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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 SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON TUESDAY 4TH SEPTEMBER, 2007. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 9.06AM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
AW Wigg
K Murphy
JC Star
MJ Geurds
M Harris
WJ Kirkpatrick
EE Brown

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr D Long Director Corporate Services
Mr B Gleeson Executive Manager Planning & Regulatory Services
Ms S van Aswegen Executive Manager Strategic Community Planning
Ms M Kenny Coordinator Planning
Mrs S Langmair Minute Secretary (to 11.06am)
Mrs L Fletcher Minute Secretary (from 11.08am)

APOLOGIES: Cr John Price
Cr Joan Scott

GALLERY: 10

2. PUBLIC QUESTION TIME:

Public question time commenced at 9.06am.

Mr Salmeri

Q If the Council approves the building of a broiler farm on Lot 701 Henderson Road, does Council have an undertaking in writing that Lot 368 will not be built?

A The Presiding Member advised that we did not have this in writing however asked that Proten address this in public statement time.

Public question time concluded at 9.11am.

3. PUBLIC STATEMENT TIME:

Public statement time commenced at 9.11am.

Edward Lockier

Q Cannot understand why we are here – don't need the chicken farm in the area. Why don't we stand up and say no to this from the beginning? We don't need this in our area. There are thousands of acres all over the State that they can put one million chickens. Council should stand up and represent our people. Councillors are representing the ratepayers. If they take us to court, so be it. Let them sue us. They should say no to this application. The residents of the area are already putting up with pollution from the turf farm – especially in the summer, with the easterlies but

they were there first. A bund will not keep the smell in. Chemicals etc will blow out onto neighbouring properties when sheds are cleaned out. Mr Lockier asked Councillors to say no to this application.

Daniel Bryant – Chief Executive Officer, Proten

Confirmed that Proten are only going to build one farm in the area and not two. Currently settling on Lot 368 this week. Would like to build the farm on Lot 701 and not Lot 368.

Statements made about the planning conditions proposed:

- Condition 54 – regarding the catching and cleaning out over a 72 hour period. This is not possible. Can this be amended or re-worded?
- Conditions 34 and 37 – annual dust, noise and odour assessments. The company operate six broiler farms at present. A large assessment when the farm first begins operation is much more workable. They would rather do this as a concise assessment when they are up and running; they don't want to do it annually as it is a waste of time and money.
- Condition 47 – Henderson Road and Hopeland Road upgrade. This upgrade would stop the development in its tracks. This is a \$13 million development. It would cost \$1 million to upgrade Henderson Road. This condition makes the project unviable. This would mean that they would not commence with Lot 701.

Christopher Gwynne – GHD

Condition 32 regarding noise (part 4), it should be noted that on the plans, an additional fence will be put in place. This is over and above what is already modelled. They have inserted the fence but it should be noted they are already in full compliance.

John Mitchell – Henderson Road

Noise modelling, they can have all the modelling in the world for this venture. He lives 600 metres from an existing farm, with the right winds there is still a noise problem. Barriers may help but if people and farms are effected it is impossible once the farms are up and running to do anything. The best conditions are one of the few things residents can rely on. To have it rectified you are still going about it the wrong way. There are buffers of 300-500m put in place depending on where they are and the buffers are meant to account for the nuisances, however these should be controlled within the farm and not on the neighbouring properties.

Lou Spagnola

There will be an impact on neighbouring properties. The noise and dust should be contained within their properties. Neighbours are suffering for their commercial gain.

Public statement time concluded at 9.19am.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

7. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

SCM006/09/07		PROPOSED POULTRY FARM - LOT 701 HENDERSON ROAD, HOPELAND (P02435/02)
Proponent:	Proten Pty Ltd	In Brief Proposed new poultry farm comprising 16 sheds each accommodating approximately 60 000 birds (960 000 total). Approval is recommended subject to conditions.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	28 August 2007	
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: 9 May 2007
 Advertised: Yes
 Submissions: 15 objections
 Lot Area: 39.2 ha
 L.A Zoning: Rural & Special Control – Poultry Farms Area
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Rural Policy Area
 Rural Strategy Overlay: Poultry Farms
 Municipal Inventory: Not applicable
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: Nil
 Date of Inspection: 11 July 2007

Background

The subject site is located Henderson Road just west of the Hopelands Road intersection. The property is bounded on the western, northern and eastern boundaries by properties used for rural purposes. The southern boundary abuts Henderson Road.

There is a small amount of remnant vegetation in the south western corner of the lot.

The Dampier-Bunbury Natural Gas Pipeline traverses the site diagonally from north-west to south-east.

A Water Corporation drain runs parallel to the front boundary between that boundary and the road.

The site is vacant except for a rural shed and three constructed soak dams used for watering of stock.

Proposed Development

The proposal is for a new poultry farm comprising 16 tunnel ventilated controlled environment sheds. Each shed will be 160 metres long and 17 metres wide (total floor area of 2 720 square metres each) and will accommodate approximately 60 000 birds per shed.

Associated infrastructure to be constructed on the site will include:

- a) site office and amenities;
- b) generator shed and workshop;
- c) two dwellings;
- d) water reticulation pumps/tanks etc; and
- e) feed silos.

The site plan, elevation drawings and an aerial photograph of the site are with the attachments marked SCM006.1/09/07, SCM006.2/09/07 and SCM006.3/09/07.

The sheds will be constructed of *colorbond* steel panels (in *pale eucalypt*) with *coolcell* insulated walls and roof. The floor will be impervious concrete. The floor of the sheds will be located a minimum of 2 metres above the highest known groundwater table on the land.

The workshop/generator shed will comprise two converted sea containers. The office and staff amenities building will be a demountable/transportable building.

The ventilation system for each poultry shed will comprise eleven fans at the western end, two fans on the eastern end, three fans on each side near the western end and one fan centrally located on each side. Four heaters are to be placed along the southern side of each shed.

Continuous earthen bunds 2.5 metres high are to be constructed parallel to the western and eastern ends of the two groups of poultry sheds.

Night lighting will be contained to the areas directly outside the sheds and generally only used during catching time.

Fork lifts used during harvesting will utilise dim-set lighting as an alternative to beepers.

Access to the site is proposed to be via two crossovers to Henderson Road. One of these crossovers already exists adjacent to the western boundary of the site. Accessways will loop around both groups of sheds so that all vehicle movements can be in forward gear.

The setbacks proposed for the poultry sheds are:

Front (Henderson Road)	150 metres
Rear (northern boundary)	100 metres
Western Side	100 metres
Eastern Side	130 metres
Main Drain channel	150 metres

A minimum biosecurity buffer of 1 000 metres will be achieved to the nearest existing or proposed (approved but not constructed) poultry farm.

Shed floors will be covered with a 10-15cm deep layer of dry litter such as sawdust or wood shavings. This litter will be removed off site when the sheds are cleaned out at the end of each growing cycle.

Grassed swales will be provided between all of the sheds to allow evaporation and nutrient stripping of washdown and stormwater runoff water.

Dead birds will be stored in a coolroom facility and removed off site by a contractor on a daily basis Monday to Friday.

The two dwellings will be located at the front of the site and setback 30 metres from the front boundary. Vehicle access to these dwellings will be via the two crossovers used for the rest of the development.

The earthen bunds are proposed to be vegetated on their external facing slopes. Additional landscaping is also proposed along the rear (northern), southern (front) and eastern boundaries. However, there will be a large gap in the vegetation along the eastern boundary due to the Dampier-Bunbury Natural Gas Pipeline Corridor. However, for the most part the sheds will be screened from view by the earthen bunds and the vegetation planted on these bunds with only part of the roofs and the feed silos being visible from properties to the east.

The majority of the existing remnant vegetation will be able to be retained as it will not be impacted upon by the new development.

The applicant has submitted supplementary reports with regard to odour modelling, noise modelling, traffic impact and a proposed Environmental Management Plan.

Sustainability Statement

Effect on Environment: The proposed poultry farm will require minimal clearing of remnant native vegetation.

Stormwater and waste water will be treated on site in specially constructed nutrient stripping retention swales and will not be discharged off-site.

The development will be predominantly screened from view of adjacent properties by earthen bunds and vegetation.

Potential environmental impacts are likely to include odour, noise, dust and traffic. The impacts and proposed mitigation measures to be implemented are discussed in detail in the Comment section of this report. The applicant concludes the following from their modeling:

Odour

The levels detailed in the odour report indicate a low potential of annoyance for the thirteen (13) rural residences because of the relatively low 3.5 OU^s and the limited exposure periods (44 hours per year).

Dust

Dust will be contained within the site.

Noise

Noise will comply with Environmental Protection (Noise) Regulations 1997, at all times.

Resource Implications: The poultry farm will involve the usage of ground water as there is no 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. The proponent has advised that they have already obtained a water extraction licence from the Department of Water.

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 a small amount of long term employment within the Shire. The location of food production close to metropolitan areas helps to reduce transport costs and thereby reduce the cost at the supermarket for consumers.

Social – Quality of Life: The application was referred to surrounding landowners for comment. Concerns and issues raised by the community can be addressed through appropriate conditions of planning approval. There is the potential that the amenity of the area could be affected by noise, odour and dust as well as visually if not managed 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 through compliance with the conditions of approval. This could be monitored by way of annual audits being required to be carried out.

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

Statutory Environment: Town Planning and Development Act 1928
Town Planning Scheme No.2

As per the resolution of the Western Australian Planning Commission (WAPC) made under Clause 32 of the Metropolitan Region Scheme (MRS), extensions to poultry farms that are greater than 100 square metres in area require separate determination by the WAPC under the 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 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 is no financial implications to Council related to this application.

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

Western Power

Comment

No objections to the proposal.

Action

Western Power's comments are noted.

Department for Planning and Infrastructure

The application was referred to the Department for Planning and Infrastructure as they manage the gas pipeline corridor.

Comment

No objections to proposal so long as it doesn't encroach the pipeline easement. Application referred onto Alinta Gas as they operate the existing pipeline within the corridor.

Action

Comments noted. The development does not encroach on the pipeline corridor.

Alinta Gas

Alinta Gas initially provided comment that stated that the proposed farm was classified, under the Environmental Protection Authority's Guidance Note No. 2 "Risk Assessments and Management: Offsite Individual Risk from Hazardous Industrial Plant", as a commercial land use. Guidance Note No. 2 recommended an 80m setback from any commercial building to the pipeline corridor. However, the proponent disputed this recommendation. As a result, Alinta Gas reviewed their decision and determined that the use should not be classified as a "Commercial" land use. Instead, the farm was classified as a Rural land use and the following amended comment was forwarded to the Shire:

Comment

Poultry sheds may be built up to the edge of the pipeline corridor. Any dwellings must be located a minimum of 100 metres from the edge of the corridor.

Prior to works commencing the proponent is to have Dial Before You Dig Plans and contact DPI Infrastructure Corridors and complete the safety approvals process for works in the vicinity of the DBNGP.

Action

None of the proposed works/development will encroach on the corridor except for a vehicle accessway over the corridor. The proposed dwellings will be located a minimum of 120 metres from the corridor but predominantly much further away.

Department of Water

The Department of Water initially requested the proponents provide additional information with regard to highest known groundwater levels and drainage. Further comment was provided by the Department of Water once the proponents had provided the requested information.

Comment

After assessing the additional information, the Department would like to advise that it still has a number of reservations regarding several issues raised in its initial correspondence, which have not been adequately addressed. These issues are detailed below:

- a. *Depth to groundwater, requiring a minimum 2 year site specific assessment of groundwater levels, to determine with sufficient accuracy the Maximum Groundwater Level (MGL) of the site.*
- b. *Designs of the proposed drainage basins and swales, demonstrating the soil capabilities for nutrient retention and infiltration, storage capacity, overflow management and contingencies, and most importantly the demonstrated adequacy of such design based on the site characteristics including MGL.*

The DoW considers that the approval of this proposal in the absence of such information does not represent informed decision making. If, however, Council decides to approve the proposal, the Department of Water recommends that the following condition and advice be applied.

1. *An Environmental Management Plan is to be prepared and implemented prior to the commencement of site works to the satisfaction of the Department of Water.*

Advice Note:

The Environmental Management Plan, among other things, will include, but not be limited to, drainage and nutrient management, determination of the MGL, details and designs of drainage basins and swales, and the development of a groundwater monitoring program. The Environmental Management Plan shall also demonstrate compliance with the Environmental Code of Practice for Poultry Farms in Western Australia, May 2004.

