

TABLE OF CONTENTS

1.	ATTENDANCE & APOLOGIES:	1
2.	PUBLIC QUESTION & STATEMENT TIME:	1
3.	PETITIONS & DEPUTATIONS:.....	3
4.	PRESIDENT’S REPORT:	3
5.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	3
6.	RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:	4
SCM03/01/06	PROPOSED POULTRY FARM - LOT 5 PUNRAK ROAD, HOPELAND (P00007/02)	4
SCM04/01/06	APPEAL OUTCOME REGARDING PROPOSED POULTRY FARM - LOT 368 (582) HENDERSON ROAD (CNR HOPELAND ROAD), HOPELAND (P01406/02)	65
8.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN.....	69
9.	CHIEF EXECUTIVE OFFICER’S REPORT.....	69
10.	URGENT BUSINESS:	69
SCM05/01/06	APPLICATION FOR 2006/07 EMERGENCY SERVICES FUNDING GRANT (A1139)	69
SCM06/01/06	CONFIDENTIAL ITEM - APPOINTMENT OF DIRECTOR ENGINEERING (A1310)	74
11.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:.....	74
12.	CLOSURE:.....	74

- 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 31ST JANUARY, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
KR Murphy
IJ Richards
JA Scott
EE Brown

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr D Long Director Corporate Services
Mr B Coelho Acting Director Engineering
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mr R Montgomery . Executive Manager Strategic Community Planning
Ms M Kenny Senior Planner
Mr T Turner Principal Environmental Health Officer
Mrs S Langmair Minute Secretary

APOLOGIES:

GALLERY: 21

2. PUBLIC QUESTION & STATEMENT TIME:

Public Question & Statement Time commenced at 7.03pm

Peter Mason

Q Regarding application 5 Punrak Road, noticed in plans that are up for approval that the shed is still within a 35m buffer on the property and this does comply with the EPA guidelines. When the application was submitted these were under the old guidelines. Why is Council allowing the application to go forward with a 35 metre clearance.

A The Senior Planner briefly explained the report and clarified this situation to the gallery. The sheds are on the outside with the road system on the inside, with the sheds being used as a buffer.

The Chief Executive Officer (CEO) explained that it was the Western Australian Planning Commission (WAPC) Statement of Planning Policy, stating the 100m setback, not the EPA Guidelines for separation distances. The Statement of Planning Policy is a policy document that Council have to give due regard.

The Presiding Member advised that the matter is in the mediation process and Council has to make its decision tonight.

Q If they leave the shed there, what measures are in place for noise from that shed.

A The CEO explained about the modelling inputs for fans showing that there was compliance with the noise regulations.
The Presiding Member highlighted condition 31. The CEO strengthened that with condition 5 – annual audit against noise regulations as well as Condition 6 – power to serve notice.

John Mitchell

Q How do you measure continuous noise, as he has experienced at his house the other day, noise at a level he considers offensive?

A The CEO advised that it is one of the difficulties to get an officer or equipment to the area at the time. The Department of Environment do have equipment that needs to be reserved in advance.

Statement - There is a need to set a permanent monitoring system in place. Mr Mitchell does however believe that Council conditions are getting very close to where we should be.

Julie - Hopelands Road

Personally thanked Council for all the hard work that has been put in place to date on this issue.

Q Can further conditions be put in place on the Hopelands Road item. Road going out onto Henderson Road would be less disruptive to neighbours and would like something to be done.

A The Executive Manager Planning & Regulatory Services (EMPRS) said unfortunately there is no further scope to add any conditions. Council could ask the property owner to change the location of the road.

John Mitchell

Q Isn't it time to bring Barter in as an industry to see where they sit in this whole matter.

A The CEO advised that the Shire President had already requested a meeting with the industry and that Council would invite the community in to be part of this process. The Presiding Member advised that Mr Mitchell's evidence convinced the SAT regarding bunding requirements.

John Airy – Hopeland Road

Q Regarding Poultry Farm Henderson Road – why haven't they been advised that this meeting was being held ?

A The Senior Planner advised that she would need to check the records. The EMPRS will investigate and advise.

Q Monday week ago the West Australian newspaper boosted the openness of this tribunal in an article they published. He was previously advised that he could not attend the tribunal. Is Council on behalf of ratepayers, going to take up this matter.

A The EMPRS advised he was of the understanding it was not an open tribunal, ie open to the general public.

The Executive Manager Strategic Community Planning (EMSCP) clarified a point in this respect that it was his belief parties could seek to be joined as a party to the appeal.

The CEO invited written submissions on their experiences in this regard together with a copy of the newspaper article and would be happy to take this up with the Minister for Planning when we next meet with her.

John Jilibrand – Rapids Road

Statement - Propose a 24 hour/365 days of the year monitoring program for dust and noise.

Peter Mason

Q Queried the number of birds described in the report together with the number of trucks at night has greatly increased.

A The Senior Planner explained the truck numbers were based on information from the Broiler Growers Association.

Ann McCabe

Q Is it possible to control the direction the trucks take ie Punrak Road which is in shocking condition.

A The CEO advised that Council is not able to control as of right vehicles. Main Roads do have the power to control the routes of permit vehicles and Council can make recommendations to Main Roads on conditions regarding the sealing/upgrading part of the road.

Q In the report it refers to 'possible bunding', does this mean bunding or no bunding

A The CEO explained that there would be bunding on the western side. The CEO explained that in the conclusion section of the report it was stated that the only reason for bunding to be required on the southern side was for visual amenity. Officers were not recommending bunding on the southern side as it could be achieved by vegetative screening.

Public Question & Statement Time concluded at 7.48pm

3. PETITIONS & DEPUTATIONS:

4. PRESIDENT'S REPORT:

5. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

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

SCM03/01/06 PROPOSED POULTRY FARM - LOT 5 PUNRAK ROAD, HOPELAND (P00007/02)		
Proponent:	Dykstra Planning	In Brief Reconsideration of application to extend an existing poultry farm as part of appeal mediation process. Council has previously refused the application and the owners subsequently lodged an appeal with the State Administrative Tribunal. It is recommended that the application be approved subject to conditions as additional information provided by the applicant demonstrates that the impact of the farm on the amenity of surrounding properties can be adequately ameliorated.
Owner:	H & H Evans	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	10 January 2006	
Previously	SD079/06/05; SD031/02/05	
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:	Application: 18 October 2004 Determined: 3 June 2005 Appeal: 7 July 2005
Advertised:	Yes (original application)
Submissions:	11 objections
Lot Area:	20 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural Policy Area
Rural Strategy Overlay:	Nil
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Nil

Background

Site Description

The subject site is located on the eastern side of Punrak Road. The site is flat and low lying. An area of remnant vegetation is located in the south west corner of the site. Some revegetation has been undertaken along the side and rear boundaries.

A main drain runs parallel to the front of the property between the front boundary and the Punrak Road reserve.

Existing development on the site comprises six broiler sheds, a dwelling and six outbuildings used for plant, equipment and storage purposes. A single crossover provides access to the dwelling, broiler sheds and outbuildings. The existing broiler sheds are located 35 metres from the northern boundary of the site, 83 metres from the southern boundary, 100 metres from the eastern (rear) boundary and between 260 metres to 420 metres from the western (front) boundary.

The six existing broiler sheds house approximately 240 000 birds.

A copy of the location and site plans and an aerial photograph of the site is with the attachments marked SCM03.1/01/06.

Previous Approvals

Approval was originally granted for development of the site for the purposes of a broiler farm on 18 January 1995. This approval was for the construction of four broiler sheds and a maximum of 160 000 birds. The following conditions of approval were imposed:

1. *Sealed crossover.*
2. *Stormwater to be retained on site (to be shown on working drawings).*
3. *The building, or any part thereof, shall not be occupied until a Certificate of Classification has been issued to the owner by the Local Authority.*
4. *Bulk litter to be removed on a regular basis so as not to create a nuisance.*
5. *No stockpiling of manure on site.*
6. *Any temporary stockpiling of manure to be on a hard standing surface.*
7. *Submission of a building application.*

The original four sheds were naturally ventilated.

On 4 December 1996 approval was granted for the construction of two additional broiler sheds of the controlled environment type and the upgrading of the four existing sheds to controlled environment standard. The number of birds was increased to 240,000. The following conditions were imposed:

1. *Compliance with Engineering and Health Regulations and Code of Practice as set down by the Department of Agriculture for Chicken Farms.*
2. *Any temporary stockpiling of manure to be on a hard standing surface and covered.*

Application for expansion of poultry farm

An application for planning approval for the expansion of the above poultry farm was considered by the Council at a Special Council meeting held on 3 June 2005. The proposed expansion includes an additional five controlled environment sheds, a sawdust storage shed and an amenity building. Each poultry shed will be 210 metres long and 18 metres wide and will accommodate approximately 59 000 birds per shed. This will bring the total number of birds able to be accommodated to approximately 640 000.

The sheds will be constructed of *colorbond* steel panels with *coolcell* insulated walls and roof. The floor will be impervious concrete and concrete walls will extend 400 millimetres high above the floor with the *colorbond* panels on top of this wall. The low concrete portion of the walls will prevent runoff of waste water during washdown. The floor of the sheds will be located a minimum of 1 metre above the highest known groundwater table on the land. The height of the sheds will be 3.5 metres.

The new sheds will be located in the centre of the site forward of the existing sheds. The setback of the sheds from the front boundary varies between 96.87 metres and 195 metres. A setback of 120 metres will be provided to the northern boundary, and a 35 metre setback to the southern boundary.

The fans that form part of the ventilation system will be located predominantly on the western end of the sheds with some additional fans required on the sides and roof due to the length of the sheds proposed. In general the fans will exhaust towards the western boundary (Punrak Road frontage).

The original application contained insufficient information with regard to noise producing activities including:

- feed deliveries
- harvesting
- cleanout
- forklift operation
- plant and equipment to be used
- traffic movements
- measures to be put in place to assist in noise and odour amelioration
- dead bird storage and removal

A biosecurity buffer of 1 000 metres is achieved to the nearest existing poultry farm.

The applicant advises that additional vegetation will be planted between the sheds and the front and side boundaries.

Shed floors will be covered with a 5-8cm 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.

A new dam is to be constructed and the existing retention swales expanded to allow evaporation and nutrient stripping of washdown and stormwater runoff water.

A second crossover and vehicle accessway are proposed in the southern part of the site to provide access to the new sheds. The applicant advises that the existing crossover to Punrak Road will be upgraded but does not advise what this upgrade will comprise.

Subsequent to submission of the application, the applicant was requested in writing to submit supplementary reports with regard to odour modelling, noise modelling and traffic impact. With regard to this request the applicant advised in writing dated 4 April 2005 as follows:

Given that the application now complies with the setback and separation distance requirements of SPP No. 4.3, our client deems the provision of noise and odour assessments to be unnecessary and asks that the application be put to Council for determination at the next available meeting.

Accordingly, the application was placed on the agenda of a Special Council meeting held on 3 June 2005. At that meeting a motion was carried that the application be refused as follows:

SD079/06/05 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Scott

The application for approval to commence development of extensions to the existing Poultry (Broiler) Farm on Lot 5 Punrak Road Hopeland be refused for the following reasons:

- 1. The Council is not satisfied that the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality due to the lack of pertinent information provided in the application.*
- 2. The Council is not satisfied that the proposed use will not have an adverse effect on the inhabitants of the locality or upon the likely future development of the locality due to the lack of pertinent information provided in the application.*
- 3. The applicant has failed to adequately demonstrate that the application will not have a detrimental impact on the amenity of the locality.*

CARRIED 8/1

Application for review of the decision by the State Administration Tribunal (SAT)

On 7 July 2005 solicitors on behalf of Redmond Farm Pty Ltd submitted an application for review of the decision by the SAT.

A directions hearing with regard to the application for review was held on 12 August 2005. At that hearing SAT made an order that the matter be referred to mediation.

During the mediation process for the SAT review of the Council's decision to refuse the application, the applicant engaged consultants to carry out noise, odour and air quality modelling for the expanded farm. The methodology and outcomes of this modeling and the review of this data by the Shire's independent consultants is summarised and discussed in the Comment section of this report.

At the mediation conference held on 2 September 2005 issues relating to some of the data produced by the applicant's modelling were raised by the Shire's consultants including:

1. The setback distances for the existing poultry sheds indicated on the applicant's site plan. *In this regard the applicant undertook to provide an amended plan at the next conference.*
2. The issue of temperature control within the sheds as a means of odour amelioration. *The applicant advised that the temperature of the sheds had to be maintained at a level which kept the chickens comfortable and reduced the number of bird deaths and that they would not be prepared to accept a condition requiring the temperature in the sheds at a maximum level.*
3. Whether growth cycles would be staggered thereby providing overlap in cycles and increased numbers of shed cleanouts. *The applicant confirmed that there were only 6 growth cycles per year with full cleanout of all sheds at the end of the 60 day cycle prior to sheds being restocked.*
4. Whether a maximum time could be set for cleanout operations. *The applicant advised that cleanout is carried out as soon as the last birds have been removed and takes less than 1 day.*
5. The location of the nearest dwelling to the farm. *With the dwelling on the adjoining Lot 7 now converted back to a shed the nearest dwelling to the farm is over 500 metres away from the existing and new sheds.*
6. That acoustic design should take account the need to retain the ability for dwellings to be built on adjacent properties that are currently vacant. *The size of the three adjacent vacant properties is such that any new dwellings could be constructed between 300-500 metres away from the new or existing shed.*
7. The Shire was requested to provide a draft list of possible conditions for discussion at the next mediation hearing.

