



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**TUESDAY 23 MAY 2017**  
**(Held at the Shire of Waroona Council Chambers)**

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## 1. DECLARATION OF OPENING/ANNOUNCEMENTS

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors and Staff present.

## 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Noel Dew	Shire President
Cr Larry Scott	Deputy Shire President
Cr Christine Germain	Councillor
Cr John Mason	Councillor
Cr John Salerian	Councillor
Cr Craig Wright	Councillor
Cr Laurie Snell	Councillor
Mr Laurie Tilbrook	Acting CEO/ Director Corporate Services
Mr Patrick Steinbacher	Director Technical Services
Miss Ashleigh Nuttall	Manager Financial Services
Mr Leonard Long	Acting Director Development Services
Mrs Sue Cicolari	Executive Support Officer

### APOLOGIES

Mr Ian Curley	Chief Executive Officer
Mr Louis Fouche	Director Development Services

There was one member of the public present at the commencement of the meeting.

### LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Trish Witney	Councillor
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## 3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

### 4.1 PUBLIC QUESTION TIME

#### 4.1 Leith Anderson – 27 Atrion Lane, Shoalwater, WA – Item 9.2.1 – Application for Planning Consent – Family Day Care – 27B Logue Street, Waroona

Mr Anderson who was currently away at work, requested the following questions be read out by Mr Long. “How is the Childcare Centre at 27B Logue Street going to ensure my property is not effected by noise, traffic, child interaction? There is no front side fence, parking setup or noise reducing measures. Last thing I want is cars and children in harm’s way because the house is not setup for a day care.”

Mr Long provided the following response:

“Should the proposed use be approved by Council a number of conditions have been imposed restricting the use to the proposed property:

1. With regard to the noise concern, one of the conditions of approval is the permitted operating times. This has been restricted to 8.30 am to 5.30



pm Monday to Friday and may not operate over weekends or on public holidays.

Noise is controlled through the Environmental Protection (Noise Regulations) 1997 which outlines acceptable noise levels and the process to be followed should any complaint be received.

2. In terms of the traffic, the Town Planning Scheme requires the use to provide a minimum of 3 parking bays on site.

The applicant has demonstrated how 3 parking bays can be accommodated on site. Further the applications has been scrutinised by the Shires Technical Services department who have not noted any potential traffic issues or requirement for traffic management plants.

3. With regard to child interaction the property has 1.8m high solid boundary fences with the exception of the front boundary making any interaction with the adjoining properties unlikely.”

#### **4.2 PUBLIC STATEMENTS**

- 4.2 Leith Anderson – 27 Atrion Lane, Shoalwater, WA – Item 9.2.1 – Application for Planning Consent – Family Day Care – 27B Logue Street, Waroona

The following Public Statement was read by Mr Leonard Long in the absence of Mr Anderson:

“27B is not suitable in its current state to have a day care.

- No fencing to separate 27A Logue Street
- No traffic management / parking system
- No noise reduction / barrier in backyard to keep neighbour disturbance down.

There are already kids attending and signs up for the Day Care. Is this acceptable?”

#### **5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

#### **6. DISCLOSURES OF MEMBERS’ & OFFICERS’ INTERESTS**

Nil

#### **7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 26 APRIL 2017**

**COUNCIL RESOLUTION**

**OCM17/05/040**

**MOVED: CR MASON**

**SECONDED: CR WRIGHT**

**That the Minutes of the Ordinary Council Meeting held 26 April 2017 be confirmed as being a true and correct record of proceedings.**

**CARRIED 7/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**

**9.1 DIRECTOR TECHNICAL SERVICES**

Nil

## 9.2 DIRECTOR DEVELOPMENT SERVICES

<b>9.2.1 APPLICATION FOR PLANNING CONSENT – FAMILY DAY CARE – 27B LOGUE STREET, WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Park; Environmental Planner / Nil
Responsible Officer / Officer's Interest	Leonard Long; Manager Development Services / Nil
Proponent:	Rebecca Grant & Pamela McKenzie
Landowner:	Steven Charles Mullin
Date of Report: 16/5/17	File No.: TP1958
Previous Reference:	NA
Policy Implications:	<i>Local Planning Policy 1 – Community Consultation.</i>
Statutory Implications:	<i>Planning and Development Act 2005; Planning &amp; Development (Local Planning Schemes) Regulations 2015; Peel Regional Scheme 2003; Shire of Waroona Local Planning Scheme No. 7 of 1996.</i>
Strategic Implications:	<i>Shire of Waroona Local Planning Strategy 2009</i>
Financial Implications:	<i>See heading below.</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

Council is requested to consider an application for planning consent for a Family Day Care at Lot 2 (No.27B) Logue Street, Waroona.