Action

It is not considered reasonable to require 2 years of groundwater monitoring prior to approval or development. Data relating to the highest known groundwater level on this property is available and it is considered that the older data may more accurately identify potential highest groundwater levels than monitoring over the next two years given the reduced annual rainfall in the metropolitan area in recent years and currently. In any case all buildings are proposed to be located a minimum of 2 metres above the highest known groundwater level thereby providing adequate room for as yet unrecorded variations in groundwater levels.

The applicant has now submitted additional information with regard to the design and sizing of drainage basins and swales with regard to this development. Detailed engineering drawings for this infrastructure will be submitted at the time of application for a building licence and will be assessed by the Shire's Engineering Services at that time. There is adequate room on site to accommodate any required drainage facilities.

The condition and advice note suggested by the Department of Water will be included in the recommendation. However, it is not legally appropriate for the Council to impose a condition that has to be cleared by another authority. Therefore, the wording of the condition has been changed to read "to the satisfaction of the Shire".

Department of Agriculture

The Department of Agriculture did not provide any comment.

Community Consultation

Fourteen letters of objection were received with regard to the proposal.

The issues raised during the public consultation period are summarised and addressed below:

Issue	Officer Comment
<i>Buffers & Location</i>	
Lot 701 is too close to the proposed farm on Lot 368 Henderson Road. Due to the size of the farms it is recommended that a minimum distance between farms should be 2 000 metres.	The Environmental Code of Practice for Poultry Farms in Western Australia specifies a minimum biosecurity buffer of 1 000 metres and there is over 1 100 metres between Lot 701 Henderson Road and Lot 368 Henderson Road.
The proposal only just meets the required 100 metre boundary setbacks specified by SPP 4.3 Poultry Farms and therefore is a borderline proposal.	The proposed development complies with the setback requirements specified in Statement of Planning Policy SPP 4.3 Poultry Farms Policy, the Shire's Town Planning Scheme and the Environmental Code of Practice for Poultry Farms in Western Australia.
The 300 metre buffer zone to the new sheds as well as other site constraints will mean that there is no room for development of a residence on Lot 700.	There are areas of Lot 700 outside the 300 metre buffer zone to the poultry sheds, the 100 metre buffer zone between a residence and the Dampier-Bunbury Natural Gas Pipeline and the Water Corporation Drain that can be used to construct a dwelling. The abovementioned buffers do not prevent other rural landuses occurring within the area of Lot 700 covered by the buffer or the construction of outbuildings.
These new and larger poultry farms need to be located on much larger pieces of land which enable the containment of buffers within their own boundaries	The subject farm achieves the minimum 100 metres boundary setbacks and the required separation distances from sensitive land uses such as Residential and Rural-Residential zoned land. The property is 39.2ha in size.
The proposal does not comply with the minimum size required for poultry farm lots in SPP 4.3 Poultry Farms Policy.	SPP 4.3 Poultry Farms Policy does not specify a minimum lot size for poultry farms. With regard to size SPP 4.3 states as follows: <i>5.6.2 Subdivision controls within rural areas should be designed to ensure sites of poultry farms are of sufficient size to allow minimum separation distances to be maintained and to minimise the number of rural housing sites within the 300 metre buffer zone.</i> The <i>Environmental Code of Practice for Poultry Farms in Western Australia</i> states as follows: <i>Poultry farms may be sited on 20 hectares if the area is square, however 40 hectares is recommended to allow for expansion and incorporate a building envelope with the required buffers.</i> The subject site is 39.2 hectares in area (ie only 0.8 of a hectare below the recommended size for non-square lots) and is regular in shape.
There is nothing to stop the other farm being built on Lot 368 Henderson Road and the	Correct. The planning approval on Lot 368 is valid until January 2008 at which time the approval will lapse. Proten have now purchased Lot 368 in

Issue	Officer Comment
combined impact of the two farms will have an unacceptable impact on surrounding lots.	addition to Lot 701. Both developments could theoretically go ahead if Council approves this proposal.
Properties in Hopeland will be devalued as a result of all these poultry farms.	There are already 5 or 6 poultry farms existing in the Hopeland/Serpentine area and the last 3-5 years has seen significant growth in the value of all properties in the area.
Approving the proposal will prevent future subdivision of lots around Lot 701 for residential or rural-residential purposes.	Neither State nor Local Authority long term planning strategies such as the Metropolitan Region Scheme, the Network City Plan or the Shire's Rural Strategy identify land in this particular area as a possible future urban or rural-residential area.
<i>Visual Amenity</i>	
The Shire has a poor track record in enforcing vegetation, bunding and set back conditions on existing poultry farms.	Consideration is being given to making it a standard requirement that the developers engage suitably qualified consultants to carry out annual audits of the farms to the satisfaction of the Shire. This will enable the Shire to better manage compliance issues on the farms.
<i>Odour</i>	
The proposed farm on Lot 368 Henderson Road is required by the State Administrative Tribunal conditions to have 4.0 metre high earthen bunds that extend 20 metres past the ends of the poultry sheds. The bunds on Lot 701 are only proposed to be 2.5 metres high and do not extend 20 metres past the ends of the sheds.	The same condition relating to the bunds that was applied to Lot 368 by the State Administrative Tribunal would be applied to this development (ie 4 metres high and extending 20 metres past the ends of the sheds).
The applicant seems to presume that Lot 700 (next to Lot 701) will remain a tree farm in the future. This is not the case and there will be a rural residence built on it in the future. Unacceptable levels of noise and odour as a result of the proposed development will affect 50-100% of Lot 700.	Bunding between the sheds and the western boundary will be required to be 4 metres high and to extend a minimum of 20 metres past the ends of the sheds. This will reduce the impact of odour and noise on Lot 700 considerably from that shown in the applicant's modelling as noise and odour were only modelled on a 2.5 metre high bund.
<i>Dust</i>	
Dust from the farm will worsen the asthma of a resident who lives two kilometres from the farm.	Dust from the farm will generally be contained within Lot 701. In any case a separation distance of 2 kilometres means that it is unlikely that the property would be affected by dust from this proposal on Lot 701.
<i>Noise</i>	
The existing farms in the area already create unacceptable noise levels particularly at night.	Conditions will be imposed on the poultry farm to address noise issues such as the provision of 4 metre high earthen bunds along the ends of the sheds that produce noise.
Noise emissions occur mostly after hours and result from feed deliveries, cleaning of sheds, bird removal, emergency power generators, trucks kept idling, workers shouting and forklifts	Earth bunding and other measures aimed at reducing noise and maintaining emissions with regulated standards (when measured at the property boundaries) will be required as conditions of approval.

Issue	Officer Comment
beeping.	
<i>Water Issues</i>	
The proposal does not comply with the Environmental Code of Practice for Poultry Farms in Western Australia with regard to minimum water table levels.	The highest known groundwater level on the property is between 15.0 and 15.2m AHD according to the Department of Water Groundwater Atlas. The floor of the poultry sheds is proposed to be a minimum of 17.3 to 17.5m AHD which is more than 2 metres above the highest known groundwater level. The Code requires a 2m separation to highest known ground water level but this is not required if there is a concrete base.
The operation of such large poultry farms will have a massive draw on groundwater supplies and also has the potential to pollute groundwater supplies.	Groundwater abstraction is regulated by the Department of Environment and Conservation (DEC). The proponents have advised that they have obtained a Groundwater Abstraction Licence from DEC and this will set limits on the amount of groundwater allowed. A nutrient and drainage management plan would be required to be prepared and implemented to the satisfaction of the DEC and the Shire in accordance with DEC guidelines. Controlled environment sheds and measures such as nipple ends on drinking water systems provided for chicks use less water than older style methods of production.
<i>Traffic Impact</i>	
There will be 400 additional vehicle movements on Hopelands Road each month as a result of this poultry farm.	Based on results of the traffic modelling carried out by the developer there will only be an average of 260 vehicle movements per month.
The standard of roads within the Hopeland area are not adequate to cater for the truck traffic generated by these poultry farms.	Hopeland, Karnup, Rapids, Lowlands, Kargotich and Mundijong Roads are already designated heavy haulage routes and comprise the route that will be followed by trucks generated by the farm to get to the Kwinana Freeway to travel either north or south.
<i>Other Issues</i>	
<p>If the farm on Lot 701 is approved the following conditions should apply:</p> <ul style="list-style-type: none"> a) Maximum of 8-10 sheds only b) Vegetative buffers and earthen bunds should be provided along the southern and northern boundaries. c) Only mature plants should be used for vegetative buffers. d) Growth cycles should not be staggered so that there is only one harvesting and clean-out period. e) Proten should be required to provide a performance bond in relation to conditions. f) Proten must carry out 	<ul style="list-style-type: none"> a) The number of sheds permitted is determined by the ability of the lot to enable the minimum boundary setbacks, separation to residences on adjacent lots and control emissions to an acceptable level. b) Earthen bunds are required only along those ends of the sheds that produce emissions (noise, odour, dust) ie the ends containing the fans and the front of the sheds where harvesting and other activities occur. Vegetative screens are proposed along all boundaries. c) Planting of mature plants will lessen the likely success of transplanting and require considerably more water to establish them. d) Even in farms that have a single growth cycle, harvesting occurs on three (3) occasions due to the market's requirement for different sized birds. It is recommended that a condition requiring a single cycle be placed on the approval to reduce the impacts from harvesting and clean out. Cleanout is usually only done once at the end of the cycle. Larger farms mean that there will be fewer farms required. e) It would not be possible for the Shire to hold a performance bond indefinitely. There are sufficient

Issue	Officer Comment
audits of the operation at its own cost.	penalties under the various State Government Acts and Regulations to cover issues of continuing non-compliance with conditions of approval. f) A condition would be applied requiring Proten to carry out annual audits at their own cost using suitably qualified persons.
The increased use of our area for offensive industries is contradictory to the original plans for the area. A township was originally planned in Hopeland.	Neither State nor Local Authority long term planning strategies such as the Metropolitan Region Scheme, the Network City Plan or the Shire's Rural Strategy identify this particular area as a possible future urban area.

Development Control Unit Comment:

Fire and Emergency Services

There is no detail provided in the application with regard to emergency risk assessment and management. A proposal of this size does have an impact on the community and the consequence of failing to address the emergency management issues has the potential to affect the economy of the community. The proponent should be requested to address the emergency management issues.

Action

The Environmental Management Plan required by a condition included in the recommendation will be required to address emergency risk assessment and management.

Environment

The remnant vegetation has been extensively grazed and the under storey has therefore been removed in all areas except the adjacent road reserve where indigenous plants occur among the weeds. Grazing however, appears to have stopped for a year or two as regrowth of shrubs has started to occur.

The banks of sheds on the development proposal are situated in old "natural" drainage lines. The proponent will have to deal with directing water around the sheds to prevent backup and flooding upstream or flooding through the sheds. Digging straight line drains destabilizes soil and releases nutrient from old farm land. Any water diversion should be a major component of both stormwater drainage and nutrient management plans. Drains should be stabilized with vegetation - that would be part of a vegetation management plan that includes putting vegetation into nutrient control and drainage structures.

The GHD report on the proposal refers in an oblique way to some of these items but mainly in reference to the water and nutrient impacts from the sheds. We need to make sure that the water flowing in from outside and across via the 'natural' old surface drainage lines is managed as well in the plans. If for some reason they are given permission (by Water Corporation) to put their drainage water in to the main drainage line on the southern boundary there will be a requirement for dropdown structures that will entail significant engineering. Digging basins and drains will also require an acid-sulphate soil assessment as their report recognises.

Given being within a Poultry Farm Area under TPS2 and the impacts being manageable and public consultation having taken place, approval is recommended subject to conditions of Landscape and Vegetation Management Plan and Drainage and Nutrient Management Plans being acceptable to Council staff.

Action

Conditions relating to drainage and nutrient management, landscape and vegetation management and the preparation of an acid sulphate soil assessment and management plan are included in the recommendation.

Engineering

Extensive work will be required to upgrade Henderson Road to make it suitable for the amount of extra truck traffic. The road was last resurfaced about 10-15 years ago. The average width of the road is currently 4-5 metres seal with 2 metres shoulder width. The length of Henderson Road from Lot 701 to the Hopelands Road intersection is approximately 1 250 metres.