On 22 November, 2005 the applicant's solicitors provided advice that the preferred location of the southern most new shed (shed 7) was 35 metres from the southern boundary, instead of the 83 metre setback imposed by the southern most existing shed, for the following reasons:

1. *Shed 7 would act as a buffer between the farm and the rural land to the south;*
2. *This would enable the internalisation of all vehicle accessways between the sheds and noise assessment has indicated that this would reduce the potential for noise impact on surrounding land.*
3. *Odour assessment indicates that the introduction of Shed 7 makes no real difference to odour impact and if anything would result in reduced impact.*
4. *The difference in visual impact of shed 7 being 30 metres from the southern boundary rather than 83 metres would be marginal given that the nearest dwelling to the south is over 400 metres away and there are five rows of established trees between the southern boundary and proposed shed 7. Also the profile of shed 7 is very low.*

5. *The lesser setback will enable the vehicle access way to be located between sheds 6 and 7 and will therefore reduce the visibility of headlights from truck movement. A water tank at the end of the central driveway will also assist in this screening and additional planting or a colorbond fence can be used to provide additional screening.*

A second mediation conference was held on 28 November 2005. The Shire tabled the following issues for discussion with regard to the odour modelling provided by the applicant:

1. Page 24 - The report states that odour concentrations in excess of 20OU are only likely to occur 0.1% of the year (being 9 hours) at the closest residence which is 700m away. However, Table 5 says that 20 OU will be exceeded 1.4% of year (being 5 days).
2. Report states that nearest residential area is Serpentine townsite which is 3.6km from farm. However report does not note that there is an extensive rural-residential area on the western side of the south west railway about 2.6km or less from the Punrak Road farm.
3. Page 25 Section 8.2 - Paragraph 3 states that 1.4% of the year equates to 12 hours of the year when in fact 1.4% of 365 days equates to 5 days being 120 hours of the year – was the “0” left off? *The applicant’s odour consultant confirmed that this was a typographical error and should have read 120 hours (5 days).*

The Shire tabled a draft list of conditions that might be applied if the development were to be approved. The applicant’s solicitor advised that they would provide a written response to the draft list of conditions.

The SAT member directed that the Shire should put the proposal back to Council for reconsideration in January 2006 given that all of the data requested had now been provided by the applicant and reviewed by the Shire’s consultants. A further mediation date was set for 7 February, 2006 which, the SAT member advised, could be vacated if the decision reached by the Council in January should prove satisfactory to both parties.

Draft Condition List prepared by Shire for mediation purposes and applicant’s response

The list of draft conditions tabled by the Shire during mediation and the applicant’s responses to those conditions, provided in two letters dated 1 December, 2005 and 20 January, 2006, are detailed below:

Draft Shire conditions presented at mediation conference	Applicant’s response	Shire comment on applicant’s response
<p>General</p> <p>1. Development shall be in accordance with the approved plans except as otherwise required by a condition of this approval.</p> <p>2. A building licence being obtained prior to the commencement of any of the works covered by this approval including earthworks.</p>	<p>Conditions 1 and 2 are acceptable</p>	<p>Noted</p>
<p>Environmental Management System</p> <p>3. An Environmental Management System shall be prepared for the farm to the satisfaction of the Shire and shall be submitted to and approved by the Shire prior to the commencement of the use</p>	<p>Conditions 3 and 4 are acceptable subject to the wording “Environmental Management System” being</p>	<p>Agreed</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>covered by this approval.</p> <p>4. In carrying out the development the approved Environmental Management System must be complied with at all times.</p> <p>5. A report (audit) on compliance with the approved Environmental Management System shall be submitted to the Shire within 28 days of the completion of the first growing cycle in the new sheds and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:</p> <ul style="list-style-type: none"> 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. <p>A suitably qualified and experienced person to the satisfaction of the Shire must conduct the audit.</p> <p>6. In the event the Shire is not satisfied with any audit, the Shire may by notice in writing require</p>	<p>changed to "Environmental Management Plan"</p>	

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
the applicant to take the action stipulated in the notice in order to ensure the approved Environment Management System is complied with.		
7. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the management guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australian May 2004.	Condition 7. should be qualified by adding at its end "as amended from time to time".	Agreed
Vegetation Management 8. Prior to the issue of a Building Licence for the new sheds, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and shoreline plant species to be established.	Condition 8. should be reworded to reflect that only supplementary strategic revegetation is needed to infill certain areas within the existing perimeter plantings on the property. Significant revegetation is not required as there has already been 25 rows of planting to the front boundary and 5 rows to side and rear boundaries.	It is considered that the wording of the condition is generic enough to cater for as much or as little revegetation as is required on the site. However, the wording "shoreline plant species" should be amended to "plant species to be established in and around the retention basin".
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.	Conditions 9. and 10. are acceptable to the applicant.	Noted
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	The requirement of a bond for landscaping, and the substantial amount of the bond indicates that no consideration has	It is agreed that the revegetation required to infill around the boundaries of the property is relatively

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>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 after 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.</p>	<p>been given to further the significant revegetation programme that the landowners have implemented over a number of years. Given that it is merely supplementary planting of trees and shrubs that is required in order to infill gaps within the existing established perimeter plantings, a performance bond is considered onerous and unnecessary in this instance.</p>	<p>insignificant given the amount of planting that has taken place on the site. However, there needs to be some mechanism in place by which the Shire can ensure that the required planting is carried out both on the boundaries and on any required bunding. It is recommended that the bond still be required but be reduced to \$5000 in recognition of the planting already carried out.</p>
<p>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.</p>	<p>The condition should be reworded as follows: "In the event of livestock grazing occurring on the subject land (other than incidental sheep grazing to reduce fire hazard), the developer shall fence existing vegetation and revegetation areas from such grazing".</p>	<p>It is agreed that the condition should be reworded however, the condition should not exclude any kinds of livestock such as sheep. The proposed wording is "In the event of livestock grazing occurring on the subject land the landowner shall fence existing vegetation and revegetation areas from such grazing".</p>
<p>13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved</p>	<p>This condition is acceptable.</p>	<p>Noted</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
developments.		
<p>Drainage & Nutrient Management</p> <p>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.</p> <p>15. In carrying out the development the approved Drainage and Nutrient Management Plan must be complied with at all times.</p> <p>16. The proposed development is not to commence until the Shire has approved the Drainage and Nutrient Management Plan in writing.</p> <p>17. The developer shall ensure that the use of water for wash down is minimised.</p> <p>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.</p> <p>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 the adjacent wetland as a result.</p> <p>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.</p>	<p>Council requirements for drainage and nutrient management of the development are clearly outlined in conditions 17-20.</p>	<p>Conditions 14. and 15 are the overriding drainage management conditions (ie a plan shall be prepared and that plan shall be implemented). Conditions 17. to 20 clarify issues that should comprise part of the drainage management plan. Therefore, conditions 14 and 15 and 17-20 should be retained. Condition 16 may be deleted as it basically repeats the intention of Condition 14, if the words "prior to the commencement of the use of the new poultry sheds" are added to clarify that the plan must be approved and implemented prior to use.</p>
Storage and disposal of chemicals, feed and waste materials		
21. The proponent shall store	The storage of	It is recommended

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>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.</p>	<p>hazardous chemicals and fuels is regulated by the Department of Minerals and Energy (DOME) and should form part of a Shire condition. It is suggested the condition be amended to refer to the requirements for licensing and regulation compliance of DOME and transferred to an advice note.</p>	<p>that the condition be amended and changed to an advice note.</p>
<p>22. The developer shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compound(s).</p> <p>23. The storage, use and disposal of all chemicals including, but not limited to, pesticides, disinfectants and veterinary products is to comply with the manufacturer's recommendations.</p> <p>24. No chemicals or potential liquid contaminants are to be disposed of on-site.</p> <p>25. Stock feed is to be stored within containers that prevent access by vermin and native wildlife.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Conditions 22 to 29. are acceptable to the applicant.</p>	<p>Noted</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>29. be covered to reduce odour emission. All feed deliveries shall take place between the hours of 7.00am and 7.00pm.</p>		
<p>Noise</p> <p>30. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.</p>	<p>This condition is ambiguous and should be reworded as follows: "Subject to compliance with the relevant Australian Standard and any Worksafe Codes, reversing beepers are to be removed from all forklifts and tractors used on the property, and alternative non-audible warning measures such as flashing lights are to be fitted to these vehicles instead."</p>	<p>It is considered that there is no need to change the condition.</p>
<p>31. All alarms associated with the operation of the poultry farm (ie power supply, temperature, feed and the like) shall be non-audible. Alternative non-audible methods of notification such as personal pagers carried by farm operators and employees shall be used to the satisfaction of the Shire.</p>	<p>Condition 31 should be amended to require only that alarms not be audible outside any structure on the land within which the alarm is situated.</p>	<p>Agreed</p>
<p>32. Prior to the commencement of use of the new poultry sheds, the following measures must be taken in order to achieve compliance with the Environmental Protection (Noise) Regulations:</p> <p>(i) Installation of an earthen bund at least 4 metres high commencing at least 20 metres from the western end of shed 7 to 20 metres past the western end of shed 6 and running parallel to the southern boundary of Lot 5;</p> <p>(ii) Any plant rooms, including any backup power generator, are to be located between the sheds and the required earthen bunds; and</p>	<p>Conditions 32, 34, 35, 36 and 37 should be deleted. Our client has undertaken extensive planting on site, with respect to both over storey and under storey. As indicated in discussions, the bunding the subject of the draft conditions is unnecessary, whether with respect to noise or air quality. The only other substantive reason which might support bunding is the aesthetic effect and, in particular, the manner and extent to which bunding may</p>	<p>With reference to the Shire consultant's review of the acoustic data provided by the applicant it is considered that condition 32 (i) could be amended to only require a solid fence around the southern end of the central access driveway to enable a complete internalisation of noise producing activities. However, it is still considered that an earthen bund be constructed along the full length of the western vehicle access as indicated</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>(iii) The implementation of all noise attenuation measures proposed in the report entitled "Environmental Noise Assessment, Redmond Poultry Farm Proposed Expansion Lot 5 Punrak Road, Hopeland" prepared by Lloyd Acoustics for Redmond Farm August 2005, lodged with the Shire by the applicant as part of this application;</p> <p>to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.</p> <p>The use (including construction of sheds) shall not commence until the Shire has received from the applicant and has approved:</p> <p>(a) specifications and elevation drawings of the earthen bunds; and</p> <p>(b) certification from a suitably qualified acoustic expert that the noise attenuation measures required and proposed will ensure that the noise generated by the development will at all times comply with the Environmental Protection (Noise) Regulations.</p> <p>33. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.</p> <p>Odours</p> <p>34. Prior to the commencement of use of the poultry sheds, the following measures must be taken in order to achieve compliance with the criterion of 70U/m³ 3 minute average 99.5th percentile as determined using the methodology prescribed in the Environmental Protection Authority's document "Guidance for the Assessment of</p>	<p>be said to screen the sheds from neighbouring properties. In that regard one of the key design objectives of our client in preparing the proposed layout was to internalise the activities of the farm and to take advantage of the significant revegetation works that have already been undertaken to all boundaries. By increasing the density and area of tree plantings, the farm will not be obvious from any external vantage point. The development on the property is already quite difficult to see from the public road. The land to the south has dwellings located over 500 metres away and in any event the southern boundary is also well planted with trees and shrubs. Further improvements to this planting are proposed. Conversely, the construction of bunding would create a visible landform which is itself unnatural in this environment and of itself would also be likely to require the removal of existing vegetation. In our client's view, the existing revegetation and proposed vegetation strategies would achieve a superior and more</p>	<p><i>in the attachments marked SCM03.6 /01/06.</i></p> <p>Condition 32 (ii) has been modified and, condition 32 (iii) has been deemed to not be required. The remainder of condition 32 should be retained.</p> <p>Condition 34 should be modified to required compliance with the EPA's guidelines.</p> <p>Condition 35 needs to be retained as an earthen bund is still required on the western side of the sheds.</p> <p>Condition 36 should be amended to read as follows:</p> <p>36. The sheds' ventilation systems shall incorporate measures to achieve a maximum emission of dust to a target of 50 µg m⁻³ and, so as not to have greater than 5 exceedances per year, to the satisfaction of the Shire.</p> <p>The applicant advises that treating the bedding materials with oils or other damping solutions may be harmful to the chickens and would lead to increased odour production. Accordingly, condition 37 should be replaced with the</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>Environmental Factors – Assessment of Odour Impacts from New Proposals No. 47”:</p> <p>(i) The installation of permanent earthen bunds as windbreak walls to the north of the sheds; and</p> <p>(ii) The installation of odour mitigation measures as specified in the(ERM report)..... to the satisfaction of the Shire. Odour emissions must at all times comply with the Environmental Protection Authority’s document “Guidance for the Assessment of Environmental Factors – Assessment of Odour Impacts from New Proposals No. 47” as amended from time to time.</p> <p>The use (including construction of the sheds) shall not commence until the Shire has received from the applicant and has approved:</p> <p>(a) specifications and elevation drawings of the earthen bunds; and</p> <p>(b) certification from a suitably qualified environmental consultant with expertise in odour modelling, that the odour attenuation measures proposed and required will ensure the odour emissions generated by the development will at all times comply with the requirements of this condition.</p> <p>35. The fill used to construct the required earthen bunds shall consist of clean, uncontaminated material to the satisfaction of the Shire.</p> <p>Dust</p> <p>36. 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 5 exceedances per year, to</p>	<p>natural effect than bunding.</p> <p>Condition 33 is acceptable to the applicant.</p> <p>With respect to air quality generally and odour in particular, our client proposes that at every stage of development it will produce an odour assessment report within 12 months of commencement of one or more of the new sheds, the report to be prepared by a suitably qualified air quality consultant. The report would include results of ground truthing for new shed odour emission rates and an assessment as to whether odour emissions are significantly different to those assumed in the GHD September report. The Environmental Management Plan prepared for the farm will incorporate the odour minimising measures outlined in section 3.7 of the <i>Environmental Code of Practice for Poultry Farms in Western Australia</i>.</p>	<p>following condition:</p> <p>37. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build-up in poultry sheds.</p> <p>The above issues are discussed in more detail in the Comment section under the subsection relating to the review of odour, dust and noise modelling.</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>the satisfaction of the Shire.</p> <p>37. All bedding materials placed within sheds (ie sawdust) shall be treated (ie with oils) to reduce dust production.</p>		
<p>38. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.</p> <p>39. 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.</p> <p>40. 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.</p> <p>Lighting</p> <p>41. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.</p> <p>Engineering</p> <p>42. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.</p>	<p>Conditions 38 to 42 are acceptable to the applicant.</p>	
<p>43. The surface of the portion of Punrak Road abutting the subject site shall be upgraded to the satisfaction of the Shire. Concrete aprons shall be constructed between the crossovers and the sealed surface of Punrak 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.</p>	<p>Condition 43 should be clarified as to exactly what is expected of the applicant. The applicant has indicated that he is happy to install concrete aprons at crossovers, to integrate the crossovers into the sealed surface of Punrak Road and to widen the seal of Punrak Road for a length of</p>	<p>Asset Services advise that the pavement of Punrak Road adjacent to the subject site should be widened to a minimum of 6 metres for a length of 15 metres north and south (tapering back to the existing width after 15 metres) of the crossovers on the lot and between the crossovers and the crossovers are to</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
	approximately 15 metres on either side of the crossover intersection.	include a concrete apron between the crossover and the road pavement. Condition 43 should be amended accordingly.
<p>44. All driveway 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 and to ensure that no visible dust extends beyond the site boundary.</p> <p>45. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.</p> <p>46. 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.</p> <p>Visual Amenity</p> <p>47. The external cladding of the new poultry sheds shall match that of the existing poultry sheds.</p> <p>Signage</p> <p>48. A notice indicating the type of operation, hours of operation and potential impacts of the poultry farm operation to be displayed adjacent to the Punrak 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.</p>	<p>Conditions 44 to 48 are acceptable to the applicant. With reference to Condition 47 the cladding on the new sheds will be white/off white which is consistent with the existing sheds.</p>	<p>Noted</p>
<p>Advice Notes:</p> <p>1. The application and a copy of this decision has been referred to the</p>	<p>Advice notes 1 to 5 are acceptable.</p>	<p>Noted</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>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.</p> <p>2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.</p> <p>3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development;</p> <p>4. The operations should be carried out in accordance with the document <i>'Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas'</i> produced by the Water and Rivers Commission.</p> <p>5. The Environmental Management Plan required by condition 3 shall be prepared in accordance with the <i>EMS for Meat Chicken Farms - Example Environmental Management Plan</i> published by the Australian Government Rural Industries Research and Development Corporation.</p>		
<p>6. The Landscape and Vegetation Management Plan required by condition 8 shall:</p> <p>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 5 Punrak Road;</p> <p>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;</p>	<p>Advice notes 6 to 8 should be deleted in view of the various recommendations made above.</p>	<p>It is considered that Advice notes 6 and 7 should be retained as they still relate to conditions detailed above and they are after all only advice notes which seek to clarify the intent of the conditions. Advice Note 8. should be deleted and replaced with: "8. Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy".</p>