The application proposes a maximum of seven children and one educator at any one time and to operate between the hours of 8:30am and 5:30 pm Monday to Friday only. The application proposes to use the existing single house to accommodate the Family Day Care. The designated area within the single house proposed to be used is as follows: Entry, Bedrooms 2 & 3, Bathroom, Laundry, Kitchen, Family Room, and Garage area. The driveway and front setback of the lot are proposed to be used for three vehicle parking space and drop off/pick up area of children.

See **Appendix 9.2.1A** for site and **Appendix 9.2.1B** for floor plan.

### **BACKGROUND / INITIAL COMMENTS**

The subject strata lot is located within the Waroona Townsite opposite the Waroona Cemetery. The lot is accessed from Logue Street with a 13m frontage. The 400m<sup>2</sup> lot contains a single house.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### Local Planning Strategy 2009 (LPS)

The subject lot is designated as Residential and located within the Town Precinct. Council's objective is to provide for the enhancement of the Waroona Townsite and the planned expansion of the Waroona Townsite to meet future residential demand.



### **REFERRALS (INTERNAL)**

The application was referred to internal departments. Upon referral the following comments were received:

Director of Technical Services stated a condition stating the restriction of street parking is required.

Environmental Health Services stated that the kitchen will have to comply with the Food Act 2008, Food Regulations 2009 and the FSANZ Food Standards Code. The proprietor is required to obtain an approval from Health Services for preparation of food from a residential premises and to register as a food business in accordance with the legislation.

Building Services had no comments in regards to this application.

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

#### Shire of Waroona Strategic Community Plan 2016/17-2025/26

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

### **FINANCIAL ISSUES/IMPLICATIONS**

Cost of the development application of \$147.00 paid by the applicant.

### **POLICY ISSUES/IMPLICATIONS**

#### LPP1 – Community Consultation

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected landowners aware of a development proposal and to allow them opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

#### Planning and Development Act 2005

The Act provides the statutory head of power for enforcement of Local Planning Schemes and Regulations made under the Act.

#### Planning and Development (Local Planning Schemes) Regulations 2015

Under Schedule 2 - Deemed Provisions for local planning schemes Clause 60 Requirement for Development Approval states the following:

- “A person must not commence or carry out any works on, or use, land in the Scheme area unless —*
- (a) the person has obtained the development approval of the local government under Part 8; or*
  - (b) the development is of a type referred to in clause 61.”*

### Peel Region Scheme 2003 (PRS)

Under the Peel Region Scheme the subject lot is zoned Urban.

Cl.12 (e) Purposes of zones, states:

Land is classified into zones under the scheme for the following purposes –

- a) Urban — to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

### Shire of Waroona Local Planning Scheme No. 7 1996 (TPS)

The subject lot is located within the 'Urban 4 - Residential' zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 4.8 of TPS 7.

Clause 4.8.1, Objective and Policies states, Council's objective is to ensure that the residential areas of Waroona Townsite development in a manner which will provide adequately for the variety of residential needs anticipated in the reasonably foreseeable future, consistent with the best use of available land resources and a high level of urban amenity. Council's policies will therefore be to:

- Protect by appropriate zoning, land considered to be adequate and suitable for Waroona's anticipated residential needs;
- Adopt land use control and Residential Design Codes which will permit development of a range of housing types.
- Achieve maximum economic use of the urban land resource by encouraging development of vacant subdivided lots and other serviced unsubdivided lots and other serviced unsubdivided areas;
- Require that residential development attains a satisfactory standard of urban amenity through siting, design and construction.

The proposed Family Day Care is a "D" Use within the Residential zone under Clause 4.2 Zoning Table.

This means the Family Day Care is a Discretionary Use within the zone and is a Use not permitted unless the local government has exercised its discretion by granting development approval.

