health and well being of individuals will not be significantly affected.

***A copy of the odour modelling plans (Figure 6) that show the location of the dwellings is with attachments marked SD061.2/12/06.***

### Noise

The Environmental Protection (Noise) Regulations 1997 sets assigned or maximum levels for all residences receiving noise. However, as background noise levels are often very low in rural settings, rural residences may be particularly sensitive. The regulations set assigned or maximum noise levels for an LA10 of 35(dB) between 2200hours on any day to 0700hrs, which is the quietest time of the day.

The noise modelling supplied by the applicant in the Environmental Noise Assessment report indicated that there would be little additional impacts produced by the proposed shed because it will be located between existing sheds. The earth bund and vegetative screen to the south and south west as well as the natural vegetation to the west will mitigate all fan noise and ensure that no residences on the western side of the farm will be exposed to noise

in excess of the assigned levels. However, when the sheds are being cleaned out and there are forklift and truck movements, house #1 as shown in Figure 5.2 will be exposed to noise levels in excess of the assigned levels particularly at night time.

***A copy of the noise modelling plans (Figure 5.2) that show the location of the dwellings is with attachments marked SD061.3/12/06.***

This issue has been discussed with the owner who advised some screening vegetation has been planted and an earth bund could be constructed if there were noise complaints in the future. However, Figures 5.2 and 5.3 of the environmental noise assessment shows that house 1 will be exposed to noise levels of 3 to 5(dB) above the assigned or maximum level of 35(dB) during catching operations and by 12 to 15(dB) during catching when truck noise is included.

Therefore to ensure all practicable measures are undertaken to ameliorate noise impacts in any significant way, it will be necessary to construct a bund of a suitable height with additional vegetative screening.

### Conclusion

The application is for one additional shed between existing sheds. Odour impacts will only marginally increase and not affect any additional residents. However, the noise modelling supplied shows that the operation will exceed maximum recommended noise levels at the existing residence to the east.

Therefore, Council's Principal Environmental Health Officer supports the proposal subject to a condition requiring the design and construction of a suitable earth bund with vegetative screening to be approved by the Shire prior to the issuing of the building approval.

### Engineering Comments

Council's Subdivisional Engineer has advised that the following requirements should be incorporated on any recommended approval:

- *The crossover servicing the Poultry Sheds are to be sealed and constructed to the Shire's Commercial Standard and are to have a minimum width of 6.0m;*
- *The internal driveway to be constructed to a compacted limestone standard; and*
- *A traffic impact study, stormwater management plan and dust management plan to be prepared to the satisfaction of the Director Engineering.*

The above recommendation will be included within the Officer recommendation.

### Statutory Context

The subject site is zoned Rural. Town Planning Scheme No. 2 (TPS 2) states that the purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area. In the Rural zone Poultry Farm is an "AA" use (discretionary).

The site does not fall within the Poultry Farm Special Control Area recognised in TPS 2.

A use classification of 'AA' means that the Council may, at its discretion, permit the use. However, a discretionary use should only be granted approval if the Council is satisfied that the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality and if the Council is satisfied that the proposed use will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

Clause 6.4.2 of Town Planning Scheme No. 2 requires the Council to have regard to the following factors in determining an application for planning consent:

- "a) *the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) *the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- (c) *the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- (d) *the provisions of the Scheme and any Council policy affecting the land;*
- (e) *any comments received from any authority consulted by the Council;*
- (f) *any submissions received in response to giving public notice of the application;*
- (g) *the orderly and proper planning of the locality; and*
- (h) *the preservation of the amenity of the locality."*

Under the Metropolitan Region Scheme (MRS) the land is also zoned Rural.

Normally the single planning approval granted by a local authority represents approval under both the MRS and the local authority town planning scheme (TPS). This is by virtue of the Notice of Delegation issued by the Western Australian Planning Commission (WAPC) under the WAPC Act 1985, which delegates the power to issue approvals under the MRS to local government. However, in the case of certain types of applications the WAPC has made resolutions under Clause 32 of the MRS calling in the power of determination. This is the case for all applications involving new poultry farms or extensions to existing farms. Accordingly, the application was referred to the WAPC for determination under the MRS. The Shire's decision may only relate to TPS 2.

WAPC Statement of Planning Policy No 4.3 – Poultry Farm Policy, applies to the proposal.

#### WAPC Approval

The WAPC granted approval for the additional shed on the 27 October 2006 subject to the following conditions:

1. *The new shed shall be constructed in the location depicted on the development plan.*
2. *A sign shall be erected on site in a visible location indicating the type of operation, hours of operation and possibility of undesirable environmental impacts on the surrounding areas as specified in schedule 1 and 2 of the Commission's Statement of Planning Policy No. 4.3 – Poultry Farms.*
3. *The shed shall be constructed in a manner and of materials that will mitigate the impact of any noise, dust or odours to the surrounding properties.*

#### Application requirements under TPS 2

Although the proposal is not for land within the Poultry Farm Special Control Area, the issues raised for consideration in Part X are informative and can reasonably be used as a reference against which the proposal can be assessed. One issue of significance raised in Part X, and which is relevant whether or not a proposal is within the Special Control Area, is the need for the developer to identify and assess likely environmental impacts (odour, noise, dust, traffic movement and visual impact) and to show how the impacts are to be managed.

The DoE concurred that an assessment of odour impacts should be undertaken as part of the application. Accordingly, as previously stated in this report, the applicant was requested to provide this supplementary information and has done so for Officer assessment.

Compliance with the provisions of TPS 2 relating to Poultry Farms

If the proposal was within the Poultry Farm Special Control Area, it could be treated as a “P” use if it complied with the stipulated requirements. It is instructive to consider how the proposal performs in that regard:

Scheme Provision	Complies?	Comments
Controlled environment sheds or other (more superior) best practice controlled environmental technology, will be used to house the poultry.	Complies	N/A
There will be an internal loop road to allow articulated vehicles and truck and dog configurations to enter and leave the site, and service the facility, in a forward direction.	Complies	N/A
Landscaping and screening of the poultry sheds and surrounds accords with the “Standards for Revegetation on New Poultry Farms”.	Complies	The existing landscaping around all boundaries helps screen the development from adjoining properties. A noise reduction bund and visual screen is also proposed on the south side of shed 1.
All litter material and dead birds will be disposed of off the site and in accordance with best practice.	Complies	Not on site plan but contacted the operator and it is a refrigerated storage area adjacent to the generator plant room.
A sign/s is placed on the site in a visible location to the satisfaction of the Council indicating the type of operation, hours of operation and possibility of undesirable environmental impacts on the surrounding areas as specified in schedules 1 and 2 of the Commission’s Statement of Planning Policy No. 5 Poultry Farms Policy.	Does not comply	This requirement has been stipulated by the WAPC on their approval dated 27 October 2006.
Setbacks & Separation Distances: 500 metres from any existing or future residential zone;  300 metres from any existing or future rural-residential zone;  200 metres from any wetland subject to Water and Rivers Commission advice;  100 metres from the boundary of the Poultry Farm or in the case of extensions to the existing farms where a setback is already less than 100 metres then the lesser setback may be applied to that boundary.	Complies  Complies  Complies  Complies	There are only seven rural land owners within a 1km radius of the site that may be affected by emissions for a very small percentage of the year.
All the application requirements have been provided and the Council is satisfied with the establishment, operations and management and the impacts of the proposed development	Complies	After assessment of the application, Council staff are happy that the proposed shed can be constructed with minimal additional impacts on the locality. The existing farm is well

<b>Scheme Provision</b>	<b>Complies?</b>	<b>Comments</b>
on the local environs.		managed and is compatible with surrounding land uses.

### Noise & Odour Impacts

As previously mentioned, the proposed addition will have little effect on the current odour and noise levels from the property.

### Traffic Impacts

The construction of the additional shed will result in a minor increase to existing truck movements on the property as part loads can be increased to full loads. As the proposed shed is to be located between the existing shed, no additional infrastructure is required to be installed or any further internal road networks constructed. It is recommended however, that the internal roads be finished to a minimum limestone seal.

### Conclusion

The subject farm is within the Rural zone and as such the Council may exercise discretion to approve the use. The proposed shed addition will result in an increase of 60 000 to a total of 360 000 birds. This increase is considered relatively minor when looking at the existing operation on site. The existing operation of Walloway Downs is well managed and realistically sets the benchmark for other farms in the locality.

It is considered that, subject to the recommended conditions, the additional poultry shed can be accommodated on site without posing significant impacts on adjoining properties. It is therefore recommended that the proposal be conditionally approved.

### Voting Requirements:                      Normal

#### **SD061/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

#### **Moved Cr Wigg seconded Cr Harris**

**The application for approval to commence development of an additional poultry shed on Lot 8 (47) Manning Road, Hopeland be approved subject to the following conditions:**

#### **GENERAL**

- 1. Development shall be in accordance with the approved plans except as otherwise required by a condition of this approval.**
- 2. A building licence being obtained prior to the commencement of any of the works covered by this approval including earthworks.**
- 3. Compliance with the Western Australian Planning Commission's Approval dated 27 October 2006.**

#### **ENVIRONMENTAL MANAGEMENT PLAN**

- 4. An Environmental Management Plan shall be prepared for the farm to the satisfaction of the Shire and shall be submitted to and approved by the Shire prior to the commencement of the use covered by this approval.**
- 5. In carrying out the development the approved Environmental Management Plan must be complied with at all times.**
- 6. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle in the new sheds and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:**

- a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site.
- b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).
- c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of operations against the Environment Protection (Noise) Regulations and the Environmental Protection Authority's Guidelines for the Assessment of Odour Impacts.
- d) an evaluation of its response to any complaints.
- e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.
- f) The results of monitoring that is conducted throughout the year at such times and for such periods as specified in the Environmental Management Plan or in relation to any written notice issued under Condition 7.

A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

7. In the event the Shire is not satisfied with any audit, the Shire may by notice in writing require the applicant to take the action stipulated in the notice in order to ensure the approved Environment Management Plan is complied with.
8. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the management guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australian May 2004 as amended from time to time.

#### **VEGETATION MANAGEMENT**

9. The landscaping and vegetation management plan shall include details for an earth bund with additional vegetative screening that is of an adequate height and length to ameliorate noise and reduce the amenity impacts from odour and dust on the eastern end of the sheds. The earth bund is required to be constructed prior to commencement of use of the building. Noise mitigation measures are to be assessed and a Noise Compliance Report submitted to the Shire with the Environmental Management Plan audit report, which is to be submitted 28 days after the completion of the first growing cycle.
10. The proposed development shall not commence until the Shire has approved the Landscape and Vegetation Management Plan in writing.
11. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of the development approval being granted and is to be completed within three years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
12. In the event of livestock grazing occurring on the subject land the landowner shall fence the existing revegetation areas.
13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.

#### **DRAINAGE & NUTRIENT MANAGEMENT**



14. The proponent shall prepare a Drainage and Nutrient Management Plan for approval by the Shire prior to the issue of a building licence for the new shed and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety prior to the commencement of the use of the new poultry sheds.
15. The approved Drainage and Nutrient Management Plan must be complied with at all times.
16. The owner shall ensure that the use of water for wash down is minimised.
17. Any discharge of water (washdown water, stormwater) from the premise including seepage to groundwater, other than directly to sewer or septic systems, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanism to remove nutrients and chemical agents to the satisfaction of the Shire.
18. Separate facilities should be provided for the retention of both washdown (and other waste waters) and storm waters to prevent the settling pond overflowing during major storm events and unfiltered waste waters possibly impacting on surface or ground waters.
19. All water treatment facilities are to be regularly maintained to minimise the discharge of nutrients, total suspended dissolved solids, total suspended solids and other pollutants to ground and surface water resources and removal of build-up when required.

#### **STORAGE AND DISPOSAL OF CHEMICALS, FEED AND WASTE MATERIALS**

20. The owner shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the development.
21. The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturer's recommendations.
22. No chemicals or potential liquid contaminants are to be disposed of on-site.
23. Stock feed is to be stored within containers that prevent access by vermin and native wildlife.
24. All solid wastes (including poultry litter and spilt feed) should be contained in weather-proof conditions (on a covered hardstand) until removed from the site for disposal at an approved facility.
25. Manure shall not be disposed of on site and all temporary stockpiles of manure are to be contained in covered storage compounds which maintain them in a dry condition and do not allow access by flies.
26. Dead birds shall be stored in a cool-room facility and removed from the site on at least a weekly basis for disposal at an approved facility. Vehicles used to remove dead birds from the premise shall be covered to reduce odour emission.
27. All feed deliveries shall take place between the hours of 7.00am and 7.00pm, except where mechanical breakdown off site or other similar event results in or requires emergency delivery of feed outside of those times.

#### **NOISE**

28. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.
29. Audible alarms are only permitted to be used between the hours of 6:00am to 7:00pm with the approval of the Shire. The applicant shall review the application of non audible in the annual audit of the farms Environmental Management Plan and details in the Environmental Management Plan that as soon as the technology becomes available the operation will convert to non audible alarms throughout the farm.

30. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.
31. Any plant rooms including backup power generator are to be noise attenuated and or situated between sheds and or behind earthen bunds.

#### **DUST**

32. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build up in poultry sheds.
33. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
34. Litter removal from the sheds shall be scheduled for times when dust nuisance to neighbours is likely to be minimised to the satisfaction of the Shire.
35. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using where necessary appropriate dust suppression techniques.

#### **LIGHTING**

36. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.

#### **ENGINEERING**

37. Crossovers to be constructed in accordance with Serpentine Jarrahdale Shire standard commercial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
38. All driveway surfaces are to be constructed with a limestone seal and compacted to limit the generation of dust and to ensure that no visible dust extends beyond the site boundary.
39. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.

#### **SIGNAGE**

40. A notice indicating the type of operation, hours of operation and potential impacts of the poultry farm operation is to be displayed adjacent to the Gossage Road frontage of the site in accordance with the specifications contained in the Western Australian Planning Commission's Statement of Planning Policy No. 4.3 - Poultry Farms Policy, to the satisfaction of the Shire.

#### **ODOURS**

41. Odour emissions must at all times comply with the Environmental Protection Authority's document "Guidance for the Assessment of Environmental Factors – Assessment of Odour Impacts from New Proposals No 47" as amended from time to time.

#### **Advice Notes:**

1. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
2. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development.
3. The operations should be carried out in accordance with the document 'Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas' produced by the Water and Rivers Commission.

4. **The Environmental Management Plan required by condition 3 shall be prepared in accordance with the EMS for Meat Chicken Farms - Example Environmental Management Plan published by the Australian Government Rural Industries Research and Development Corporation.**
5. **Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.**
6. **Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.**

**CARRIED 10/0**

SD062/12/06 PROPOSED ADDITION TO POULTRY FARM – LOT 419 (526) GOSSAGE ROAD, OLDBURY (P03299/02)		
Proponent:	W & L McPhail	In Brief  Proposed extension to existing poultry farm. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	10 November 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 28 April 2005  
 Advertised: 20 June – 12 July 2005  
 Submissions: Yes  
 Lot Area: 41.57 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: NA  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: NA  
 Municipal Inventory: NA  
 Townscape/Heritage Precinct: NA  
 Bush Forever: NA  
 Date of Inspection: June 2005

### **Background**

The subject site is located on the northern side of Gossage Road. The site is flat and relatively low lying with areas of remnant vegetation located in the northern and southern portions of the site. These areas of remnant vegetation both contain 'Resource Enhancement' wetlands.

Existing development on the site comprises six broiler sheds, two dwellings, a workshop and a hatchery shed. A single crossover provides access to the broiler sheds with separate crossovers servicing both dwellings. The existing broiler sheds are located 800 metres from the northern (rear) boundary of the site, 125 metres from the southern (front) boundary, 233 metres from the eastern boundary and 9.1 metres from the western boundary. The six existing broiler sheds house approximately 145,000 birds.

The application proposes a 937m<sup>2</sup> addition of existing shed 6, decommissioning of existing sheds 1 and 2 and upgrading of sheds 3 and 4 to a climate controlled operation. The total

number of birds per batch will increase by approximately 15,000 to a total maximum of 160,000 birds. This is considered to be a relatively small expansion to an existing medium sized farm.

***A copy of the site plans and an aerial photograph of the site is with the attachments marked SD062.1/12/06.***

#### Original & Modified Application

The original application submitted 28 April 2005 proposed additions to both sheds 5 and 6. After consultation with the Department of Environment (DoE), the addition of shed 5 was not supported as it further encroached on the 'Resource Enhancement' wetland located at the front of the property. The applicant advised that they do not want to proceed with the extension of shed 5 and are therefore seeking approval for the extension of shed 6 only.

#### Sustainability Statement

***Effect on Environment:*** The proposed poultry farm will not require the clearing of any remnant native vegetation.

***Resource Implications:*** The poultry farm will involve the use of groundwater as there isn't a reticulated water supply in the area. However, the new technology incorporated into the controlled environment poultry sheds means that water usage is 50% less than with older style sheds. Any increase in the use of bores outside current licensing limits, will require an application to the Department of Environment to extend those limits.

***Use of local, renewable or recycled Resources:*** It is uncertain whether the proposed sheds will be constructed from locally available resources.

***Economic Viability:*** It is not possible to determine whether the proposal will be economically viable.

***Economic Benefits:*** The proposal has the potential to generate long term employment within the Shire.

***Social – Quality of Life:*** The application was referred to surrounding landowners for comment. Concerns and issues raised by the community are addressed in detail in the Community Consultation section of this report. There is the potential for the amenity of the area to be affected by noise, odour and dust as well as visually if not managed and designed appropriately to ameliorate these potential impacts.

***Social and Environmental Responsibility:*** In order to prevent any adverse impacts on the environment or amenity of the area, the owners would need to demonstrate a commitment to a high level of social and environmental responsibility. In order to determine what measures will be needed to achieve this, appropriate odour and noise modelling has been carried out with regard to potential impacts. The onus is on the applicant to demonstrate that the proposed development will not have an adverse effect on the amenity of adjacent properties, particularly with regard to existing dwellings on adjacent properties given that the use of Poultry Farm is a discretionary use in the Rural zone except within the Poultry Farm Special Control area.

***Social Diversity:*** The application for the extension of the poultry farm does not directly impact on any particular social group.

#### Statutory Environment:

Planning and Development Act 2005  
Town Planning Scheme No.2

As per the resolution of the Western Australian Planning Commission made under Clause 32 of the Metropolitan

Region Scheme, extensions to poultry farms that are greater than 100 square metres in area require separate determination by the WA Planning Commission under the Metropolitan Region Scheme (MRS). The Shire determines the application under the Town Planning Scheme (TPS) only.