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>c) Locate on the map and both identify and describe the management of existing exotic vegetation;</p> <p>d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;</p> <p>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.</p> <p>f) Describe ongoing management of vegetation on site;</p> <p>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:</p> <p>i) Visual screens are to include a minimum of six rows of trees and shrubs and must be no less than 10 metres wide;</p> <p>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</p>		

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>metres apart;</p> <p>iii) Visual screening is to include a mixture of trees and shrubs such that no more than one third of the plants are trees.</p> <p>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;</p> <p>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;</p> <p>vi) All plants are to be of locally native species indicative of neighbouring woodland and wetland communities;</p> <p>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</p>		

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p style="margin-left: 40px;">List;</p> <p style="margin-left: 20px;">viii) Maintain a weed burden at levels not likely to threaten the native species;</p> <p style="margin-left: 20px;">ix) Locate fire breaks on the map.</p> <p style="margin-left: 20px;">x) All earth bunds are to be vegetated to the satisfaction of the Shire.</p> <p>7. The Drainage and Nutrient Management Plan required by condition 14 above shall address the following:</p> <p style="margin-left: 20px;">a) show how the capacity of the settling pond will cope with storm water and shed wash down water in all but 1:10 year storm events;</p> <p style="margin-left: 20px;">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;</p> <p style="margin-left: 20px;">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.</p> <p>8. The compound(s) described in condition 21 shall:</p> <p style="margin-left: 20px;">a) be graded or include a sump to allow recovery of liquid;</p> <p style="margin-left: 20px;">b) be chemically resistant to the substances stored;</p> <p style="margin-left: 20px;">c) include valves, pumps</p>		

Draft Shire conditions presented at mediation conference	Applicant's response	Shire comment on applicant's response
<p>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;</p> <p>d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);</p> <p>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</p> <p>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.</p>		
<p>9. Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.</p> <p>10. 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.</p>	<p>Advice notes 9 and 10 are acceptable</p>	<p>Noted</p>

Sustainability Statement

Effect on Environment:

The proposed poultry farm will not require the clearing of any remnant native vegetation. Waste products (spent litter, manures, dead birds) are removed from the site and disposed of at licensed facilities.

Stormwater water and waste water is disposed of in on-site detention ponds which allow filtration of matter contained in the water before recharging into the ground.

Resource Implications:

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

Use of local, renewable or recycled Resources:

It is uncertain whether the proposed sheds will be constructed from locally available resources.

Economic Benefits:

The proposal has the potential to generate long term employment within the Shire both directly at the farm and indirectly at businesses which service this type of operation.

Social – Quality of Life:

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

Social and Environmental Responsibility:

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

Social Diversity:

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

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Scheme No.2

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

Policy/Work Procedure

Implications:

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

Financial Implications:

The Financial implications to Council related to this application (appeal) include legal costs and the costs associated with the expert witnesses engaged by the Shire to assist in the appeal. In addition to considerable staff time, these costs to date amount to approximately \$10,000.

The final invoices from McLeods and ERM with regard to this appeal have not been received yet.

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comments from External Agencies

The planning application was referred to the Department of Environment and the Department of Agriculture because the subject site is within the Peel Harvey Coastal Plain Catchment Area. The application was also referred to Western Power as the extensions will place a draw on power supply. The comments of these agencies are summarised below:

Department of Environment (DoE)

Comment

The Department of Environment (DoE) acknowledges that the proposal does have the potential to substantially increase the frequency of odour complaints if poorly managed.

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

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

The odour study should be undertaken in accordance with the EPA's Draft Guidance for the Assessment of Environmental Factors No. 47 - "Assessment of Odour Impacts".

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

Subject to the resolution of this matter, the DoE would have no objections to the proposal subject to the following condition and advice:

1. Statement of Planning Policy No. 5 - Boundary Setbacks

The proposal to install new poultry sheds 35 metres from the southern boundary is not in accordance with SPP No. 5 and the Environmental Code of Practice for Poultry Farms in Western Australia. The proposed sheds must be located no closer to the southern boundary than 60 metres in accordance with the existing southern shed.

2. Environmental Management Plan

The subject land is located within the proposed Karnup-Dandalup Underground Water Pollution Control Area (UWPCA), which has been declared for Priority 2 (P2) source protection. P2 source protection areas are defined to ensure that there is no increased risk of pollution to the water source. P2 areas are declared over land where low risk development (such as low intensity rural activity) already exists. Housed poultry farming is considered to be a conditionally compatible landuse type in P2 areas.

Consequently, an Environmental Management Plan should be prepared and implemented to the satisfaction of the Department of Environment (DoE) and the Shire of Serpentine Jarrahdale.

Such a plan should comply with the DoE's Environmental Code of Practice for Poultry Farms in Western Australia; and clearly prescribe both the proposed operation of the development and the environmental management of issues including but not limited to odour, noise, dust and wastes (including washdown water and contaminated litter).

Groundwater Abstraction

The proponent should be advised that the property is located in the Serpentine Groundwater Area where there are issues of groundwater quality and availability. The proponent should be advised to seek advice from the DoE's Mandurah office concerning groundwater usage.

Action taken in response to DoE comments

The applicant was required to engage suitably qualified consultants to prepare an assessment of the worst case scenario potential odour impact and to determine whether there were measures that could be put in place to address this worst case scenario. During

assessment of the planning application the applicant advised in writing that he was not prepared to provide this supplementary information. However, as part of the mediation process the applicant has now provided modeling of the likely dust, odour and noise impacts of the expanded development. The outcome of this modeling and the review of the modeling methodology and results by the Shire's consultants is detailed in the comment section of this report.

Agriculture Western Australia

Comment

The proponent is planning to nearly double the current capacity of the poultry farm from 240,000 birds to 400,000 birds annually. I have personally visited the site within the last 6 months for an unrelated work matter and know the management of this site is to a very high standard. With this in mind there are still a couple of small issues that were not addressed in the application report which need clarifying before development approval should be granted. They are:

1. *The Statement of Planning Policy No. 4.3 states that "new poultry sheds should be no closer than 100m from the poultry farm boundary or no closer than any existing shed to the nearest property boundary.*

The proponents are proposing for just a 35 m setback from the southern boundary instead of a 100m setback. To prevent possible land use conflicts in the future and a reduction in land values for properties located along the southern boundary of Lot 5 Punrak Road it would be wise to determine:

- *what the exact land uses are on the properties adjoining all boundaries, especially the southern boundary of Lot 5 Punrak Road and if the proposal will have any significant affect on the owners. More detail than "rural land uses including a piggery to the south and grazing located both to the north and south of the subject land" should be provided when the proposed setback is less than half the required setback specified in the State of Planning Policy No. 4.3.*
- *The distance of the proposed expansions will be from any dwellings and regularly used sheds located on the properties that share the southern boundary of Lot 5 to ensure the standard of living for owners located on these sites is not reduced. Perhaps a recent larger aerial photo showing all neighbouring properties would be beneficial. The EPA Code of Practice for the operation of poultry farms and the Shire of Serpentine-Jarrahdale policy on poultry farms both require a 100m setback from any single dwelling outside the poultry farm.*
- *If there are currently any other development applications being processed for properties located on the southern border of Lot 5 Punrak Road which may conflict with the poultry farm expansions.*
- *If there has been any formal complaints lodged with the Serpentine-Jarrahdale Shire in the last 12 months regarding odour, noise or dust from Lot 5 Punrak Road.*

If none of the above points are a concern, a suggestion would be for the proponents to ensure the entire length of the southern boundary is thickly revegetated with shrubs and trees to reduce the chance of noise, odour and dust ever posing a problem to neighbours located along the southern border.

2. *The only other concern is with the collection of the washdown water. Where will the washdown water collected in the detention basin be drained to and what happens to the solid material collected in the detention basin.*

Liquids should be applied to perennial pasture species around the property and solids should also be spread over as large an area as possible. If a large amount of solids is collected from the detention basin there is an option for the proponent to sell the product to the composting facility "Aussie Organics Garden Supplies" which is located nearby at 76 Punrak Road Serpentine. This site also accepts waste products from the nearby piggery and other poultry farms.

Once the points discussed above are addressed, this development application for the expansion of the existing poultry farm located at Lot 5 Punrak Road Hopeland should be granted.

Action taken in response to Agriculture Western Australia comments

Department of Agriculture's comments are noted. However, as discussed in the Comment section of this report, there is merit with regard to acoustic issues in the setback to southern boundary remaining at 35 metres.

Western Power

Western Power have no objections to the proposal. Perth One Call Service must be contacted and location details of Western Power's underground cable obtained prior to any excavation commencing. Work Safe requirements must be observed when excavation work is undertaken in the vicinity of Western Power's assets. Western Power is obliged to point out that the cost of any changes to the existing (power) system, if required, will be the responsibility of the individual developer.

Action taken in response to Western Power comments

Lack of objection noted. Copy of Western Power's advice was provided to applicant.

Community Consultation:

Required: Yes
Support/Object: 11 letters of objection were received.

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

Issue	Officer Comment
<i>Buffers & Location</i>	
Poultry farms are required to have a 500 metre buffer zone and this should not be on other people's land.	The 500 metre buffer applies to Residential zones only. The nearest Residential zone is 3.6 kilometres to the east in the Serpentine townsite.
The EPA stipulates that there has to be a 300 metre distance between the poultry sheds and rural residential zones.	This is correct. However, the nearest Rural-Residential zone is the Karnup Creek Special Rural zone over 3 kilometres to the north of the subject site.
The generic separation distances contained in the EPA's guidelines do not take into account the cumulative impacts of multiple facilities such a poultry farms and piggeries being located in a small area.	Noted. The proposal should be assessed by reference to its amenity impact, and not only whether it meets generic separation distances. The fact that other poultry farms and piggeries exist however may mean the existing amenity is already downgraded.
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.	As discussed in the Comment section of this report, there is merit with regard to acoustic issues in the setback to southern boundary remaining at 35 metres.
Poultry farm sizes are being	This comment is unsustainable in that all

Issue	Officer Comment
increased by stealth.	applications to expand poultry farms outside the Poultry Policy Overlay Area are advertised to the public before being determined.
New farms should not be permitted outside the Poultry Policy Overlay Area.	Under the Shire's Town Planning Scheme No. 2 Poultry Farm is a use that the Council has the discretion to approve in the Rural zone.
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.
Approval of extensions to and additional poultry farms in Hopeland will impact on the future urban development of the area.	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.
The Poultry Policy Area special controls state that all new applications should be on properties of a minimum of 100 acres (40 hectares) but the Punrak Road farm is only 50 acres (20 hectares).	The Punrak Road farm is an existing farm and was already in existence some three years prior to the gazettal of the scheme amendment, which inserted the Special Control – Poultry Farms provisions into the Shire's Town Planning Scheme. As such this provision does not apply to the Punrak Road farm.
<i>Visual Amenity</i>	
The rural identity of the area should be retained and these industrial type units should not be allowed to be built.	Although somewhat larger and more numerous than normal farm sheds, poultry sheds are of similar shape, height and construction as other rural sheds such as hay sheds, stables and farm workshop and equipment sheds, however the density of buildings to available open space would be high. Consideration could be given to requiring the external cladding of the sheds to be of a colour that blends more with the existing landscape such as earthy or bushland tones.
Total screening around the whole poultry farm is required. Single line planting will not meet the screening standards.	Conditions able to be applied include requirements for a combination of earth bunding and dense vegetative screening comprising locally native trees, shrubs and groundcovers.
The many large sheds will be unsightly.	Refer to the two previous comments.
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 dead chook truck passes twice a day, is not sealed and makes being on the road totally unpleasant due to odour.	A condition could be applied requiring these vehicles to be covered to reduce odour emissions.
The odour coming from the existing poultry farms, piggery and turf farm are putrid and will only worsen with this extension.	Conditions of approval could require the incorporation of measures such as air scrubbers or biofilters in conjunction with stacks to aid vertical air dispersion within ventilation systems. However, the odour modelling now provided by the applicant demonstrates that even with the extensions the farm will comply with the odour criterion set by the EPA.