The road and intersection will require widening to 7.4m wide pavement to allow the possibility of 2 trucks passing safely, plus the minimum 1 metre wide shoulder. This will be extensive works as the existing drainage is very close to the existing road. Road drainage pipes will also be required to be extended at the least. The pipes are very old and most likely require replacing and therefore the total length of the piping needs to be accounted for in costings.

The intersection with Hopelands Road will also require upgrading and asphaltting. The intersection is kerbed on the western side of the intersection only. The narrowest point from kerb to kerb on Henderson Road is only approximately 4.9 metres currently. Accordingly, the kerbing will have to be moved back. It is recommended that the kerbing be concoursed with mesh installed.

In short, Henderson Road is unsafe in its current state to accommodate the extra truck traffic likely to be generated by the poultry farm.

Action

A condition relating to the upgrading of Henderson Road and the intersection with Hopelands Road is included in the recommendation. The condition requires the upgrading of Henderson Road for the full 1 250 metres from the crossover on Lot 701 to the Hopelands Road intersection. However, it should be noted that the condition imposed by the State Administrative Tribunal on the proposed poultry farm on Lot 368 Henderson Road only required the portion of the road in front of the crossover to be widened. Therefore, this condition may be subject to appeal.

Environmental Health

The Principal Environmental Health Officer prepared a Health Risk Assessment for the proposed development. The findings and recommendations of that assessment are as follows:

Health Site Assessment and Health Considerations

General

It is important to note that the operation of this farm will deviate from the other farms in the Shire that are all in/all out. The 16 sheds will be grouped into two 8-shed units with two distinct 49 to 53 day growing cycles, which are offset by 1 week and occur over a 10 week cycle. This is best demonstrated in the traffic movement chart provided by the applicant.

Due to the scale of this operation and the per bird impacts from such emissions as odour, Specific Odour Emission Rates (SOER), for 960 000 birds significantly increases total emissions and the range of offsite impacts, however the ultimate affect of larger farms is less farms in the area.

If the economy of scale for these very large poultry farms facilitates improved management practices and the mitigation of offsite impacts as detailed in this application, then the overall outcome for the community is positive. However, because of the proximity of other similar activities such as the poultry farm already approved at the corner of Hopeland and Henderson Roads, Lot 368 Hopelands Road and the farm at Lot 21 Hopelands Road to the north, the likelihood of cumulative or interactive impacts from odour, noise and traffic must be considered as part of the assessment process and the proponent should be committed to the implementation of best practice.

Community consultation by the proponent

Some community consultation was undertaken by the applicant. Residents immediately surrounding Lot 701 were consulted with regards to the detail of the application and the Shire is advised that overall, residents preferred the poultry farm to be located on Lot 701 Henderson Road rather than Lot 368 Hopelands Road. It was also found that residents preferred bunding and natural vegetation as intervention measures to minimise odour, noise, dust and visual impacts.

Health and amenity screening assessment

The enHealth Council produced a draft consultation document on health impact assessments for intensive livestock industry, which makes specific reference to poultry farms. The draft consultation recommends that a health impact assessment should be considered for large poultry farms, particularly if they are close to populations who would be considered sensitive.

Whilst it is clear that this application is for a very large farm, it is also evident that there is not a large population within close proximity. Based on the fact that it is a very large farm a simple health risk screening process has been applied to screen for health and amenity impacts.

Health Risk Screening - Table 1

What are the primary issues for health and amenity for this application	YES/ NO	What are the health and amenity implications of the application
Is it likely the farm will produce emissions or pollution off site	Yes	The applications noise odour and dust reports clearly state that it is certain that, noise, dust and odour will be emitted off site. However with management the intensity and duration of these emissions may be within appropriate exposure limits.
Is it likely there will be people living within the recommended 300m external separation	No	It is not likely but it is possible even though there are currently no sensitive receptors within the generic 300m buffer that the Shire could receive an application from any of the six adjoining lots for a residence that could be within the 300m separation distance.
Is it likely that people will be exposed to emissions	Yes	It is likely people will be exposed to periods of odour and noise emissions. It is certain that residents on Hopelands Road will be exposed to much higher numbers of truck movements and therefore traffic impacts.
Is it likely that there will be exposure levels high enough to cause a dose response	Yes	It is not likely that the adjoining lots will be exposed to levels of odour or operational noise that would cause a dose response. But it is certain that the numbers of traffic movements and the hours these movements will take place will impact on the residence at or near the intersection of Hopeland and Henderson Roads. <i>Dose responses may include; annoyance responses like complaints and or individual health issues like respiratory</i>

What are the primary issues for health and amenity for this application	YES/ NO	What are the health and amenity implications of the application
		<i>complaints.</i>
Is it likely that there will be cumulative impacts from same or similar activities that would increase exposure levels high enough to cause a dose response	Yes	It is highly likely that other same or similar activities will have a cumulative impact on the 13 sensitive residences detailed in the application. Lot 368 Henderson Road Broiler Farm – Odour, noise, dust and traffic Lot 21 Hopelands Road Broiler Farm – Odour Lot 505 Henderson Road Broiler Farm – Traffic Lot 1 Yangedi Road Farm – Odour and traffic

In summary

- It is certain that there will be emissions produced off site
- It is not likely there will be sensitive receptors inside the 300m buffer
- It is likely that the 13 residences in the proximity of the farm will be exposed to odour.
- It is certain that traffic movements will significantly impact on the 7 to 9 residences on Hopelands Road at or near the intersection of Henderson Road due to the type and hours of these movements.
- Based on the initial screening process it was determined that a primary level of health assessment for odour, dust, noise and traffic impacts was required.

Primary Health and Amenity Impact Assessment

Buffers Vegetative screening and Bunding

The EPA's generic internal and external separation distances of 100m and 300m are complied with.

There is some existing vegetative screening on the farms adjacent to the east and to the west which is the proposed direction of the fans and these may provide some amenity screening.

The applicant has also detailed extensive vegetative screens to the north, east and south on the boundaries and earth / soil bunds on the eastern and western ends of the proposed sheds. These have been strategically located to provide efficient nuisance and visual amenity screening but detail of the construction of the bunds has not been provided in the body of the application.

Study's and Reports

Noise, odour, dust and traffic reports have been submitted with the application and the consultants advised that odour, dust and noise modelling results show that while there is an impact on the nearby rural dwellings the impacts appear acceptable given the rural location, land zoning and surrounding land uses.

Odour - The odour report has provided a 2.5, 3.5 and 10OU 99.5% 1 hour contours for two sets of meteorological data. If we take the worst set of results for offsite amenity impacts detailed in **Figure 4** of the development application and refer to the 3.5OU contour we can see that a weak to distinct odour extends for about 900 metres to the east and 1.8km to the west we can see that there will be some odour impacts for 11 of the closest residences.

Table 3: Poultry odour concentration corresponding to intensity levels.

Odour Strength	Intensity Level	Concentrating using Weber-Fechner (OU)
Extremely strong	6	144
Very strong	5	52
Strong	4	19

Distinct	3	7.0
Weak	2	2.5
Very weak	1	0.92
Not perceptible	0	0.34 ^(a)

3.5OU is as described on page 16 Part 5.4 of the *Odour and Dust Report* as the “distinct” peak odour intensity and the 99.5% 1 hour contour is the amount of time per year the OU level is exceeded (44 hours per year). The EPA’s Odour Methodology Guidelines, DoE 2002 Table 2 Poultry Odour Concentrations Corresponding to Intensity Levels refers to 3.5 OU as between Weak and Distinct.

Based on the details provided, the criteria of **3.5 OU 99.5% 1 hour** may be a conservative but reasonable starting point or guideline level for determining annoyance for residents in that location. However, it would not be appropriate to only consider the details provided in this application as the only determinant of nuisance sensitivity and annoyance response.

Whilst the criteria detailed above could be considered to be conservative and the applicant has committed to the construction of extensive vegetative screens and earth / soil bunds to reduce odour emissions the cumulative impacts from other same or similar operations and other impacts such as noise and traffic are very important in the assessment of this application.

Noise – The noise modelling and report has provided three modelled assessments of the noise impacts for the proposed farm. Night time LA10 during catching, night time LA1 (short term) during catching and a daytime LA10 during cleaning out and general farm activity. All of the modelling has been calculated with the wind from the farm to the residents on Hopelands Road and with the bunding constructed at the eastern and western ends of the sheds.

Whilst the levels as indicated below in Table 6.1 are within the assigned levels or criteria, management of operational activities and the use of the best or quietest equipment is still required to ameliorate noise impacts at the operational level. However, the noise levels emanating from the north east corner of Shed 8 require further engineering noise management solutions to attenuate the exposure levels detailed in Figure 5.1 and 5.3 of the Noise Report. This may be mitigated by a condition that requires the applicants consultant to provide engineering solutions before building approval is given. Refer to conditions Noise 32 (iv).

Table 6.1 Adjusted Predicted Noise Levels and Comparison Against Criterion

Scenario	Most Affected Receiver	Predicted Noise Level	Adjusted Noise Level	Criterion	Compliance
Night-time L _{A10} Noise Levels During Catching	R9	L _{A10} 25 dB	L _{A10} 30 dB	L _{A10} 35 dB	Yes
Night-time L _{A1} (Short term) Noise Levels During Catching ²	R4 & R7 to R10	L _{A1} 30 dB	L _{A1} 30 dB	L _{A1} 45 dB	Yes
Daytime L _{A10} Noise Levels During Cleaning and General Activities	R9	L _{A10} 36 dB	L _{A10} 41 dB	L _{A10} 45 dB	Yes

Conclusion

Primary Considerations

This application proposes to locate a large poultry farm in the poultry overlay area on a rural lot that will comply with the EPA's generic buffers. The application is comprehensive and provides adequate quantitative and qualitative information for assessment along with a range of management plans to mitigate offsite impacts.

The applicant has consulted with the immediate community and has attempted to respond and/or mitigate concerns with the proposed operation. Primarily the community consensus was that they prefer this location over the Lot 368 Henderson Road.

Based on the information provided and experience with other applications and existing operations this application proposes to do all practicable to implement a range of best management practice to minimise offsite impacts.

The only concern is the issue of cumulative impacts from same or similar activities and other impacts. If the approved poultry farm at Lot 368 Henderson Road was to be constructed it would be highly likely that the cumulative impacts from both farms would significantly increase the annoyance potential for odour, noise and traffic.

Recommendation

Based on the quality of the reports provided in the application, the location and the applicants commitment to do all practicable to minimise offsite impacts, approval should be granted.

Comment:

Statutory Context

The subject site is zoned Rural and Special Control – Poultry Farms under Town Planning Scheme No. 2 (TPS 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 Special Control – Poultry Farms area a Poultry Farm is a "P" (Permitted) use provided it satisfies the requirements stipulated in Part X of TPS 2.

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.

Compliance with the provisions of TPS 2 relating to Poultry Farms

The provisions contained in Part X of TPS 2 relating to poultry farms and the subject proposal's compliance with those provisions is detailed in the table below:

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”.	Doesn't comply	A vegetation management plan for the management of existing remnant vegetation and implementation of vegetative screens can be required as a condition of approval. Bunding will also be used as a screening method.
All litter material and dead birds will be disposed of off the site and in accordance with best practice.	Complies	Dead birds will be kept in a cool room, collected daily Monday to Friday and disposed of at an approved composting facility. All litter material is removed from the site at the end of each cycle and disposed of at an approved composting facility.
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.	Doesn't comply	This provision is not met at the present time as the development has not yet been approved. Signage can be required on both street frontages as a condition of approval.
In respect of <u>new</u> Poultry Farms the sheds are at least: 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.	Complies Complies Complies Complies	The subject site and the location of the proposed sheds on the site comply and in many instances exceed the prescribed separation distances.
All the application requirements have been provided and Council is satisfied with the establishment, operations and management and the impacts of the proposed development on the local environs.	Complies	Comment provided elsewhere in this report.

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 500-1 000 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.

Clause 3.1 of the document goes on to state that it has only attempted to incorporate advice relating to separation distances from various codes relating to specific types of industry such as the poultry industry and that some of these codes may provide more detailed information on buffers that may be relevant to the achievement of acceptable environmental outcomes.