**Policy/Work Procedure**

**Implications:**

The application was required to be referred to the Department of Environment and Agriculture Western Australia as the site is within the Peel-Harvey Coastal Plain Catchment Area Statement of Planning Policy No.2.1, Statement of Planning Policy No.5, Draft Environmental (Peel Harvey Estuarine System) Policy 1992

**Financial Implications:**

There are no Financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

*Objective 2: Strive for sustainable use and management of natural resources*

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

**Comments from External Agencies**

The application was referred to the Department of Environment and the Department of Agriculture because the subject site is within the Peel Harvey Coastal Plain Catchment Area. No comments were received from the Department of Agriculture.

***Department of Environment (DoE)***

Resource Enhancement Wetland (REW)

*The existing Poultry Shed No.5 is already located within a 50m buffer that applies to the REW to ensure its protection. Expansion of this shed will further encroach on the wetland. The DoE therefore objects to the expansion of Poultry Shed No.5.*

*Subject to the resolution of the above matter, the DoE would have no further objections to the proposal subject to the following conditions:*

Odour Modelling

*Whilst the proposal generally accords with the 'Environmental Code of Practice for poultry Farms in Western Australia', the DoE acknowledges that the proposal does have the potential to substantially increase the frequency of odour complaints if poorly managed.*

*The Department is not opposed to the proposed expansion, however, the DoE respectfully recommends that Council require the proponent to undertake the following studies to determine whether the proposed buffers are satisfactory;*

- *Quantify the odour source using dynamic olfactory analysis.*
- *Predict the downwind odour impacts using dispersion modelling; and*
- *Compare the dispersion modelling results to a recognised environmental odour criterion to derive an appropriate odour buffer distance.*

*Please be advised that where odour is not the only environmental factor which requires a separation distance, appropriate studies should be undertaken for each factor. Alternatively, clear demonstration that the odour impact area encompasses all the other factor impact areas needs to be provided.*

*Furthermore, the DoE would like to provide the proponent with the following advice:*

Acid Sulphate Soil Assessment

*Prior to the commencement of any site works:*

- *A preliminary site investigation shall be undertaken to determine whether acid sulphate soils are present on the land and, if present, their extent and severity;*
- *If the site is found to contain acid sulphate soils, and acid sulphate soil management plan shall be submitted and approved; and*
- *All site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the Western Australia Planning Commission.*

The proposed extension of shed 5 which encroached on the REW towards Gossage Road is no longer proposed. As such, the DoE has no objection to the proposal assuming compliance with the recommended conditions. Further, noise and odour modelling reports have been prepared by the applicant at the request of the DoE and forwarded to the Shire for assessment. The results of these reports will be discussed under Officer Comment.

Community Consultation:

Required: Yes

Support/Object: 1 letter of objection and 1 letter of support received

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A129200	No Objection	Noted	Comments Noted
A130204	<p>Objects for the following reasons:</p> <p>Object strongly to any increase in bird numbers. When the chickens are being taken for processing, I am unable to open windows of house due to strong odour. Distance between my house to the sheds is 300m and with strong breezes it is unpleasant to even venture outside of the house.</p> <p>The proposed extension towards Gossage Road will bring the odour closer to me with a setback of only 100m.</p> <p>Application makes no mention of any hay or earth bunding or revegetation being installed to create an updraft to help disperse odours. Why should extensions to existing farms be exempt from the same guidelines applicable to new farms?</p>	<p>The odour modelling report submitted indicates that there will be little variation to the odour impacts as a result of the addition. No more residences will be affected and with more of the operation going to climate control there should be less risk of operational issues such as wet litter.</p> <p>The extension of shed 5 towards Gossage Road is no longer proposed.</p> <p>A condition of approval will be the requirement for a landscaping and vegetation management plan to be prepared that details adequate bunding to mitigate impacts to adjoining properties.</p>	Comments Noted

**Comment:**

**Environmental Health Comments**

**Environmental Protection Authority (EPA) – Guidelines for Separation Distances**

Under the Environmental Protection Authority's *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses (Draft June 2004)* the proposed use fits within the land use category of Poultry Industry – Intensive Farming. Under this document the potential impacts for this use are dust, noise and odour.

This document identifies a guideline separation distance between poultry farms and sensitive land uses as between 500-1000 metres depending on the size of the farm. It should be noted that the document does not detail what is considered to be a small, medium or large poultry farm. Clause 2.3 of the document defines "Sensitive Land Uses" as follows:

*Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential areas, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings.*

The Environmental Code of Practice for Poultry Farms in Western Australia also refers to recommended internal and external separation distances for rural zones of 100m for internal buffers and 300m separations for future or existing rural residences.

Although the farm is a relatively large lot at 41.57 ha in size, the existing sheds do not currently comply with the 100m internal buffer. With the decommissioning of the two sheds to the west, the internal buffer will be increased from approximately 20m to 40 – 50m. There are five residences within the recommended 300m separation distance and approximately ten residences located within a 1km radius.

#### Previous Complaints

Over the past 12 months the Shire has received a number of odour complaints from one residence who is located within the 300m separation and 70U contour detailed in the Odour Impact Assessment and Dispersion Modelling Study Figure 1.

#### Odour

The Environmental Protection Authority Guidance for the Assessment of Odour Impacts No.47 provides advice about the minimum requirements for environmental management and modelling, where proponents are required to provide information to regulatory authorities. The guidance refers to odour modelling and the proponent demonstrating that the ambient odour concentrations do not exceed a two-part criterion at existing or proposed sensitive premises (this is a green light criterion that provides some confidence that odour nuisance is unlikely):

1. 2OU/m<sup>3</sup> 3 minute average, 99.5th percentile
2. 4OU/m<sup>3</sup> 3 minute average, 99.9th percentile

Further to this, the guidance also refers to Poultry Farms where a 70U/m<sup>3</sup> 3minute average 99.5th percentile will correspond with a distinct odour intensity rating.

The odour modelling supplied indicates that there will be only a slight variation to the 70U/m<sup>3</sup> 3minute average 99.5th percentile contour and the variation will be a slight reduction in the direction of the closest residence to the south west.

***A copy of the Odour Dispersion Modelling Study (Figure 1) is with the attachments marked SD062.2/12/06.***

The peak odour period for poultry farms is when birds are being caught and the sheds are being cleared. The decommissioning and extension of the sheds has resulted in some of the areas where these activities occur being relocated from the front (south) to the back (north) of the property away from the closest residences. The decommissioned sheds will also provide some screening which will result in an overall reduction of the odour and noise in the direction of the nearest residence.

#### Noise

The Environmental Protection (Noise) Regulations 1997 sets assigned or maximum levels for all residences receiving noise, but because background noise levels are often very low in rural settings, rural residences may be particularly sensitive. The regulations set assigned or maximum noise levels for an LA10 of 35(dB) between 2200hours on any day to 0700hrs, which is the quietest time of the day.

The noise modelling supplied indicates that there will be little effect on the current noise levels from the property. The site plan indicates that the loading and unloading will be relocated to the northern end of the two large sheds which appears to be the best possible location and the feed silos have been relocated to the centre of the operation offering additional noise screening.



***A copy of an extract from the Noise Assessment Report is with the attachments marked SD062.3/12/06.***

There are six noise sensitive receptors at or near the recommended 300m separation distance, but only four are located within the 60deg directional contours detailed in Figure C1 – Enlarged Version of Figure 2 of the report. Of these four residence only residence 4 and 5 are near the 300m recommended separation distance, R4 347m and R5 328m, making them the primary noise sensitive receptors, residence 7 and 8 are located behind existing earth contours and remnant vegetation.

As a part of the assessment process the complainant was consulted regarding noise and the residence confirmed noise details supplied in the report, which advises that fan noise is not a significant issue, the resident advised that noise from trucks leaving the site was far more intrusive.

#### Drainage and Nutrient Management

The Environmental Code of Practice for Poultry Farms in Western Australia states that on a well run farm, all nutrient rich material that is produced onsite is effectively contained until removed off site. To ensure all nutrient rich material is managed effectively, the sheds should be located on an elevated well drained site more than 2m above ground water. Vegetative buffers of resilient local native species should be maintained as a buffer between poultry sheds and significant wetlands. Further, drainage and stormwater swales shall be well grassed to reduce storm and wash down water velocity and assimilate nutrients to protect wetlands and water ways.

The farm sheds are constructed with a concrete base and a plinth that contains all waste material until removal off site. When the sheds are cleared, the bulk of the waste is removed by machinery with the sheds then being brushed clean with a mechanical sweeper that removes any residual solid waste. The final wash down before sanitising removes any dust left behind by the mechanical brush. As there is so little waste, a simple combination of short shallow grassed swales is used with regular mowing to manage nutrients and the sandy site conditions accommodate all the storm water without the need for compensating basins or evaporative ponds.

With the decommissioning of the two sheds and the conversion to tunnel ventilation, the small increase of bird numbers can be accommodated within a reduced floor and roof area. Therefore, there will be a reduction in storm water loads and no significant increase on solid waste and waste water loads.

#### Conclusion

The application is for a small extension to an existing small to medium sized broiler farm in an area zoned rural. An addition of approximately 937m<sup>2</sup> to existing shed 6, upgrading two existing sheds to climate control and the decommissioning of sheds 1 and 2 appears to result in a reduction of off site impacts in the direction of the closest residence.

Council's Principal Environmental Health Officer supports the proposal subject to the implementation of a number of conditions.

#### Engineering Comments

Council's Subdivisional Engineer has advised that the following requirements should be incorporated on any recommended approval:

- *The crossover servicing the Poultry Sheds are to be sealed and constructed to the Shire's Commercial Standard and are to have a minimum width of 6.0m;*
- *The internal driveway to be constructed to a compacted limestone standard; and*

The requirements for a Drainage and Nutrient Management Plan and Traffic Management Plan to be prepared will be included within the Officer recommendation.

### Statutory Context

The subject site is zoned Rural. Town Planning Scheme No. 2 (TPS 2) states that the purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area. In the Rural zone Poultry Farm is an "AA" use (discretionary).

The site does not fall within the Poultry Farm Special Control Area recognised in TPS 2.

A use classification of 'AA' means that the Council may, at its discretion, permit the use. However, a discretionary use should only be granted approval if the Council is satisfied that the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality and if the Council is satisfied that the proposed use will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

Clause 6.4.2 of Town Planning Scheme No. 2 requires the Council to have regard to the following factors in determining an application for planning consent:

- "a) the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- (c) the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- (d) the provisions of the Scheme and any Council policy affecting the land;*
- (e) any comments received from any authority consulted by the Council;*
- (f) any submissions received in response to giving public notice of the application;*
- (g) the orderly and proper planning of the locality; and*
- (h) the preservation of the amenity of the locality."*

Under the Metropolitan Region Scheme (MRS) the land is also zoned Rural.

Normally the single planning approval granted by a local authority represents approval under both the MRS and the local authority town planning scheme (TPS). This is by virtue of the Notice of Delegation issued by the Western Australian Planning Commission (WAPC) under the WAPC Act 1985, which delegates the power to issue approvals under the MRS to local government. However, in the case of certain types of applications the WAPC has made resolutions under Clause 32 of the MRS calling in the power of determination. This is the case for all applications involving new poultry farms or extensions to existing farms. Accordingly, the application has been referred to the WAPC for determination under the MRS. The Shire's decision may only relate to TPS 2.

WAPC Statement of Planning Policy No 4.3 – Poultry Farm Policy, applies to the proposal.

### Application requirements under TPS 2

Although the proposal is not for land within the Poultry Farm Special Control Area, the issues raised for consideration in Part X are informative and can reasonably be used as a reference against which the proposal can be assessed. One issue of significance raised in Part X, and which is relevant whether or not a proposal is within the Special Control Area, is the need for the developer to identify and assess likely environmental impacts (odour, noise, dust, traffic movement and visual impact) and to show how the impacts are to be managed.

The DoE concurred that an assessment of odour impacts should be undertaken as part of the application. Accordingly, as previously stated in this report, the applicant was requested to provide this supplementary information and has done so for Officer assessment.

### Compliance with TPS 2

If the proposal was within the Poultry Farm Special Control Area, it could be treated as a “P” use if it complied with the stipulated requirements. It is instructive to consider how the proposal performs in that regard:

<b>Scheme Provision</b>	<b>Complies?</b>	<b>Comments</b>
Controlled environment sheds or other (more superior) best practice controlled environmental technology, will be used to house the poultry.	Complies	N/A
There will be an internal loop road to allow articulated vehicles and truck and dog configurations to enter and leave the site, and service the facility, in a forward direction.	Does not comply	The relocation of the loading area to the northern end of the sheds reduces off site noise and odour impacts and is therefore seen to be a positive outcome even though turning circles appear small.
Landscaping and screening of the poultry sheds and surrounds accords with the “Standards for Revegetation on New Poultry Farms”.	Does not comply	The existing landscaping is sparse and does not adequately screen the broiler sheds and associated facilities from the road or adjacent properties. If approval is granted then appropriate conditions should be placed on the approval for the extensions requiring the landscaping around the existing sheds to be brought up to standard and the implementation of vegetation screening for the new sheds.
All litter material and dead birds will be disposed of off the site and in accordance with best practice.	Does Not Comply	No information has been provided detailing how litter material and dead birds are to be disposed of. A condition addressing this requirement can be included on the approval.
A sign/s is placed on the site in a visible location to the satisfaction of the Council indicating the type of operation, hours of operation and possibility of undesirable environmental impacts on the surrounding areas as specified in schedules 1 and 2 of the Commission’s Statement of Planning Policy No. 5 Poultry Farms Policy.	Does not comply	This requirement was not inserted into the Scheme until 1999, years after the farm was first established. If approval is granted it is recommended that a condition be imposed requiring the erection of a sign on the Gossage Road frontage of the site containing all of the required information.
Setbacks & Separation Distances: 500 metres from any existing or future residential zone;  300 metres from any existing or future rural-residential zone;  200 metres from any wetland subject to Water and Rivers Commission advice;	Complies  Complies  Complies	The existing broiler sheds are located 800 metres from the northern (rear) boundary of the site, 125 metres from the southern (front) boundary, 233 metres from the eastern boundary and 9.1 metres from the western boundary so these lesser setbacks may be applied to the respective boundaries. The extension of shed 6 will be 750 metres from the northern boundary.

<b>Scheme Provision</b>	<b>Complies?</b>	<b>Comments</b>
100 metres from the boundary of the Poultry Farm or in the case of extensions to the existing farms where a setback is already less than 100 metres then the lesser setback may be applied to that boundary.	Complies	The decommissioning of sheds 1 and 2 increases the internal buffer to the west from 9m to > 50m.
All the application requirements have been provided and the Council is satisfied with the establishment, operations and management and the impacts of the proposed development on the local environs.	Generally complies	All application requirements have not been provided however supplementary information relating to odour and noise has been submitted as required by the Shire. A number of complaints with regard to odour and noise have been received by the Shire with regard to this farm since commencement of operation.

### Conclusion

The subject farm is within the Rural zone and as such the Council may exercise discretion to approve the use. The proposed 937m<sup>2</sup> addition to existing shed 6 will result in an increase of between 5 000 to 15 000 birds per batch. This increase is considered relatively minor when looking at the existing operation on site. Existing sheds 1 and 2 will be decommissioned and used for general storage. As these two sheds will no longer be used to house birds, the separation distance from the western boundary to the closest poultry shed will be increased from 9.1 metres to 54.3 metres.

It is considered that, subject to the recommended conditions, the proposed poultry farm extension can be accommodated on site without posing significant impacts on adjoining properties. It is therefore recommended that the proposal be conditionally approved.

**Voting Requirements:** Normal

### **SD062/12/06 Officer Recommended Resolution:**

The application for approval to commence development of extensions to the existing Poultry (Broiler) Farm on Lot 419 (526) Gossage Road, Oldbury be approved subject to the following conditions:

#### GENERAL

1. Development shall be in accordance with the approved plans except as otherwise required by a condition of this approval.
2. A building licence being obtained prior to the commencement of any of the works covered by this approval including earthworks.

#### ENVIRONMENTAL MANAGEMENT PLAN

3. An Environmental Management Plan shall be prepared for the farm to the satisfaction of the Shire and shall be submitted to and approved by the Shire prior to the commencement of the use covered by this approval.
4. In carrying out the development the approved Environmental Management Plan must be complied with at all times.
5. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle in the new sheds and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:

- a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site.
- b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).
- c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of operations against the Environment Protection (Noise) Regulations and the Environmental Protection Authority's Guidelines for the Assessment of Odour Impacts.
- d) an evaluation of its response to any complaints.
- e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.
- f) The results of monitoring that is conducted throughout the year at such times and for such periods as specified in the Environmental Management Plan or in relation to any written notice issued under Condition 6.

A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.

- 6. In the event the Shire is not satisfied with any audit, the Shire may by notice in writing require the applicant to take the action stipulated in the notice in order to ensure the approved Environment Management Plan is complied with.
- 7. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the management guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australian May 2004 as amended from time to time.

#### VEGETATION MANAGEMENT

- 8. Prior to the issue of a Building Licence for the shed addition, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and plant species to be established to help screen the development from adjoining properties.
- 9. The proposed development shall not commence until the Shire has approved the Landscape and Vegetation Management Plan in writing.
- 10. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of the development approval being granted and is to be completed within three years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
- 11. In the event of livestock grazing occurring on the subject land the landowner shall fence the existing revegetation areas.
- 12. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.

#### DRAINAGE & NUTRIENT MANAGEMENT

- 13. The proponent shall prepare a Drainage and Nutrient Management Plan for approval by the Shire prior to the issue of a building licence for the new sheds and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety prior to the commencement of the use of the new poultry sheds.

14. The approved Drainage and Nutrient Management Plan must be complied with at all times.
15. The owner shall ensure that the use of water for wash down is minimised.
16. Any discharge of water (washdown water, stormwater) from the premise including seepage to groundwater, other than directly to sewer or septic systems, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanism to remove nutrients and chemical agents to the satisfaction of the Shire.
17. Separate facilities should be provided for the retention of both washdown (and other waste waters) and storm waters to prevent the settling pond overflowing during major storm events and unfiltered waste waters possibly impacting on surface or ground waters.
18. All water treatment facilities are to be regularly maintained to minimise the discharge of nutrients, total suspended dissolved solids, total suspended solids and other pollutants to ground and surface water resources and removal of build-up when required.