Issue	Officer Comment
The odour from existing farms is overpowering at times.	See comments above.
<i>Dust</i>	
The tunnel ventilated sheds create dust that is ejected via the exhaust fans. This emits in a cloud or fog and remains until it blows away or settles on the ground.	A condition can be applied requiring the addition of cowls or stacks to air discharge fans to assist in the dispersion of odours and dust. A condition could also be applied that requires bedding (sawdust etc.) to be treated (ie with oils) to reduce dust.
Dust from the poultry farm will settle on neighbours' roofs and therefore affect rainwater that is used for domestic purposes.	Refer above comment.
Limestone driveways will cause a dust nuisance for neighbours due to truck movements.	Where driveways are not hard sealed they will be required to be compacted to reduce dust production. In addition an internal speed limit of 20 kilometres an hour could be applied as the speed of the vehicles affects how much dust is produced.
Vegetation screening does not block out noise, odours and smells. Earthen bunds should be constructed around all poultry farm operations.	Earthen bunds could be required as a condition of approval as well as a requirement for vegetative screening.
<i>Noise</i>	
The new total environment controlled sheds do not address noise and odour issues and the extraction fans provide a new source of noise. Earthen bunding is required around all of the sheds to contain noise.	The noise and odour modelling now provided by the applicant demonstrates that even with the extensions the farm will comply with the odour and noise level criterion set by the EPA for sensitive land uses.
The existing farms in the area already create unacceptable noise levels particularly at night.	Refer comments above.
There have been numerous complaints about noise emissions from Redmond Broiler Farm since it commenced operation in 1995.	It is acknowledged that the farm has been the subject of several ongoing complaints since it commenced operation.
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 beeping.	Earth bunding and other measures aimed at reducing noise and maintaining emissions within regulated standards (when measured at the property boundaries) could be required as conditions of approval.
Provision should be made for birds to be harvested and sheds cleaned during daylight hours (ie 7am to 7pm).	<p>Conditions relating to the noise attenuation measures required for the fans, vehicles and emergency generators could be composed. A condition requiring earthen bunds to be constructed around the sheds for the dual purpose of visual screening and noise attenuation could be considered.</p> <p>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 could be imposed requiring feed deliveries to occur between 7am and 7pm due to</p>

Issue	Officer Comment
	<p>the noise associated with the transfer of feed from the trucks to the silos. With an average of 6 growing cycles per year, harvesting occurs approximately 18 times per year and clean-out of sheds approximately 12 times per year.</p> <p>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. It would be open to the Shire to consider facilitating the establishment of a processing plant within the Shire so that daytime pickups become possible.</p>
<i>Water Issues</i>	
<p>The operation of such large poultry farms will have a massive draw on groundwater supplies and also has the potential to pollute groundwater supplies.</p>	<p>Groundwater abstraction is regulated by the Department of Environment (DoE). The proponents will have to obtain a Groundwater abstraction licence from DoE 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 DoE and the Shire in accordance with DoE 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.</p>
<i>Traffic Impact</i>	
<p>The applicant has not provided any information on the traffic impact of this proposal.</p>	<p>Traffic impact has been assessed using data provided by the WA Broiler Growers' Association. This data details the number of vehicles per growth cycle per 100,000 birds. This data has been multiplied by the proposed capacity of the Punrak Road farm (640,000 birds) to calculate the total number of vehicles that will visit the farm during a single 60 day growth cycle.</p>
<p>The standard of roads within the Hopeland area are not adequate to cater for the truck traffic generated by these poultry farms.</p>	<p>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.</p>
<p>The fast moving truck traffic generated by these farms creates a hazard for cyclists, pedestrians and horse riders.</p>	<p>Most rural uses generate truck traffic and appropriate speed limits are set by Main Roads. Trucks, cars, pedestrians, cyclists and horse riders are bound by the Road Traffic Authority Act. Cyclists and pedestrians use all types of roads including major highways. It is up to all users to use due diligence when using any roads.</p>
<p>Farms of the size proposed will generate 8 414 trucks per year.</p>	<p>Based on the traffic impact data provided by the WA Broiler Growers' Association it has been determined that a total of 250 vehicles will visit the Punrak Road Farm per growth cycle. This averages out to approximately 4 vehicles per day</p>

Issue	Officer Comment
	and over the six growth cycles that occur each year would result in a total of approximately 1500 vehicles per year visiting the site with regard to the poultry farm operation.
<i>Monitoring of Compliance issues by the Shire</i>	
How will the Shire monitor noise levels between 10.00pm-3.00am.	The Shire will respond as soon as practical to any complaints from neighbours with regard to excessive noise, odour and dust problems.
The Shire officers do not respond to odour, noise and dust issues immediately and by the time they arrive the problem has ceased.	Refer above comments.
<i>Other Issues</i>	
Broiler farms are not rural pursuits they are intensive farming and an offensive trade.	Poultry farms are an AA (discretionary) use in the Rural zone under the Shire's town planning scheme and as such are able to be considered in this zone.
The poultry farms will result in stable fly breeding which will severely impact on established horse stud facilities in the area.	Stable fly is a problem that is usually associated with ventures where manure is stockpiled. Manure is not stockpiled at broiler farms and is removed from site at the time of shed cleanout.
There is a possibility of the failure of biosecurity leading to a breakout of harmful diseases.	A biosecurity buffer of 1 000 metres has been allowed for from the nearest proposed poultry shed to existing poultry farms on other properties. This is compliant with the normal requirement of the Department of Agriculture.
The increased use of our area for offensive industries is contradictory to the original plans for the area. A township was originally planned in Hopelands.	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. The area is zoned Rural under the Shire's Town Planning Scheme and the Metropolitan Region Scheme.
All of the existing problems being experienced in the area are as a result of the existing poultry farms and these issues should be resolved before the Shire approves any extensions or new farms.	The conditions that are now placed on new or extended farms are intended to contain all emissions at acceptable levels when measured at the boundaries of the farms. The Shire is unable to impose more stringent conditions retrospectively but will aim to address any areas of non-compliance with existing conditions or relevant legislation.

Following the close of the public submission period the Council met with the owners and operators of the 12 poultry (meat bird) farms located within the Shire and then separately with representatives of the Barrter/Steggles group who own the livestock grown at 11 of the 12 farms. The purpose of these meetings was for the Council to gain an understanding of the future intentions of the poultry (meat bird) industry within the Shire both from the growers and the processors perspectives.

Additionally, a public information session was held on the evening of 31 January 2005. Representatives from the WA Broiler Growers Association, the Barrter/Steggles group and the Department of Environment made presentations to the public with regard to the operation of poultry farms, developments in technology, ways the industry is seeking to address the existing amenity issues associated with these farms, the industry's future intentions for the Shire, the recently released Code of Practice for Poultry Farms and water issues within the area containing the poultry farms.

Approximately 70 members of the public attended the information evening. Following the presentations, the audience was invited to put questions to the panel of speakers. The question and answer session ran for approximately one and a half hours. One of the main issues at that meeting was that the community felt that the industry representatives had been given plenty of opportunities to present their position to the Councillors but that the community had not been given the same opportunities.

At their Ordinary meeting held on 22 February 2005 the Council resolved to hold a meeting for all the people who made submissions with regard to the three current poultry farm applications in Punrak Road, Henderson Road and Casuarina Road to enable them to put their case directly to the Councillors with regard to poultry farms in the Shire in general. The Council also resolved that additional meetings were to be held with regard to the Punrak Road and Henderson Road applications individually so that the submitters for each application could air the issues they had with respect to a particular application.

The general poultry farm issues meeting was held on 2 March and the meeting relating specifically to the proposal on Lot 5 Punrak Road was held on 29 April. ***The discussion at these additional meetings expanded on the issues raised in the written submissions and a summary is attached at SCM03.2/01/06.***

Independent Environmental Consultants' review

Due to the obvious community concern regarding recent proposals to extend or create new poultry farms, the Shire engaged consultant ERM to undertake an independent review of the application. This first report by ERM concluded that insufficient information had been provided with the application to enable an assessment of the likely impacts.

ERM were engaged to review the modelling now provided by the applicant and their comments are detailed in reference to the applicant's own consultants findings in the Comment section below.

Comment:

Statutory Context

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

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

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

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

- "a) *the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) *the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*

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

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

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

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

Application requirements under TPS 2

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

Compliance with the provisions of TPS 2 relating to Poultry Farms

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

Scheme Provision	Complies?	Comments
Controlled environment sheds or other (more superior) best practice controlled environmental technology, will be used to house the poultry.	Complies	N/A
There will be an internal loop road to allow articulated vehicles and truck and dog configurations to enter and leave the site, and service the facility, in a forward direction.	Complies	N/A
Landscaping and screening of the poultry sheds and surrounds accords with the “Standards for Revegetation on New Poultry Farms”.	Does not comply	The existing landscaping is sparse and does not adequately screen the broiler sheds and associated facilities from the road or adjacent properties. If approval is granted then appropriate conditions should be placed on the approval for the extensions requiring the landscaping around the existing sheds to be brought up to standard and the implementation of vegetation screening for the new sheds.

Scheme Provision	Complies?	Comments
All litter material and dead birds will be disposed of off the site and in accordance with best practice.	Complies	Dead birds are kept in a cool room, collected 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.	Does not comply	This requirement was not inserted into the Scheme until 1999 (ie 4 years after approval of the farm). If approval is granted it is recommended that a condition be imposed requiring the erection of a sign on the Punrak Road frontage of the site containing all of the required information.
Setbacks & Separation Distances: 500 metres from any existing or future residential zone; 300 metres from any existing or future rural-residential zone; 200 metres from any wetland subject to Water and Rivers Commission advice; 100 metres from the boundary of the Poultry Farm or in the case of extensions to the existing farms where a setback is already less than 100 metres then the lesser setback may be applied to that boundary.	Complies Complies Complies Complies	The existing sheds are only 35 metres from the northern boundary and 83 metres from the southern boundary so these lesser setbacks may be applied to the respective boundaries. The latest plan submitted by the applicant places the southern most sheds only 35 from the southern boundary rather than complying with the 83 metre setback to the southern most existing shed. The reasons for this are explained in the summary of the applicant's modelling results.
All the application requirements have been provided and the Council is satisfied with the establishment, operations and management and the impacts of the proposed development on the local environs.	Generally complies	All application requirements have now been provided including supplementary information relating to odour, noise and dust. It is now considered that sufficient information has been provided to determine the application.

EPA – Guidelines for Separation Distances

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

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

Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential areas, hospitals, hotels, motels, hostels, caravan parks,

schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings.

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.

A single house on a Rural zoned lot is not classified as a “Sensitive Land Use” under the EPA’s guidelines. However, a map was prepared to show the distance of existing dwellings on adjacent properties from the existing and proposed sheds on this farm. Previously, a residence (in a shed) existed on Lot 8 to the north of the subject site and this dwelling was only 121 metres from the poultry sheds. However, the applicant has now purchased Lot 8 and in accordance with a caveat previously placed on Lot 8 by the Minister for Local Government this building is not permitted to be used as a residence now that the previous owner sold the property. As such dwellings on other adjacent properties are between 500 metres and 1.2 kilometres away from the existing and proposed sheds. There are some vacant properties adjacent to the development which do not have residences at this time, but upon which the owner would be entitled to construct a single home (“P” use).

Numerous complaints received over the years and submissions received by the Shire from residents of properties adjacent to the subject site provides an indication that simply providing the minimum boundary setback will not guarantee that noise and odour will not exceed acceptable levels or prescribed limits. Clearly the setbacks are only one part of the solution and often need to be combined with other measures such as vegetation belts, barriers such as earth bunds, standards of operation and the use of devices to reduce odours and noise and aid in air dispersion.

The applicant states the new total controlled environment sheds are far superior in terms of containing potential noise, dust and odour in comparison to older style naturally ventilated sheds. Noise associated with activities carried out within the sheds such as catching of birds and use of forklifts may be ameliorated by the enclosed environment provided. However, the addition of mechanical ventilation fans has added a new and constant source of noise that did not exist with the older style naturally ventilated sheds.

In addition there are other adverse factors associated with the switch to controlled environment type sheds being:

- the air in the controlled environment sheds maintains a consistently high level of humidity which increases the potential for odour.
- farms have continually increased in size since controlled environment sheds were introduced thereby increasing the amount of activity and traffic volumes on the farms.
- on-site backup power generators have become a necessity on poultry farms since the switch to controlled environment sheds – thereby adding another source of noise that may adversely affect neighbouring properties.

A map showing the location of existing dwellings on adjacent properties in relation to the existing and proposed sheds on Lot 5 is with the attachments marked SCM03.3/01/06.

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

The main provision of the WAPC’s Poultry Farms policy relating to the expansion of existing farms is that the new sheds not be located any closer than 100 metres from any boundary or a setback consistent with the existing boundary setback. The site plan indicates that new sheds will be closer than the existing sheds to the southern boundary. However, as detailed in the section relating to the appeal mediation conferences there is some merit in this setback variation because it allows for the sheds to be spaced so that all activity is

internalised and buffered by the sheds, including vehicle movements, loading and unloading of vehicles and cleanout operations.