The nearest existing house on an adjacent property will be 690 metres from the poultry sheds (ie exceeds the buffer the State Government determined under the Statement of Planning Policy required as appropriate for a rural-residential area). Lot 700 (which abuts the western boundary of Lot 701) does not currently contain a residence. However, there is room on site to build a residence in future outside of the 300 metre buffer distance.

A map showing the location of existing dwellings on adjacent properties in relation to the proposed sheds on Lot 701 is with the attachments SCM006.4/09/07.

WAPC's Statement of Planning Policy No.4.3. Poultry Farms

The main provision of the WAPC's Poultry Farms policy relating to new farms is that the poultry sheds not be located any closer than 100 metres from any boundary. The proposed development will comply with or exceed this boundary setback.

The remainder of the policy deals mainly with ensuring new poultry farms achieve a certain buffer to existing/proposed residential and rural-residential areas and that any proposals to rezone land to residential or rural-residential also comply with the buffers. This is consistent with the provisions for poultry farms contained in Part X of TPS 2 and as stated previously the proposed sheds comply with or exceed all of the required separation distances.

Odour

Odour is dealt with in detail in the Environmental Health risk assessment section of this report.

A copy of the odour modelling maps is with the attachments marked SCM006.5/09/07.

Noise

Noise Modelling and Management Methods intended to be implemented by proponent

The applicant's consultant's report is summarised below:

Assigned Noise Levels for Noise Sensitive Premises

Time of Day	Assigned Level (dB)		
	L_{A10}	L_{A1}	L_{Amax}
7am-7pm Mon to Sat	45 + IF	55 + IF	65+IF
9am-7pm Sun & Public Holidays	40 + IF	50 + IF	65+IF
7pm-10pm all days	40 + IF	50 + IF	55+IF
10pm-7am Mon to Sat 10pm-9am Sunday & Public Holidays	35 + IF	45 + IF	55+IF

- L_{A10}* Noise level exceeded for 10% of measurement period – intrusive noise
L_{A1} Noise level exceed 1% of the measurement period – average maximum allowed
L_{Amax} Maximum noise level allowed during measurement period
IF Influencing Factor – factors which may affect ambient noise levels such as major roads, commercial or industrial development existing around the site (ie a premise may produce the maximum decibel level above the ambient (always existent noise levels).

The nearest residences are to the west on Hopelands Road and to the south on Henderson Road. The consultants have calculated that there are no influencing factors as there aren't any existing factors such as commercial, industrial or highways within 450 metres of any of these houses. Therefore, only the flat assigned noise levels will apply to this development.

Modelling has been carried out based on the worst case scenario of night time noise as this involves harvesting noise being added to the constant noise generated by the fans that run 24 hours a day. The timeframe used is 10pm to 7am.

The assigned noise levels (ie the level of noise that is permitted to be emitted when measured at the sensitive premises) and the actual noise level for the fans, forklift and truck movements measured at 7 metres from the fans are as follows:

Noise Source	Description	Assigned Noise Level
Fans	Continuous operation	L _{A10} 35 dB
Forklift	Generally only audible when outside sheds but is likely to be present 10% of the time.	L _{A10} 35 dB
Truck Movements	Prime mover drives in to pick up loaded trailer. Assumed to be present 01% of the times and noise levels combined with fans and forklift.	L _{A1} 45 dB

Based on the noise levels at the source (see above), topographical characteristics of the site (flat) and worst case meteorological conditions (cold, still and humid) the predicted noise levels at 13 noise sensitive premises (houses) adjacent to the subject site there will not be any exceedences of the assigned levels.

A table showing the Predicted Noise Levels at Nearby Residences and noise contour modeling mapping is with the attachments marked SCM006.6/09/07, SCM006.7/09/07, SCM006.8/09/07 and SCM006.9/09/07.

Recommended Conditions

Although the modelling indicates that there will not be any exceedences of assigned noise levels at existing houses adjacent to Lot 701, the extent and level of the noise impact on the currently vacant Lot 700 (to the west of Lot 701) is of concern as approximately 50% of the lot will experience noise levels above the assigned night time level during catching activities.

It is recommended that a condition be placed requiring additional engineering solutions, relocation or deletion of a shed to ensure this impact is reduced to Council's satisfaction.

Conditions relating to the noise attenuation measures required have been included in the recommendation in accordance with the recommendations made in the Noise Assessment report submitted by the proponent. These conditions include requirements for the installation of earthen bunds and fence on the eastern and western sides of the sheds, replacement of forklift beepers with dim-set lighting, replacement of audible alarms with personal pagers and other devices.

It should be noted that apart from the operation of the fans the noise associated with the operation of the poultry farm is not continuous seven days a week or 24 hours a day but occurs mainly during feed deliveries and harvesting processes. A condition has been imposed requiring feed deliveries to occur between 7am and 7pm due to the noise associated with the transfer of feed from the trucks to the silos. This issue was not covered by the noise assessment submitted by the applicant.

Given the distance between poultry farms in the Shire and the processing facility in Osborne Park (over 50 kilometres) it is not practical, particularly with regard to welfare of the birds, to require harvesting to occur during the daytime. In particular in summer this would lead to extreme distress for the birds and would result in the death of many birds. The noise modelling submitted by the proponent predicts that the placement of bunds adjacent to the sheds will reduce the noise generated during the catching process to the assigned levels. Accordingly, it is considered that the noise impact can be sufficiently ameliorated to allow approval of this application.

Dust

Dust Modelling and Management Methods intended to be implemented by proponent

Dust modelling was carried out by the proponent and the results produced indicate that the Ambient National Environmental Protection Measures for ambient air quality of 50ug/m³ as a 24 hour average would not be exceeded at any of the adjacent sensitive receptors (houses) at any time as a result of this proposal.

A map showing the results of the dust modelling carried out for Lot 701 are with the attachments marked SCM006.10/09/07.

Traffic Issues

The proponent has provided traffic modeling for the number of vehicles per eight week growing cycle. A total of 562 vehicle movements would be generated by the farm, with the daily, weekly, monthly and yearly averages for vehicle movements being as follows:

Daily	9.36
Weekly	65
Monthly	260
Yearly	3120

A copy of the table showing how the traffic volumes have been modelled is with the attachments marked SCM006.11/09/07.

Two crossovers are proposed (one existing) to allow ingress and egress of vehicles. It is recommended that access/egress of the site be restricted to a single crossover. Internal loop roads allow all vehicles to travel within the site and into and out of the site in forward gear thereby, eliminating the need for trucks to reverse on site.

A concrete apron is required between the crossover and the Henderson Road seal to prevent truck turning movements causing the edge of the seal to break down. In addition, the section of Henderson Road from Lot 701 to the Hopelands Road intersection needs to

be widened and the intersection also needs to be enlarged in accordance with the comments of the Shire's Engineering Services section.

All costs associated with the required road upgrading will be at the expense of the developer of the subject site.

The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974 to/from the subject site will require the separate approval of the Shire.

It is recommended that traffic speeds within the site be restricted to a maximum of 20 kilometres per hour and that signs in this regard be required to be posted at the entrance to the property and at the beginning of the driveway in the area containing the poultry sheds.

Part X of TPS 2 specifies a preferred route of Hopelands, Karnup, Rapids, Lowlands, Kargotich and Mundijong Roads for traffic related to poultry farms.

Environmental Management Plan

An Environmental Management Plan (EMP) provides a systematic method for meeting environmental outcomes, approval conditions and the ways or procedures for meeting compliance. It allows for:

- better practices
- monitoring of performance
- training of staff
- keeping of relevant records
- complaint response
- emergency and incident response.

An EMS addresses noise, air quality, waste and any other relevant environmental issues associated with processes that could reasonably pose a significant risk to the environment, if not appropriately controlled, monitored and/or managed.

It is recommended that the preparation, implementation and auditing of an EMS be required as a standard condition for all new poultry farms and extensions to existing farms. The EMS should be required to be prepared by a suitably qualified environmental professional. A condition in this regard has been included in the recommendation.

Annual Audits

It is recommended that a condition be imposed requiring the farm operator to submit a report (audit) on compliance with the approved Environmental Management System to the Shire on an annual basis by the anniversary date of the approval. The annual audit should include:

- a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site, an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements and conditions;
- b) an evaluation of its response to any verified complaints; and
- c) 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.

The audit must be required to be conducted by a suitably qualified and experienced person to the satisfaction of the Shire.

Previous approval for 16 shed poultry farm on Lot 368 Hopelands Road

A poultry farm of the same size as is proposed on Lot 701 was approved by the State Administrative Tribunal on Lot 368 Hopelands Road (approximately 800 metres east of Lot 701). Accordingly, it is recommended that the same conditions imposed on that development (with relevant modifications where required) be imposed on the development of Lot 701.

Conclusion

The subject farm is within the Rural zone and the Special Control – Poultry Farms Area and as such is a "P" (Permitted) land use on Lot 701. It is considered that adequate measures can be put in place through the imposition of appropriate conditions to minimise the impact of this poultry farm on surrounding properties to provide a level of amenity consistent with that expected at a residential dwelling in a Rural zone. Accordingly, it is recommended that approval be granted for this poultry farm subject to conditions as discussed throughout the report.

Voting Requirements: Simple Majority

SCM006/09/07 Officer Recommended Resolution:

Moved Cr Kirkpatrick (proforma) seconded Cr Harris

Council grants approval to commence development of a Poultry Farm on Lot 701 Henderson Road, Hopeland in accordance with the application submitted on 17 April 2007 and accompanying plans and other documentation 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 (EMP) 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 issue of a Building Licence for the works the subject of this approval. The EMP shall incorporate the odour minimisation measures outlined in s 3.7 of the Environmental Code of Practice for Poultry Farms in Western Australia (May 2004).**
- 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 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**
 - 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.**

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 Australia May 2004 (as amended).**

Vegetation Management

- 8. Prior to the issue of a Building Licence for any poultry shed the subject of this approval, the developer 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 shoreline plant species to be established in the areas designated for "proposed revegetation" on the plan referred to in condition 1. The Landscape Plan shall also include appropriate vegetation on the earthen bunds required to be constructed by condition 32 (i).**
- 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. Prior to the commencement of site works, the proponent shall provide a bond in accordance with Shire policy to the value of \$7 500 with the Serpentine Jarrahdale Shire. The bond may be in the form of cash, cheque or bank guarantee, and is a performance guarantee against satisfactory completion of the auditable completion criteria in the approved Landscape and Vegetation Management Plan. The performance guarantee will be refunded in full, immediately the outstanding works are completed / established as required in the approved Landscape and Vegetation Management Plan. Any such bond is to be accompanied by a written authorisation from the owner of the land that the Shire may enter the land to complete or rectify any outstanding works in accordance with the approved Landscape and Vegetation Management Plan. The Shire may recover from the bond, or part of the bond, as appropriate, the cost to the Shire, including administrative costs, of completing or rectifying any outstanding works.**
- 12. Remnant vegetation and vegetation planted by the developer must be fenced from grazing livestock in order to protect trees and other vegetation from damage.**
- 13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Council 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 sheds and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety.**

15. In carrying out the development the approved Drainage and Nutrient Management Plan must be complied with at all times.
16. The proposed development is not to commence until the Shire has approved the Drainage and Nutrient Management Plan in writing.
17. The developer shall ensure that the use of water for wash down is minimised.
18. 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.
19. 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 not filtered waste waters possibly impacting on any natural drainage lines or natural waterways.
20. 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.

Storage and Disposal of Chemicals, Feed and Waste Materials

21. The proponent shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per second or less) compound(s) designed to the satisfaction of the Shire to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound.
22. The developer shall immediately remove and dispose of any liquid or contaminated material resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compound(s).
23. The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations.
24. No chemicals or potential liquid contaminants are to be disposed of on-site.
25. Stock feed is to be stored within containers that prevent access by vermin and native wildlife.
26. 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.
27. 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.
28. 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.
29. All feed deliveries shall take place between the hours of 7.00am and 7.00pm.