#### STORAGE AND DISPOSAL OF CHEMICALS, FEED AND WASTE MATERIALS

19. The owner shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the development.
20. The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturer's recommendations.
21. No chemicals or potential liquid contaminants are to be disposed of on-site.
22. Stock feed is to be stored within containers that prevent access by vermin and native wildlife.
23. All solid wastes (including poultry litter and spilt feed) should be contained in weather-proof conditions (on a covered hardstand) until removed from the site for disposal at an approved facility.
24. Manure shall not be disposed of on site and all temporary stockpiles of manure are to be contained in covered storage compounds which maintain them in a dry condition and do not allow access by flies.
25. Dead birds shall be stored in a cool-room facility and removed from the site on at least a weekly basis for disposal at an approved facility. Vehicles used to remove dead birds from the premise shall be covered to reduce odour emission.
26. All feed deliveries shall take place between the hours of 7.00am and 7.00pm, except where mechanical breakdown off site or other similar event results in or requires emergency delivery of feed outside of those times.

#### NOISE

27. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.
28. All alarms associated with the operation of the poultry farm (ie power supply, temperature, feed and the like) shall be amended so that they are non-audible outside of any structure on the farm. Alternative non-audible methods of notification such as personal pagers carried by farm operators and employees when outside the structures shall be used to the satisfaction of the Shire.
29. The applicant is required to employ a suitably qualified person to reassess noise levels and present a Noise Compliance and Verification Report to the Shire for assessment within 28 days of the completion of the first growing cycle. The noise verification report is to contain a compliance or certification statement and detail the location of reference positions. If the compliance report shows that noise levels exceed assigned or maximum levels at the sensitive receptors then the noise

consultant is to provide a noise reduction plan with engineering and/or operational noise management solutions.

30. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.

#### DUST

31. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build up in poultry sheds.
32. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
33. Litter removal from the sheds shall be scheduled for times when dust nuisance to neighbours is likely to be minimised to the satisfaction of the Shire.
34. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using where necessary appropriate dust suppression techniques.

#### LIGHTING

35. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.

#### ENGINEERING

36. Crossovers to be constructed in accordance with Serpentine Jarrahdale Shire standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
37. All driveway surfaces are to be constructed with a limestone seal and compacted to limit the generation of dust and to ensure that no visible dust extends beyond the site boundary.
38. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.

#### VISUAL AMENITY

39. The external cladding of the new poultry sheds shall match that of the existing poultry sheds.

#### SIGNAGE

40. A notice indicating the type of operation, hours of operation and potential impacts of the poultry farm operation is to be displayed adjacent to the Gossage Road frontage of the site in accordance with the specifications contained in the Western Australian Planning Commission's Statement of Planning Policy No. 4.3 - Poultry Farms Policy, to the satisfaction of the Shire.

#### ODOURS

41. Odour emissions must at all times comply with the Environmental Protection Authority's document "Guidance for the Assessment of Environmental Factors – Assessment of Odour Impacts from New Proposals No 47" as amended from time to time.

#### Advice Notes:

1. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region

- Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
  3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development.
  4. The operations should be carried out in accordance with the document 'Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas' produced by the Water and Rivers Commission.
  5. The Environmental Management Plan required by condition 3 shall be prepared in accordance with the EMS for Meat Chicken Farms - Example Environmental Management Plan published by the Australian Government Rural Industries Research and Development Corporation.
  6. Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.
  7. Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.
  8. This approval is issued under the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Separate approval under the Metropolitan Region Scheme is also required to be obtained from the Western Australian Planning Commission prior to issue of a Building Licence and the commencement of any of the works covered by this approval.

LOST 0/7

During debate Cr Murphy foreshadowed that he would move the addition of a condition 42 stating that the existing disused sheds are to be demolished within 90 days of the completion of the new sheds to the satisfaction of the Principal Building Surveyor.

**SD062/12/06 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Murphy seconded Cr Kirkpatrick**

**The application for approval to commence development of extensions to the existing Poultry (Broiler) Farm on Lot 419 (526) Gossage Road, Oldbury be approved subject to the following conditions:**

**GENERAL**

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- particular assessment of operations against the Environment Protection (Noise) Regulations and the Environmental Protection Authority's Guidelines for the Assessment of Odour Impacts.
- d) an evaluation of its response to any complaints.
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- 37. All driveway surfaces are to be constructed with a limestone seal and compacted to limit the generation of dust and to ensure that no visible dust extends beyond the site boundary.**
- 38. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.**

#### **VISUAL AMENITY**

- 39. The external cladding of the new poultry sheds shall match that of the existing poultry sheds.**

#### **SIGNAGE**

- 40. A notice indicating the type of operation, hours of operation and potential impacts of the poultry farm operation is to be displayed adjacent to the Gossage Road frontage of the site in accordance with the specifications contained in the Western Australian Planning Commission's Statement of Planning Policy No. 4.3 - Poultry Farms Policy, to the satisfaction of the Shire.**

#### **ODOURS**

- 41. Odour emissions must at all times comply with the Environmental Protection Authority's document "Guidance for the Assessment of Environmental Factors – Assessment of Odour Impacts from New Proposals No 47" as amended from time to time.**
- 42. The existing disused sheds are to be demolished within 90 days of the completion of the new sheds to the satisfaction of the Principal Building Surveyor.**

**Advice Notes:**

1. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development.
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6. Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.
7. Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.
8. This approval is issued under the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Separate approval under the Metropolitan Region Scheme is also required to be obtained from the Western Australian Planning Commission prior to issue of a Building Licence and the commencement of any of the works covered by this approval.

**CARRIED 10/0**

**Committee Note:** The Officer Recommended Resolution was amended by adding condition 42 stating that the existing disused sheds are to be demolished within 90 days of the completion of the new sheds to the satisfaction of the Principal Building Surveyor.

SD065/12/06 PROPOSED RESIDENTIAL SUBDIVISION (BYFORD MAIN PRECINCT) – LOTS 1, 2, 3, 4 AND 21 ABERNETHY ROAD, BYFORD (S132915)		
Proponent:	Taylor Burrell Barnett Planning Consultants	<p><b>In Brief</b></p> <p>An application for the subdivision of the subject land has been referred to the Council for comment from the Western Australian Planning Commission. The subdivision will create 152 residential lots and areas of public open space.</p> <p>It is recommended that the subdivision application be supported.</p>
Owner:	LWP Byford Syndicate Pty Ltd	
Officer:	Brad Gleeson, Executive Manager Planning And Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	8 December 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 1 November 2006  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: Approximately 14 hectares  
 L.A Zoning: Urban Development

MRS Zoning:	Urban and Urban Deferred
Byford Structure Plan:	Byford Structure Plan (2005) – Residential R20, Neighbourhood Park and Multiple Use Corridor. Byford District Structure Plan (2006) – Residential R5 and R20/25, Local Park, Multiple Use Corridor, High School and Drainage Basin
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	November 2006

### **Background**

The Byford area and in particular this property, has been the subject of detailed land use planning and drainage investigations by the Shire and landowners for many years. This includes, but is not limited to:

- \* Byford Urban Stormwater Management Strategy (BUSMS) - Serpentine Jarrahdale Shire
- \* Byford Structure Plan 2005 - Serpentine Jarrahdale Shire
- \* Byford Main Precinct Local Structure Plan 2005/2006 - LWP / Taylor Burrell Barnett
- \* Byford District Structure Plan 2006 including retail, traffic and urban design studies - Serpentine Jarrahdale Shire

#### **Local Structure Plan - Main Precinct (2005)**

A Local Structure Plan (LSP) was lodged with the Shire by the landowners in late 2005, relating to land within the area designated as the Main Precinct. This LSP covered the land owned by LWP south of Abernethy Road and an area of land north of Abernethy Road (west of the railway line) and had an approximate area of 330 hectares. The LSP excluded land not owned by LWP.

***A copy of the original Main Precinct Local Structure Plan boundary is with attachments marked SD065.1/12/06.***

#### **LSP - Main Precinct (2006)**

An updated LSP was recently submitted to the Shire relating to the Main Precinct area. The LSP was reduced in area to only cover land south of Abernethy Road, west of Warrington Road, north of Orton Road and east of Tonkin Highway. It excluded land south Orton Road through to Cardup Brook and land along Abernethy Road east of Warrington Road.

***A copy of the revised Main Precinct Local Structure Plan boundary and Structure Plan is with attachments marked SD065.2/12/06.***

The revised LSP was lodged in order to exclude areas of land that were the subject of further planning investigations by the Shire as part of the Byford District Structure Plan 2006 study. These major issues included:

- \* Location and form of the Town Centre;
- \* Location of major distribution roads;
- \* Location and width of multiple use corridors and additional areas of public open space;
- \* Location and size of the High School site;
- \* Provision of employment generating land along Orton Road; and
- \* Alignment and width of the Orton Road district distributor road.

Following consideration of the BDSP 2006 in early 2007 by Council, the revised LSP for the main Precinct area will need to be assessed and progressed.

### Subdivision application (Stage 1)

A subdivision application was lodged with the Western Australian Planning Commission (WAPC) for a proposed residential subdivision within the Byford Main Precinct area. The subdivision has been referred to the Shire for comment by the WAPC.

***A copy of the original Byford Structure Plan 2005, Byford District Structure Plan 2006 and subdivision application is with attachments marked SD065.3/12/06.***

Details of the proposed subdivision are outlined below:

1. Lots

Provision of 152 residential lots incorporating:

- Larger lots of around 2,000m<sup>2</sup> fronting Abernethy Road.
- Standard R20 lots.
- Cottage lots at a R30 density fronting the multiple use corridor.

2. Public open space

- The first stage of a multiple use corridor / drainage area is proposed with an area of 8080m<sup>2</sup>.
- Two small local parks are provided connecting the local residential streets with Abernethy Road.

3. Cottage lots

Fifteen cottage lots are provided at the southern edge of the subdivision with some of the lots facing onto the multiple use corridor. These lots have rear laneway access and will require the preparation of a separate Detailed Area Plan.

4. Drainage

No details have been provided with the subdivision application with regards to the methods of stormwater disposal and attenuation in the subdivision to meet water quality/quantity requirements. It is not known as to what extent the development complies with the Shire's BUSMS study, especially regarding the use of drainage swales off line detention basins and meeting water quality/quantity targets as per the Peel-Harvey Catchment Statement of Planning Policy. The method of disposal of drainage for Stage 1 is not known at this stage and may require the provision of temporary compensating basins, pending construction of the multiple use corridors. Further discussions will occur with the developer regarding stormwater requirements for the subdivision.

The landowner will need to undertake a detailed drainage study and report addressing stormwater quality/quantity issues for the whole land project and Stage 1.

### **Sustainability Statement**

***Effect on Environment:*** The property is completely cleared with a number of introduced trees planted in the paddocks. The development will require the filling of the land in accordance with the BUSMS report, consistent with other developments in the Byford area.

No details have been provided with the subdivision application regarding the disposal of stormwater or water quality management strategies. This matter will be subject of further discussions with the proposal and imposition of conditions on the subdivision approval to ensure compliance with the Shire BUSMS report and standard drainage requirements.

Stormwater will need to be temporarily disposed of into a drainage basin area, pending completion of the construction of stages of the multiple use corridor. No discharge greater than the pre-development flows is permissible from the site.

The subdivision provides a substantial number of lots orientated in an east-west direction. This allows maximum benefits to be obtained in designing dwellings that utilise solar energy efficient principles.

**Resource Implications and Use of Local, renewable or recycled Resources:** The land will need to be substantially filled, therefore requiring sand to be imported to the site from within and/or outside the Shire. The Shire will be encouraging the developer to introduce innovative water reuse and drainage strategies to the subdivision and overall housing estate.

The introduction of new public open space areas and a multiple use corridor will impact on the Shire with a need to manage and maintain these facilities in the future.

**Economic Viability, Economic Benefits and Social – Quality of Life:** The development as with all other subdivisions in Byford, will provide a continued ongoing economic boost to the Shire. This occurs during the construction phase of the subdivision, sale of land, construction of new dwellings and new residents moving into the Byford area.

**Social and Environmental Responsibility and Social Diversity:** The subdivision primarily caters for single residential lots. However a large number of smaller cottage lots have been included which will allow a range of smaller dwellings to be built for those people who do not require a large traditional home on a 500m<sup>2</sup> lots.

Public open space areas will provide active and passive recreational opportunities to the Shire.

**Statutory Environment:**

Planning and Development Act  
Town Planning Scheme No. 2  
Byford Structure Plan 2005

**Policy/Work Procedure  
Implications:**

Byford District Structure Plan 2006

**Financial Implications:**

There are no Financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**1. People and Community**

*Objective 1: Good quality of life for all residents*

**Strategies:**

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
6. Ensure a safe and secure community.

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

**Strategies:**

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

**2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

*Objective 2: Strive for sustainable use and management of natural resources*

Strategies:

1. Implement known best practice sustainable natural resource management.
4. Governance

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards

**Community Consultation:**

Required: Not required for a subdivision application.

**Comment:**

The subdivision is presented to Council as the proposed layout is not consistent with the recently considered draft Byford District Structure Plan 2006. The areas of difference between this plan and the subdivision layout is:

- High school site

The high school site has been moved west from the original location and increased in size under the BDSP 2006. A portion of the High School site now encroaches onto Lot 3 (west of Warrington Road). The rationale for these changes in the 2006 plan were:

1. A redesign of the layout of the Town Centre and its extension westwards along Abernethy Road, necessitated the movement of the High School site further west.
2. The size of the High School site was increased from the standard 10 hectare site to about 12 hectares. The increased size of the site was proposed by the Shire to cater for the very large numbers of students that would use this School and the fact that a second High School in the Byford community was not being provided.

- Local Park

The local park has been moved from a site on Abernethy Road, to the east on the corner of Abernethy Road and Warrington Road. This would provide a more strategically located park as an entry statement to the residential area in this precinct.

- Road layout

The original plan had a diagonal road from Abernethy Road heading south west to the neighbourhood centre. The redesign of the Structure Plan provides a more orderly east-west and north-south functional road hierarchy that still provides direct access between the Town Centre, neighbour centre and residential areas.

Warrington Road was moved further west to accommodate the relocated high school site.

- Drainage



The revised Structure Plan shows an indicative location of the major drainage basin on this land in the Warrington Road area. This designation was made to ensure that stormwater retention was provided and stored within the local drainage catchment area and not disposed of within public open space areas or the multiple use corridor.

#### Officer comment on issues

Staff have recently met with the Department of Education and Training (DET) to discuss issues associated with a school sites in the Byford area. The meeting reviewed the BSP (2005) and proposed changes outlined in the new plan (BDSP 2006). DET will be providing a response to the Shire on the new plan shortly.

The DET have confirmed that they would accept the High School site remaining at its original size of 10 hectares and do not need an additional 2 hectares of land. In relation to the new location of the School, they were concerned with the shape of the site and would prefer a square or rectangular site. They also would prefer to remain as close as possible to the Shire's Recreation Centre to allow for future use of these facilities (subject to further negotiations with the Shire).

It is recommended that based on discussion with DET, that the additional land proposed for the high school site be removed and reverts back to a 10 hectare site. On this basis, land west of Warrington Road would not be needed and can revert back to residential land, as per the original BSP 2005.

Notwithstanding, that the Shire has yet to consider the submissions received on the BDSP 2006 and not formally made any decisions on the new plan, it is recommended that Council support the Stage 1 subdivision application for this land. Decisions made on this subdivision would not compromise the final planning decisions made by Council on the BDSP 2006.

Overall, the subdivision plan is considered acceptable. However, there are some issues in the subdivision that require review including:

- Finalisation of the road width requirements for Abernethy Road, Warrington Road and Mead Street,
- Rationalisation of the public open space areas,
- Preparation of a drainage and nutrient management strategy for the site,
- Preparation of a landscape masterplan for the public open spaces and all streets; and
- Provision of traffic management devices in the subdivision and dual use paths

#### Conclusion

It is recommended that the subdivision application be supported as:

1. The adopted BDSP 2005 designated this area as a Residential zone with some small areas of public open space.
2. The major impact on this land from the BDSP 2006 was that a significant portion of the High School site (approximately 2 hectares) was placed on land previously shown as residential. Based on advice from the DET, this land is no longer affected by the High School site as the area would be reduced to 10 hectares.
3. The BDSP 2006 will need to change to reflect the moving of the High School back eastwards. This would therefore not be an impediment to supporting this subdivision proposal.

#### **Voting Requirements:**

Normal

**SD065/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Price**

**Council advises the Western Australian Planning Commission that it supports the subdivision of Lots 1, 2, 3, 4 and 21 Abernethy Road, Byford subject to conditions as being deemed necessary by the Executive Manager Planning and Regulatory Services.**

**CARRIED 10/0**

SD066/12/06 FINAL ADOPTION OF LOCAL PLANNING POLICY LPP20 - SEA CONTAINERS AND OTHER RELOCATABLE STORAGE CONTAINERS (A1048/03)		
Proponent	Serpentine Jarrahdale Shire	<b>In Brief</b>  The advertising period has closed for the draft local planning policy prepared to control the placement of sea containers and other similar containers. No submissions were received during the advertising period. It is recommended that the policy be adopted without modification.
Owner	Not applicable	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously	SD039/10/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

**Background**

**Comment**

There has been concern expressed by Councillors, Shire officers and community members over the growing proliferation of sea containers being used as sheds on properties throughout the Shire. The unsightly nature of most of these sea containers has the potential to seriously affect the amenity and rural landscape character of the Shire.

Earlier this year, the Council refused to grant retrospective planning approval for the use of a sea container as an outbuilding on a residential lot in Mundijong. The applicant lodged an application for review of the decision with the State Administrative Tribunal (SAT). A hearing on the matter was subsequently held and following the hearing the SAT advised that the following order had been issued:

1. *The application for review is dismissed.*
2. *The decision of the respondent to refuse to grant retrospective approval for the placement and use of a sea container as an outbuilding on Lot 701 (No. 1) Wallace Street, Mundijong is affirmed.*

The reason for SAT's decision is summarised below:

*The Tribunal found that the sea container was clearly visible from Adonis Street and from surrounding properties and that the visual outlook from the street and the residences was significantly diminished and the character of the area was negatively affected by the visual prominence of the sea container. The Tribunal considered that approval of development that diminished the existing residential character of the area and negatively impacted on the existing and future amenity of the area was contrary to orderly and proper planning. Furthermore, the Tribunal considered the form of the structure was discordant with the*

*residential character of the area and visually detracted from the streetscape and significantly diminished the visual outlook of adjoining properties.*

With this precedent now set and the Council's existing concern with regard to the growing proliferation of these containers throughout the Shire it has been determined that a Local Planning Policy is required to clearly control where and in what manner sea containers will be permitted in the Shire.

The draft policy was adopted by the Council for the purpose of advertising at the Ordinary meeting of the Council held on 23 October 2006.