The setbacks for the new sheds to the front, northern side and rear boundaries comply with the WAPC's requirements.

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.

Odour, Noise, Dust and Traffic Assessment

Odour, noise and dust are the three main elements of poultry farm operation that may impact on the amenity of adjoining properties. Traffic impact is another major element but the impact caused by traffic volumes generally fall into the noise and dust impact categories. As detailed in the Background section, the proponent engaged consultants to carry out odour, noise and dust modelling to enable assessment of the likely impact of the proposed farm on the amenity of adjacent properties.

A company that specialises as environmental consultants was engaged by the Shire to review the information submitted by the proponent in support of the application. The scope of work performed by these independent consultants is as follows:

- a) Independent review of the development application;
- b) Written advice on the validity of predicted environmental impacts, proposed processes and farming techniques, proposed environmental mitigation options, and any air dispersion modelling undertaken;
- c) Provide commentary on the level of compliance with State Poultry Farming Codes of Practice; and
- d) Assess the Development Application against industry best practice.

In the sections below the above elements (odour, noise, dust and traffic) will be discussed including in each case:

1. Proponent's assessment and recommendations;
2. Shire's independent reviewer's assessment and recommendations;
3. Recommended conditions and action based on the findings of 1. and 2. above.

Odour

Even if a farm achieves the minimum setbacks required under both local and State Government policies that does not provide a guarantee that odour emissions will not impact on neighbouring properties. One of the main factors is the amount of moisture in the litter on the floor of the sheds and the humidity in the sheds. In addition, as per the results of the odour modelling carried out by the proponent's consultants, meteorological conditions and ventilation design will affect how odour is dispersed once it is exhausted from the sheds.

Public comment received in regard to the current applications being dealt with by the Shire and complaints received at other times confirm that the 100 metre boundary setback is not adequate to contain all emissions, particularly if no filtration or dispersion devices are fitted to the exhaust fans.

Odour Modelling and Management Methods intended to be implemented by proponent

GHD has conducted a conservative odour assessment including field measurement of emissions from Redmond Farm. Based on these measurements GHD concluded that:

1. *The existing sheds at the site appear well managed. A minimal difference in emission rates from adjacent sheds with similar aged birds is evidence of consistency of management approach.*
2. *The emission rates measured at Redmond are in keeping with those odour emission rates measured elsewhere in Australia for the aged, temperature and time of day that they were measured.*

The field data was used as input into odour modeling.

The following conclusions were drawn from the odour modeling:

1. *The input data used for modeling was conservative. In particular:*
 - *conservative emission rates were used*
 - *conservative model dispersion parameters were used; and*
 - *modeling assumed that ventilation was always at the minimum ventilation rate, minimizing the inherent benefits of source dilution caused by higher flow rates.*
2. *The odour footprint of the ultimate development, as measured by the Department of Environment's conservative "Green Light" criteria shows that odours from Redmond farm will not affect any nearby rural residential or urban residential areas.*
3. *Modelling results show that while there is an increase in the level and frequency of odour events at the nearby rural dwellings, the increase appears acceptable given the rural location and surrounding land uses.*
4. *The modeling results are consistent conceptually with the management of the MTT sheds. The use of roof vents and stacks ensures that minimum ventilation emissions are well dispersed close to the source meaning high odour intensities close to the sheds (the near field) do not occur. However, the benefits of "at source" dilution by the roof fans and stacks are most significant in the near field. Under poor ambient dispersion conditions such as temperature inversions (early morning and evenings) and light winds, odour concentrations that are "distinct" or "weak" may still occasionally be perceived in the far field several kilometers from the farm.*
5. *From a land use planning perspective, it would appear that the expansion of a well managed poultry farm in the location of Redmond Farm is a sensible proposal, as a large proportion of the neighbouring land uses are also potentially odour generating.*

The report on odour modelling prepared by the proponent's consultants is with the attachments marked SCM03.4/01/06.

Independent Reviewer's assessment of Odour Modelling

Variable Source Emission File

It is not clarified in the GHD report whether each shed is modeled to simulate placement of birds over time (ie it will take 2-3 weeks to place all birds under the ultimate scenario) or whether it has been assumed that all sheds begin the growth cycles at exactly the same time. The effect of simulating both scenarios on the modeling results and outcomes is therefore not understood.

Incorporation of worst case emission, particularly during shed clean out.

If the operator chooses to stagger growth cycles or the cycles are 2-3 weeks apart between the first and last shed bird placement, then there will be more than 6 clean outs per year. This may then cease to be a negligible odour increase.

Cumulative Impacts

It is noted that cumulative impacts from nearby existing poultry farms and a piggery have been recognized in a qualitative manner. The existing poultry farms and piggery are within

4 kilometres and located towards the south, west, southwest, south southwest, west southwest and northwest of the existing poultry farm. These sources certainly have the potential to contribute additional odours to those predicted from the Lot 5 Punrak Road poultry farm.

It would be reasonable to suggest that unacceptable odour impacts are more likely where several odour sources are located in the same vicinity. In the case of the Lot 5 Punrak Road poultry farm, its location would be such that it is located among a number of existing odour sources.

Odour Mitigation Measures

The predominant source of odour emissions from poultry farms is the litter in the sheds. Controlling odour emissions from the source is therefore largely dependant on the management practices employed at the farm. As this is difficult for council to control, odour mitigation measures that control the odour in between the source and the receiver can be prescribed as conditions of approving the development application (subject to odour modelling considering the odour removal efficiency of such equipment).

Conclusion

Based on the modelling results, our experience with the poultry industry and the nature of this proposal, it is suggested that odour impacts will occur beyond the site boundary. The nominated criteria of 7 odour units itself is likely to be detectable by most of the affected population, however the level of odour annoyance may differ and this is the acceptable standard in W.A.

State regulatory authorities generally give special consideration to the poultry industry and allow higher odour ground level concentrations (at detectable levels) at sensitive receptors. In addition, regulatory authorities are moving away from assessing poultry farms through odour concentration methodologies and are moving towards odour intensity techniques. The key is to manage odour annoyance at sensitive receptors, which considers the frequency, intensity, duration, offensiveness and location of the odour.

Recommended Conditions

The issues raised by the Shire's odour consultant were discussed at the mediation conferences and largely were able to be dismissed. Each growing cycle is isolated with all birds being placed in the sheds at the same time and all growth cycles commencing at the same time. Growth cycles are not staggered and there are only 6 clean out events per year. It is at this stage that odour is the most intensive. However, given the limited number of occurrences and the short duration of the cleanout events (generally 1 day), it is not considered to constitute an unacceptable nuisance. The Shire's independent consultants advise that the number of exceedences is within the accepted standard. Also, the Environmental Management Plan will require auditing to ensure continued compliance with that standard. The Shire will have the power to issue orders for action to be taken to address any non-compliance.

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}
<i>7am-7pm Mon to Sat</i>	<i>45 + IF</i>	<i>55 + IF</i>	<i>65+IF</i>
<i>9am-7pm Sun & Public Holidays</i>	<i>40 + IF</i>	<i>50 + IF</i>	<i>65+IF</i>
<i>7pm-10pm all days</i>	<i>40 + IF</i>	<i>50 + IF</i>	<i>55+IF</i>

Time of Day	Assigned Level (dB)		
	L _{A10}	L _{A1}	L _{Amax}
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 exceeded 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 north on Punrak Road and to the south on Utley 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.

As the farm operates 24 hours a day and the chickens are caught at night, only the night time scenario has been considered since this will be the most critical. From our experience of poultry farms the following assigned noise levels are relevant for the night-time period between 10.00pm and 7.00am.

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 are as follows (measures at 7 metres from the fans):

Noise Source	Description	Assigned Noise Level	Noise level at source
End Cooling Fans	Intermittent operation	L _{A10} 35 dB	L _{A10} 87 dB
Forklift	Generally only audible when outside sheds but is likely to be present 10% of the time. Noise levels combined with fans.	L _{A10} 35 dB	L _{A10} 98 dB
Truck Movements	Prime mover drives in to pick up loaded trailer. Assumed to be present 1% of the times and noise levels combined with fans and forklift.	L _{A10} 55 dB	L _{A10} 103 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 the noise sensitive premises adjacent to the subject site are as follows:

The noise sources assumed in the noise model are as follows:

- 12 existing cooling fans assumed to be belt driven propeller fans in end (eastern) wall and 3.0m above ground
- 12 new cooling fans assumed to be belt driven propeller fans in end (eastern) wall and 3.0m above ground
- Roof vent cooling fans assumed to be inside the shed
- forklift operating outside sheds adjacent to nearest property
- truck traveling down the farm road at low speed (L_{Amax} level only).

Calculated noise levels for existing and future development

Location	Scenario	Predicted Noise Level	Comments
Noise Sensitive Premises to the north on Punrak Road	Daytime	L_{A10} 33 dB	Dominated by existing fans
	Night-time catching – existing farm configuration	L_{A10} 31 dB	Dominated by existing fans plus some influence from fork lift
	Nighttime catching – expansion configuration 1	L_{A10} 30 dB	Dominated by existing fans
	Night-time catching – expansion configuration 2	L_{A10} 30 dB	Dominated by existing fans
Noise Sensitive premises to south on Utley Road	Daytime	L_{A10} 32 dB	Dominated by existing fans
	Night-time catching – existing farm configuration	L_{A10} 30 dB	Dominated by existing fans plus some influence from fork lift
	Nighttime catching – expansion configuration 1	L_{A10} 30 dB	Dominated by existing fans
	Night-time catching – expansion configuration 2	L_{A10} 32dB	Dominated by existing fans

Notes

1. Night-time catching relates to a combination of fan noise (ie 4 fans only in each shed) and forklift truck noise and is likely to occur for more than 10% of the time.
2. Truck noise predicted to be below 25 dB(A) for all scenarios.
3. Configuration 1 is shed 7 located at 35 metres from southern boundary with all access roads internalized completely.
4. Configuration 2 is shed 7 located at 83 metres (same as existing southernmost shed) and access road on southern side of shed 7.

From the results it can be seen that the proposed expansion does not result in noise emissions that exceed the Assigned Noise Level of L_{A10} 35dB.

In terms of minimizing any noise impacts to neighbouring properties during catching, configuration 1 (shed 7 at 35 metre setback with all roads internalized) is the most favourable as it completely shields the forklift from the neighbouring premises. This is particularly evident for the premises located directly south of the farm which is predicted to receive noise levels of 30 dB(A) for configuration 1 and 32 dB(A) for configuration 2.

Although the forklift noise may be tonal in nature, it is not considered to be significantly contributing to the noise environment.

In our assessment of annoying noise characteristics resulting from the fans, the low speeds would result in a tonal noise component of approximately 42 Hertz. However it is expected that at this frequency the tonal component would be masked by general ambient noise and would therefore not be audible at the nearest noise sensitive premises.

We conclude that the acoustic assessment shows the proposed expansion to Redmond Farm to be in compliance with the Environmental Protection (Noise) Regulations 1997 at all times. In addition, it can be seen that the expansion would not significantly increase the current acoustic environment at the most affected noise sensitive premises.

A full copy of the Acoustic Assessment submitted by the applicant is contained with the attachments marked SCM03.5/01/06.

Independent Reviewer's assessment of Noise Modelling

Criteria

The relevant assigned noise levels have been derived appropriately in Table 3.3 of the aforementioned report. However, the L_{A10} 35 dB noise goal should also extend to all site activities inclusive of truck movements. To that end, it is considered unrepresentative to assume that the truck event modeled is present for less than 1% of the time. Assessing noise over a 15 minute period as recommended by the regulations, the Noise Report suggests the truck would need to enter or leave the premises within a small fraction of a

minute. This is unrealistic and therefore predictions are considered to underestimate noise from truck movements.

Noise Modelling Method

A quoted sound power level of 93 dB(A) in Table 4.2 of the Noise Report for a truck at low speed is not defined as representing either L_{10} or L_{max} for assessment against the Regulations. A level of 93 dB(A) from a truck is not considered representative of L_{max} noise from such vehicles.

ERM measurements of “slow” moving road trucks of similar type vary and typically results in the range of 103 to 113 dB(A) L_{max} sound power level. Other impulsive noise events from the trucks can be in excess of 120 dB(A) L_{max} sound power level (eg air brake release). The predicted noise levels from site are considered to underestimate truck noise.

The statement “Roof vent cooling fans assumed to be inside the sheds” in Section 4.4 of the aforementioned report suggests that the model for such sources may not have accounted for the fact that these fans vent to the outside and therefore are not shielded by the building as perhaps modeled. Clarification on how these were modeled is needed.

Noise Modelling Results

Figures 5.1 to 5.4 of the aforementioned report present an unusual noise emission pattern showing significant shadowing directly north and south of the main poultry farm buildings. This is not considered to be a reasonable representation of actual noise patterns and noise is likely to be higher in these areas.

The results do not include tonal penalties for the fan and forklift noise as required by the Regulations. Section 6 of the noise report accepts that such sources are tonal. Assuming the results in Table 5.1 of the Noise Report are representative (notwithstanding limitation identified above), adding 5 dB demonstrates an exceedance of the Noise Regulations at all assessed residential locations. A further 5 dB penalty for impulsive noise could equally apply to truck movements.

Given the current operations are ongoing, it would be highly beneficial to noise modeling if on site validation of results could be undertaken through direct noise measurements.

Conclusion

The review above indicates that whilst appropriate noise criteria have been adopted to safeguard the community from noise impact, the predicted noise levels are considered to underestimate potential emissions from the site.

Recommended Conditions

With the removal of the dwelling on Lot 7 directly abutting the northern boundary of Lot 5, the nearest sensitive noise premises is now over 500 metres away from the proposed and existing sheds. This is consistent with the 500 metre buffer contained within the WAPC's Statement of Planning Policy for Poultry Farms for Rural-Residential development. As the surrounding dwellings are actually within a Rural rather than Rural-Residential area the separation distance between the sheds and nearest dwelling is considered to be more than adequate.