Noise

30. Alternative warning measures to reversing beepers, which are non-audible immediately adjacent to any dwelling on any adjoining or adjacent property, are to be fitted to all forklifts and tractors used on the site, provided that the alternative measures comply with the relevant Australian Standard and any applicable Worksafe requirements.
31. All alarms associated with the operation of the poultry farm including power supply, temperature and feed alarms shall not be audible outside any building

- on the site. Where farm operators and employees are outside buildings, non-audible methods of notification such as personal pagers must be used.
32. Prior to the commencement of use of any of the poultry sheds, the following noise attenuation measures must be implemented:
- (i) continuous bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence) at least 4.0 metres in total height above the floor level of the sheds and vegetated in accordance with the approved Landscape Plan shall be constructed at the eastern edge of the internal roadway to the east of sheds 1-16 and at the western edge of the internal roadway to the west of sheds 1-16 and, in both cases, shall extend 20 metres to the north of the northern side of sheds 8 and 16 and 20 metres to the south of the southern side of sheds 1 and 9.
 - (ii) Any plant rooms, including any backup power generator, are to be located between the eastern ends of the sheds and the required earthen bund on that side;
 - (iii) The implementation of all noise attenuation measures proposed in the report entitled "Environmental Noise Assessment, Proposed Poultry Farm, Lot 701 Henderson Road, Hopelands" prepared by Lloyds Acoustics, April 2007, lodged with the Shire by the applicant; and
 - (iv) Due to the noise levels originating from the north eastern corner of Shed 8, the developer or the developer's noise consultant is required to submit detailed engineering solutions to further ameliorate noise impacts off site as detailed in Figure 5.1 and 5.3 to the satisfaction of the Shire before building approval is given. This may involve the movement of Sheds 1-8 further south or the deletion of Shed 8 to provide sufficient area for an effective engineering solution to be constructed.
- to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.
- A Building Licence for the construction of any of the sheds approved by this consent shall not be issued until the Shire has received from the developer and has approved:
- (a) specifications and elevation drawings of the earthen bunds required by part (i) above; and
 - (b) certification from an acoustics engineer that the development will at all times comply with the Environmental Protection (Noise) Regulations 1997 (WA).
33. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times or such equivalent regulations as might replace them.
34. Within 12 months of the commencement of use of one or more of the poultry sheds and thereafter annually during the lifetime of the development, the developer/operator shall commission an acoustics engineer agreed to by the Shire to undertake, at the developer/operator's full cost, a noise assessment of the operation of the farm in summer at a time which includes the final week of a growing cycle, harvest at the end of the cycle and shed cleanout, indicating whether the development complies with condition 33 and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The acoustics engineer shall provide a copy of the report to the Shire at the same time as providing the report to the developer/operator. The Shire shall make the report available for public inspection. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the acoustic engineers report.

Odour

35. Odour emissions from the development shall not exceed those assumed in the report entitled Proten Ltd, Report for Lot 701 Henderson Road Development Application, "Odour and Dust Report" prepared by GHD dated April 2007.
36. Prior to the commencement of use of any of the poultry sheds, bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence), 4.0 metres in total height above the floor level of the sheds shall be constructed as close as possible to the tunnel fan ends of the sheds in order to assist in dispersing odours. If the Shire is satisfied on the basis of a report from an environmental engineer with experience in odour emission and mitigation that the bunds required by condition 32 would have substantially the same effect in dispersing odours as any of the bunds required by this condition, the relevant bund otherwise required by this condition need not be constructed.
37. Within 12 months of the commencement of use of one or more of the poultry sheds, and thereafter annually during the lifetime of this development, the developer/operator shall commission an environmental engineer with experience in odour emission and mitigation agreed to by the Shire to undertake, at the developer/operator's full cost, an odour assessment report involving odour monitoring of the operation of the development in the final week of a growth cycle, in summer, indicating whether the odour emissions from the development comply with condition 35 of this approval and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The environmental engineer shall provide the report to the Shire at the same time as providing it to the developer/operator. The Shire shall make the report available for public inspection. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the environmental engineers report.
38. A Building Licence shall not be issued for the construction of any of the poultry sheds approved by this consent until the Shire has received from the developer and has approved specification and elevation drawings of the earthen bunds or windbreak walls referred to in condition 36 unless the earthen bunds or windbreak walls need not be constructed in accordance with that condition.

Dust

39. Prior to the commencement of use of the poultry sheds the developer is to provide certification from an appropriately qualified environmental consultant that the sheds' ventilation systems incorporate measures to reduce the emission of dust to a target of 50 µg m⁻³ and so as not to have greater than five exceedances per year, to the satisfaction of the Shire.
40. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
41. 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.
42. 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

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

Engineering

44. A single crossover be provided for access to both the dwelling and sheds.

45. **Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.**
46. **Concrete aprons shall be constructed between the crossover to Lot 701 and the sealed surface of Henderson Road to the satisfaction of the Shire. All costs associated with the required upgrading shall be at the expense of the developer of the subject site.**
47. **The section of Henderson Road from the crossover to Lot 701 to the intersection with Hopelands Road shall be widened to 9.80 metres in width with 7.40 metres wide asphaltic concrete seal to the satisfaction of the Shire. The intersection of Henderson Road and Hopelands Road to be upgraded to the satisfaction of the Shire. All costs associated with the required upgrading shall be at the expense of the developer of the subject site.**
48. **All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust. Any potholes or other breaks in the internal road surface are to be fixed within seven days.**
49. **A maximum speed limit of 20 kilometres per hour shall be applied to all internal roadways 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.**
50. **The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the subject site will require the separate approval of the Shire.**

Visual Amenity

51. **The external cladding of the sheds shall be in the colour stipulated by the applicant in the Schedule of Materials and Colours submitted to the Shire by the applicant unless otherwise approved in writing by the Shire.**

Signage

52. **Notices indicating the type of operation, hours of operation and potential impacts of the poultry farm operation to be displayed adjacent to the Henderson 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. The sign must state that the development approval for the construction of 16 poultry sheds on the site has been granted.**

Stocking, Harvesting and Cleaning of Poultry Sheds

53. **There shall be no staggering of growth cycles of birds on the site.**
54. **All bird catching and poultry shed cleanout operations at the end of each bird growth cycle shall take place in all poultry sheds on site during a single period of no longer than 72 hours.**

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. **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.**
3. **The Landscape and Vegetation Management Plan required by condition 8 shall:**

- a) Include a scaled map of the development which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 701 Henderson Road;
- b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or is not to be retained as a result of driveways, fences, drains and other surface water features, firebreaks, power lines and other access ways and services plus proposed buildings and other structures;
- c) Locate on the map and both identify and describe the management of existing exotic vegetation;
- d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
- e) Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide complete screening of all existing and proposed poultry sheds from the roads and adjoining properties, maximise nutrient uptake from surface waters and surrounding soils, reconnect remnant vegetation with visual screen plantings and provide habitat for local woodland and wetland fauna;
- f) Describe ongoing management of vegetation on site;
- g) Clearly state auditable vegetation management targets including weed control and revegetation outcomes for audit at the time of vegetation management bond return and thereafter as follows:
 - i) Visual screens are to include a minimum of six rows of trees and shrubs and must be no less than 10 metres wide;
 - ii) Stems within visual screens are to be planted at minimum densities of one stem per three metres along rows that are no more than two metres apart;
 - iii) Visual screening is to include a mixture of trees and shrubs such that no more than one third of the plants are trees.
 - iv) Sedges and rushes to be planted around the settling pond are to be clumped with densities of four stems per metre squared within clumps and interspersed with other local wetland species;
 - v) Required stem densities relate to a time when a minimum of 80% of the plants have survived at least two summer seasons and this is to be achieved initially within three years after development approval is given and thereafter maintained;
 - vi) All plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
 - vii) Achieve a plant diversity of at least 80% of the plant species that are listed within the dominant shoreline ground cover, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
 - viii) Maintain a weed burden at levels not likely to threaten the native species;
 - ix) Locate fire breaks on the map; and
 - x) All earthen bunds are to be vegetated to the satisfaction of the Shire.

4. The Drainage and Nutrient Management Plan required by condition 14 above shall address the following:

- a) show how the capacity of the settling pond will cope with storm water and shed wash down water in all but 1:100 year storm events;
- b) show how chemicals from disinfectants used, and nutrients from wash down water are treated so that no pollution can impact ground water resources or drain to the conservation category wetland down stream; and
- c) describe and commit to best management practice of swales including the placement of, and periodic replacement of yellow sand linings, establishment and maintenance of a complete cover of healthy kikuyu,

repeated clipping of kikuyu and disposal of clippings away from water courses, preferably to be exported off site to be composted with shed litter.

5. The compound(s) described in condition 21 shall:
 - a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area – refer for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
6. 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.
7. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native vegetation in many instances if approval for this is not given above.
8. This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in obtaining a vegetation clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, from the Department of Environment and Conservation. Further information should be obtained from the Department of Environment and Conservation.
9. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development that if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.

AMENDMENT

Moved Cr Star seconded Cr Brown

An amendment to Advice Note No. 4 to include a part d):

- d) The drainage and nutrient management plan is to include a monitoring regime for at least monthly measurements and to be reported to Council to ensure there is no increased export of nutrients, sediments or other contaminants from the site.

**After debate the Presiding Member then put the amendment which was
CARRIED 8/0**

AMENDMENT

Moved Cr Harris seconded Cr Murphy
Condition 54 be amended as follows:

54. Remove the words “All bird catching and” and replace with the word “The” poultry shed cleanout operations at the end of each bird growth cycle shall take place in all poultry sheds on site during a single period of no longer than 72 hours.

After debate the Presiding Member then put the amendment which was
CARRIED 8/0

FORESHADOWED MOTION

Cr Star foreshadowed a consequential motion.

AMENDMENT

Moved Cr Star seconded Cr Brown
Condition 47 be amended as follows:

The Developer be required to make a substantial or complete contribution to the costs associated with the required upgrading of Henderson Road and the Henderson and Hopeland Road intersection. The contribution is to be negotiated with the Shire’s Director Engineering.

After debate the Presiding Member then put the amendment which was
CARRIED 8/0

The Presiding Member then put the motion containing the three (3) amendments

SCM006/09/07 COUNCIL DECISION

Council grants approval to commence development of a Poultry Farm on Lot 701 Henderson Road, Hopeland in accordance with the application submitted on 17 April 2007 and accompanying plans and other documentation 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 (EMP) 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 issue of a Building Licence for the works the subject of this approval. The EMP shall incorporate the odour minimisation measures outlined in s 3.7 of the Environmental Code of Practice for Poultry Farms in Western Australia (May 2004).
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 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
- 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.

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 Australia May 2004 (as amended).

Vegetation Management

8. Prior to the issue of a Building Licence for any poultry shed the subject of this approval, the developer 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 shoreline plant species to be established in the areas designated for "proposed revegetation" on the plan referred to in condition 1. The Landscape Plan shall also include appropriate vegetation on the earthen bunds required to be constructed by condition 32 (i).
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. Prior to the commencement of site works, the proponent shall provide a bond in accordance with Shire policy to the value of \$7 500 with the Serpentine Jarrahdale Shire. The bond may be in the form of cash, cheque or bank guarantee, and is a performance guarantee against satisfactory completion of the auditable completion criteria in the approved Landscape and Vegetation Management Plan. The performance guarantee will be refunded in full, immediately the outstanding works are completed / established as required in the approved Landscape and Vegetation Management Plan. Any such bond is to be accompanied by a written authorisation from the owner of the land that the Shire may enter the land to complete or rectify any outstanding works in accordance with the approved Landscape and Vegetation Management Plan. The Shire may recover from the bond, or part of the bond, as appropriate, the cost to the Shire, including administrative costs, of completing or rectifying any outstanding works.
12. Remnant vegetation and vegetation planted by the developer must be fenced from grazing livestock in order to protect trees and other vegetation from damage.