### **Sustainability Statement**

Controlling the location, appearance and number of sea containers permitted in the Shire will help to ensure that an appropriate and desirable level of visual amenity is maintained.

### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No.2

Clause 9.1 of Town Planning Scheme No. 2 provides the mechanism by which the Council may make Local Planning Policies as follows:

#### **9.1 LOCAL PLANNING POLICIES**

**9.1.1** *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:-*

- a) generally or for a particular class or classes or matters and;*
  - b) throughout the Scheme Area or in one or more parts of the Scheme Area;*
- and may amend or add to or rescind a Policy so prepared.*

The procedure for making a Local Planning Policy is contained in clause 9.3 of Town Planning Scheme No. 2 as set out below:

#### **9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY**

*A Local Planning Policy shall become operative only after the following procedures have been completed:-*

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*

**Policy/Work Procedure**

**Implications:**

Nil

**Financial Implications:**

There are no Financial implications to Council related to this issue.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**1. People and Community**

*Objective 1: Good quality of life for all residents*

**Strategies:**

5. Value and enhance the heritage character, arts and culture of the Shire.

**4. Governance**

*Objective 1: An effective continuous improvement program*

**Strategies:**

1. Identify and implement best practice in all areas of operation.

*Objective 3: Compliance to necessary legislation*

**Strategies:**

1. Ensure development and use of infrastructure and land complies with required standards.

**Community Consultation:**

In accordance with the requirements of Clause 9.3 of Town Planning Scheme No. 2 the draft policy was advertised twice in a local newspaper (Comment News). The Shire did not receive any submissions with regard to the draft policy as a result of the public advertising.

**Conclusion**

As there were no submissions made with regard to the draft policy it is recommended that the policy be adopted without modification.

**Voting Requirements:**

Normal

**SD066/12/06 Committee/Officer Recommended Resolution:**

Pursuant to Clause 9.1 of Town Planning Scheme No. 2, Local Planning Policy "LPP 20 Sea Containers and other Similar Relocatable Storage Containers" as contained below be adopted:

**LPP 20 SEA CONTAINERS AND OTHER SIMILAR RELOCATABLE STORAGE CONTAINERS**

**1.0 APPLICATION**

This policy applies to all land within the Serpentine Jarrahdale Shire.

**2.0 OBJECTIVE**

The primary objective of this policy is to regulate the use of Sea Containers and similar storage containers within the Shire in order to preserve the character and landscape amenity of the Shire.

**3.0 DEVELOPMENT CONTROL**

- 3.1 Sea containers are not permitted to be placed within a road reserve or verge.

- 3.2 Sea containers are not permitted on any land zoned Residential, Urban Development and Special Residential.
- 3.3 Planning consent may be considered in the Rural Living A, Rural-Residential, Rural, Rural Living B, Special Rural, Farmlet, Rural Groundwater Protection and Special Use Zones for the temporary storage of building materials and equipment for the duration of construction of a building or structure on that land for which the Shire has issued a Building Licence.
- 3.4 The Council may grant approval for ONE Sea Container to be kept on land zoned or approved for Commercial, Showroom/Warehouse, Highway Commercial, Town Centre, Neighbourhood Centre, Mixed Business, Industry - Light, Industry - Service or Industry - General, public reserve or any other public or Crown land subject to the following conditions:
  - 3.4.1 The container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjacent properties.
  - 3.4.2 The container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property, or the prevailing landscape.
  - 3.4.3 Sea Containers may not be used for the purpose of storing food products unless they are modified to comply with the Health (Food Hygiene) Regulations 1993.
  - 3.4.4 Refrigerator motors and other cooling devices must be modified to ensure that the noise emitted from the unit complies with the Environmental Protection (Noise) Regulations 1997.
- 3.5 The Council reserves the right to instruct a landowner to remove a sea container from land in the district if any or all of the above conditions are not carried out to the satisfaction of the Shire.

The Principal Environmental Health Officer left the meeting at 7.28pm and returned at 7.29pm.

The Executive Manager Planning & Regulatory Services left the meeting at 7.35pm and returned at 7.36pm.

#### **SD066/12/06 COUNCIL DECISION**

##### **Moved Cr Price seconded Cr Harris**

**Pursuant to Clause 9.1 of Town Planning Scheme No. 2, Local Planning Policy "LPP 20 Sea Containers and other Similar Relocatable Storage Containers" as contained below be adopted:**

#### **LPP 20 SEA CONTAINERS AND OTHER SIMILAR RELOCATABLE STORAGE CONTAINERS**

##### **1.0 APPLICATION**

**This policy applies to all land within the Serpentine Jarrahdale Shire.**

##### **2.0 OBJECTIVE**

**The primary objective of this policy is to regulate the use of Sea Containers and similar storage containers within the Shire in order to preserve the character and landscape amenity of the Shire.**

### **3.0 DEVELOPMENT CONTROL**

- 3.1 Sea containers are not permitted to be placed within a road reserve or verge.**
- 3.2 Sea containers are not permitted on any land zoned Residential, Urban Development and Special Residential.**
- 3.3 Planning consent may be considered in the Rural Living A, Rural-Residential, Rural, Rural Living B, Special Rural, Farmlet, Rural Groundwater Protection and Special Use Zones for the temporary storage of building materials and equipment for the duration of construction of a building or structure on that land for which the Shire has issued a Building Licence.**
- 3.4 The Council may grant approval for ONE Sea Container to be kept on land zoned or approved for Commercial, Showroom/Warehouse, Highway Commercial, Town Centre, Neighbourhood Centre, Mixed Business, Industry - Light, Industry - Service or Industry - General, public reserve or any other public or Crown land subject to the following conditions:**
  - 3.4.1 The container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjacent properties.**
  - 3.4.2 The container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property, or the prevailing landscape.**
  - 3.4.3 Sea Containers may not be used for the purpose of storing food products unless they are modified to comply with the Health (Food Hygiene) Regulations 1993.**
  - 3.4.4 Refrigerator motors and other cooling devices must be modified to ensure that the noise emitted from the unit complies with the Environmental Protection (Noise) Regulations 1997.**
- 3.5 The Council reserves the right to instruct a landowner to remove a sea container from land in the district if any or all of the above conditions are not carried out to the satisfaction of the Shire.**
- 3.6 Any application for the placement of a Sea Container on a Council Reserve must be referred to Council for determination.**

**CARRIED 10/0**

**Council Note:** A new motion was moved by adding part 3.6 to the Committee/Officer Recommended Resolution as a point of clarification.

Cr Kirkpatrick declared a financial interest in SD067.2/12/06 Lot 120 King Jarrah Circle, Jarrahdale – Patio, Woodshed & Pergola (retrospective) as this property belongs to Cr Kirkpatrick and he left the meeting at 7.42pm.

SD067/12/06 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief  Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

SD067.1/12/06 PLANNING SCHEME AMENDMENTS

***A copy of the Scheme Amendment Table is with the attachments marked SD067.1/12/06.***

SD067.2/12/06 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Development & Property	Approved / Refused
08/11/06	Lot 230 Silich Court, Mundijong – Overheight Shed	Approved
08/11/06	Lot 3 Richardson Street, Serpentine – Overheight & Oversize Shed	Approved
08/11/06	Lot 165 Foxton Drive, Oakford – Oversize & Overheight Shed	Approved
08/11/06	Lot 120 King Jarrah Circle, Jarrahdale – Patio, Woodshed & Pergola (retrospective)	Approved
08/11/06	Lot 301 Richardson Street, Mundijong – Oversize & Overheight Shed	Approved
10/11/06	Lot 179 Quiberon Link, Byford - Single Dwelling	Approved
16/11/06	Lot 20 Wattle Road, Serpentine – Shed & Building Envelope Relocation	Approved
16/11/06	Subdivision recommendation – Lot 23 Karbro Drive, Cardup	Approved
16/11/06	Subdivision recommendation – Lot 8 Cumming Road, Oakford	Refused
16/11/06	Subdivision recommendation – Lot 58 Clifton Street, Byford	Approved
16/11/06	Subdivision recommendation – Lot 26 Clifton Street, Byford	Approved
20/11/06	Lot 15 (232) Randell Road, Mardella – Shed & carport outside building envelope	Approved
20/11/06	Lot 202 Bilya Avenue, Mardella - Shed	Approved
24/11/06	Lot 13 Lefroy Street, Serpentine – Patio	Approved
24/11/06	Lot 5 Bullich Retreat, Jarrahdale – Single Dwelling	Approved
28/11/06	Subdivision clearance - Lot 4 & 44 Clifton Street, Byford	Approved

SD067.3/12/06 CONCEPT FORUM – DECEMBER AGENDA ITEMS

ITEMS FOR PRELIMINARY DISCUSSION	
1	Proposed Stables & Garage – Lot 53 Fremnells Vale, Cardup (P06719/02)
2	Proposed Water Tank & Fencing for Lightweight Motorcycle Club - Reserve 40950 (Lot 2987) South Western Highway, Cardup (RS0059/07)
3	Proposed Oversize And Overheight Shed – Lot 63 Robinson Street, Mundijong (P03888/03)
4	November Compliance Matters Report

**Presentations**

Western Australian Endurance Riders Association - Tom Quilty 2007 Endurance Ride (Ian Symington & Ross McCamish)  
Alcoa Five Year Mine Plan - Ken Phillips (Senior Mine Planner) & Ian Cardillini (Huntly Production Manager)  
Southern Link Road - Department for Planning and Infrastructure & consultants

**General Business**

1. Community Facilities and Services Plan to 2020 – Monthly Update
2. Development Control Unit and Subdivision Control Unit meetings held on 23 November 2006

SD067.4/12/06 PROPOSED SUBDIVISION – LOT 23 KARBRO DRIVE, CARDUP (S132491)

Owner: D & M White  
Proposal: Two Special Rural lots – 2.0381ha & 2.8298ha  
L.A.Decn: Approved  
WAPCDecn: Approved

SD067.5/12/06 PROPOSED SUBDIVISION – LOT 9007 SOUTH WESTERN HIGHWAY, BYFORD (S132642)

Owner: Bradwell Pty Ltd  
Proposal: Facilitation of water supply to Byford by the Scarp subdivision, crown reserve of 2 172m<sup>2</sup> created  
L.A.Decn: Approved  
WAPCDecn: Approved

SD067.6/12/06 PROPOSED SUBDIVISION – LOT 16 CUMMING ROAD, OAKFORD (S132504)

Owner: G & L Gason  
Proposal: Two Rural Groundwater Protection lots – 2.2113ha & 2.1036ha  
L.A.Decn: Refused  
WAPCDecn: Approved

SD067.7/12/06 PROPOSED SUBDIVISION – LOT 26 TUART ROAD, OAKFORD (S131671)

Owner: J Catalano  
Proposal: Two Rural Groundwater Protection lots – 2.0405ha & 2.0001ha  
L.A.Decn: Refused  
WAPCDecn: Approved



SD067.8/12/06 PROPOSED SUBDIVISION – LOT 6 KING ROAD, OAKFORD (S131816)

Owner: J & N Avila  
Proposal: Two Rural Groundwater Protection lots – 2.4109ha & 18.9122ha  
L.A.Decn: Refused  
WAPCDecn: Approved

**SD067/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Star seconded Cr Scott**

- 1. The Planning Information Report to 5 December 2006 be received.**
- 2. Council requests a response from the WA Planning Commission as to why they have started to approve subdivisions in Rural Groundwater Protection areas when previously they were appearing to abide by the intent of the zone and refusing the subdivisions.**

**CARRIED 9/0**

Cr Kirkpatrick did not vote and returned to the meeting at 7.44pm.

CGAM058/12/06 PURCHASE OF TRANSPORTABLE BUILDING (RS0136/01)		<b>In Brief:</b>  Council is requested to consider the purchase of a transportable building and associated fixtures and furniture to accommodate Shire Officers as a short to medium term solution until such time as the new Administration Building is constructed.  The transportable building would be constructed at the site of the current Administration Building as a stand alone structure.
Proponent:	Chief Executive Officer	
Officer:	Stephen Bell Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

**Background**

The current Serpentine Jarrahdale Shire Administration Building has reached its capacity and there are no spare workstations or useable areas within the confines of the building to house staff apart from those areas utilized by the elected members of Council (i.e. Committee Room and Lounge). Accordingly, Council is requested to consider the purchase and installation of a 12.0 metre long by 6.0 metre wide transportable building and associated fixtures and furniture as a short to medium term solution to accommodate staff until such time as the new Administration Office is constructed.

The brief for the engagement of an Architect to design the new Administration Office is currently being prepared. However, it is not expected that a new Administration Building will be ready for occupation until 2.5 years time due to the time required to prepare the detailed design drawings and tender documentation, advertise the project by public tender, construct the new building in a volatile building market, and the resolution of the future location of the Serpentine Jarrahdale Grammar School. Hence the need for additional office space to house staff is a matter of urgency if Council is to meet its ongoing service obligations to the Serpentine Jarrahdale community.

## **Sustainability Statement**

The purchase and installation of a transportable building is not sustainable as it is merely a short term solution to address the Shire's need for office space to accommodate existing staff numbers. The transportable building does not address the long term staffing and accommodation needs of the organisation and it may be that an additional transportable building may be required if the organisation continues to grow to meet the service needs of the Serpentine Jarrahdale community. However, this will be fulfilled in 2.5 years time when the new Administration Building is constructed.

### **Statutory Environment:**

The purchase of a transportable building will need to be undertaken in accordance with the Part 4 of the Local Government (Functions and General) Regulations 1996 which indicates that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The Tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

### **Policy Implications:**

There are no policy implications for this report.

### **Financial Implications:**

The estimated cost to fabricate, install, fit-out the transportable building, and relocate the existing records/archive transportable building at the rear of the current Administration Building is not expected to exceed \$90,000.

The fabrication, installation and fit-out of the transportable building could be funded from the monies set aside in the 2006/2007 Annual Budget for the design of the new Administration Centre. It is expected that not all of this funding will be required by the time a Consultant Architect is engaged to deliver the new Administration Building project.

### **Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

#### **2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

##### Strategies:

4. Reduce water consumption.
5. Reduce green house gas emissions.

*Objective 2: Strive for sustainable use and management of natural resources*

##### Strategies:

2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

#### **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.

*Objective 2: Formation of Active Partnerships to progress key programs and projects*

Strategies

2. Improve customer relations service.

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Consultation has occurred with the Chief Executive Officer and Executive Managers / Directors in relation to this item.

**Comment:**

The need for office space to house staff has reached a critical point as there are no areas or workstations available to accommodate the existing and future staffing requirements of the organisation. Accordingly, the Council is requested to consider the purchase and fit-out of a transportable building to ease the short to medium term needs of the organisation until such time as the new Administration Building in Mundijong is constructed.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM058/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Star**

**That:**

- (1) Council endorses the purchase, installation, and fit-out of a 12 metre long by 6.0 metre wide transportable building to accommodate Shire staff as a short to medium term solution until such time as the new Administration Building is constructed.**
- (2) Council endorses the utilisation of funds from the Administration Building Reserve to purchase, install, and fit-out a transportable building up to a limit of \$90,000, and declares these costs authorised expenditure.**
- (3) Council amend the 2006/07 statutory budget accordingly.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

CGAM059/12/06 PURCHASE OF NEW MOTOR VEHICLES (A1084/01)		
Proponent:	Strategic Community Planning	<p>Council is requested to consider the purchase of two (2) new motor vehicles and the replacement of an existing motor vehicle which forms part of its light vehicle fleet.</p> <p>All of the identified purchases have not been included in the adopted annual budget for 2006/2007.</p>
Officer:	Stephen Bell Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

### **Background**

At the present time it is extremely difficult for the Serpentine Jarrahdale Shire to recruit highly skilled professionals and other staff due to a skills shortage and volatile labour market in Western Australia. In addition, the Shire's salary system and associated conditions of employment often are not as attractive as those offered by the private and mining sectors and other local government authorities in the Perth metropolitan area.

The current (and previous) Executive Manager Strategic Community Planning has been actively attempting to recruit and/or head-hunt employees to the positions of Senior Strategic Planner and Environmental Coordinator to advance projects within the Strategic Community Planning directorate. On each occasion however discussions have centred on conditions of employment and the provision of a motor vehicle.

This report seeks support from Council to purchase two (2) motor vehicles to entice suitable candidates to the positions of Senior Strategic Planner and Environmental Coordinator.

In addition to the purchase of motor vehicles for the Senior Strategic Planner and Environmental Coordinator, the Executive Manager Strategic Community Planning's vehicle is due for trade as a result of a high number of kilometres (i.e. >50,000km). Hence, the author of this report seeks approval from Council to replace this vehicle before the trade in price depreciates further.

### **Sustainability Statement**

Transport is the fastest growing source of greenhouse gas emissions in Australia and is one of the primary causes of global warming and climate change. Scientific projections suggest that in order to stabilize the Earth's climate that we need to cut our per capita emissions by 60-80%. This is not achievable with current technology and it may be several decades before the combination of appropriate fuels, lightweight materials and fuel-efficient drive-trains substantially reduce carbon dioxide (CO<sub>2</sub>) emissions from the transport fleet.

Nonetheless, the amount of CO<sub>2</sub> a vehicle produces is directly linked to the type of fuel it uses and its fuel consumption. With fuel prices continually on the rise, a fuel-efficient vehicle means more money in the pocket of vehicle owners.

A litre of LPG contains less energy than a litre of petrol, so LPG consumption per 100 km is higher than petrol consumption for models that have LPG and petrol versions. However, it burns a lot cleaner than petrol, so emissions are lower.

On the other hand, diesel versions are usually more fuel-efficient than petrol versions of the same model. However, they produce particulate matter and higher levels of nitrogen oxides,

so their air pollution rating is lower (On the Green Vehicle Guide), the one-star list is entirely made up of diesel vehicles, mainly large 4WDs).

In considering the above, it is therefore imperative that the Shire purchase vehicles that are cost and fuel efficient and ones that have a relatively low environmental impact through vehicle emissions.

**Statutory Environment:**

Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996

The purchase of new vehicles will need to be undertaken in accordance with the Part 4 of the Local Government (Functions and General) Regulations 1996 which indicates that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$50,000.00.

The Tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996.

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

**Policy Implications:**

Council Policy AP20 – Vehicles  
Work Procedure CWP34 – Specific Conditions

**Financial Implications:**

The positions of Senior Strategic Planner and Environmental Coordinator would ordinarily qualify for a vehicle equivalent to a Toyota Camry (base model). Hence, if two (2) vehicles were to be purchased the total cost to Council would be approximately \$50,000.

The Executive Manager Strategic Community Planning currently has a Nissan X-Trail Registration Number SJ044. It is assumed that a trade price of \$23,000 (minimum) would apply as defined by the Red Book. A new Nissan X-Trail would be approximately \$32,000. Therefore the net cost to Council to replace the vehicle would be approximately \$9,000.