During the mediation conference held on 2 September 2005 the Shire's acoustic consultant (by phone link) and the applicant's acoustic consultant discussed the issues raised in ERM's report above. It was agreed by the Shire's consultant that the complete internalisation of activity areas within the farm will result in a containment of noise including noise from staff, vehicles and forklifts that will comply with the levels set by the Environmental Protection (Noise) Regulations when measured at adjacent noise sensitive premises. The site layout proposed by the applicant goes a long way to achieving this containment. However, it is recommended that bunding be required along the full length of the access way on the

western side of the new sheds and a solid fence be erected around the end of the central access way (as indicated on the site plan).

Conditions relating to these noise attenuation measures have been included in the recommendation.

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.

A marked up copy of the site plan indicates the location of bunding and fencing required by recommended conditions is with the attachments marked SCM03.6/01/06.

Dust

Dust Modelling and Management Methods intended to be implemented by proponent

The proponent engaged an environmental consultant to undertake dust emission modeling. The results of this are detailed below.

Modelling results showed that for the ultimate scenario the ambient PM10 dust levels never exceeded the NEPM guideline of 50 µg/m³. The maximum modelled 24 hour level was 32 µg/m³. Consequently, no dust modelling contour is able to be produced and it can be concluded that dust emissions from the proposed development are not significant.

Independent Reviewer's assessment of Dust Modelling

Verification of the underlying input data contained in the GHD report has not been deemed necessary because the information presented in the GHD report is consistent with modeling undertaken for other poultry farms around Australia.

Comments on model inputs

The dust impact assessment has been based on PM10 monitoring results using a Dustrak. This instrumentation provides real time measurements of PM10 using light scattering measurement techniques, however, is not recommended by an Australian Standard. GHD have recognised the limitations of the instrument and referred to its results as a 'screening assessment'. Despite this, the sampling time has not been reported. Ideally, the 1 hour sample period employed by GHD should represent worst case PM10 emissions (i.e. during a period of high ventilation rates and at the end of the growth cycle). The use of PM10 results in dispersion modelling assessments that do not represent worst case conditions should be interpreted with care.

The dust impact assessment concluded that no exceedances of the nominated PM10 criteria would occur at anytime based on the 1 and 10 day growth cycles. In the latter part of each cycle, and during unfavourable meteorological conditions, it was concluded that it is possible that the NEPM criteria might be exceeded, but less than the goal of 5 times per year. Should the dispersion modelling be based on worst case PM10 emissions, it would be reasonable to suggest that the NEPM criteria might be exceeded on occasions.

Dust mitigation measures

The Development Application has outlined the following dust management strategies:

- *Litter is to be loaded into a truck with minimum spillage and dust creation;*
- *Ensuring loads of feed/litter/birds are appropriately sized, secured and covered to prevent the discharges of dust; and*

- *Screening of the site with trees and shrubs to lessen dust impacts.*

Dust is an inevitable emission from poultry sheds due to the use of sawdust litter and the necessity of keeping this litter dry in order to reduce odour impacts. Dust is typically worst during clean out operations, when litter is disturbed.

ERM recommends the following potential additional controls to ensure dust impacts beyond the boundary are minimized:

- 1. Sealing of roads where possible and the watering of unsealed internal roads on days of high traffic use and during meteorological conditions that are conducive to transporting dust offsite ie dry, windy conditions;*
- 2. Controlled application of water if excessive dust is generated during the shed clean out process. Care should be taken not to soak the material as this may lead to odour emissions from the litter;*
- 3. The installation of hoods onto fans which will direct dust and feather emissions to the ground as much as possible. Generally a 15 degree angle results in efficient plume settling and depletion of the particulate matter. However, this method may lead to an odour problem due to poor dispersion of the exhaust plume and this should be further investigated before implementing this measure;*
- 4. Fan blades, screening and hoods could be washed out with water rather than blown out with air;*
- 5. Feed could be provided in pelleted form where possible; and*
- 6. A dust monitoring program could be initiated at the site to assess the effectiveness of dust mitigation measures put in place.*

The majority of dust minimising measures involve good management practices such as keeping litter at an optimal moisture level to ensure it is not excessively dry nor damp and scheduling litter removal from the sheds at times when dust nuisance to neighbours is likely to be minimised.

Recommended Conditions

It is considered that conditions should be placed on the development consistent with dust mitigation measures 1 to 4 and 6 as recommended in the independent environment review with the outcome to be monitored and reported on as part of the audit process that is also included as a condition in the Officer's recommendation. The first audit is required to be done at the end of the first growing cycle in the new sheds. Therefore the ability of these measures to achieve the desired outcomes will be revealed via that process.

It is not considered appropriate to impose dust mitigation measure 5 (relating to the type of feed to be used) as feed is a matter that should be left to the industry.

In addition, the bunding and vegetative screening required by other conditions included in the Officer's recommendation will also assist in the dispersion of dust and reduce the spread of particulates to adjacent properties.

Traffic Issues

Based on information provided by the WA Broiler Growers Association representative at a community meeting held on 31 January 2005, the estimated number of vehicle movements generated by a 640 000 bird farm over the 60 day growing cycle is as follows:

Sawdust Truck	13
Day Old Chick Truck	13
Feed Rations	64
Live Bird pickup	115
Cleanout	45

TOTAL MOVEMENTS

250 VEHICLES

250 vehicles over the 60 day cycle averages out to approximately 4 vehicle movements per day. The applicant advises that there would be a maximum of 10 vehicles at the property on any one occasion (ie during live bird pickup). However, most of the vehicles would arrive over a 2 or 3 day period during the change over process of:

1. Live bird pick-up
2. Clean out of sheds
3. Sawdust delivery
4. Day Old Chick delivery

It should be noted that not all the birds are harvested at the same time. This is generally staged over last 3-4 weeks of the 60 day cycle to provide birds of different sizes for the market.

Dead bird pick-up and feed deliveries occur intermittently throughout the cycle.

The entrance and exit to the poultry sheds is via a single crossover in the north west corner of the site. Punrak Road is sealed but is quite narrow and vehicles passing each other necessitates one vehicle pulling off to the shoulder (particularly with truck traffic). It is recommended that the seal on the portion of Punrak Road adjacent to the crossover be widened to a minimum width of 6 metres at the expense of the applicant, to the satisfaction of the Shire. The widening shall occur along the entire length from 15 metres north of the northern most crossover to 15 metres south of the southern most crossover, including the length between the crossovers. The pavement should taper back to the existing road width after the 15 metres north and south of the crossovers. This will enable trucks turning out of the crossover onto the road to do so entirely on the sealed surface of the road without extending onto the unsealed shoulder. A concrete apron is also required between the crossover and the Punrak Road seal to prevent truck turning movements causing the edge of the seal to break down.

Environmental Management Plan

An Environmental Management Plan (EMP) provides a systematic method for meeting environmental and amenity 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 EMP 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 EMP be required as a standard condition for all new poultry farms and extensions to existing farms. This recommendation was also made in the DoE's comment. An EMP should be required to be prepared by an appropriately qualified environmental consultant.

In a letter dated 28 February 2005 the applicant made the following statements:

Concern regarding odour and noise associated with poultry farming activities

Poultry farming is a legitimate rural use within a rural zone area and hence amenity expectation in relation to noise and odours are not the same for residential and rural residential zones.

The owner of Redmond Poultry Farm recognizes the potential conflicts associated with poultry farming and surrounding residents in relation to noise. The onus is not with him to justify his legitimate rural business and he has made every effort in the past to improve the standard of the farm.

The proposed extensions will internalize the farm and drastically reduce noise levels including internal roads to be constructed between sheds so that truck noise is shielded from adjoining neighbours during night pickups. The noise sensitive design of the farm requires relaxation of the setback standard along the southern boundary to provide maximum effectiveness.

Concern regarding dust particles from driveways and poultry sheds affecting adjoining neighbours:

The Redmond poultry farm has never had any dust problems from either the internal limestone driveway or the extraction fans on poultry sheds. A representative of the Agriculture Department has clearly stated that management of the farm is of a high standard. Accordingly, any further development will achieve the same high standards and hence continue to ensure dust problems will not affect the amenity of the surrounding area.

Concern for pollution of groundwater and overdraw of groundwater supplies.
Groundwater licensing conditions are determined by the DoE, which is responsible for ensuring there is not an overuse of this resource.

All sheds have improved nutrient catchment facilities including a detention basin for the collection of wastewater. In any event, the controlled environment of the shed keeps the manure dry, which is easily swept up and collected and removed immediately off-site. The wash down water is only used to disinfect the poultry sheds prior to the next batch of chickens and in no way results in solid waste wash down water either being collected in the detention basin or anywhere else on the property.

Traffic impact and suitability of roads to cater for traffic associated with intensive agriculture
Rural roads are built to the standard to accommodate rural vehicles. Vehicles associated with poultry farming are not heavy haulage vehicles as opposed to those vehicles used in other intensive farming industries. As the poultry farm is a legitimate rural business, operating in the appropriate zone with the appropriate standard of rural roads, clearly users of the roads associated with the poultry industry are entitled to use the roads anyway.

Setback to southern boundary

Whilst the setback to the southern boundary doesn't comply, Council may approve a reduced setback at its discretion. A lesser setback was considered reasonable given that the existing poultry sheds were already approved to a setback of 35 metres on the northern boundary and as the new sheds and the design of the farm are superior in terms of internalizing the farm's operations reducing potential odour and noise.

Summary

The information submitted for the proposed expansion of the poultry farm at Lot 5 Punrak Road comprehensively demonstrates the benefits of the proposed expansion in terms of improving industry standards and requirements and minimizing potential for any off-site impacts.

The proposal is a legitimate rural land use and should not be stifled by landowners who have other land use intentions that are not related to normal permitted land uses within the rural zone. The applicant has demonstrated improvements to farm management and technology

whilst the submitters have only provided sweeping generalisations in relation to noise and odour. If such claims are to be used as a basis for Council decision making, the submitters should be asked to support their claims with evidence, particularly in relation to the existing operations.

Conclusion

The subject farm is within the Rural zone and as such the Council may exercise discretion to approve the use. It is considered that the applicant has now adequately demonstrated that any impacts associated with the extended farm can be ameliorated to a level satisfactory to the sensitive premises (dwellings) on adjoining properties. Accordingly, it is recommended that the application be approved subject to conditions.

With regards to the request for a reduced setback, it could be argued on the grounds of visual amenity that bunding be provided on the southern side of shed 7. This argument is based on the fact that perceived effect on amenity can be just as great as actual effect on amenity (ie if the sheds can't be seen by neighbours perceived impacts may be less likely).

Voting Requirements: Normal

Officer Recommended Resolution:

The application for approval to commence development of extensions to the existing Poultry (Broiler) Farm on Lot 5 Punrak Road, Hopeland be approved subject to the following conditions:

General

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

Environmental Management Plan

3. An Environmental Management Plan shall be prepared for the farm to the satisfaction of the Shire and shall be submitted to and approved by the Shire prior to the commencement of the use covered by this approval.
4. In carrying out the development the approved Environmental Management Plan must be complied with at all times.
5. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle in the new sheds and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:
 - a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site
 - b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).
 - c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of operations against the Environment Protection (Noise) Regulations and the Environmental Protection Authority's Guidelines for the Assessment of Odour Impacts.
 - d) an evaluation of its response to any complaints
 - e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.

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

Vegetation Management

8. Prior to the issue of a Building Licence for the new sheds, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and plant species to be established around the retention basin to aid in filtration of nutrients.
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 \$5000 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 after 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. In the event of livestock grazing occurring on the subject land the landowner shall fence the existing revegetation areas.
13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.

Drainage & Nutrient Management

14. The proponent shall prepare a Drainage and Nutrient Management Plan for approval by the Shire prior to the issue of a building licence for the new sheds and thereafter implement the approved Drainage and Nutrient Management Plan in its entirety prior to the commencement of the use of the new poultry sheds.
15. The approved Drainage and Nutrient Management Plan must be complied with at all times.
16. The owner shall ensure that the use of water for wash down is minimised.
17. Any discharge of water (washdown water, stormwater) from the premise including seepage to groundwater, other than directly to sewer or septic systems, shall be via

treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanism to remove nutrients and chemical agents to the satisfaction of the Shire.

18. Separate facilities should be provided for the retention of both washdown (and other waste waters) and storm waters to prevent the settling pond overflowing during major storm events and unfiltered waste waters possibly impacting on surface or ground waters.
19. All water treatment facilities are to be regularly maintained to minimise the discharge of nutrients, total suspended dissolved solids, total suspended solids and other pollutants to ground and surface water resources and removal of build-up when required.

Storage and disposal of chemicals, feed and waste materials

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

Noise

28. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.
29. All alarms associated with the operation of the poultry farm (ie power supply, temperature, feed and the like) shall be amended so that they are non-audible outside of any structure on the farm. Alternative non-audible methods of notification such as personal pagers carried by farm operators and employees when outside the structures shall be used to the satisfaction of the Shire.
30. Prior to the commencement of use of the new poultry sheds, the following measures must be taken in order to achieve compliance with the Environmental Protection (Noise) Regulations:
 - (i) Installation of an earthen bund at least 4 metres high running parallel to vehicle access way on the western side of the five new sheds;
 - (ii) A solid fence with a minimum height of 3 metres is to be erected around the southern end of the central vehicle access as indicated on the approved site plan; and
 - (iii) Any plant rooms, including any backup power generator, are to be acoustically insulated;to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.

The use (including construction of sheds) shall not commence until the Shire has received from the applicant and has approved:

- (a) specifications and elevation drawings of the earthen bund; and
- (b) certification from a suitably qualified acoustic expert that the noise attenuation measures required and proposed will ensure that the noise generated by the development will at all times comply with the Environmental Protection (Noise) Regulations.

- 31. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.
- 32. The fill used to construct the required earthen bunds shall consist of clean, uncontaminated material to the satisfaction of the Shire.