13. **No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Council 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 sheds and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety.**
15. **In carrying out the development the approved Drainage and Nutrient Management Plan must be complied with at all times.**
16. **The proposed development is not to commence until the Shire has approved the Drainage and Nutrient Management Plan in writing.**
17. **The developer shall ensure that the use of water for wash down is minimised.**
18. **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.**
19. **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 not filtered waste waters possibly impacting on any natural drainage lines or natural waterways.**
20. **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.**

Storage and Disposal of Chemicals, Feed and Waste Materials

21. **The proponent shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10-9 metres per second or less) compound(s) designed to the satisfaction of the Shire to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound.**
22. **The developer shall immediately remove and dispose of any liquid or contaminated material resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compound(s).**
23. **The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations.**
24. **No chemicals or potential liquid contaminants are to be disposed of on-site.**
25. **Stock feed is to be stored within containers that prevent access by vermin and native wildlife.**
26. **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.**
27. **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.**
28. **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.**

29. All feed deliveries shall take place between the hours of 7.00am and 7.00pm.

Noise

30. Alternative warning measures to reversing beepers, which are non-audible immediately adjacent to any dwelling on any adjoining or adjacent property, are to be fitted to all forklifts and tractors used on the site, provided that the alternative measures comply with the relevant Australian Standard and any applicable Worksafe requirements.

31. All alarms associated with the operation of the poultry farm including power supply, temperature and feed alarms shall not be audible outside any building on the site. Where farm operators and employees are outside buildings, non-audible methods of notification such as personal pagers must be used.

32. Prior to the commencement of use of any of the poultry sheds, the following noise attenuation measures must be implemented:

(i) continuous bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence) at least 4.0 metres in total height above the floor level of the sheds and vegetated in accordance with the approved Landscape Plan shall be constructed at the eastern edge of the internal roadway to the east of sheds 1-16 and at the western edge of the internal roadway to the west of sheds 1-16 and, in both cases, shall extend 20 metres to the north of the northern side of sheds 8 and 16 and 20 metres to the south of the southern side of sheds 1 and 9.

(ii) Any plant rooms, including any backup power generator, are to be located between the eastern ends of the sheds and the required earthen bund on that side;

(iii) The implementation of all noise attenuation measures proposed in the report entitled "Environmental Noise Assessment, Proposed Poultry Farm, Lot 701 Henderson Road, Hopelands" prepared by Lloyds Acoustics, April 2007, lodged with the Shire by the applicant; and

(iv) Due to the noise levels originating from the north eastern corner of Shed 8, the developer or the developer's noise consultant is required to submit detailed engineering solutions to further ameliorate noise impacts off site as detailed in Figure 5.1 and 5.3 to the satisfaction of the Shire before building approval is given. This may involve the movement of Sheds 1-8 further south or the deletion of Shed 8 to provide sufficient area for an effective engineering solution to be constructed.

to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.

A Building Licence for the construction of any of the sheds approved by this consent shall not be issued until the Shire has received from the developer and has approved:

(a) specifications and elevation drawings of the earthen bunds required by part (i) above; and

(b) certification from an acoustics engineer that the development will at all times comply with the Environmental Protection (Noise) Regulations 1997 (WA).

33. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times or such equivalent regulations as might replace them.

34. Within 12 months of the commencement of use of one or more of the poultry sheds and thereafter annually during the lifetime of the development, the developer/operator shall commission an acoustics engineer agreed to by the Shire to undertake, at the developer/operator's full cost, a noise assessment of the operation of the farm in summer at a time which includes the final week of

a growing cycle, harvest at the end of the cycle and shed cleanout, indicating whether the development complies with condition 33 and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The acoustics engineer shall provide a copy of the report to the Shire at the same time as providing the report to the developer/operator. The Shire shall make the report available for public inspection. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the acoustic engineers report.

Odour

35. Odour emissions from the development shall not exceed those assumed in the report entitled Proten Ltd, Report for Lot 701 Henderson Road Development Application, "Odour and Dust Report" prepared by GHD dated April 2007.
36. Prior to the commencement of use of any of the poultry sheds, bunds (consisting of a 2.5m earthen bund and a 1.5m solid fence), 4.0 metres in total height above the floor level of the sheds shall be constructed as close as possible to the tunnel fan ends of the sheds in order to assist in dispersing odours. If the Shire is satisfied on the basis of a report from an environmental engineer with experience in odour emission and mitigation that the bunds required by condition 32 would have substantially the same effect in dispersing odours as any of the bunds required by this condition, the relevant bund otherwise required by this condition need not be constructed.
37. Within 12 months of the commencement of use of one or more of the poultry sheds, and thereafter annually during the lifetime of this development, the developer/operator shall commission an environmental engineer with experience in odour emission and mitigation agreed to by the Shire to undertake, at the developer/operator's full cost, an odour assessment report involving odour monitoring of the operation of the development in the final week of a growth cycle, in summer, indicating whether the odour emissions from the development comply with condition 35 of this approval and in the case of any non-compliance what measures or works must be undertaken to achieve compliance. The environmental engineer shall provide the report to the Shire at the same time as providing it to the developer/operator. The Shire shall make the report available for public inspection. The owner shall then undertake and complete any required works or measures within three (3) months of receipt of the environmental engineers report.
38. A Building Licence shall not be issued for the construction of any of the poultry sheds approved by this consent until the Shire has received from the developer and has approved specification and elevation drawings of the earthen bunds or windbreak walls referred to in condition 36 unless the earthen bunds or windbreak walls need not be constructed in accordance with that condition.

Dust

39. Prior to the commencement of use of the poultry sheds the developer is to provide certification from an appropriately qualified environmental consultant that the sheds' ventilation systems incorporate measures to reduce the emission of dust to a target of 50 µg m⁻³ and so as not to have greater than five exceedances per year, to the satisfaction of the Shire.
40. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
41. 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.
42. 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

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

Engineering

44. A single crossover be provided for access to both the dwelling and sheds.
45. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
46. Concrete aprons shall be constructed between the crossover to Lot 701 and the sealed surface of Henderson Road to the satisfaction of the Shire. All costs associated with the required upgrading shall be at the expense of the developer of the subject site.
47. The Developer be required to make a substantial or complete contribution to the costs associated with the required upgrading of Henderson Road and the Henderson and Hopeland Road intersection. The contribution is to be negotiated with the Shire's Director Engineering.
48. All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust. Any potholes or other breaks in the internal road surface are to be fixed within seven days.
49. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roadways 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.
50. The movement of any oversize vehicle, as per the interpretation contained in the Road Traffic Act 1974, to/from the subject site will require the separate approval of the Shire.

Visual Amenity

51. The external cladding of the sheds shall be in the colour stipulated by the applicant in the Schedule of Materials and Colours submitted to the Shire by the applicant unless otherwise approved in writing by the Shire.

Signage

52. Notices indicating the type of operation, hours of operation and potential impacts of the poultry farm operation to be displayed adjacent to the Henderson 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. The sign must state that the development approval for the construction of 16 poultry sheds on the site has been granted.

Stocking, Harvesting and Cleaning of Poultry Sheds

53. There shall be no staggering of growth cycles of birds on the site.
54. The poultry shed cleanout operations at the end of each bird growth cycle shall take place in all poultry sheds on site during a single period of no longer than 72 hours.

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. 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.
 3. The Landscape and Vegetation Management Plan required by condition 8 shall:
 - a) Include a scaled map of the development which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 701 Henderson Road;
 - b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or is not to be retained as a result of driveways, fences, drains and other surface water features, firebreaks, power lines and other access ways and services plus proposed buildings and other structures;
 - c) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - e) Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide complete screening of all existing and proposed poultry sheds from the roads and adjoining properties, maximise nutrient uptake from surface waters and surrounding soils, reconnect remnant vegetation with visual screen plantings and provide habitat for local woodland and wetland fauna;
 - f) Describe ongoing management of vegetation on site;
 - g) Clearly state auditable vegetation management targets including weed control and revegetation outcomes for audit at the time of vegetation management bond return and thereafter as follows:
 - i) Visual screens are to include a minimum of six rows of trees and shrubs and must be no less than 10 metres wide;
 - ii) Stems within visual screens are to be planted at minimum densities of one stem per three metres along rows that are no more than two metres apart;
 - iii) Visual screening is to include a mixture of trees and shrubs such that no more than one third of the plants are trees.
 - iv) Sedges and rushes to be planted around the settling pond are to be clumped with densities of four stems per metre squared within clumps and interspersed with other local wetland species;
 - v) Required stem densities relate to a time when a minimum of 80% of the plants have survived at least two summer seasons and this is to be achieved initially within three years after development approval is given and thereafter maintained;
 - vi) All plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
 - vii) Achieve a plant diversity of at least 80% of the plant species that are listed within the dominant shoreline ground cover, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
 - viii) Maintain a weed burden at levels not likely to threaten the native species;
 - ix) Locate fire breaks on the map; and
 - x) All earthen bunds are to be vegetated to the satisfaction of the Shire.
 4. The Drainage and Nutrient Management Plan required by condition 14 above shall address the following:
 - a) show how the capacity of the settling pond will cope with storm water and shed wash down water in all but 1:100 year storm events;

- b) show how chemicals from disinfectants used, and nutrients from wash down water are treated so that no pollution can impact ground water resources or drain to the conservation category wetland down stream; and
 - c) describe and commit to best management practice of swales including the placement of, and periodic replacement of yellow sand linings, establishment and maintenance of a complete cover of healthy kikuyu, repeated clipping of kikuyu and disposal of clippings away from water courses, preferably to be exported off site to be composted with shed litter.
 - d) The drainage and nutrient management plan is to include a monitoring regime for at least monthly measurements and to be reported to Council to ensure there is no increased export of nutrients, sediments or other contaminants from the site.
5. The compound(s) described in condition 21 shall:
- a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area – refer for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
6. 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.
7. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native vegetation in many instances if approval for this is not given above.
8. This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in obtaining a vegetation clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, from the Department of Environment and Conservation. Further information should be obtained from the Department of Environment and Conservation.
9. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development that if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorize a breach of such private rights or prevent such owners from enforcing such rights.

CARRIED 6/2

Council Note: Cr Wigg voted against this motion.

Council Note: The Officer Recommended Resolution was amended in Advice Note 4 to add part d) regarding drainage and nutrient management; Condition 54 in relation to the removal of bird catching and Condition 47 in relation to the contribution to upgrading the road and intersection being by negotiation.

Council Note: Cr Star's consequential motion was not moved at the time but was later put forward as part of SCM008/09/07.

SCM007/09/07 JARRAHDALÉ HERITAGE PARK BUSINESS PLAN (P05576/33)	
Proponent:	CRL Highbury Consulting
Owner:	Serpentine Jarrahdale Shire
Officer:	Darren Long – Director Corporate Services
Signatures Author:	
Senior Officer	
Date of Report:	29 August, 2007
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

In Brief
Council is requested to endorse the Jarrahdale Heritage Park and Precincts Business and Marketing Plan, and the recommendations contained therein, as the basis for guiding the future development of the Jarrahdale Heritage Park.

Background

In September 1999, the Shire produced a Business Plan, to meet the requirements of the Local Government Act for entering into a major land transaction, related to its proposal to borrow \$605,000 for the original acquisition of the land for the Jarrahdale Heritage Park. The debt of \$605,000 was successfully retired in the 2003/04 financial year through the subdivision and sale of six (6) lots in Millars Road, Jarrahdale and the subdivision and sale of seven (7) lots of vacant land on the corner of Kingsbury Drive and Jarrahdale Road Jarrahdale. The September 1999 Business Plan also highlighted the intention of Council to develop the remaining land in the Park.

In March 2004, the Shire produced a Jarrahdale Heritage Park (JHP) Development and Disposition of Property Business Plan related to its proposal to borrow funds (\$1M) to assist in the development of the Park with the intention of disposing of Shire owned land associated with the development of the Park to meet holding costs of the funds and the retirement of the \$1M debt.

The Business Plan outlined how Council would raise the \$1M to cover the debt through the sale of land and property associated with the Jarrahdale Heritage Park.

At its meeting in April 2004, Council agreed to commence implementing the major land transactions as described in the March 2004 Jarrahdale Heritage Park Development and Disposition of Property Business Plan.

In early 2006, the Executive Management Team highlighted to Council the lack of a comprehensive business and marketing plan for the Jarrahdale Heritage Park project; a business plan that would explore in detail the extent of the estimated construction costs of the park elements, along with the projected annual operating expenditure that would be

required to maintain the elements and the level of funding mechanisms required to ensure Council was able to meet ongoing operating costs. From this discussion Council agreed that a comprehensive Business and Marketing Plan was required and instructed Council officers to prepare a consultants brief.

A brief was compiled in January 2007 and a Request for Quotation (RFQ) advertisement was placed in the West Australian, with quotation submissions closing on 9th February, 2007. CRL Highbury Consulting was selected as the preferred consultant at a price of \$48,150 (ex GST) and engaged to prepare the Business and Marketing Plan.