The total cost of purchasing two (2) new motor vehicles and replacing one (1) existing motor vehicle is approximately \$59,000.

The Shire's Plant Reserve currently has a total of \$258,457.97 as at 31 July 2006 for the purchase of plant and equipment. These funds have been built up through annual plant depreciation costs and the judicious buying and selling of plant and equipment by Shire Officers.

The purchase of the motor vehicles can be accommodated by the Plant Reserve, however it must be noted that the Reserve will need to be reimbursed in the 2007/2008 financial year to facilitate plant purchases in that year in accordance with the adopted Plant

Replacement Program. For example, the Shire's motor grader is due for replacement in the 2007/2008 financial year.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

5. Reduce green house gas emissions.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

*Objective 3: Compliance to necessary legislation*

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Consultation has occurred with the Chief Executive Officer and Executive Managers / Directors in relation to this item.

**Comment:**

The Plant Reserve has been established to facilitate the purchase and replacement of heavy plant and equipment and light vehicles. As at 31 July 2006 a total of \$258,457.97 exists within the Plant Reserve. All of the plant and equipment for 2006/2007 has been purchased, this being four (4) light commercial vehicles. No heavy plant was replaced due to the need to restrict rates to 8% during formulation of the 2006/2007 annual budget. Hence, all heavy plant purchases have been deferred for twelve (12) months to 2007/2008.

Whilst the Plant Reserve does not recognize the purchase of vehicles for the Senior Strategic Planner and Environmental Coordinator, it is considered imperative that such vehicles be acquired to allow the Shire to attract high calibre professional staff. Hence, it is recommended that Council approve the purchase of two (2) new vehicles and the replacement of an existing vehicle (Nissan X-Trail SJ044) from the Plant Reserve.

The Federal Government has developed a Green Vehicle Guide (GVG) which compares the vehicle emissions and fuel consumption of all new car models. The GVG provides information about the environmental performance of new light vehicles and commercials up to 3.5 tonnes gross vehicle mass sold in Australia. The GVG can help an organisation or fleet manager to choose a car that meets their environmental targets.

Information provided for each vehicle assists to compare the level of emissions of different vehicles and consequently their impact on the environment. The information includes:

- Greenhouse Rating (based on CO<sub>2</sub> emissions) - to help compare a vehicle's contribution to the greenhouse effect and climate change.
- Air Pollution Rating (based primarily on emission standards) - to compare a vehicle's contribution to urban air pollution (and associated effects on the environment, human health and amenity).

- An Overall 'Star' Rating - to help identify vehicles that emit a lower level of overall emissions. The Greenhouse Rating and Air Pollution Rating are combined to determine this Overall Rating.
- Fuel Consumption (in L/100km) - to help identify the most fuel-efficient vehicle for an organisations needs.

The GVG will be used by Council Officers to determine which vehicle should be purchased within existing budget constraints to provide reduced green house emissions and return on economic benefit through lower fuel costs. Preliminary investigations have revealed that a 4 cylinder Toyota Camry may provide Council with the best financial and environmental returns however this will be further tested prior to purchase of any motor vehicle for the Senior Strategic Planner and Environmental Coordinator.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM059/12/06 Committee/Officer Recommended Resolution:**

That:

1. Council purchase a new motor vehicle for the Environmental Coordinator and Senior Strategic Planner as part of their respective employment packages.
2. Council trade the Nissan X-Trail Registration Number SJ044 and purchase a new vehicle for the Executive Manager Strategic Community Planning.
3. The purchase of the three (3) new motor vehicles be funded from the Shire's Plant Reserve and that this Reserve be considered for reimbursement during formulation of the 2007/2008 annual budget.
4. Council declares the costs associated with the purchases authorised expenditure and amends the 2006/07 statutory budget accordingly.

**CGAM059/12/06 COUNCIL DECISION**

**Moved Cr Murphy seconded Cr Price**

**That:**

1. **Council purchase a new motor vehicle for the Environmental Coordinator and Senior Strategic Planner as part of their respective employment packages.**
2. **Council trade the Nissan X-Trail Registration Number SJ044 and purchase a new vehicle for the Executive Manager Strategic Community Planning.**
3. **The purchase of the three (3) new motor vehicles be funded from the Shire's Plant Reserve and that this Reserve be considered for reimbursement during formulation of the 2007/2008 annual budget.**
4. **Council declares the costs associated with the purchases authorised expenditure and amends the 2006/07 statutory budget accordingly.**
5. **The three motor vehicles purchased shall provide reduced green house emissions and return on economic benefit through lower fuel costs.**

**CARRIED 9/1 ABSOLUTE MAJORITY**

**Council Note:** A new motion was moved to ensure there is a focus on reduced green house gases/fuel efficient vehicles.

CGAM060/12/06 CORPORATE GOVERNANCE AND ASSET MANAGEMENT MINUTES – OCTOBER 2006 (A1257/03 )		
Proponent:		In Brief  The Minutes of the October meeting of the Corporate Governance and Asset Services meeting are incorrectly numbered and need a Council resolution to amend the numbering.
Owner:		
Officer:	Stephen Bell Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	27 November 2006	
Previously	CGAM01/10/06 TO CGAM14.3/10.6	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

### **Background**

The numbering on the Minutes of the Corporate Governance and Asset Management meeting held on the 17 October 2006 were not carried on from the September 2006 Minutes. It is normal practice to continue the numbering to maintain consistency in our Minutes.

### **Sustainability Statement**

Nil.

### **Statutory Environment:**

Approval requires an absolute majority of the Council to vote in support of the recommendation.

### **Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this application/issue.

### **Financial Implications:**

There are no financial implications to Council related to this application/issue.

### **Strategic Implications:**

There are no strategic implications to Council related to this application/issue.

### **Community Consultation:**

Not required.

### **Comment:**

It is normal practice to number each item in the Committee Meeting Agenda to follow on from the last number of the previous meeting. Due to a typographical error the October 2006 Corporate Governance and Asset Management Agenda numbering commenced at CGAM01/10/06 instead of CGAM033/10/06. It is therefore necessary to renumber all items within the October Minutes as follows:



<b>Current Resolution No.</b>	<b>Title</b>	<b>New Resolution No.</b>
CGAM001/10/06	Request for Formal Access to Cockburn Location 871 Nettleton Road, Karrakup	CGAM033/10/06
CGAM002/10/06	Palcon Group – Oversize Vehicle Application to service Lot 12 Bird Rd Olbury	CGAM034/10/06
CGAM003/10/06	Tender No. 012/2006-07 Supply of Two Greenwaste Collections November 2006 and April 2007	CGAM035/10/06
CGAM004/10/06	Tender Number 013/2006 Win and Stockpile 20,000 tonnes of Ferricrete Scrivener Road Gravel Reserve	CGAM036/10/06
CGAM005/10/06	Request to Grant Farmland Concession on Rates	CGAM037/10/06
CGAM006/10/06	Proposal to acquire portion of Lot 58 Thomas Road	CGAM038/10/06
CGAM007/10/06	Request to waive legal fees associated with the preparation of the lease for Mundijong Arts & Crafts Group	CGAM039/10/06
CGAM008/10/06	Darling 2000 Rally Proposal to Use Jarrahdale Heritage Park as a Service Park	CGAM040/10/06
CGAM009/10/06	Monthly Financial Report – August 2006	CGAM041/10/06
CGAM010/10/06	Monthly Financial Report – September 2006	CGAM042/10/06
CGAM011/10/06	Confirmation of Payment of Creditors	CGAM043/10/06
CGAM012/10/06	Sundry Debtor Outstanding Accounts	CGAM044/10/06
CGAM013/10/06	Rate Debtors Information	CGAM045/10/06
CGAM014/10/06	Information Report	CGAM046/10/06
CGAM014.1/10/06	Interest on Investments	CGAM046.1/10/06
CGAM014.2/10/06	Delegated Authority	CGAM046.2/10/06
CGAM014.3/10/06	Roadwise	CGAM046.3/10/06

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM060/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Scott**

**That Council approves the renumbering of the Corporate Governance and Asset Management Committee Minutes held on the 17 October 2006 as follows:**

- 1. CGAM001/10/06 to CGAM014.3/10/06 to become CGAM033/10/06 to CGAM046.3/10/06.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

CGAM061/12/06		COLLARE TRANSPORT PTY LTD – OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 815 PUNRAK ROAD HOPELAND	
Proponent:	Collare Transport Pty Ltd	<b>In Brief</b>  An application has been made by Collare Transport Pty Ltd for Council consent to use long vehicles to cart sawdust via Karnup Road to Lot 815 Punrak Road Hopeland.  It is recommended that the application is refused due to the current condition of the road not being appropriate for heavy haulage.	
Officer:	Nick Juricev Subdivision Engineer		
Signatures Author:			
Senior Officer:			
Date of Report	28 November 2006		
Previously	Nil.		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

### **Background**

Correspondence has been received from Collare Transport Pty Ltd seeking approval to use oversize vehicles up to 27.5m in length to cart 79 tonnes of sawdust from Simcoa (Kemerton Industrial Area) to Aussie Organics, via Karnup Road to Lot 815 Punrak Road Hopeland.

***A copy of the correspondence dated 20 September 2006 is with the attachments marked CGAM061/12/06 & CGAM061.1/12/06 (E06/5234 & E06/5235)***

The applicant has advised that this will be an ongoing operation, however it is anticipated that only one (1) load per month will be delivered to Aussie Organics.

Neither Karnup Road nor Punrak Road is included in the Notice Network for oversize vehicle use.

### **Sustainability Statement**

Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport and road maintenance costs.

Sustainable permit vehicle operations should be contingent upon the operations being demonstrated to be properly managed to realize the potential benefits.

#### ***Effect on Environment:***

The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service. The use of medium sized trucks would be minimized resulting in less vehicle trips.

#### ***Resource Implications:***

Properly managed permit vehicle operations would minimize road resource use.

#### ***Use of Local, renewable or recycled Resources:***

The proposal utilizes regionally available resources.

#### ***Economic Viability:***

The proposal is economically viable as the use of oversize vehicles can result in real cost savings of 25% of freight transport tonnage costs. A reduction in heavy vehicle numbers, combined with suitable axle configurations on oversized vehicles will assist in slowing

the deterioration of road pavements through reduced loading.

***Economic Benefits:***

Properly managed permit vehicle operations have potential sustainability benefits in reduced transport and road maintenance costs.

***Social – Quality of Life:***

By creating endorsed heavy haulage routes, while retaining the ability to issue permits for other routes, the movement of freight vehicles can be controlled and, in the case of as-of-right vehicles, encouraged onto fit for purpose routes. This will assist in ensuring the local road network is safer for general traffic movements.

***Social Diversity:***

This proposal does not directly affect any social or community groups.

**Statutory Environment:**

Motor Vehicle Act and Regulations  
Local Government Act 1995

**Policy/Work Procedure Implications:**

Delegation *AS-3 B-double and Long Vehicle Permits* allows the Chief Executive Officer authority to grant or refuse approval for permits for roads in the district where current permits are in place.

**Financial Implications:**

If Council approved this application for oversize vehicle use, the proponent would be responsible for costs in regard to the upgrade (where required) and maintenance of Karnup Road and Punrak Road.

**Strategic Implications:**

Key Sustainability Result Areas:-

**1. People and Community**

*Objective 1: Good quality of life for all residents*

**Strategies:**

6. Ensure a safe and secure community.

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

**Strategies:**

5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

**Strategies:**

2. Build key community partnerships.

**2. Environment**

Objective 1: Protect and repair natural resources and processes throughout the Shire

**Strategies:**

3. *Encourage protection and rehabilitation of natural resources.*

**3. Economic**

Objective 2: Well developed and maintained infrastructure to support economic growth

**Strategies:**

1. *Improved freight, private and public transport networks.*

Objective 3: Effective management of Shire growth

**Strategies:**

1. Enhance economic futures for Shire communities.

#### **4 Governance**

Objective 1: An effective continuous improvement program

Strategies:

1. *Identify and implement best practice in all areas of operation.*

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

#### **Community Consultation:**

There has been no community consultation for this proposal.

#### **Comment:**

Punrak Road is only a 3.0m wide bitumen sealed road with nominal width gravel shoulders. The road is deteriorated and there are a number of horizontal curves in the road alignment that create sight line issues due to the proximity of vegetation to the road edge. The horizontal curve at the Karnup Road / Punrak Road intersection is currently being investigated by the Engineering Design Team for upgrade. This upgrade is expected to occur in 2007 using a combination of Regional Road Group and Shire funding.

On respective sides of Karnup Road and Punrak Road there is vegetation, so any proposal to widen or improve either road to accommodate oversize vehicles would require clearing and a clearing permit from the Department of Environment and Conservation.

In general, the road pavement in Punrak Road is unlikely to withstand increased heavy vehicle loadings and the 3.0 metre width of the bitumen seal is not conducive for use by large trucks. Hence, unless the road is upgraded to improve its alignment, carriageway width and the pavement strengthened, Council Officers would not recommend support for the current application by Collare Transport Pty Ltd to use oversize vehicles up to 27.5m in length. Support would only be granted if Collare were to upgrade the road to an appropriate standard, however given the costs involved this is considered unlikely.

#### **Voting Requirements:**

Simple Majority

#### **CGAM061/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Price seconded Cr Kirkpatrick  
That:

1. Council does not endorse the use of oversize vehicles by Collare Transport Pty Ltd to supply and deliver sawdust to Aussie Organics via Karnup Road and Punrak Road, Hopeland;
2. Council endorses the use of 'As of Right' vehicles by Collare Transport Pty Ltd to supply and deliver sawdust to Aussie Organics via Karnup Road and Punrak Road Hopeland, subject to compliance with the following conditions:
  - a) School bus operators being notified of the commencement date and anticipated duration of haulage operations, at least one (1) week prior to the supply and delivery of sawdust to Aussie Organics;
  - b) Vehicle speed being limited to 60 km/hr on unsealed roads and 80 km/hr on sealed roads without pavement markings or less where either appropriate for safety reasons or posted at a lesser speed;

- c) Haulage operations being limited to 12 hours daily between the hours of 6.00am and 6.00pm Monday to Friday. No cartage is permissible on Saturdays, Sundays or Public Holidays;
- d) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closure pursuant to Section 3.50 of the Local Government Act 1995;
- e) The Shire being advised by Collare Transport Pty Ltd of any bitumen seal failures in Karnup Road and Punrak Road within 24 hours of damage occurring and that such damage be rectified by and at the expense of Collare Transport Pty Ltd and/or its haulage Contractor(s) where such damage is as a direct result of the heavy haulage operations;
- f) Council reserves the right to revoke its support if any of the above conditions are not adhered to or road conditions and user safety is compromised in any way.

3. Main Roads Western Australia being advised in writing of Council's decision not to endorse the use of oversize vehicles by Collare Transport Pty Ltd on Karnup Road and Punrak Road, Hopeland.

**Advice Note 1:** That all transport operators be requested to consider installing UHF radios to their vehicles to allow communication with school bus drivers during school bus operating hours.

**Advice Note 2:** That transport operators be notified that Punrak Road is used by a group of cyclists every Thursday morning between the hours of 9.00am to 9.30am and respectfully ask their truck drivers to proceed with caution when delivering sawdust or other goods to Aussie Organics.

**CARRIED 9/1**

Cr Wigg voted against this item.

CGAM062/12/06		RENEWAL OF GRANT OF RIGHT OF BURIAL – SERPENTINE AND JARRAHDAL CEMETERIES (R0165/01 )	
Proponent:	Cemeteries Management Committee	In Brief  That Council considers the reduction in fees for the re-issue of the Grant of Right of Burial for the Serpentine and Jarrahdale Cemeteries.  If adopted, this matter will require advertising and adjustment of the fees and charges for 2006/2007.	
Owner:	Serpentine Jarrahdale Shire		
Officer:	Donna Colum		
Signatures Author:			
Senior Officer:			
Date of Report	27 November 2006		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

### **Background**

At the Cemeteries Management Committee meeting held on the 1 November 2006 the Committee recommended that Council consider reducing the fees payable for the re-issuing of the Grant of Right of Burial. Council also received a request from a holder of a Grant of Right of Burial requesting a reduction in fees.

**A copy of the correspondence dated 13 August 2006 is with the attachments marked CGAM062/12/06 (E06/5230)**

The Grant of Right of Burial is issued to proponents following the burial of a loved one in a cemetery. The Grant is valid for a period of twenty five (25) years from date of issue. At the end of this 25 year period the proponent is required to apply to Council for the Grant to be renewed, currently at a cost of \$800.00 (GST inclusive). This fee was set by Council during its annual budget deliberations and adoption of the schedule of fees and charges.

### **Sustainability Statement**

#### ***Effect on Environment:***

There is no affect on the environment for the matter discussed in this report.

#### **Statutory Environment:**

Section 6.19 of the Local Government Act 1995 requires Council to advertise the date the new fees will be imposed.

Local Government Act 1995 - Section 1.7 – Local Public Notice

(1) Where under this Act local public notice of matter is required to be given, a notice of the matter is to be –

(a) published in a newspaper circulating generally throughout the district;

(b) exhibited to the public on a notice board at the local government's offices; and

(c) exhibited to the public on a notice board at every local government library in the District;

(2) Approval requires an absolute majority of the council to vote in support of the recommendation.

#### **Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this application/issue.

#### **Financial Implications:**

Budget allocations for the two (2) cemeteries comes under the 'general expenditure on reserves' and includes all works associated with burials. The Serpentine Cemetery has as allocation of \$16,500 and Jarrahdale Cemetery allocation is \$8,000. The majority of maintenance works undertaken at each cemetery is carried out by the Ministry of Justice Offenders Program, where they generally work on a Sunday mowing and raking leaves etc. It is not anticipated that in reducing the re-issue fee for the Grant of Right of Burial that it will make any significant difference to the maintenance of these cemeteries.

#### **Strategic Implications:**

##### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### **Strategies:**

2. Develop good services for health and well being.

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

##### **Strategies:**

4. Foster a strong sense of community, place and belonging.

5. Protect built and natural heritage for economic and cultural benefits.

##### **4. Governance**

*Objective 1: An effective continuous improvement program*

**Strategies:**

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

*Objective 2: Formation of Active Partnerships to progress key programs and projects*

**Strategies**

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

*Objective 3: Compliance to necessary legislation*

**Strategies:**

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Any changes to the fees and charges will need to be advertised in accordance with the Local Government Act 1995.