Dust

- 33. The sheds' ventilation systems shall incorporate measures to achieve a maximum emission of dust to a target of $50 \mu\text{g m}^{-3}$ and so as not to have greater than five exceedances per year, to the satisfaction of the Shire.
- 34. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build up in poultry sheds.
- 35. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
- 36. 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.
- 37. 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

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

Engineering

- 39. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
- 40. The surface of the portion of Punrak Road abutting the subject site shall be upgraded to the satisfaction of the Shire including the widening of the road pavement to a minimum of six (6) metres for a length of 15 metres north of the northern most crossover to 15 metres south of the southern most crossover, including the length between the crossovers and concrete aprons to be installed between the crossovers and the sealed surface of Punrak 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. The road pavement shall taper back from the 6 metre width to the existing 3 metre width after the 15 metres north and south of the crossovers.
- 41. All driveway 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 and to ensure that no visible dust extends beyond the site boundary.
- 42. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.

Visual Amenity

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

Signage

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

Odours:

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

Advice Notes:

1. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development;
4. The operations should be carried out in accordance with the document '*Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas*' produced by the Water and Rivers Commission.
5. The Environmental Management Plan required by condition 3 shall be prepared in accordance with the *EMS for Meat Chicken Farms - Example Environmental Management Plan* published by the Australian Government Rural Industries Research and Development Corporation.
6. 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 5 Punrak 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.
 - x) All earth bunds are to be vegetated to the satisfaction of the Shire.
7. 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 1:10 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;
 - 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;
8. Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.
9. Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.
10. 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.
11. 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.

SCM03/01/06 NEW MOTION

Moved Cr Price seconded Cr Hoyer (proforma)

The application for approval to commence development of extensions to the existing Poultry (Broiler) Farm on Lot 5 Punrak Road, Hopeland be approved subject to the following conditions:

General

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

Environmental Management Plan

- 3. An Environmental Management Plan shall be prepared for the farm to the satisfaction of the Shire and shall be submitted to and approved by the Shire prior to the commencement of the use covered by this approval.**
- 4. In carrying out the development the approved Environmental Management Plan must be complied with at all times.**
- 5. A report (audit) on compliance with the approved Environmental Management Plan shall be submitted to the Shire within 28 days of the completion of the first growing cycle in the new sheds and thereafter on an annual basis by the anniversary date of this approval. The annual audit must include:**
 - a) an identification of the sources and nature of all emissions, discharges and wastes generated on the site**
 - b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron).**
 - c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of operations against the Environment Protection (Noise) Regulations and the Environmental Protection Authority's Guidelines for the Assessment of Odour Impacts.**
 - d) an evaluation of its response to any complaints**
 - e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards.**

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

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

Vegetation Management

- 8. Prior to the issue of a Building Licence for the new sheds, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees,**

- shrubs, groundcover and plant species to be established around the retention basin to aid in filtration of nutrients.
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 \$5000 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 after 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. In the event of livestock grazing occurring on the subject land the landowner shall fence the existing revegetation areas.
 13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.

Drainage & Nutrient Management

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

Storage and disposal of chemicals, feed and waste materials

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

Noise

28. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.
29. All alarms associated with the operation of the poultry farm (ie power supply, temperature, feed and the like) shall be amended so that they are non-audible outside of any structure on the farm. Alternative non-audible methods of notification such as personal pagers carried by farm operators and employees when outside the structures shall be used to the satisfaction of the Shire.
30. Prior to the commencement of use of the new poultry sheds, the following measures must be taken in order to achieve compliance with the Environmental Protection (Noise) Regulations:
 - (i) Installation of an earthen bund at least 4 metres high above shed floor level running parallel to vehicle access way on the western side of the five new sheds;
 - (ii) A solid fence with a minimum height of 3 metres is to be erected around the southern end of the central vehicle access as indicated on the approved site plan; and
 - (iii) Any plant rooms, including any backup power generator, are to be acoustically insulated;to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.

The use (including construction of sheds) shall not commence until the Shire has received from the applicant and has approved:

- (a) specifications and elevation drawings of the earthen bund; and
 - (b) certification from a suitably qualified acoustic expert that the noise attenuation measures required and proposed will ensure that the noise generated by the development will at all times comply with the Environmental Protection (Noise) Regulations.
31. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.

- 32. The fill used to construct the required earthen bunds shall consist of clean, uncontaminated material to the satisfaction of the Shire.**

Dust

- 33. The sheds' ventilation systems shall incorporate measures to achieve a maximum 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.**
- 34. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build up in poultry sheds.**
- 35. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.**
- 36. 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.**
- 37. 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

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

Engineering

- 39. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.**
- 40. The surface of the portion of Punrak Road abutting the subject site shall be upgraded to the satisfaction of the Shire including the widening of the road pavement to a minimum of six (6) metres for a length of 15 metres north of the northern most crossover to 15 metres south of the southern most crossover, including the length between the crossovers and concrete aprons to be installed between the crossovers and the sealed surface of Punrak 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. The road pavement shall taper back from the 6 metre width to the existing 3 metre width after the 15 metres north and south of the crossovers.**
- 41. All driveway 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 and to ensure that no visible dust extends beyond the site boundary.**
- 42. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.**

Visual Amenity

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

Signage

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

Odours:

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

Advice Notes:

1. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development;
4. The operations should be carried out in accordance with the document '*Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas*' produced by the Water and Rivers Commission.
5. The Environmental Management Plan required by condition 3 shall be prepared in accordance with the *EMS for Meat Chicken Farms - Example Environmental Management Plan* published by the Australian Government Rural Industries Research and Development Corporation.
6. 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 5 Punrak 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.
 - x) All earth bunds are to be vegetated to the satisfaction of the Shire.
7. 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 1:10 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;
 - 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;
8. Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.
9. Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.
10. 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.
11. 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.

AMENDMENT

Moved Cr Star seconded Cr Murphy that part (f) be added to condition 5

“The results of monitoring that is conducted throughout the year at such times and for such periods as specified by Council in the Environmental Management Plan or in relation to any written notice issued under Condition 6.”

After debate the Presiding Member then put the amendment which was
CARRIED 10/0

The Presiding Member then put the amended motion

SCM03/01/06 COUNCIL DECISION

The application for approval to commence development of extensions to the existing Poultry (Broiler) Farm on Lot 5 Punrak Road, Hopeland be approved subject to the following conditions:

General

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

Environmental Management Plan

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

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

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

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

Vegetation Management

8. Prior to the issue of a Building Licence for the new sheds, the proponent shall submit for the Shire's approval a Landscape and Vegetation Management Plan that identifies requirements for weed control, details the protection of existing vegetation, and describes the densities and distributions of indigenous trees, shrubs, groundcover and plant species to be established around the retention basin to aid in filtration of nutrients.
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 \$5000 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 after 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. In the event of livestock grazing occurring on the subject land the landowner shall fence the existing revegetation areas.
13. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to, the developer obtaining the prior consent of the Shire in writing, where such vegetation (dead or alive) is deemed as structurally unsound by a certified arboriculturist, or where the clearing is required to accommodate approved developments.

Drainage & Nutrient Management

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

Storage and disposal of chemicals, feed and waste materials

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

Noise

28. Reversing beepers are to be removed from all forklifts and tractors used on the property and alternative non-audible warning measures such as flashing lights (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.
29. All alarms associated with the operation of the poultry farm (ie power supply, temperature, feed and the like) shall be amended so that they are non-audible outside of any structure on the farm. Alternative non-audible methods of notification such as personal pagers carried by farm operators and employees when outside the structures shall be used to the satisfaction of the Shire.
30. Prior to the commencement of use of the new poultry sheds, the following measures must be taken in order to achieve compliance with the Environmental Protection (Noise) Regulations:
 - (i) Installation of an earthen bund at least 4 metres high above shed floor level running parallel to vehicle access way on the western side of the five new sheds;
 - (ii) A solid fence with a minimum height of 3 metres is to be erected around the southern end of the central vehicle access as indicated on the approved site plan; and
 - (iii) Any plant rooms, including any backup power generator, are to be acoustically insulated;to the satisfaction of the Shire. The noise attenuation measures required by this condition must be maintained throughout the life of the development.

The use (including construction of sheds) shall not commence until the Shire has received from the applicant and has approved:

- (a) specifications and elevation drawings of the earthen bund; and
- (b) certification from a suitably qualified acoustic expert that the noise attenuation measures required and proposed will ensure that the noise generated by the development will at all times comply with the Environmental Protection (Noise) Regulations.

31. Noise generated by the operation of the farm shall comply with the Environmental Protection (Noise) Regulations at all times.
32. The fill used to construct the required earthen bunds shall consist of clean, uncontaminated material to the satisfaction of the Shire.

Dust

33. The sheds' ventilation systems shall incorporate measures to achieve a maximum emission of dust to a target of $50 \mu\text{g m}^{-3}$ and so as not to have greater than five exceedances per year, to the satisfaction of the Shire.
34. Measures shall be incorporated in the Environmental Management Plan and implemented to reduce dust productions and build up in poultry sheds.
35. Fan blades, screening and hoods shall be washed out with water rather than blown out with air.
36. 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.
37. 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

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

Engineering

39. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
40. The surface of the portion of Punrak Road abutting the subject site shall be upgraded to the satisfaction of the Shire including the widening of the road pavement to a minimum of six (6) metres for a length of 15 metres north of the northern most crossover to 15 metres south of the southern most crossover, including the length between the crossovers and concrete aprons to be installed between the crossovers and the sealed surface of Punrak 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. The road pavement shall taper back from the 6 metre width to the existing 3 metre width after the 15 metres north and south of the crossovers.
41. All driveway 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 and to ensure that no visible dust extends beyond the site boundary.
42. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site and adjacent to the location of the sheds.

Visual Amenity

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

Signage

44. A notice indicating the type of operation, hours of operation and potential impacts of the poultry farm operation is to be displayed adjacent to the Punrak Road frontage of the site in accordance with the specifications contained in the

Western Australian Planning Commission's Statement of Planning Policy No. 4.3 - Poultry Farms Policy, to the satisfaction of the Shire.

Odours:

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

Advice Notes:

1. The application and a copy of this decision has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme and you will be advised in writing by that authority once a determination in this regard has been made.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development;
4. The operations should be carried out in accordance with the document '*Water Quality Protection Note Poultry Farms in Public Drinking Water Source Areas*' produced by the Water and Rivers Commission.
5. The Environmental Management Plan required by condition 3 shall be prepared in accordance with the *EMS for Meat Chicken Farms - Example Environmental Management Plan* published by the Australian Government Rural Industries Research and Development Corporation.
6. 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 5 Punrak 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.**
 - x) **All earth bunds are to be vegetated to the satisfaction of the Shire.**
7. **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 1:10 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;**
 - 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;**
8. **Storage of chemicals and fuels on site requires licensing by the Department of Minerals and Energy.**
9. **Litter shall be kept at an optimal moisture level to ensure it is not excessively dry nor damp.**
10. **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.**
11. **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.**
- CARRIED 6/4**

Council Note: The Officer Recommended Resolution was changed by adding “above shed floor level” to part 30 (i) and adding 5 (f) as a point of clarification.

Cr Scott voted against this motion.

SCM04/01/06 APPEAL OUTCOME REGARDING PROPOSED POULTRY FARM - LOT 368 (582) HENDERSON ROAD (CNR HOPELAND ROAD), HOPELAND (P01406/02)		
Proponent:	Dykstra Planning	<p>In Brief</p> <p>Proposed new poultry farm comprising 16 sheds each accommodating approximately 59 000 birds. Council refused the application on 3 June 2005. The owner subsequently lodged an appeal with the State Administrative Tribunal (SAT) for a review of the Shire's decision.</p> <p>SAT has made an order on 20 January 2005 that the application for review be upheld and development approval is granted for a poultry farm subject to conditions.</p>
Owner:	Big Country (Australia) Ltd	
Officer:	Brad Gleeson, Executive Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	25 January 2006	
Previously	SD080/06/05, SD031/02/05	
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: 28 October 2004
 Advertised: Yes
 Submissions: 23 objections
 Lot Area: 46.4 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Rural Policy Area
 Rural Strategy Overlay: N/A
 Municipal Inventory: Not applicable
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: Nil
 Date of Inspection: 9 December 2004

Background

The subject site is located on the north-east corner of the Henderson and Hopeland Road intersection. The southern boundary of the site has frontage to Henderson Road and the western boundary fronts Hopeland Road. The northern and eastern boundaries abut rural properties used for grazing.

This proposal was considered at the Special Council Meeting held on 3 June 2005 at which time it was resolved as follows:-

“SD080/06/05 COUNCIL DECISION

Moved Cr Star seconded Cr Kirkpatrick

That the application for approval to commence development of a Poultry (Broiler) Farm on Lot 368 Henderson Road, corner Hopeland Road, Hopeland be refused for the following reasons:

- 1. The Council is not satisfied that the proposed use will not have an adverse effect on the inhabitants of the locality or upon the likely future development of the locality as the modelling carried out by the proponents consultants with regard to impact*

assessment has failed to demonstrate that offensive emissions can be appropriately contained.

2. *The Council is not satisfied the proposal will not have a detrimental impact on the amenity of the locality for the following reasons:*
 - a) *the odour modelling assessment has not considered a worst-case scenario, but has instead been modelled on the predominant condition, ie not during clean out activities;*
 - b) *odour modelling has also not considered the cumulative impacts of other odour sources in the immediate area (qualitatively or quantitatively).*
 - c) *the noise and odour modelling carried out for the proposed poultry farm by the proponent's consultants only considers the impact of sheds 1-6 and has not taken into consideration the other 10 sheds proposed in this application.*
 - d) *the proponent has not carried out a dust impact assessment for the proposed development and as such it is impossible to accurately determine if dust impacts will occur beyond the site boundary or the extent of that impact on adjacent properties.*

3. *The proposal will result in the clearing of remnant native vegetation, which is part of the Southern River complex and less than 20% of this vegetation complex remains intact on the Swan Coastal Plain. The remnant vegetation on this lot is not well represented throughout its range and should both be protected wherever possible.*

CARRIED 7/2"

Sustainability Statement

Effect on Environment: The proposed poultry farm will require the clearing of some remnant native vegetation. The impact of this clearing and recommendations with regard to the value of the remnant vegetation and re-vegetation to achieve both biodiversity and screening objectives were reviewed by the Environmental Officer.