Parking required for a Family Day Care is stipulated by Table 2 of the Scheme. In accordance with the table, a minimum of three parking bays are required to be provided.

### LEGAL ISSUES/IMPLICATIONS

See Statutory Issues.

### COMMUNITY CONSULTATION

The application was referred to the owners of neighbouring properties through written notification advising of a comment period of 14 days. Two (2) submissions were received one having no objection whilst the other raised a number of concerns. A Schedule of Submissions is at **APPENDIX 9.2.1C**.





## **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

### LPP1 – Community Consultation

During the community consultation period a submission expressing concern about the proposed Family Day Care was received. The concerns expressed are addressed by the recommended conditions of the approval.

### Scheme

The objective of the zone is to develop the Townsite to provide for a variety of residential needs, this includes Family Day Care services. Therefore the proposal is considered to be in accordance with Council's desired objective for the zone.

A maximum number of three vehicles at any one time are proposed to be permitted at the subject lot. The maximum number of vehicles at any one time is determined based on the space provided at the site for vehicle parking and Clause 4.3 Table 2 of the Shire of Waroona Local Planning Scheme. A minimum of three parking bay are required to be supplied under the Scheme. The size and layout of the lot allows for three parking bays. Therefore, a maximum of three parking bays are required to be constructed.

### Amenity

The application proposes to conduct the Family Day Care within the existing single house. The proposal is not considered to impact on the amenity of the area. To ensure the amenity is protected, should the application be approved, it is recommended that conditions be imposed limiting the number of vehicles at any one time and prohibiting the parking of cars in the road reserve.

### Conclusion

The proposed Family Day Care is considered to be consistent with the objectives and policies of the Residential zone as stated within TPS No. 7. The proposal is not expected to have an adverse impact on the amenity of the area or adjoining lots and will add to the provision of child care services within the Shire. It is therefore recommended that Council approve the development application for the Family Day Care subject to conditions.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.2.1A,B,C</b>
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## **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION****OCM17/05/041****MOVED: CR WRIGHT****SECONDED: CR MASON**

**That in relation to the proposed Family Day Care on Lot 2 (No. 27B) Logue Street, Waroona, Council resolves to approve the application for Planning Consent subject to the following conditions:**

- 1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans.**
- 2. A maximum of seven (7) children shall be permitted to attend the Family Day Care at any time.**
- 3. The hours of operation of the Family Day Care shall be restricted to 8:30am to 5:30pm Mondays to Fridays. Operation of the Family Day Care shall not be permitted on Saturdays, Sundays and Public Holidays.**
- 4. The landowner shall provide a minimum of three (3) car parking bays within the boundaries of the property to the satisfaction of the Shire of Waroona. No parking shall be permitted within the road reserve.**

**Advice Notes:**

- 1. In accordance with the Shire's Environmental Health Officer, the applicant is required to register the business with the Shire's Environmental Health Department and comply with the Food Act 2008, Food Regulations 2009 and the Food Standards Australia and New Zealand Code.**

**CARRIED 7/0**

<b>9.2.2 APPLICATION FOR PLANNING CONSENT – EDUCATIONAL ESTABLISHMENT WITH ANCILLARY OFFICES – LOT 17 (NO. 1) HENNING STREET, WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Park, Environmental Planner; Nil
Responsible Officer / Officer's Interest	Leonard Long, Manager Development Services; Nil
Proponent:	Sophie Pfuhl
Landowner:	Shire of Waroona
Date of Report: 12 May 2017	File No.: TP1961
Previous Reference:	NA
Policy Implications:	Local Planning Policy 1 – Community Consultation.
Statutory Implications:	Planning and Development Act 2005; Planning & Development (Local Planning Schemes) Regulations 2015; Peel Regional Scheme 2003; Shire of Waroona Local Planning Scheme No. 7 of 1996.
Strategic Implications:	Local Planning Strategy 2009; Shire of Waroona Strategic Community Plan 2016/17-2025/26.
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No.3 Land Use: Responsible Land Use Planning, and Protecting Rural Land</i>	

### **PROPOSAL SUMMARY**

As the owner of the subject land Council is requested to provide landowners consent for the application as well as consider an application for planning consent for an Educational Establishment and Ancillary Offices at Lot 17 (No.1) Henning Street, Waroona. Further, the applicant has requested that the fees associated with the application be refunded.