**Comment:**

Council Officer's have sought advice from other local authorities and the Metropolitan Cemeteries Board to compare charges for the re-issue of a Grant of Right of Burial. The table below outlines this information:

Rockingham	\$44.00
Harvey	\$87.00
Mandurah	\$158.00
Murray	\$165.00
Fremantle - Monument	\$860.20
Guildford - Monument	\$1,071.40
Karrakatta - Monument	\$1,071.40
Midland - Monument	\$1,071.40
Fremantle - Lawn	\$1,113.20
Karrakatta - Lawn	\$1,113.20
Pinnaroo - Lawn	\$1,113.20

All prices are inclusive of GST.

The Serpentine Jarrahdale Shire currently base their fees and charges on those imposed by the Metropolitan Cemeteries Board (MCB). It is understandable why the MCB would impose these fees as the maintenance within cemeteries under their control is quite high and of a much higher standard than either Serpentine or Jarrahdale cemeteries. The Serpentine and Jarrahdale Cemeteries are of a rural standard with maintenance kept to a minimum.

It is recommended that Council reduce the fee for the re-issue of the Grant of Right of Burial to \$182.00 (i.e. \$165.45 + \$16.55 gst) This figure was derived through an industry wide fee comparison and is comparative to neighbouring local governments fees charged for reserving a plot. The figure of \$182.00 is the same amount charged as the Reservation Fee and will standardise these charges.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM062/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Scott seconded Cr Kirkpatrick**

**That Council reduces the fees on the re-issue of the Grant of Right of Burial from \$800.00 GST inclusive to \$182.00 GST inclusive and advertises in accordance with the requirements of Section 6.19 of the Local Government Act 1995.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

AC002/12/06 AUDIT REPORT AND MANAGEMENT REPORT 2005/2006 (A1399)		
Proponent:	Local Government Act 1995	In Brief  To receive the Auditors Report and the Management Report for the 2005/2006 Financial Year
Owner:		
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	8 <sup>th</sup> December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

**Background**

Pursuant to Sections 7.2, 7.3 and 7.9 of the Local Government Act 1995, local governments are required each year, to have the accounts and the annual financial report audited by an auditor appointed by the local government.

Councils Auditor, Grant Thornton, has provided Council with the Audit report and Management Report for 2005/2006.

***A copy of the Audit Report and Management Report is attached at [AC002/12.1/06](#)***

***A copy of the Independent Audit Report is attached at [AC002/12.2/06](#)***

***A copy of 2006 Financial Report is attached at [AC002/12.3/06](#)***

**Statutory Environment:**

Section 7.2 of the Local Government Act 1995 states that *“the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”*

Section 7.3 of the Local Government Act 1995 states *‘A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor’.*

Section 7.9 (1) of the Act states *“An auditor is required to examine the accounts and annual*



*financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) The Mayor or President,*
- b) The CEO of the local government, and*
- c) The Minister.”*

**Policy Implications:**

There are no Policy Implications.

**Financial Implications:** A budget provision has been made in the 2006/2007 budget to accommodate the costs associated with the audit.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**4. Governance**

*Objective 3: Compliance to necessary legislation*

**Strategies:**

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

No community consultation is required for this item.

**Comments**

At the completion of the audit, Grant Thornton advises no major non-compliance issues have been identified.

Grant Thornton has raised three issues in their Audit Management Report for the 2005/2006 financial year. These are:

**1. Annual Leave**

During testing of Annual Leave provisions, it was noted that some employees have accrued excessive leave entitlements of more than 250 hours. It is recommended that the Shire management encourage staff to take their annual leave in the financial year in which it is accrued.

**Management Response**

Over the year, the Payroll Officer and Manager Finance provided reports to the executive team for their respective staff detailing the amount of leave accrued and the liability of the Shire. There are long serving employees that still have over 250 days accrued annual leave. Due to the new work choices legislation, you are only allowed to cash out one weeks annual leave per year. Council Officers will continue to inform the executive team of their respective staffs' annual leave accruals and request that they resolve an outcome to reduce the accrual.

**2. Disaster Recovery:**

It was noted during the course of the audit that the Shire has no written business continuity or disaster recovery plan that covers all critical systems in place at present.

**Management Response:**

It is acknowledged that Council currently has no formal written business continuity or disaster recovery plan. However, with consultation with the Shire's IT contractors, measures have been put in place for business continuity purposes. This was recently demonstrated with the IT mitigation. A formal disaster recovery plan is to be compiled and tested this financial year.

3. Accounting System Documentation:

It was noted during the course of the audit that the Shire is dependent upon certain key personnel and therefore particularly vulnerable to the loss of personnel who have the sole understanding of a given operating, accounting, or computer function(s).

Management Response:

It is acknowledged that information may be lost when key employees leave the Shire. The Shire does have organisational wide workflow processes and procedures that have been in place for some time. However no specific position work procedure manuals have been prepared. We are developing position specific written processes and procedures for particular positions to mitigate the potential knowledge loss.

It is recommended that the Audit Committee:

1. Adopt the Independent Audit Report from Grant Thornton for the 2005/2006 financial year;
2. Receive the Management Report and note the management issues raised; and
3. Receive the Audited Annual Financial Report for the Shire of Serpentine Jarrahdale for the year ending 30 June 2006.

Voting Requirements:

Simple Majority

**AC002/12/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Murphy seconded Cr Price  
That Council:**

- 1. Adopt the Independent Audit Report from Grant Thornton for the 2005/2006 financial year;**
- 2. Receive the Management Report and note the management issues raised, and the corresponding actions to be taken by Council Officers to address the management issues;**
- 3. Receive the Audited Financial Report for the Shire of Serpentine Jarrahdale for the year ending the 30 June 2006.**

**CARRIED 10/0**

## 8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM020/12/06		DEDICATION OF NEW ROAD FROM FIRNS ROAD TO LOT 481 KINGSBURY DRIVE SERPENTINE (R0069 )
Proponent:	Golden Tiger Meditation Company Pty Ltd & Department of Conservation and Environment	In Brief  The Department of Planning and Infrastructure have requested the Council indemnify the Minister for Lands against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new road from Firns Road to service Lot 481 Kingsbury Drive Serpentine.
Owner:	Under the care, control and management of the Department of Conservation and Environment	
Officer:	Meredith Kenny	
Signatures Author:		
Senior Officer:		
Report Date	22 November 2006	
Previously	CGAM095/02/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

### **Background**

Under delegated authority the proposed subdivision of Lot 481 Kingsbury Drive was endorsed subject to conditions. Of those conditions relevant to this report is the one relating to road access as outlined below.

*Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road (s) to the local road system and such subdivisional road (s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed with a reasonable period acceptable to the Commission.*

The Western Australian Planning Commission is holding the subdivision in abeyance, and is prepared to recommend approval of the subdivision once arrangements are in place for a secure dedicated road access to Lot 481.

Additionally, the Council approved the development of an Educational Establishment (Yoga retreat) on Lot 481 on 29 May 2006.

A motion was carried at the February meeting of the Corporate Governance and Asset Management Committee that a request be forwarded to the Minister for Lands for the dedication of the track linking Lot 481 to Firns Road as a public road.

In accordance with the requirements of the Committee's resolution the applicant had the proposed road surveyed. A request was then forwarded to the Department of Conservation and Environment for approval of the excision of the subject land from the Karnet Nature Reserve. The Conservation Commission approved the excision of the land for the new road on 10 April 2006.

Upon receipt of the Conservation Commission's approval the Shire wrote to the Department of Planning and Infrastructure (DPI) requesting the approval of the Minister for Lands for the dedication of the new road.

DPI have now advised that in order for the road creation to proceed the Council must resolve to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new road.

In addition, the Council is requested to confirm that the land to be dedicated as a road has been used unimpeded by the public for more than ten years.

***A copy of DPI's letter with regard to the above requests is with attachment marked OCM020.1/12/06.***

DPI was contacted to seek clarification as to what the Shire was required to indemnify DPI against and the amount of the indemnification. DPI advised that they do not have a particular amount but that this indemnification is just to cover the interim period until the road is dedicated at which time the road automatically is covered by the Shire's insurance as is the case with all roads in the control of the Shire. This is a standard requirement under the Land Administration Act 1997 that all local governments are required to comply with.

***A copy of the survey diagram for the new road with attachments marked OCM020.2/12/06.***

**Statutory Environment:**

Land Administration Act 1997  
Local Government Act 1995.

**Policy/Work Procedure  
Implications:**

AP1 Access Tracks – Construction of Unmade Public Roads

**Financial Implications:**

The survey and construction costs for the access road to Lot 481 will be borne by the developer.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**3. Economic**

*Objective 2: Well developed and maintained infrastructure to support economic growth*

**Strategies:**

1. Improved freight, private and public transport networks.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

**Strategies:**

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Not required

**Comment:**

Section 56. of the Land Administration Act 1997 sets out the requirements for dedication of roads. Subsection (4) of Section 56 states as follows:

*(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*

If the Council does not resolve to indemnify the Minister as set out in Section 56 (4) above then the dedication of the road will not occur and the owners of Lot 481 will not be able to subdivide the property or carry out the development of the Yoga Centre previously approved by the Council.

The Council has also been requested by the DPI to confirm that the track has been used as a road for at least 10 years. This is the case as the track has provided the sole access to Lot 481 since the property was created as the road reserve abutting the southern boundary of Lot 481 (Karnet Road) has never been constructed and there is an intention to close that unmade road reserve (refer item SD053/11/06).

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**OCM020/12/06 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Price  
That Council:**

- 1. Indemnifies the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of Section 56 of the Land Administration Act 1997) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new road between Firms Road and Lot 481.**
- 2. Advises the Minister that the land the subject of this request has been used as a public road without impediment for more than ten years.**
- 3. Advises its insurers accordingly.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

OCM021/12/06		INFORMATION REPORT – OUTCOME OF PLANNING APPEAL – PROPOSED WASTE TRANSFER AND RECYCLING STATION ON LOT 54 KING ROAD, OLDBURY (P05597/06)	
Proponent:	GMF Contractors		
Owner:	As above		
Officer:	Meredith Kenny – Senior Planner		
Signatures Author:			
Senior Officer:			
Date of Report	13 December 2006		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		
The State Administrative Tribunal (SAT) have dismissed an appeal lodged against Council's decision to refuse to grant planning approval for a proposed waste transfer and recycling station on the above property. SAT also affirmed Council's decision to refuse the application.			

The applicant has twice applied for planning approval for a waste transfer and recycling station to be developed on the subject land in 2003 and 2006. The Shire refused both applications.

The applicant first applied on 28 November 2003 for planning approval for a waste transfer and recycling station. This application was refused by the Planning and Development Committee (under the delegated authority of the Council) at its meeting held on 15 February 2005 for the following reasons:

SD030/02/05 Committee Decision/Officer Recommended Resolution:

*Moved Cr Murphy, seconded Cr Hoyer*

A. *Council refuses the application for approval to commence development for the proposed waste transfer and recycling station on Lot 54 King Road, Oldbury for the following reasons:*

1. *The use of "sorting of building materials and crushing of building materials" is classified as 'Industry-General'. The zoning/land use table of Town Planning Scheme No. 2 does not contain a use classification for 'General-Industry' in the Rural zone and therefore is not permitted.*
2. *The proposed use is contrary to the purpose and intent of the Rural zone, which is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.*
3. *The development may be detrimental to the amenity of the occupiers of the nearby dwelling houses, by reason of the noise resulting from the equipment required to be used to carry out the proposed use.*
4. *The nature of the proposed use is incompatible with the existing and future character of the area as envisaged by the Shire of Serpentine-Jarrahdale in their Rural Strategy.*
5. *The industrial nature of the proposed business may adversely affect the streetscape of King Road, which is predominantly rural in character.*
6. *The approval of industrial land uses in the Rural zone may prejudice the outcome of the current industrial land needs study being carried out by the Shire and the soon to be commenced town planning scheme review.*

The applicant next applied by an application dated 27 April 2006 for planning approval for a waste transfer and recycling station. This application was refused under delegated authority by the Executive Manager Planning and Regulatory Services on 4 August 2006 for the same reasons as contained in the previous decision.

The applicant lodged an appeal with the State Administrative Tribunal (SAT) against the Shire's decision of 4 August 2006. The appeal was dealt with by a formal hearing held on 22 November 2006. At the end of the hearing the SAT reserved its decision.

On 1 December 2006 the State Administrative Tribunal (SAT) made the following order:

1. *The application for review is dismissed.*
2. *The decision of the respondent to refuse a development application for a waste transfer and recycling station at Pt Lot 54 King Road Oldbury is affirmed.*

***A copy of the Order and a report detailing the full reasons for the SAT's decision is with the attachments at OCM021/12/06.***

This is an important victory for the Shire and will set a valuable precedent for how other applications involving industrial developments in the Rural zone are dealt with by both the council and the SAT.

**OCM021/12/06 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Wigg seconded Cr Price  
That the information report be received.  
CARRIED 10/0**

**Council Note:** That Council staff be commended on their diligence in responding to this matter.

OCM022/12/06		ANNUAL REPORT 2005/2006 (A0006)
Proponent	Chief Executive Officer	<b>In Brief</b>  That Council accepts the 2005/2006 Shire of Serpentine Jarrahdale Annual Report.
Officer	Joanne Abbiss, Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	7 <sup>th</sup> December, 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995.	
Delegation	Council	

### **Background**

The Local Government Act 1995 (the Act) requires the Annual Report to be adopted by Council no later than 31 December after that financial year.

Local governments are to prepare an annual report for each financial year. This annual report is to contain:-

1. A report from the Mayor or President.
2. A report from the Chief Executive Officer (CEO).
3. An overview of the plan for the future of the district including major initiatives that are proposed to commence or to continue in the next financial year.
4. The financial report for the financial year.
5. Such information as may be prescribed in relation to payments made to employees.
6. The auditor's report for the financial year.
7. A matter on which a report must be made under section 29(2) of the Disability Services Act 1993.

**Statutory Environment:** Section 5.53 of the Local Government Act 1995 requires local governments to prepare an annual report for each financial year and stipulates the format of the report. Section 5.54 states that this report is to be accepted by the local government no later than 31 December each year unless the auditor's report is not available.

Section 7.2 of the Local Government Act 1995 states that *"the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government."*

Section 7.9 (1) of the Act states *"An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) The Mayor or President,
- b) The CEO of the local government, and
- c) The Minister."

**Policy Implications:** Work Procedure WCSP2 – Elector Meetings (Annual) provides that annual meetings of electors be held on the first Wednesday in December each year in Mundijong, commencing at 7:00pm provided that this is not more than 56 days after Council accepts the annual report for the previous financial year (s5.27(2) Local Government Act 1995).



**Financial Implications:** A comparison of the finalised figures for the annual report and budget brought forward figures will be undertaken and presented to the mid year budget review.

**Strategic Implications:** **4. Governance**  
*Objective 3: Compliance to necessary legislation*  
**Strategies:**  
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:** Section 5.55 of the Local Government Act 1995 states that “*the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*”

### **Comments**

The audit was undertaken during the week commencing 13<sup>th</sup> November 2006 and was finalised and signed on Thursday 7<sup>th</sup> December 2006. The audit report and financial statements are included in the Annual Report. ***A copy of the Annual Report is included with the agenda and marked attachment OCM022/12/06.***

No major issues have been raised as part of the audit process, however some minor management issues have been highlighted for officers to review. The Audit Manager from Grant Thornton was invited to attend an Audit Committee on the 5<sup>th</sup> December 2006 to answer any councillor questions in relation to the audit. The audit report had not been signed when this meeting was held and the Audit Committee considered the audit report as a draft. A second Audit Committee meeting was then held on the 12<sup>th</sup> December 2006 to consider the signed audit report and financial statements. The Committee's recommendation to Council is considered elsewhere in this Ordinary Council Meeting agenda and is as follows:

1. *Adopt the Independent Audit Report from Grant Thornton for the 2005/2006 financial year;*
2. *Receive the Management Report and note the management issues raised, and the corresponding actions to be taken by Council Officers to address the management issues;*
3. *Receive the Audited Financial Report for the Shire of Serpentine Jarrahdale for the year ending the 30 June 2006.*

As the auditor's report was not received until the 7<sup>th</sup> December 2006 it was impossible for staff to comply with Work Procedure WCSP2. There are no statutory implications of not complying with this work procedure however, in order to meet the requirements of the Local Government Act 1995, the annual electors meeting must be held within 56 days of the adoption of the annual report. Should the annual report be accepted by the Council at their meeting of 18<sup>th</sup> December 2006 the annual electors meeting would need to be held before the 11<sup>th</sup> February, 2007.

It is anticipated that the annual electors meeting will be held in the Council Chambers, Shire Administration Building, 6 Paterson Street, Mundijong, on Wednesday, 7<sup>th</sup> February 2007 commencing at 7.00pm, with the planned order of business being as follows:

1. Confirmation of the previous annual electors' meeting minutes held on the 7th December, 2005
2. Receiving of the annual report
3. Receiving of the annual financial statements
4. Reading of the auditors' report
5. General business

The Annual Elector's Meeting will be advertised to the community in The Examiner newspaper as well as through community notice boards in the New Year. The public will be asked to provide questions in writing at least forty-eight (48) hours before the meeting to enable questions to be answered fully and without delay. Questions must be received by mail or over the counter, not by facsimile.

Copies of the annual report including the financial statement for the period ending 30<sup>th</sup> June, 2006 will be able to be obtained from the Shire's Mundijong office or by telephoning 9526 1111 as soon as it has been printed.

**Voting Requirements:      ABSOLUTE MAJORITY**

**OCM022/12/06 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Price**

- 1. The 2005/2006 Annual Report for the Shire of Serpentine Jarrahdale (as provided in attachment OCM022/12/06) be accepted.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

OCM023/12/06		BULK EARTHWORKS AND IMPORTATION OF FILL – LOT 9004 LARSEN ROAD, BYFORD (P06521/01)	
Proponent:	Byford Central Pty Ltd	In Brief  To consider the approval of bulk earthworks on Lot 9004 Thomas Road, Byford (Byford Central stages 6 & 7) ahead of subdivision approval by the Western Australian Planning Commission.  It is recommended that the application be conditionally approved.	
Owner:	As Above		
Officer:	M Daymond – Planning Officer		
Signatures Author:			
Senior Officer:			
Date of Report	11 December 2006		
Previously	SD147/06/06		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	Council		

Date of Receipt:	29 November 2006
Advertised:	N/A
Submissions:	N/A
Lot Area:	17.5 ha
L.A Zoning:	Urban Development
MRS Zoning:	Urban and Urban Deferred
Byford Structure Plan 2005:	Residential R20
Byford District Structure Plan 2006:	Residential R20, Local Distributor Road, Recreation, Local Park
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	N/A

**Background**

The development application has been lodged in order that bulk earthworks of approximately 17.5 ha may be undertaken to prepare the site for the impending approval of a residential

subdivision of stages 6 and 7 of Byford Central. A Local Structure Plan (LSP) has been approved over the subject land under the guidance of the Byford Structure Plan.