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

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

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

Social – Quality of Life: The application was referred to surrounding landowners for comment. Concerns and issues were raised by the community. The proposal has the potential of affecting the amenity of the area 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 made under Clause 32 of the Metropolitan Region Scheme, extensions to poultry farms that are greater than 100 square metres in area require separate determination by the WA Planning Commission under the Metropolitan Region Scheme (MRS). The Shire determines the application under the Town Planning Scheme (TPS) only.

Policy/Work Procedure Implications:

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

Financial Implications:

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

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.

Community Consultation:

Required: Yes by Part X of the Scheme

Support/Object: 23 letters of objection were received

Comment:

Appeal

A directions hearing was held on 5 August 2005 where an order was made that the matter be referred to a compulsory conference on 25 August 2005. The purpose of this conference was to allow the experts to confer and discuss the draft list of issues prepared by the respondent.

The Tribunal made an order on 25 August 2005 that:

1. By 9 September 2005, new acoustic and odour reports responding to the issues raised by ERM are to be available to the Shire by the Respondent.
2. By 26 September 2005, the Respondent is to provide to the Applicant its expert comments in reply to the new reports.
3. By 30 September 2005, the Respondent is to file and give to the Applicant a Statement of Issues, Facts and Contentions arising in the Appeal.
4. By 16 September 2005, the Respondent is to file and serve a Section 24 Bundle of Documents.
5. By 4 October 2005, the Applicant is to provide its Statement of Issues, Facts and Contentions and any other documents upon which it intends to reply at the hearing.
6. The matter is listed for a one day hearing on 2 November 2005.
7. Witness Statements are to be exchanged by 19 October 2005.
8. On a without prejudice basis, the Shire is to provide to the Applicant and file a list of conditions it proposes should be applied in the event that the Tribunal allows the appeal, by 19 October 2005.

Hearing

The matter was heard before Senior Member David Parry, Member Tim Carey and Member Marie Connor on 2 and 3 November 2005. The Shire was represented by the Shire's Solicitors McLeods as well as expert witnesses from consultants ERM, to address issues of quality and noise. The Shire President Cr Needham and a community representative Mr John Mitchell, also attended as expert witnesses for the Shire.

A copy of the Tribunal's Reasons and Orders made on the 20 January 2005 is with the attachments marked SCM04/01/06.

Conclusion

SAT in approving the development have imposed 53 conditions of development approval.

The members of the public who lodged submissions with the Shire regarding the proposed development, have been notified in writing of the decision of the SAT on this matter.

Voting Requirements: Normal

SCM04/01/06 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Hoyer seconded Cr Richards
Council notes the decision by the State Administrative Tribunal that the application for review be upheld and development approval be granted for a poultry farm at Lot 368 Henderson Road, Hopeland, subject to conditions.
CARRIED 9/1**

Cr Scott voted against this motion.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

10. URGENT BUSINESS:

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Price

That the item SCM05/01/06 - Application for 2006/07 Emergency Services Funding Grant be dealt with as an item of new business of an urgent nature.

CARRIED 10/0

SCM05/01/06 APPLICATION FOR 2006/07 EMERGENCY SERVICES FUNDING GRANT (A1139)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief Endorsement of the Council application for grant funding from Fire & Emergency Services Authority for the Shire Volunteer Bushfire Brigades and State Emergency Services Unit operations in 2006/07 and five year plant and equipment replacement plan is sought.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Dave Gossage Emergency Services Manager	
Signatures Author:		
Senior Officer:		
Date of Report	24 January 2006	
Previously	AS052/02/04, AS039/02/03, AS052/02/04	
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 Emergency Service Levy (ESL) became effective on 1 July 2003. Funds raised through the levy are provided to assist with operational response, not totally fund prevention, preparedness, response and recovery expenses of Local Authorities with within their jurisdiction and across the state.

Local Government Volunteer Bushfire Brigade (VFB) and State Emergency Service Unit (SES) operations from the 2006/07 financial year are able to be partly funded by grants sought by Local Government from the Fire & Emergency Service Authority (FESA) Emergency Services Levy System. Grant funding is limited to most of, but not all direct operational costs of brigades and units. In addition capital equipment will be partly funded by the Fire & Emergency Services Authority grant system through the levy income in accordance with Council and FESA approved five year plan.

Applications have been invited by Fire & Emergency Services Authority, closing 31 January 2006 for grant funding of Local Government Volunteer Fire Brigades and State Emergency Services Units operational costs for the 2006/07 financial year.

An extract from the Emergency Service funding grants guidelines section 2.3 reads:

"The ESL funding arrangements do not alter the statutory responsibilities of Local Governments to fund and manage a range of land management and community safety and planning responsibilities under the Bush Fires Act 1954 and the Local Government Act 1995.

This incorporates the necessary resources and infrastructure required to administer those responsibilities, including their effective regulation, management, surveillance, compliance and control. Accordingly, expenses incurred by Local Governments in relation to these fire management functions will remain with and continue to be funded by Local Governments.”

On this basis, there has been no change to the management arrangements or ownership of existing assets for these services. Hence, Local Governments continue to administer and manage BFBs. SES Units and FESA Units will continue to be managed under the various arrangements that currently exist. FESA will also continue to manage its own services in accordance with current practices.

Sustainability Statement

Effect on Environment:

Minimises environmental damage through best practice in its field.

Biodiversity: Protects indigenous flora and fauna

Heritage and Culture: Protects the heritage and cultural values of the community

Use of Local, renewable or recycled Resources:

Where practical static water supplies, soaks and natural water resources are used instead of scheme water for fire fighting. The state emergency services utilise existing materials and recycled/second hand materials for repair of buildings.

Economic Viability:

As the Emergency Services Levy is a grant system, there is no guarantee of secured funding. Whilst initially there has been a cost saving to Council which has allowed Council to redirect funds into other areas, Council need to be aware of their obligations to continue to support the local volunteer emergency services in the area not covered by the emergency services levy. Council is still required to manage and fund its responsibilities in the prevention, preparedness, response and recovery areas, which are not covered by the levy.

Economic Benefits:

Receipt of funds through the Emergency Services Levy (ESL) potentially reduced expenditure of the Serpentine Jarrahdale community and volunteers, however this is off set by the contributions Council has to make to the levy system and the funding Council is required to contribute to the Prevention, Preparedness and Recovery mitigation.

Social – Quality of Life: Community based volunteers continue to reduce the impact by natural and man made disasters, with their “*Formed by the Community for the Community*” ethos, it creates an excellent social atmosphere and family based organisation, which is community focused.

Social and Environmental Responsibility: Opportunity exists for the council, Fire and Emergency Services Authority and the community to support each other and promote volunteerism to ensure there is a sustainable number of trained community members to deal with the emergencies that occur within the Shire of Serpentine-Jarrahdale.

Social Diversity: The Emergency Service Levy and grant system is presented by the Fire and Emergency Services Authority as “A fairer system for all”. Pamphlets distributed by the Emergency Services Levy group imply that “there will be no need for volunteers to fund raise”, however it is now clear from the Emergency Services Levy group that “there was never any intent to fund everything” which has caused concern amongst the volunteers and some quarters of the community.

Statutory Environment:

Local Government Act 1995
Fire and Emergency Service Act 2002
Bush Fires Act 1954

**Policy/Work Procedure
Implications:**

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

The Emergency Services Levy grant system requires Council to collect the levy on Shire district properties as the agent of the State, and impacts on funding of brigades, emergency units, and fire and emergency service vehicles and equipment, which are subject to grant funding levels received from Fire & Emergency Services Authority and Council.

Financial Implications:

There will be implications to Council's 2006/07 and forward budgets arising from the levy and grant scheme. The full implications will not be known until the grant sum and inclusions are finalised, however it is anticipated the Council will be required to fund areas not covered by the State Levy (eg. Staff, Vehicles, Infrastructure, Firebreaks, hydrants etc). It is unclear as to whether Council can still raise the fire service levy under the Local Government Act to pick up the short fall.

Strategic Implications:

The Emergency Services Levy system was never intended to provide full funding for fire brigades and emergency services units and clearly will not be meeting the full costs to Councils. Council in consultation with FESA will need to provide extra support to the volunteers for any increasing risks as the district develops and to satisfy growing community expectations.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.
6. Ensure a safe and secure community.

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

Strategies:

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

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:

4. Reduce water consumption.
6. Value, protect and develop biodiversity.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

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:

Council's brigades and state emergency services units have been closely consulted and jointly prepared the grant applications to ensure the council application is fully inclusive.

Comment:

With the State Government introducing the Emergency Service Levy to ensure all properties contribute equitably to the funding of fire and emergency services, the intent was that there would be adequate funds made available to sustain the operations and activities of volunteer brigades and emergency units with appropriate resources and equipment to meet identified risks in a satisfactory manner. In some cases this has resulted in Local Governments like Serpentine Jarrahdale being worse off in regards to capital grants for their Five Year Plans.

An application for grant funding of Council's brigades and State Emergency Services unit has been prepared with the objective of ensuring all eligible budgeted expenditure in accordance with the application criteria is sought. Only expenditure directly related to brigade and unit operating costs (including costs formerly borne by volunteer members) are eligible to be claimed eg. Vehicle and equipment operating costs, some members training and protective clothing and equipment, building maintenance and repairs, utilities and consumable items. The funding amount able to be sought as a grant is required to be based on previous budget allocations and estimates. Costs relating to matters such as community volunteer promotion, public awareness campaigns, community prevention programs, community preparedness campaigns, maintaining hydrants, fire prevention, firebreaks notices and enforcement, maintaining strategic fire breaks, emergency access ways, static water supplies, unit support and other costs not directly related to fire and emergency **response** are not eligible for grant funding and are the responsibility of Local Governments to fund. Similarly, costs associated with Council management and administration such as officer salaries, corporate and administrative support, operational support and on costs are ineligible for grant funding.

The submission does not include the salary and direct salary on costs of Council's Community Emergency Services Manager and full time Emergency Service Administrative Officer even though these two officers duties and responsibilities are primarily directed to the operational and emergency response activities of Council's Volunteer Brigades and State

Emergency Services Unit. This was rejected in last years proposal and will not be accepted again this year.

In addition to the brigades and State Emergency Services operational grant applications, Council is required to submit a forward five year brigade and State Emergency Services unit plant and equipment replacement plan for the Fire & Emergency Services Authority.

A copy of the five year plan based on previously endorsed plan is with attachments marked SCM05.1/01/06 (E06/311).

The plan is consistent with Council's replacement strategy. It will form the basis of Shire inclusion in the State plant and equipment replacement program managed by Fire & Emergency Services Authority in consultation with the Shire of Serpentine Jarrahdale. Not all items are fully covered and Council needs to be mindful of the short falls that will need to be budgeted for.

The 2006/07 Capital Grant Application has requested replacement / procurement of the following major items:

- Mundijong Light Tanker – existing vehicle cab chassis 6 years old / tray 8 years old.
- Keysbrook Light Tanker – existing vehicle cab chassis 7 years old / tray 9 years old.
- * Serpentine three four tanker – existing vehicle 8 years old.
- * Mundijong 12,000 litre Tanker – existing vehicle 15 years old.
- * Emergency Services Managers vehicle.
- State Emergency Services Personnel Carrier – existing vehicle 6 years old.
- State Emergency Services Support / Welfare Unit – existing vehicle 6 years old.
- State Emergency Services replacement of existing two trailer/caravan trailers with two new rescue trailers.

Voting Requirements: Normal

SCM05/01/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Brown

- 1. The grant application to the Fire and Emergency Service Authority for Emergency Services Funding 2006/07 for Council Volunteer Fire Brigades and State Emergency Service unit included in Attachment SCM05.2/01/06 endorsed.**
- 2. The Serpentine Jarrahdale Emergency Services Equipment, Operational and Replacement Strategy included in Attachment SCM05.1/01/06 is endorsed.**

CARRIED 9/0

Cr Richards left the meeting at 8.22pm

Council Note – Cr Kirkpatrick congratulated the officer who prepared this diligent report for his commitment to the direction that Council has set over a number of years.

CONFIDENTIAL ITEM: Information withheld from members of the public under the Local Government Act Section 5.23(2)(a) and dealt with under “Matters for which the meeting may be closed to the public and discussed behind closed doors”.

COUNCIL DECISION

Moved Cr Price seconded Cr Murphy
 That the item SCM06/01/06– Confidential Item – Appointment of Director Engineering be dealt with as an item of new business of an urgent nature.
CARRIED 9/0

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Hoyer that the meeting be closed to members of the public at this point to allow Council to discuss agenda item SCM06/01/06 because the matter is of a confidential nature.
CARRIED 9/0

Cr Richards returned to the meeting at 8.26pm.

SCM06/01/06		CONFIDENTIAL ITEM - APPOINTMENT OF DIRECTOR ENGINEERING (A1310)	
Proponent:	Joanne Abbiss – Chief Executive Officer	In Brief Council are requested to endorse the appointment of Mr Stephen Bell as the Director Engineering.	
Owner:	Not applicable.		
Officer:	Joanne Abbiss – Chief Executive Officer		
Signatures Author:			
Senior Officer:			
Date of Report	23 rd January 2006		
Previously	OCM013/11/05		
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		

SCM06/01/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Scott
 1. Council endorses the appointment of Mr Stephen Bell to the position of Director Engineering subject to provision of certified copies of all stated qualifications and such contract terms and conditions as negotiated by the Chief Executive Officer in accordance with Council resolution OCM013/11/05.
CARRIED 10/0 ABSOLUTE MAJORITY

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 8.40pm.