The application proposes a class 9b building with the primary use being for a training room and ancillary offices, kitchen, water closet and storage. The development is proposed to be setback 11m from the front boundary, 22.8m from the rear lot boundary, 3.8m from the western side boundary, and 4.6m from the eastern side boundary. The gable roofed building is proposed to have a 3m wall height, 4.137m ridge height and a limestone block retaining wall to elevate the western side of the building 0.68m above natural ground level. The construction materials and colour scheme proposed include Colorbond roof cladding in Surfmist and horizontal panelling and rendered external wall cladding in white, black and red.

Please see **Appendix 9.2.2A** for site plan and **Appendix 9.2.2B** for elevations and floor plan.

### **BACKGROUND / INITIAL COMMENTS**

The rectangular shaped lot is located within the Waroona Townsite and is accessed from Henning Street. The eastern lot boundary is shared with the existing St John Ambulance Centre site and the western and rear lot boundaries are shared with residential lots. The topography of the lot slopes slightly from east to west. The lot is cleared with no street trees located on the verge.



The Educational Establishment and Ancillary Offices is proposed to be used primarily for training and administration purposes for the existing St John Ambulance Centre. The building is appurtenant to the St John Ambulance Centre, located on the adjacent lot.

### **PLANNING – STRATEGIC IMPLICATIONS**

#### **Local Planning Strategy 2009 (LPS)**

The subject lot is designated as Public Purpose and located within the Town Precinct. Council's objective is to provide land for a variety of community and civic uses.

Primary Uses of the designated area include: Civic Uses, Community Purpose, and public Utility.

### **REFERRALS**

Upon referral to internal departments the following comments were received:

Director of Technical Services provided comment on the design and construction standard of parking provisions, vehicle crossovers, and storm water disposal.

Building services provided comment specifying the certified building application must be for a Class 9a building and comply with all aspects of Volume 1 of the Building Code Australia.

Health services requested that the building be connected to sewer infrastructure. The training facility is required to comply with Health (Public Buildings) Regulations 1992, will require a maximum accommodation certificate, and be subject to inspections.

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

#### **Shire of Waroona Strategic Community Plan 2016/17-2025/26**

This item relates to Theme 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

### **FINANCIAL ISSUES/IMPLICATIONS**

The prescribed application fee of \$727.00 has been received. The applicant has requested that the application fee be refunded as the facility is a community resource run exclusively by volunteers.

### **POLICY ISSUES/IMPLICATIONS**

#### **LPP1 – Community Consultation**

The objective of this policy is to ensure that an appropriate level of community notification is undertaken to keep any potentially affected landowners aware of a development proposal and to allow them opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision.

## **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

### **Planning and Development Act 2005**

The Act provides the statutory head of power for enforcement of Local Planning Schemes and regulations made under the Act.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

Under Schedule 2 - Deemed Provisions for local planning schemes Clause 60 Requirement for Development Approval states the following:

*“A person must not commence or carry out any works on, or use, land in the Scheme area unless —*

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) the development is of a type referred to in clause 61.”*

### **Peel Region Scheme 2003 (PRS)**

Under the Peel Region Scheme the subject lot is zoned Urban.

Cl.12 (e) Purposes of zones, states:

Land is classified into zones under the scheme for the following purposes –

- (a) Urban — to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

### **Shire of Waroona Local Planning Scheme No. 7 1996 (TPS)**

The subject lot is located within the ‘Urban 2 – Community & Civic’ zone of the Shire of Waroona Town Planning Scheme No. 7 (TPS 7) and is subject to Clause 4.6 of TPS 7.

Clause 4.6.1, Objective and Policies states, Council’s objective for the zone is to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced. Council’s policies will therefore be to:

- Permit a wide range of uses consistent with the zone objective;
- Encourage the establishment of uses which contribute to the welfare and activity of the community;
- Permit medium density housing to appropriate Residential Codes standards;
- Ensure that development attains a high standard of appearance and convenience of use.

The proposed Educational Establishment and Ancillary Offices is a “P” Use within the Urban 2 - Community and Civic zone under Clause 4.2 Zoning Table.

This means the Educational Establishment and Ancillary Offices is a Permit Use within the zone if it complies with any relevant development standards and requirements of this Scheme.