Resource Implications: The project elements in the Park will require a significant amount of human and financial resources to deliver the proposed outcomes. As part of the consideration of the business plan, several recommendations are made by the consultants on how Council can best allocate scarce human and financial resources, and suggest an avenue for selling land and establishing an 'Endowment Fund' to meet future maintenance and operational costs associated with the Park and the proposed elements.

Use of local, renewable or recycled resources:

Local and renewable resources will be used wherever possible.

Statutory Environment

Section 3.58 requires:

(1) *In this section:*

"Dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not;

"Property" includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to:*

(a) The highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:*

(a) It gives local public notice of the proposed disposition:

(i) Describing the property concerned;

(ii) Giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include:*

(a) The names of all other parties concerned;

(b) The consideration to be received by the local government for the disposition; and

- (c) *The market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to:*
- (a) *A disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *A disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *Anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *Any other disposition that is excluded by regulations from the application of this section.*

Section 3.59 requires:

- (1) *In this section -*
- “Acquire” has a meaning that accords with the meaning of dispose;*
 - “Dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “Land transaction” means an agreement or several agreements for a common purpose, under which a local government is to:*
 - (a) *Acquire or dispose of an interest in land; or*
 - (b) *Develop land;*
 - “Major land transaction” means a land transaction other than an exempt land transaction if the total value of:*
 - (a) *The consideration under the transaction; and*
 - (b) *Anything done by the local government for achieving the purpose of the transaction,**Is more, or is worth more, than the amount prescribed for the purposes of this definition;*
 - “Major trading undertaking” means a trading undertaking that:*
 - (a) *In the last completed financial year, involved; or*
 - (b) *In the current financial year or the financial year after the current financial year, is likely to involve, Expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*
 - “trading undertaking” means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.*
- (2) *Before it:*
- (a) *commences a major trading undertaking;*
 - (b) *enters into a major land transaction; or*
 - (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*
a local government is to prepare a business plan.
- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of:*

- (a) *its expected effect on the provision of facilities and services by the local government;*
 - (b) *its expected effect on other persons providing facilities and services in the district;*
 - (c) *its expected financial effect on the local government;*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to:*
- (a) *give State-wide public notice stating that:*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the*

transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

- (10) For the purposes of this section, regulations may:
- (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

Regulation 5 of the Local Government Act (Functions and General) Regulations 1996 defines a major land transaction:

For a land transaction to be a major land transaction the total value of:-

- (a) *The consideration under the transaction; and*
- (b) *Anything done by the local government for achieving the purpose of the transaction,*

has to be more, or worth more, than either \$1,000,000 or 10% of the operating expenditure incurred by the local government from its Municipal Fund in the last completed year.

The application of the above Sections and Regulation will apply if Council resolves to sell land to establish the 'Endowment Fund'.

Financial Implications:

Significant financial implications are highlighted in the Business Plan. However, the consultants have recommended solutions to address these financial costs and fund ongoing capital and operating costs of the project.

The first is the establishment of an overall capital budget for the project and the development of a staged approach to the implementation of large construction elements within the Park. The Business Plan recommends that external grant funding should be sourced as much as possible and combined with Councils own discretionary funding to help finance capital items.

Secondly the Business Plan recommends the establishment of an 'Endowment Fund' from the sale of Lot 814 Millars Road. These monies would be invested and used to finance maintenance and operating costs and refurbishment of capital infrastructure, with a component set aside each year to preserve the capital value of the 'Endowment Fund'. The Business Plan provides for a detailed costing of potential future operating costs associated with the Park.

A copy of the Operating budget forecast is with the attachments and marked SCM007.1/09/07.

A copy of the Proposed 'Endowment Fund' forecast is with the attachments and marked SCM007.2/09/07.

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

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:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

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

Significant stakeholder consultation has occurred during the compilation of the business plan by the consulting company. The Jarrahdale community has been regularly informed of the actions the Shire is taking in respect to the development of the Park.

The compilation of a business plan to comply with the requirements of the Act, should Council resolve to dispose of land and establish an 'Endowment Fund', will require Council to consult with the community specifically in relation to the disposition of land. The business plan could be in the form of a revision of the original plan compiled for the Jarrahdale Heritage Park.

Comment

A final draft of the Business and Marketing Plan was provided to Councillors on CD on Friday 24th August, 2007 and a presentation was made by CRL Highbury Consulting to Councillors on Monday 27 August 2007.

The Executive Summary of the Business Plan provides a concise overview of five (5) elements that need to be address by Council.

1. Sound Management and Accountability Structures:

The Consultants believe that the current structure of having a Management Committee and a Working Group is overly cumbersome:-

'The processes used to make and implement decisions with respect to the Park appear to be cumbersome. Whilst it is commendable to seek ongoing involvement of all stakeholders, in many ways the current management structure seems to represent an inverted pyramid, with little time or resource left over to take the actions required to bring the park concept to fruition'.

The Consultants suggest a new agreement is negotiated between the Shire and the National Trust addressing as a minimum:-

1. A new board structure, smaller in size but with delegated authority to approve overall plans and detailed designs; and
2. Processes for allocating future maintenance responsibilities.

Officer Comment:

The Partnering Agreement between the Shire and the National Trust expired in February 2007 and it is believed that it would be in the best interests of both parties for a new agreement to be established which describes in much clearer terms:-

- Tenure to the land for the Shire, so that there is some surety of access to the land given that several high cost structures will be constructed on National Trust Land;
- Termination arrangements, should either party wish to cancel the Agreement and what happens to the structures and how transfer of ownership is managed;
- A streamlined management structure that will allow the project to progress, in accordance with approved conservation, management and landscape masterplans.

The make up of the 'Board' is also very important and it is recommended that representation of the Board (Committee of Council) only consist of Councillors and National Trust representatives, with Council officers acting as administrative support for the Committee.

It is also recommended that the negotiation of the terms and conditions of a new Agreement should be undertaken as a matter of urgency.

2. Adoption of a Staged Approach

The Consultants suggest a staged approach to the construction of the Park, as follows:

'an organic process to build the Park over a 10 year period, with three broad stages should be employed:

1. *Foundations – a short term focus on providing essential infrastructure that ensures safe and easy access to the park and its key elements and provision of basic amenities such as picnic shelters, BBQ's and playgrounds;*
2. *Attractions – the development of existing and new attractions within the park, to increase visitor and resident amenity within the parameters of preserving and promoting built, industrial and environmental heritage; and*
3. *Commercialisation – attracting business and industry, again within the parameters of preserving and promoting built, industrial and environmental heritage.*

Each stage is predicated on a logical framework to ensure that it could 'stand alone' if progress with subsequent stages is stalled by funding shortages, lack of Grants, or changes in the wider marketplace'.

Officer Comment:

Two (2) key aspects omitted from the overall planning for the Jarrahdale Heritage Park project have been the:

- Endorsement of the precise attractor elements, and their design, that Council would commit to build within the Park; and
- A landscape masterplan that shows how each attractor element and precinct integrates to form the Park, from a spatial perspective.

The absence of these two (2) critical items has complicated the project, resulting in a distinct departure from the initial concept drawings that were conceived at the origins of the project.

Endorsement of the key attractor elements that Council is willing to commit to building in the Park is essential. Once established, this will facilitate the compilation of a staged construction program for the project.

This recommendation is supported by Council administration.

3. A sustainable funding model:

The Consultants make the following comments in relation to a sustainable funding model for the project:-

'Funding for capital works will need to come from sources outside the Park, such as Grants, the Shire's Capital Works budget; or the National Trust. Loans could be drawn down and repaid from the proposed Jarrahdale Endowment Fund, but this would then result in a shortfall for funding operating/maintenance costs or deferral of some works until funds are available. Exactly how this pans out will depend upon factors such as performance of the proposed Fund and availability of grants and other funding. As such, we have used a conservative approach, and if actual performance proves better, greater flexibility can result.

A sustainable funding model centres on establishment of a Jarrahdale Endowment Fund, created by the sale of land owned by the Shire east of Millars Road to underpin the Parks ongoing operation and maintenance. All parties will however, need to be prepared to compromise expectations and values in some way if the future gaps we predict in operating costs are to be reduced.

We do not believe that either the Shire or the National Trust ought to directly engage in commercial enterprises including land development or operating accommodation facilities. Rather, both should seek to involve private sector organisations who have this expertise and concentrate on those things that they already do well. In doing so, economic development and wider objectives for the area can be better achieved.

A recurrent theme is that wherever possible, the Shire should be the facilitator/enabler, not the ‘doer’ except with respect to services that it already provides or has an established support system to maintain – such as project management, road maintenance, rubbish collection and disposal, parks maintenance’.

Officer Comment:

The Consultants’ recommendation on funding sources for capital works is supported obviously based on the cash flow of Council and its ability to secure sources of capital funding to assist with the construction of key attractor elements.

The ongoing funding of maintenance and operating costs has always been a high level concern of Council administration, particularly in context of some of the proposed key attractor elements for the Park. A specific fund to finance future operating costs is the key to the financial success of the Park and the establishment of such a fund will ensure that the fiscal burden is not borne by future generations.

The establishment of the Jarrahdale Endowment Fund is a concept very worthy of consideration, on the understanding that it is established from selling a portion of Council’s land bank in Jarrahdale.

The recommendation on sources of capital funding and the establishment of the Jarrahdale Endowment Fund for the Jarrahdale Heritage Park is supported by Council administration.

4. Introduction of a Broader “Brand Jarrahdale” Strategy:

The consultants make the following comments regarding a “Brand Jarrahdale” strategy:-

‘We suggest that the Shire view the Jarrahdale Heritage Park as a part of a wider economic development strategy for the region, which could be marketed as a total package - ‘Brand Jarrahdale’. In this respect, the Park is one (1) element of this strategy, linked to other attractions in the area and from the Shire’s perspective should be viewed as any other facility that it might create or operate to improve community amenity (eg. sporting grounds, library, road, or other non-income producing asset).

To be effective this brand image needs to be determined from the outset and be consistently imbedded in every element of the design and marketing and the Jarrahdale Heritage Park, surrounding elements and economic development initiatives’.

Officer Comment:

The current branding outlined in the Interpretation Plan seems somewhat in conflict with the previous Conservation and Management Plans developed for the Park, in that the branding is quite contemporary and modern; where the aims of the Conservation and Management Plans have centred on the preservation of the history, heritage and natural environs of the site.

The experience gained from previous marketing programs tends to indicate that a consistent themed message is required to ensure that the message is communicated and received by the target market. If different themed messages are used, they tend to create confusion and lose their overall effect with the target market.

Council administration agrees that the brand image for Jarrahdale needs to be determined from the outset, so that a coordinated and consistent theme is developed for all marketing strategies relating to Jarrahdale and the Heritage Park, including regional and localised park signage.

5. Undertake a Targeted approach to Marketing:

The Consultants make the following comments in relation to a Marketing Plan:

‘Critical to the success of any venture is the understanding of existing and potential, internal and external market segments and their needs. In a crowded heritage tourism market it is important that the Jarrahdale experience offers unique benefits to these target markets. Because of the range of attractions in the local area, the Serpentine Jarrahdale Shire already experiences a healthy visitor profile, and this needs to be built on.

As such, the Marketing Plan has been developed to:

- o align with the staged development outlined in the Business Plan;*
- o build the Brand Jarrahdale concept;*
- o meet the needs of both internal and external market segments; and ensure supporting structures and systems are in place’.*

Officer Comment:

It is evident that the competitor analysis undertaken by the Consultants has revealed a regional market tightly packed with successful heritage themed parks. Therefore it is important that emphasis is given to the truly unique features of the Jarrahdale experience.

The Marketing Plan proposed is simple in its approach and has realistic targets that can be achieved through a coordinated approach. The Plan proposes to market the Park through the following:

- o Creating a ‘Brand Jarrahdale’ that promotes to internal and external target markets the benefits and attributes of Jarrahdale as a place of heritage, environmental and recreational significance – a great place to visit, live and do business.*
- o Ensuring products (activities, facility development, and attractors) are developed and promoted in a way that connects the many elements of the Jarrahdale experience and are appropriate to the both current and potential target markets.*
- o Developing mechanisms for ongoing market research to continually improve park facilities and marketing strategies appropriate to market needs.*

The Marketing Plan for the Jarrahdale Heritage Park is supported by Council administration and it is recommended that it be endorsed as the basis for marketing a “Brand Jarrahdale” concept for the Park.