The subdivision application for stages 6 and 7 was referred to Council on 24 July 2006 for comment. Council provided comment back to the Western Australian Planning Commission (WAPC) on 27 November 2006 recommending conditional approval. As no decision had been made on the subdivision application by the WAPC, the applicants lodged an appeal with the State Administrative Tribunal (SAT).

The applicant advises that the finished levels will be achieved primarily through the importation of the fill material. Specifically, the intended scope of works require the construction contractor to 'terrace' the existing soil to suit the future lot layout, and then import clean sand fill to make up the proposed finished levels.

***A copy of the earthworks plan is with attachments marked OCM023/12/06.***

### **Sustainability Statement**

***Effect on Environment:*** Potential impacts include impacts on natural drainage, creating a dust and noise nuisance. These are interim impacts, until the land is developed for housing, which can be protected and limited by conditions.

***Use of Local, Renewable or Recycled Resources:*** Local cartage contractors may be used to transport the sand to the site.

***Economic Viability:*** The filling of the land itself aims to reduce the holding cost of the development by aiming to achieve a more efficient timeframe for subdivisional development.

***Economic Benefits:*** Timely filling of the site can potentially reduce development costs and such savings may be passed down to the eventual lot purchasers.

***Social – Quality of Life:*** Truck movements, on site works and potential for dust will bring a temporary reduction to the quality of life for nearby residents. Appropriate conditions shall be imposed to limit these potential impacts and the site regularly inspected by Council officers to ensure compliance with the subdivision conditions and the site regularly inspected by Ranger Services to ensure compliance to the subdivision conditions.

***Social and Environmental Responsibility:*** Not applicable

***Social Diversity:*** Not applicable

<b><u>Statutory Environment:</u></b>	Planning and Development Act 2005 Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2
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<b><u>Policy/Work Procedure Implications:</u></b>	PWP3 Landfill Guidelines
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<b><u>Financial Implications:</u></b>	There are no Financial implications to Council related to this proposal.
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<b><u>Strategic Implications:</u></b>	The proposal will facilitate residential development which will relate to the following Key Sustainability Result Areas:-
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#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

##### **Strategy:**

1. Ensure development and use of infrastructure and land complies with required standards.

### **Community Consultation:**

Community consultation not required.

### **Comment:**

The applicant has requested approval so that earthworks can be carried out in order that the majority of fill is on site in readiness for the approval of the subdivision which is anticipated late this year or early 2007.

The final levels will be determined at the subdivision stage where further refining of the earthworks will be undertaken as well as the installation of the public open space areas (POS) and required drainage regime in accordance with the Byford Urban Stormwater Management Strategy (BUSMS) recommendations.

### **Statutory Requirements**

The proposed filling and bulk earthworks is deemed to be a use that is not listed within Council's Town Planning Scheme No.2. With respect to uses not listed, clause 3.2.5 of the scheme states:

*3.2.5 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

It was not considered necessary to advertise the proposal as the land subject of the application is covered by an endorsed Local Structure Plan. Further, Council has provided comments to the (WAPC) on the proposed subdivision of this land.

### **Site Conditions**

The subject land falls gently from the south-east towards the north-west and naturally drains into the public open space reserve west of the site, which connects to the Water Corporation's Oakland Branch Drain. Other drainage measures have been installed throughout stages 1 to 5 of the Byford Central estate with drainage within stages 6 and 7 not being able to be installed until the subdivision has been approved.

There are a few trees on site, with a majority being protected within the POS and Multiple Use Corridor areas.

### **Byford Structure Plan**

The proposed earthworks cover the final two stages (stages 6 and 7) of the Byford Central residential estate. The boundary of the proposed earthworks are recommended to be setback a minimum of 20 metres from the areas of POS and the Multiple Use Corridor (MUC) to allow for the final design of these areas to be completed. Additionally, as there is a risk that sand could drift into the MUC, it is advised that a silt fence be constructed along the length of the corridor. Further, the subdivision proposal for stages 6 and 7 in accordance with the Byford Structure Plan identifies a 20 metre widening of Thomas Road. The requirement for a 20 metre setback between the drainage reserve and fill will ensure that the proposed 20 metre widening of Thomas Road will not be impacted upon by the proposal. The setback from the fill to the existing Thomas Road will therefore effectively be 50 metres.

Lot 9004 is located within Catchment “3D1” under the Byford Urban Stormwater Management Strategy which recommends a minimum fill of 1.5 metres (above natural ground level). The proposed fill is generally between 0.5m to 1.5 metres. It is recommended that the applicant be advised of the minimum fill required as per the Byford Urban Stormwater Management Strategy. The final fill levels can be rectified at the refining of earthworks at the subdivision stage.

The Water Corporation have raised concerns with the Byford Urban Stormwater Management Strategy as they believe it does not adequately address drainage or groundwater issues and has the potential to increase the risk for flooding downstream.

The Water Corporation require regional arterial drainage modelling to be conducted to provide information on drainage compensation requirements. The Department of Water are currently conducting this study.

In the interim, Water Corporation have provided precautionary drainage retention volumes for each sub catchment under the BUSMS.

The Water Corporation require 1.8ha to be set aside within catchment 3D1 as a precautionary measure until the specific volumes are known from the Department of Water Study.

A condition preventing this area of land from being filled has been included.

#### Operation

Appropriate conditions have been imposed to limit the impacts to neighbouring residents from traffic, dust and noise.

#### Conclusion

Subject to the issues raised above being addressed by appropriate conditions, it is considered that there is no impediment towards allowing the application area, apart from the 20 metre setback from POS areas and the drainage reserve, from being cleared, filled and earth worked as per the application plan.

**Voting Requirements:** Simple Majority

#### **OCM023/12/06 COUNCIL DECISION/Officer Recommended Resolution:**

##### **Moved Cr Price seconded Cr Geurds**

- A. Council determines that the filling and bulk earthworks is a use not listed in the Zoning Table of Town Planning Scheme No. 2.**
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the filling and undertaking of bulk earthworks on Lot 9004 Larsen Road, Byford as proposed on plans 2456/002/B and 2457/002/A is a use consistent with the objectives and purposes of the Residential zone.**
- C. The proposed filling of land and bulk earthworks on Lot 9004 Larsen Road, Byford be approved subject to the following conditions:**
  - 1. This approval relates only to the bulk earthworks and clearing within the application area as shown on the approved plans. No retaining walls or any other structures shall be constructed without prior approval to the Shire.**
  - 2. Areas hatched in red on the approved plans are excluded from this approval and any works within those areas will require a separate development application or be covered under a subdivision approval issued by the Western Australian Planning Commission.**

3. The developer to erect a sign on the site for the duration of the development, visible from Thomas Road and Larsen Road to the satisfaction of the Executive Manager Planning and Regulatory Services. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the phone contact details of the principal contractor and supervising engineer.
4. Earthworks are to meet all adjoining land at natural ground level and the earthworks batter is to be no greater than 1:6 (18%).
5. Certification from a practicing Geotechnical Engineer at the completion of the filling confirming that earthworks, filling and compaction are completed and controlled in such a manner that results in a suitable building platform for the intended land use, shall be submitted to the Shire to the satisfaction of the Executive Manager Planning and Regulatory Services.
6. All works shall be conducted in accordance with Council's policy standards and specifications pertaining to earthworks.
7. Hours for site and construction work shall be limited to the following hours:

Monday to Friday	7.00am to 6.00pm only
Saturday	7.30am to 5.00pm only
Sunday and Public Holidays	No filling to occur

8. No earthworks (including batters) shall intrude into the proposed multiple-use corridors or any other land which abuts the site.
9. The applicant shall be responsible for any changes and alterations to earthworks on-site resulting from future development approvals and/or subdivision approval(s) issued by the Western Australian Planning Commission.
10. All stormwater shall be contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into the road reserves, multiple use corridor and public open space areas.
11. A soil and water management plan shall be prepared by the proponent and approved by the Shire. All measures identified in the plan to control soil and water movement to be implemented prior to and during the course of the bulk earthworks.
12. The emissions of airborne dust and sand drift must not cause a nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Environmental Protection Authority's "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Shire for approval.
13. The proponent and the contractor shall be responsible for the dust and sand drift control in accordance with the Department of Environmental Protection (DEP) guidelines. Disturbed areas shall be stabilised as soon as practicable and thereafter maintained to the satisfaction of the Director Engineering.
14. No burning of cleared vegetation shall be permitted.
15. Only clean fill shall be used on site in accordance with relevant Department of Environment Guidelines. Compaction and stabilisation must be carried out to the satisfaction of the Director Engineering.
16. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.
17. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.

18. Thomas Road and Larsen Road including the entry to the property shall be maintained at the existing standards to the satisfaction of the Director Engineering. Any damage caused to the road by the proponent shall be immediately repaired to the satisfaction of the Director Engineering.
19. A traffic management plan shall be prepared by the proponent and approved by the Shire prior to the commencement of any work. All access to the site shall be from Thomas Road.
20. All sand batters shall be constructed to 1:6 to natural surface and stabilised to address erosion and sand drift.

**Advice Notes:**

1. This approval should not be construed as support for any impending subdivision over the land. Final fills levels will be determined at the subdivision stage.
2. In respect to Condition 1 this approval does not negate the need for further earthworks to be undertaken subject to approval of engineering drawings in relation to a future subdivision approval.
3. In respect of Condition 2, earthworks shall not encroach any closer than 20 metres to the boundary of the proposed public open space areas, multiple use corridor and drainage reserve. Earthworks are to meet the 20 metre buffer setback at natural existing ground level and the earthworks batter is to be no greater than 1:6 (18%). A silt fence is to be constructed along the length of the Multiple Use Corridor to restrict sand drift into this area. Earthworks are not to encroach within the 1.8 hectares required to be set aside by the Water Corporation for precautionary drainage detention.
4. Lot 9004 is located within Catchment “3D1” under the Byford Urban Stormwater Management Strategy which recommends a minimum fill of 1.5 metres (above natural ground level). It is noted that some of the proposed fill levels on the site are lower than the Strategy’s recommended level and accordingly such shortfall will need to be rectified in the final refining of earthworks to be undertaken at the subdivision stage.
5. The applicant be requested to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.

**CARRIED 10/0**

OCM024/12/06 BRIDLE PATH ON DRAINAGE RESERVE AND UNMADE ROAD RESERVE BETWEEN WATTLE ROAD AND UTLEY ROAD SERPENTINE (A0819)		
Proponent:	Trails Working Group	<p><u>In Brief</u></p> <p>At its meeting held 27 November 2006 Council reaffirmed its previous resolution of 25 September 2006 to prepare a management plan for the unmade road reserve and drainage reserve between Wattle Road and Utley Road. In addition, Council requested that further information on the history of the proposal be provided.</p> <p>This report provides additional information as requested by Council at its meeting of 27 November 2006.</p>
Owner:	Vested under the care, control and management of the Serpentine Jarrahdale Shire and Water Corporation	
Officer:	Paula Haro Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously	CRAS038 – AS038/02/03 CGAM025/09/06 CGAM48/11/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

### **Background**

- At Council's Ordinary Meeting held 10 February 2003 it was resolved that:

*Moved Cr Wigg seconded Cr Star:*

*Council continues with the present arrangement with landholders grazing/maintaining their adjacent sections of the reserve with the following conditions:*

*Gates are never to be locked and there are clear signs directing riders entering to close gates.*

*The residents grazing the reserve apply for a gate permit.*

*Council considers a stile or a gate latch after assessing the equestrian rider's requirements...*

*Note: The officer's recommendation was changed as Council required specific needs of users of this thoroughfare to be assessed to ascertain whether any action on the site or latch was required."*

- At Council's Ordinary Meeting held 25 September 2006 it was resolved:

*Moved Cr Wigg seconded Cr Murphy:*

*That the Trails Management Working Group in conjunction with the Council's Reserves Officer prepares a Management Plan, for the Reserve, in consultation with the users and the residents.*

**CARRIED 7/0**

*Committee Note: The Officers Recommended Resolution was changed to clarify issues relating to grazing and fire hazard control with the view of the Trails Management Group gaining access for a trail.*



- At Council's Ordinary Council Meeting held 27 November 2006 it was resolved:

*Moved Cr Price seconded Cr Harris*

*That Council reaffirm its previous resolution of the Ordinary Council Meeting held 24 September 2006 that the Trails Management Working Group in conjunction with the Council's Reserves Officer prepares a Management Plan, for the Reserve, in consultation with the users and the residents, and the following information be provided to Councillors:*

*Copy of MOU between residents and Council of 2003*

*Copy of responses from residents to proposal to fence/gate the bridle path*

*Cost estimate for cutting weeds in the centre of the bridle path as part of the annual verge cutting program*

*Details and location of bridge referred to as being necessary in the vicinity of Wattle Road*

*Details of the insurance policy taken out by residents and the Shire's position as to joint liability, if any.*

**CARRIED 10/0 ABSOLUTE MAJORITY**

*Committee Note – The Officer recommendation was changed to provide Councillors with information on the history of this proposal.*

### **Sustainability Statement**

**Effect on Environment:** If grazing is to stop, slashing and spraying with chemicals will be required to keep the weeds down.

**Resource Implications:** Grazing presents a form of managing weeds and grasses without the need for burning fossil fuels. Additional ongoing Shire resources would be required to maintain the trail to an appropriate standard.

**Use of Local, renewable or recycled Resources:** Not applicable.

**Economic Viability:** The proposal would require Shire resources to remove the gates. It would also increase resources required to maintain the trail, these costs would be ongoing for the Shire. The section of the trail between Wattle Road and Salmon Bark Road would require additional infrastructure to be accessible.

**Economic Benefits:** It is not clear if the proposal will provide added economic benefits to the community.

**Social – Quality of Life:** This proposal would allow horse riders to continue to use the section of trail between Utleigh Road and Salmon Bark Road without passing through gates.

**Social and Environmental Responsibility:** The proposal would disband existing community partnerships with the residents grazing the land, while fostering other community partnerships with horse riders.

**Social Diversity:** The proposal does not disadvantage any social groups.

### **Statutory Environment:**

Local Government Act 1995

Referral to Water Corporation for works within the drainage reserve

### **Policy/Work Procedure Implications:**

LPP 9 – Multiple Use Trails Within the Shire of SJ  
AP24 Weed Control

**Financial Implications:**

There would be financial implications related to the opening up of the trail. This includes removing the gates, completing the fencing for the full length of the trail, bridge construction across the drain, trail construction and on-going bridle path and fence maintenance costs.

The 2006/2007 annual budget does not make any allowance for the removal of the gates, survey, provision and maintenance of fencing, and the slashing and spraying of the environmental weeds.

If the trail is opened up for unrestricted horse use council will be required to undertake fire management measures due to the presence of weeds and other vegetation no longer controlled by the grazing of stock.

Indicative costs for the slashing of the unmade road reserve and drainage reserve is \$1000 per slashing. Hence, the maintenance budget would need to be increased by \$2000 to \$3000 to allow for the maintenance of the area.

The estimated cost to construct a bridle trail between Wattle Road and Utley Road is \$160,000.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Respect diversity within the community.
6. Ensure a safe and secure community.

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

Strategies:

4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

**2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

**3. Economic**

*Objective 2: Well developed and maintained infrastructure to support economic growth*

Strategies:

1. Improved freight, private and public transport networks.

#### **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.

*Objective 2: Formation of Active Partnerships to progress key programs and projects*

Strategies

1. Improve coordination between Shire, community and other partners.

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

#### **Community Consultation:**

The two (2) property owners who currently graze stock in the unmade road reserve will need to be consulted regarding future management of the road and drainage reserves.

Since Council has commenced consideration of the issue of removing the gates and stock from the reserve, Officers have received four (4) telephone calls from residents who own property that back onto the reserves. All of the residents were not concerned with the current use of the reserves for grazing.

Two (2) residents have walked through the reserve while cattle were present without feeling that their safety was compromised. Each of the residents stated that the grazers were managing the reserve to a good standard; one stated the management was much better than that of the ungrazed road reserve. One resident was concerned that if the gates were removed that security to his property would decrease and that it would become a thoroughfare for motorbikes and other illegal uses.

The grazer said that she has the reserve slashed once a year to keep the fire hazard down when the cattle are not grazing it. She also removes fallen branches that could pose a risk to users of the reserves.

***One resident has recently written to Council objecting to the removal of the gates and stock by Council and this letter is with the attachment marked OCM024.1/12/06 (IN03/107)***

#### **Comment:**

In response to the questions raised by the elected members at its meeting held 27 November 2006, the following information is provided:

## **1. COPY OF MOU BETWEEN RESIDENTS AND COUNCIL OF 2003**

***A copy of the 2003 Memorandum of Understanding is with attachments marked OCM024.2/12/06 (IN06/14755)***

For reasons unknown, the Memorandum of Understanding has not been reviewed and / or renewed since its inception some three years ago. If the owners are allowed to continue with the fencing and grazing of the site, the MOU will need to be renewed or preferably a formal legal agreement entered into between all parties.

## **2. COPY OF RESPONSES FROM RESIDENTS TO PROPOSAL TO FENCE/GATE THE BRIDLE PATH**

***A copy of the 2002 petition to remove the gates is with attachments marked OCM024.3/12/06 (IN02/8987)***

***A copy of the objections to the petition is with attachments marked:  
OCM024.4/12/06 (IN03/700),  
OCM24.5/12/06 (IN03/107),  
OCM024.6/12/06 (IN03/278) and  
OCM024.7/12/06 ( IN03/116)***

***A copy of a recent letter from a resident is with attachments marked OCM024.8/12/06 (IN06/14635)***

## **3. COST ESTIMATE FOR CUTTING WEEDS IN THE CENTRE OF THE BRIDLE PATH AS PART OF THE ANNUAL VERGE CUTTING PROGRAM**

It has been estimated by the Shire's Works Coordinator that the cost of including the current grazed section of the unmade road reserve and Water Corporation drain from Salmon Bark Road to Utleigh Road would equate to \$1,000 per slashing. This estimate incorporates the costs involved in returning the area to a natural state, labour, maneuvering around trees and negotiating the open drain. To manage the area to the same standard as it is currently grazed, the area would be required to be slashed or sprayed more than once a year.

The Shire's annual maintenance budget for 2006/2007 does not make any allowance for the slashing, spraying, or maintenance of the unmade road reserve and drainage reserve at the subject location. Hence if Council was to request that the gates and stock be removed, the 2007/2008 maintenance budget would need to be increased by at least \$2000 to \$3000 to account for maintenance in the area.