Nine (9) recommendations are proposed by the Consultants on the steps Council should take with the Jarrahdale Heritage Park. These being:

1. *That the Jarrahdale Heritage Park be viewed as an integral part of the economic development Strategy of the Shire of Serpentine Jarrahdale for the immediate region of 'Brand Jarrahdale'.*

Officer Comment:

This recommendation is supported by Council administration.

2. *That a new Agreement be negotiated with the National Trust (WA) regarding the future of the Jarrahdale Heritage Park based on the parameters outlined in this report.*

Officer Comment:

This recommendation is supported by Council administration.

3. *That the Agreement contain provision for a 'Board' for the Park or Management Committee for the Park, with powers and duties as detailed in this report and as delegated by both the Shire and the National Trust.*

Officer Comment:

This recommendation is supported by Council administration. A new agreement is required urgently to allow the project to continue.

Some matters require further consideration by Council, particularly the extent of the authority delegated will require careful consideration; to ensure that the Park will be developed in a manner consistent with Councils overall objectives and aims.

The make up of the 'Board' is also very important and it is recommended that representation of the Board (Committee of Council) only consist of Councillors and National Trust representatives, with Council officers acting as administrative support for the Committee.

However, the formation of this Board will require extensive negotiations with the National Trust on its formation and structure and if they would support such an arrangement.

4. *That the Shire enters into a similar Agreement with the Department of Environment and Conservation with respect to its interests in and around the Park.*

Officer Comment:

Whilst the advantages of having the Department of Environment and Conservation (DEC) involved in the project are appreciated, further discussions need to be held with DEC to determine their interests of being involved in the project. It is believed that it would be a waste of resources to pursue an agreement if DEC does not have the desire to be actively involved in the project.

5. *That development of the Park proceed using a 3 stage process over a 10 year period, being:*

- i. Foundations;*
- ii. Attractions;*
- iii. Commercialisation.*

Officer Comment:

This recommendation is supported by Council administration.

6. *Assuming that the delegated authority is given, that the 'Board' endorse the proposed capital and operating budgets as detailed in Appendix 1 as the basis of construction and operation of the Park.*

Officer Comment:

This recommendation is supported by Council administration, but it cannot be considered by Council until further discussions are held with the National Trust regarding their views on the proposed new 'Board' structure.

7. *That Shire owned land west of Millars Rd be sold, on the basis that:*
 - a. *Restoration of the single men's quarters and rotunda from the 1969 Mill is to be restored and included in development of the site by the body or organisation to whom the land is sold;*
 - b. *The funds be placed into a proposed 'Jarrahdale Endowment Fund', invested, and the proceeds used to pay for operating costs of the Park*

Officer Comment:

This recommendation is supported in principle by Council Administration. The proposed sale of any land would require significant consideration by Council, particularly the imposition of any conditions of sale that it may wish to include.

8. *That as a matter of principle, the Shire does not involve itself in non-core commercial operations but provides opportunities for the private sector to do so wherever possible.*

Officer Comment:

It is acknowledged that this is a sound approach for Council to employ, particularly during the early development stages of the Park. However, there may be commercial opportunities in the future that may become quite attractive to Council, from many aspects. Therefore, it is suggested that rather than Council endorsing such a recommendation that it evaluate each opportunity as it is presented and make an informed decision on whether it is in the best interests of the organisation and its ratepayers to be involved in a specific commercial venture.

9. *That the Shire adopts the Marketing Plan as detailed in Part B7 of this report as the basis for marketing of 'Brand Jarrahdale'.*

Officer Comment:

This recommendation is supported by Council administration.

It is acknowledged that there are a number of individual matters that will need to be addressed on a case by case basis, as this project progresses.

In summary, it is recommended that Council endorse the Jarrahdale Heritage Park and Precincts Business and Marketing Plan, and the recommendations contained therein, as the basis for guiding the future development of the Jarrahdale Heritage Park, with the exception of:

1. The Board composition – it is suggested that the composition only consist of Councillors and National Trust representatives.

2. Involvement in commercial activities – it is suggested that Council evaluate each opportunity, on a case by case basis, and make an informed decision on whether it is in the best interests of Council and its ratepayers to be involved in a specific commercial venture.
3. Delegation of Authority to Board – it is suggested that when Council considers the establishment of a Committee of Council to act as the Management Board for the Jarrahdale Heritage Park, it resolve at this juncture the extent of the authority to be delegated to the Committee.

Voting Requirements: Simple Majority

Coordinator Planning left the meeting at 10.23am.

COUNCIL DECISION:

**Moved Cr Kirkpatrick seconded Cr Brown to adjourn the meeting.
CARRIED 8/0**

The meeting adjourned at 10.26am.
The meeting was reconvened at 10.41am.

SCM007/09/07 Officer Recommended Resolution

That Council:

1. Accepts the Jarrahdale Heritage Park and Precincts Business and Marketing Plan, and the recommendations contained therein, as the basis for guiding the future development of the Jarrahdale Heritage Park, with the exception of:
 - (a) The Board Composition;
 - (b) Involvement in Commercial Activities;
 - (c) Delegation of Authority to the Board; and
 - (d) An agreement with Department of Environment and Conservation.
2. Determine, for the purposes of negotiating a new Agreement with the National Trust, the composition of the Committee of Council that will act as the Board of Management, consist of Councillors and nominated National Trust representatives only;
3. Evaluate each commercial opportunity, on a case by case basis, associated with the Jarrahdale Heritage and make an informed decision on whether it is in the best interests of Council and its ratepayers to be involved in a specific commercial venture; and
4. Determine the level of authority, to be delegated to the Committee of Council that will act as the Board of Management, at the time of establishment of the said Committee of Council.
5. Allocate resources to progressing an Agreement with the Department of Environment and Conservation (DEC) with respect to its interest in and around the Park, only if the DEC indicate they wish to be actively involved in the Jarrahdale Heritage Park project.

SCM007/09/07 COUNCIL DECISION

Moved Cr Star seconded Cr Kirkpatrick

1. **Accepts the Jarrahdale Heritage Park and Precincts Business and Marketing Plan, and the recommendations contained therein, as the basis for guiding the future development of the Jarrahdale Heritage Park, with the exception of:**
 - (a) Involvement in Commercial Activities;**

- (c) **Delegation of Authority to the Board; and**
 - (d) **An agreement with Department of Environment and Conservation.**
2. **The Board is to consist of:**
 - (a) **An independent Chair with tourism development experience and as agreed by the Council of the Shire and Board of the National Trust, if possible;**
 - (b) **Shire of Serpentine Jarrahdale – elected member and CEO or nominee;**
 - (c) **National Trust (WA) – Board Member or CEO or nominee;**
 - (d) **Jarrahdale Heritage Society – President or nominee; and**
 - (e) **Department of Environment and Conservation – Regional Manager or nominee – if agreement is reached (as in 5).**
 3. **Negotiate a new agreement with the National Trust.**
 4. **Evaluate each commercial opportunity, on a case by case basis, associated with the Jarrahdale Heritage Park and make an informed decision on whether it is in the best interests of Council and its ratepayers to be involved in a specific commercial venture, and establish an Endowment Fund from sales of any Council owned land in Jarrahdale.**
 5. **Determine the level of authority, to be delegated to the Board of Management, at the time of establishment of the said Committee of Council (in accordance Section 5.9 (2) (c) of the Local Government Act 1995) and to consider such matters as the annual expenditure of funds based on a yearly budget approved by Council.**
 6. **Develop a proposal to sell the potential two (2) parcels of land east of Millars Road (most of Lot 814) singularly or jointly and investigate the development, lease or sale of remaining Council land west of Millars Road (Lot 815 and Part Lot 814).**
 7. **Allocate resources to progressing an Agreement with the Department of Environment and Conservation (DEC) with respect to its interest in and around the Park, only if the DEC indicate they wish to be actively involved in the Jarrahdale Heritage Park project.**
 8. **Advertise the Business Plan as Council's intent.**
- CARRIED 8/0**

Council Note: The Officers Recommended Resolution was changed in line with the Strategic Plan.

SCM008/09/07		APPLICATION FOR MINISTERIAL APPROVAL - DIFFERENTIAL RATING STRATEGY 2007/2008 FINANCIAL YEAR (A0128)
Proponent:	Department of Local Government and Regional Development	In Brief Council acknowledge the approval from the Director General of the Department of Local Government and Regional Development and reduce the minimum payment for GRV Residential Vacant properties to \$723.00 for the 2007/2008 financial year.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long - Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	30 August 2007	
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 Local Government Act 1995 (The Act) provides for Councils to levy rates to fund the estimated annual budget deficiency for the forthcoming financial year.

Sections 6.33 and 6.35 of the Act require Council to obtain Ministerial approval to levy differential rates and set minimum payments for each differential category.

Ministerial Approval was sought on 20th August, 2007.

Statutory Environment:

Section 6.32 of the Local Government Act 1995, provides Council with the power, by absolute majority, to impose general rates, uniformly or differentially, on rateable land within its district.

Section 6.33 provides for local governments to impose differential rates according to any, or a combination, of the following characteristics;

- a) The purpose for which the land is zoned under the town planning scheme,
- b) the predominant use for which the land is determined to be used, and
- c) whether or not land is vacant.

In imposing a differential rate a local government is not to, without the approval of the Minister, impose a differential rate which is more than twice the lowest differential general rate imposed by it.

Section 6.35 requires that where a local government imposes differential rating it is to ensure that not more than 50% of the number of separately rated properties are rated on the minimum without the approval of the Minister.

Section 6.36 of the Act provides that before a local government can impose a differential rate it must give local public notice of its intention to do so.

Policy/Work Procedure

Implications:

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

Financial Implications:

The decrease in the minimum payment from \$773 to \$723 will result in a reduction in rate revenue of approximately \$40,000 for the 2007/2008 financial year.

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:

In accordance with Sections 1.7 and 6.36 of the Local Government Act 1995, Council gave local public notice of the intention of Council to impose differential rates, or a minimum payment under a differential rate category.

Local public notice includes publishing in a newspaper circulating in the district, exhibiting on the notice board of the local government office, and exhibiting on the notice board of the library inviting submissions in respect of the following information, for a minimum of 21 days;

- 1) Details of each rate or minimum payment the local government intends to impose,
- 2) Invitation for submissions to be made in respect of the proposed rate or minimum payment and any related matters.

Comment:

Ministerial approval was granted on 27th August, 2007 for Council to levy differential rates for the 2007/2008 financial year, subject to one condition:

1. the proposed minimum payment of \$773 for the Shire's GRV Residential Vacant properties being reduced to \$723.00

A copy of the letter from the Department of Local Government and Regional Development is with attachments marked SCM008.1/09/07 ([IN07/11094](#)).

It is recommended that Council endorse the change in the minimum payment for GRV Residential Vacant properties from \$773 to \$723 for the 2007/2008 financial year, as required by the Department of Local Government and Regional Development.

Voting Requirements:

ABSOLUTE MAJORITY

SCM008/09/07 Officer Recommended Resolution:

That Council endorse the change in the minimum payment for GRV Residential Vacant properties from \$773 to \$723 for the 2007/2008 financial year, as required by the Department of Local Government and Regional Development.

SCM008/09/07 COUNCIL DECISION

Moved Cr Murphy seconded Cr Kirkpatrick

- a) **That Council endorse the change in the minimum payment for GRV Residential Vacant properties from \$773 to \$723 for the 2007/2008 financial year, as required by the Department of Local Government and Regional Development.**
- b) **Council make a submission via the Western Australian Local Government Association to the Department Local Government and Regional Development requesting that they undertake a review of their guidelines for the classification of the basis of rating methodology regarding broiler farms with a view to reclassifying them from a rural use to a non-rural use.**

CARRIED 8/0 ABSOLUTE MAJORITY

Council Note: The Officers Recommended Resolution was changed to add part b) in respect to making a submission regarding the basis of rating for broiler farms.

Sue Langmair left the meeting at 11.06am.

Lisa Fletcher entered the meeting at 11.08am.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 11.11am.