## **4. DETAILS AND LOCATION OF BRIDGE REFERRED TO AS BEING NECESSARY IN THE VICINITY OF WATTLE ROAD**

A bridge would be required to be constructed at the end of the drainage reserve south on Wattle Road in order for a crossing to connect with the reserves through Red Gum Estate and Serpentine Green Estate.

Local Planning Policy 9 – Multiple Use Trails Within the Shire of Serpentine Jarrahdale states:

- Clause 5.4 - Water Corporation Land  
Proposed trails must demonstrate management measures to prevent vegetation degradation and erosion, export of nutrient enriched stormwater, damage to drain infrastructure, or an increased risk to public safety or liability claims; to the satisfaction of the Water Corporation.
- Clause 8.2 - Construction Specifications  
The minimum construction requirements are 100mm of 19mm compacted limestone base with 100mm of trotting fines. All trails are to be between 6 and 10 metres wide

where possible, with a 4 metre wide constructed trail unless otherwise specified by Council. The vertical height clearance on all trails is to be 4 metres.

- **Clause 8.3 - Construction of Bridges and Drainage**  
Drainage structures shall be provided to accommodate all surface water flows to the satisfaction of the Asset Services Directorate. All crossings must be trafficable by emergency vehicles, and crossings constructed over Water Corporation drains must be constructed to the specifications and satisfaction of the Water Corporation and the Bush Fire Brigade.

Previous correspondence from the Water Corporation in 2002 and 2005 respectively indicates that they do not support the use of the Water Corporation's main drainage courses as Multiple Use Trails under normal circumstances. A telephone conversation on the 12 December 2006 with Mr Scott Davie from the Water Corporation reinforced these previous opinions.

The impacting factors outlined by the Water Corporation include, but are not limited to, environmental constraints such as pollution and erosion, liability issues, the size of the drainage reserve and crossings. The Water Corporation would need to be satisfied that all risks are controlled and designed to their requirements and assessed on a case by case basis. Correspondence also indicated that any public liability risk associated with authorised and unauthorised users, construction, fencing, maintenance and replacement of structures will all be the Shire's responsibility.

***A copy of the map of the proposal is with attachments marked OCM024.9/12/06 (IN06/14426)***

***A copy of the location of the required bridge is with attachments marked OCM024.10/12/06 (E06/5275)***

***A copy of the photographs relevant to the proposal is with attachments marked OCM024.11/12/06 (E06/5258)***

***A copy of a letter received from the Water Corporation regarding bridle trails in drainage reserves is with attachments marked OCM024.12/12/06 (IN05/5324)***

## **5. DETAILS OF THE INSURANCE POLICY TAKEN OUT BY RESIDENTS AND THE SHIRE'S POSITION AS TO JOINT LIABILITY, IF ANY.**

The liability insurance for Mr Hossen's property at Lot 5 Utley Road is renewed annually. As stated on the certificate of insurance, this risk cover extends to include Lot 148 east of the bridle path, with the Shire of Serpentine Jarrahdale noted as interested parties.

Council is seen as the legal owner, via the Management Order for the portion of land under our care and control, and will therefore still have some public liability risk, similar to the risk associated with other road reserves.

***A copy of the resident's liability insurance for 2000-2001 is with attachments marked OCM024.13/12/06 (IN02/5373)***

**Council currently does not have a copy of the resident's liability insurance for 2006-2007, however a request has been made to the resident requesting a copy.**

## **BRIDLE TRAIL CONSTRUCTION – ESTIMATED COST**

The Director Engineering requested the Shire's Works Coordinator to estimate the total cost to construct a bridle trail within the unmade road reserve and drainage reserve between Wattle Road and Utley Road. The width of the bridle trail would need to be 4.0 metres and the bridge constructed to a sufficient width and load rating to accommodate emergency service and other vehicles (i.e. Council and Water Corporation plant).

The total cost to construct the bridle trail to the required standard of construction would be approximately \$160,000 (this cost includes a load rated bridge over the open drain). However, if Council was to accept a lesser standard of construction (i.e. minimal gravel surfacing), the cost to provide a bridle trail would be significantly less than that stated above.

**Voting Requirements:** Simple Majority

**OCM024/12/06 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Murphy seconded Cr Star  
That Council receive and note the information report.  
**CARRIED 10/0**

**9. CHIEF EXECUTIVE OFFICER'S REPORT**

OCM025/12/06 INFORMATION REPORT		<b>In Brief</b>  Information Report for the month of December, 2006.
Proponent	Chief Executive Officer	
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14 <sup>th</sup> December, 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

**OCM025.1/12/06 COMMON SEAL REGISTER REPORT – NOVEMBER, 2006 (A1128)**

*The Common Seal Register Report for the month of November, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM025.1/12/06.(E02/5614)*

**OCM025.2/12/06 POLICY FORUM – December, 2006 (A0429/05)**

The following items were discussed at the December, 2006 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Council Policy Manual Review

**OCM025.3/12/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – REPORT FROM SOUTH EAST METROPOLITAN ZONE STRATEGIC DIRECTIONS WORKSHOP – SEPTEMBER, 2006 (A1164)**

*In the attachments marked OCM025.3/12/06 (IN06/12876) is a letter and report emanating from the Strategic Directions Workshop held with delegates from the South East Metropolitan Zone on 27<sup>th</sup> September, 2006. This report is provided for elected members consideration and comment.*

**OCM025.4/12/06      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
STATE COUNCIL MINUTES, DECEMBER, 2006 (A1164)**

*In the attachments marked OCM025.4/12/06 (IN06/15100) for Councillors information are the minutes of the State Council Minutes held on 6<sup>th</sup> December, 2006.*

**OCM025.5/12/06      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
SOUTH EAST METROPOLITAN ZONE MINUTES, NOVEMBER,  
2006 (A1164)**

*In the attachments marked OCM025.5/12/06 (IN06/14636) for Councillors information are the minutes of the South East Metropolitan Zone Minutes held on 29<sup>th</sup> November, 2006.*

**OCM025.6/12/06      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
SELECTION COMMITTEE MINUTES, DECEMBER, 2006 (A1163)**

*In the attachments marked OCM025.6/12/06 (IN06/14695) for Councillors information are the minutes of the Selection Committee held on 27<sup>th</sup> November, 2006.*

**OCM025.7/12/06      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
CHIEF EXECUTIVE OFFICER REPORT TO STATE COUNCIL -  
DECEMBER, 2006 (A1164)**

*In the attachments marked OCM025.7/12/06 (IN06/14507) for Councillors information is the Western Australian Local Government Chief Executive Officer Report to State Council held in December, 2006.*

**OCM025.8/12/06      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
INTERNAL AUDIT REPORT - DECEMBER, 2006 (A1164)**

*In the attachments marked OCM025.8/12/06 (IN06/14506) for Councillors information is the Western Australian Local Government Internal Audit Report.*

**OCM025.9/12/06      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
DRAFT REVISED BUDGET 2006/2007 (A1164)**

*In the attachments marked OCM025.9/12/06 (IN06/14505) for Councillors information is the Western Australian Local Government Draft Revised Budget 2006/2007.*

**OCM025/12/06 COUNCIL DECISION/Officers Recommended Resolution**

Moved Cr Wigg seconded Cr Price  
The Information Report to 14<sup>th</sup> December, 2006 is received.  
CARRIED 10/0

**10. URGENT BUSINESS:**

**COUNCIL DECISION**

**Moved Cr Price seconded Cr Wigg**

**That the item relating to the Jandakot Airport Relocation be dealt with as an item of new business of an urgent nature.**

**CARRIED 10/0**

OCM026/12/06 JANDAKOT AIRPORT RELOCATION (A1383)		
Proponent	Cr Denyse Needham	In Brief  The Shire President tabled a copy of correspondence from the Federal Minister for Transport and Regional Services to Ascot Capital Limited outlining the Government's commitment to Jandakot Airport remaining in its current location. It is recommended that Council request the Chief Executive Officer write to the Hon. Mark Vaile MP expressing the Shire's support and appreciation of the Government's position.
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report	18 <sup>th</sup> December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

***A copy of correspondence from the Federal Minister for Transport and Regional Services to Ascot Capital Limited was tabled by the Shire President and is included with the attachments at OCM026.1/12/06.***

**OCM026/12/06 COUNCIL DECISION:**

**Moved Cr Kirkpatrick seconded Cr Wigg**

**Council request the Chief Executive Officer write to the Federal Minister for Transport and Regional Services, the Hon. Mark Vaile MP, expressing the Shire's support and appreciation of the Government's commitment to Jandakot Airport remaining in its current location.**

**CARRIED 10/0**

**Council Note:** That a copy of this letter be forwarded to the Federal Member for Canning, Don Randall and Member for Serpentine Jarrahdale, Tony Simpson.

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

**12. CLOSURE:**

There being no further business the Presiding Member closed the meeting at 8.36pm.



### 13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD056/12/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	Information report
Signatures Author:		
Senior Officer:		
Date of Report	5 December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

#### **SD056/12/06 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the November 2006 Building Information Report.  
CARRIED 7/0**

SD057/12/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	Information report
Signatures Author:		
Senior Officer:		
Date of Report:	1 December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

#### **SD057/12/06 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the November 2006 Health Information Report.  
CARRIED 7/0**

SD058/12/06 PROPOSED OVERSIZE ANCILLARY ACCOMMODATION - LOT 21 (28) KOWIN COURT, CARDUP (P00507/01)		
Proponent:	G & J Cavill	<b>In Brief</b>  Application for construction on the above property of Ancillary Accommodation that exceeds the maximum floor area specified under Building Policy 1 "Ancillary Accommodation and Rural Workers Dwellings". Floor area of 107m <sup>2</sup> proposed. It is recommended that the application be approved.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

**SD058/12/06 COMMITTEE DECISION/Officer Recommended Resolution:**

The application for the construction of Ancillary Accommodation on Lot 21 (28) Kowin Court, Cardup be approved subject to the following conditions:

1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
2. A notification under Section 70A of the Transfer of Land Act is to be prepared by the Shire's Solicitors in a form acceptable to the Department of Land Administration and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. All costs associated with the fulfilment of this condition shall be met by the landowner.
3. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
4. An application for effluent disposal apparatus is required to be submitted to the Council's Health Services and will then be forwarded on to the Department of Health.
5. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
7. No direct discharge of stormwater into watercourses or drainage lines.
8. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
9. No trees are to be removed from the site or adjacent verge unless the prior written approval of the Shire is obtained.
10. Only materials identified in the schedule of colours, materials and finishes attached to and forming part of this approval, are to be used in the construction of the Single House and ancillary accommodation unless the prior written approval of the Shire is obtained.

**CARRIED 7/0**

SD059/12/06 PROPOSED OVERSIZE ANCILLARY ACCOMMODATION - LOT 96 (35) CHESTNUT ROAD, JARRAHDAL (P03155/02)		
Proponent:	G Van Schalkwyk	<b>In Brief</b>  Application for construction on the above property of a dwelling that incorporates Ancillary Accommodation that exceeds the maximum floor area specified under Building Policy 1 "Ancillary Accommodation and Rural Workers Dwellings". Floor area of 93m <sup>2</sup> proposed. It is recommended that the application be approved.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2006	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

**SD059/12/06 COMMITTEE DECISION/Officer Recommended Resolution:**

The application for the construction of Ancillary Accommodation on Lot 96 Chestnut Road, Jarrahdale be approved subject to the following conditions:

1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
2. A notification under Section 70A of the Transfer of Land Act is to be prepared by the Shire's Solicitors in a form acceptable to the Department of Land Administration and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. All costs associated with the fulfilment of this condition shall be met by the landowner.
3. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
4. An application for effluent disposal apparatus is required to be submitted to the Council's Health Services and will then be forwarded on to the Department of Health.
5. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
7. No direct discharge of stormwater into watercourses or drainage lines.
8. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
9. No trees are to be removed from the site or adjacent verge unless the prior written approval of the Shire is obtained.
10. Only materials identified in the schedule of colours, materials and finishes attached to and forming part of this approval, are to be used in the construction of the Single House and ancillary accommodation unless the prior written approval of the Shire is obtained.

**CARRIED 7/0**

SD063/12/06 PROPOSED COMMERCIAL DEVELOPMENT – LOT 10 SOUTH WESTERN HIGHWAY AND LOT 104 LARSEN ROAD, BYFORD (P00090/04)		
Proponent:	Greg Rowe & Associates	<b>In Brief</b>  Application for construction of a commercial development with 4999m <sup>2</sup> of retail floor space comprising five (5) shop tenancies (including supermarket) and two (2) showroom tenancies. It is recommended that the application be refused.
Owner:	Byford River Pty Ltd	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	28 November 2006	
Previously	SD004/07/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

**SD063/12/06 COMMITTEE DECISION/Officer Recommended Resolution:**

**A. That the application for approval to commence development for a Neighbourhood Centre on Lot 10 South Western Highway and Lot 104 Larsen Road, Byford be refused for the following reasons:**

1. The proposed centre has the potential to undermine the planned hierarchy of centres as set out in the Byford Structure Plan 2005 and Byford District Structure Plan 2006 and the Shire's Retail Analysis and Design Review 2006 as the subject site is not within either the Town Centre zone or the Neighbourhood Centre zone.
2. The proposed centre has the potential to adversely affect the economic viability of existing, approved and planned centres within the Byford Structure Plan area where this could result in a deterioration in the level of service to the local community or undermine public investments in infrastructure and services.
3. The proposed centre has the potential to adversely affect the amenity of the locality by virtue of the bulk and scale of the development and the lack of an interactive frontage to George Street and Larsen Road.
4. The proposed centre is not consistent with the purpose and intent of the Showroom/Warehouse Zone, as set out in clause 5.7.1 of the Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2, as the development does not have low traffic generating characteristics and will not predominantly provide for a range of commercially oriented uses that deal in goods of a bulky nature.
5. The proposed centre is not consistent with the purpose and intent of the Service Trade/Warehouse zone (Byford Structure Plan 2006 Review) or the Highway Commercial zone as defined in the Byford Structure Plan 2005 by virtue of the retail uses proposed.
6. The layout, scale and design of the proposed development has the potential to adversely affect the amenity of George Street as it is contrary to the intended character of George Street as determined by the Council in the Byford Townsite Detailed Area Plan.
7. The proposed Shopping Centre development is not consistent with the objectives for Commercial Areas as determined by the Council in the Byford Townsite Detailed Area Plan in that the character of the development is not relevant to Byford's heritage and the development will not create a landmark entrance to the Byford commercial area.

**8. The proposed Shopping centre does not comply with the requirements of the Byford Townsite Detailed Area Plan with regard to (but not limited to):**

- . Building height
- . Design does not address all street frontages or street corners.
- . Building design not in keeping with the existing and intended character of the Byford townsite.
- . Retention of existing trees does not occur.
- . Number of crossovers to the Highway is excessive.
- . Location of car parking areas.
- . Car Parking provision is deficient by 3 bays
- . Design and layout of development is not environmentally sustainable.

**B. The Western Australian Planning Commission be advised of Council's decision.**

**CARRIED 7/0**

SD064/12/06 PROPOSED AUTOMOTIVE VEHICLE WASH – LOT 22 SOUTH WESTERN HIGHWAY, BYFORD (P00011/03)		
Proponent:	Planning Solutions (Aust) Pty Ltd	In Brief  The applicant seeks approval for an Automotive Vehicle Wash on the Caltex Service Station site in Byford. It is recommended that the application be refused.
Owner:	Bazan Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 November 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

**SD064/12/06 COMMITTEE DECISION/Officer Recommended Resolution:**

**The application for a proposed Automotive Vehicle Wash on Lot 22 South Western Highway, Byford be refused for the following reasons:**

- 1. The applicant has provided insufficient information with respect to the capacity of the site to adequately cater for the disposal of waste water on site.**
- 2. The applicant has not demonstrated that the site is able to cope with the projected volumes of waste water for the proposed development without a direct connection to the deep sewerage network.**

**CARRIED 7/0**

CGAM063/12/06 MONTHLY FINANCIAL REPORT – NOVEMBER 2006 (A0000/06)	
Proponent:	Local Government Act 1995
Owner:	
Officer:	Casey Mihovilovich – Manager Finance Services
Signatures Author:	
Senior Officer:	
Date of Report	
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995
Delegation	<b>Committee in accordance with resolution SM051/05/04</b>

In Brief  
  
To receive the Monthly Financial Report as at 30 November 2006

**CGAM063/12/06 COMMITTEE DECISION/Officer Recommended Resolution:**

**That Council receives the Monthly Financial Report, as at 30 November 2006, in accordance with Section 6.4 of the Local Government Act 1995.  
CARRIED 7/0**

CGAM064/12/06 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	
Proponent:	Director Corporate Services
Owner:	N/A
Officer:	Tracy Mladenovic – Assistant Accountant
Signatures Author:	
Senior Officer:	
Date of Report	4 <sup>th</sup> December 2006
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	<b>Committee in accordance with resolution SM051/06/04</b>

In Brief  
  
To confirm the creditor payments made during November 2006

**CGAM064/12/06 COMMITTEE DECISION /Officer Recommended Resolution:**

**That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of November, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.  
CARRIED 7/0**

CGAM065/12/06     SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the sundry debtor balances as at 30 <sup>th</sup> November 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	4 <sup>th</sup> December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

**CGAM065/12/06 COMMITTEE DECISION /Officer Recommended Resolution:**

**That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30<sup>th</sup> November 2006.**

**CARRIED 7/0**

CGAM066/12/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the rates report as at 30 <sup>th</sup> November 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report	3 November 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

**CGAM066/12/06 COMMITTEE DECISION /Officer Recommended Resolution:**

**That Council receive and note the report on the Rate Debtors accounts as at 30<sup>th</sup> November 2006.**

**CARRIED 7/0**

CGAM066/12/06 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief  To receive the information report to 30 <sup>th</sup> November 2006
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:	Darren Long	
Date of Report	4 <sup>th</sup> December 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

CGAM066.2 /12/06 ROADWISE (A0491/01)

*A copy of the minutes of the meeting held 22<sup>nd</sup> November 2006 is with the attachments marked [CGAM66.2/12/06](#) (E06/5303)*

CGAM066.3/12/06 DELEGATED AUTHORITY (A0039-02)

*The Director of Engineering be granted delegated authority to approve or refuse internment in the Serpentine Cemetery.*

**CGAM066/12/06 COMMITTEE DECISION /Officer Recommended Resolution:**

**The information report to 12<sup>th</sup> December, 2006 to be received.  
CARRIED 7/0**