The Educational Establishment and Ancillary Offices is required to be setback 6m from the front boundary, 3m from the side boundaries, and 10m from the rear boundary.



**LEGAL ISSUES/IMPLICATIONS**

See statutory issues.

**COMMUNITY CONSULTATION**

No community consultation was required for the proposal.

**OFFICER'S FINAL COMMENTS/CONCLUSIONS****Scheme**

The proposed Educational Establishment and Ancillary Offices is consistent with the zone objective including to encourage the establishment of civic facilities in the area.

**Parking**

The application proposes four (4) standard and one disabled parking space. Table 2 of the Scheme provides for the provision of the minimum number of parking spaces to be provided for particular land uses. 'Civic Uses' require a minimum of 1 parking space per 30m<sup>2</sup> of net lettable area. The building contains 155m<sup>2</sup> of lettable area. Therefore, the building requires 5 parking spaces. The application proposes 5 parking bays, maintaining consistency with Scheme requirements.

**Local Planning Policy 1**

The development and use do not propose a variation to Scheme or policy requirements. Therefore, the application does not require advertising in accordance with Local Planning Policy 1.

**Conclusion**

The proposed Educational Establishment and Ancillary Offices setbacks are consistent with Scheme requirements and are not expected to detrimentally impact on the privacy of adjoining lots. Parking spaces are not expected impact on the streetscape or amenity of the area provided they are designed and constructed to a high standard. The development is expected to contribute to the Civic Uses provided within immediate area further enhancing the amenity and streetscape.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.2A&amp;B</b>
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**VOTING REQUIREMENTS**

Simple Majority



**COUNCIL RESOLUTION****OCM17/05/042****MOVED: CR SNELL****SECONDED: CR GERMAIN**

That in relation to the proposed Educational Establishment and Ancillary Offices on Lot 17 (No. 1) Henning Street, Waroona, Council resolves:

- A. To provide landowners consent for the application;
- B. Not to refund the application fee of \$727.27; and
- C. To approve the application for Planning Consent subject to the following conditions:
  1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans.
  2. All stormwater and drainage run-off shall be contained on site or connected to a Council stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.
  3. The access way/s, parking area/s, turning area/s shall be constructed, kerbed, graded, drained, line marked and finished with a sealed or paved surface to an approved design to the satisfaction of the Shire of Waroona. Once constructed the access way/s, parking area/s and turning area/s shall be maintained at all times to the satisfaction of the Shire of Waroona.
  4. The development shall be connected to the deep sewer network.
  5. Building materials shall be of a standard and colour scheme complementing and blending in with the amenity of the area and the existing buildings on the property.

**Advice Notes:**

1. The applicant is advised that no site works shall commence until a Building Permit has been issued by the Shire of Waroona. This planning approval does not grant consent to commence building works.
2. Vehicle crossovers are subject to the separate approval of the Shire of Waroona. No additional vehicle access will be permitted to the lot without the prior approval of the Shire of Waroona. If a crossover application is approved, vehicle crossover/s are to be maintained to the satisfaction of the Shire of Waroona.
3. With regard to condition 2 plans and specifications relating to the disposal of stormwater and groundwater for the development shall be submitted and approved by the Shire of Waroona.

**CARRIED 7/0**

<b>9.2.3 APPLICATION FOR PLANNING CONSENT – POULTRY FARM – LOT 27 OLD BUNBURY ROAD, WAROONA</b>	
Reporting Officer / Officer's Interest:	Sarah Park Environmental Planning Officer; No Interest
Responsible Officer / Officer's Interest	Leonard Long Manager Development Services; No Interest
Proponent:	Jennifer Tracey Duncan
Landowner:	Jennifer Tracey Duncan
Date of Report: 15/05/2017	File No.: TP1928
Previous Reference:	Nil
Policy Implications:	State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment; State Planning Policy 2.5 – Rural Planning; State Planning Policy 4.3 – Poultry Farms Local Planning Policy 1 – Community Consultation
Statutory Implications:	Planning and Development Act 2005; Planning & Development (Local Planning Schemes) Regulations 2015; Peel Regional Scheme 2003; Shire of Waroona Local Planning Scheme No. 7 of 1996.
Strategic Implications:	Local Planning Strategy 2009; Shire of Waroona Strategic Community Plan 2016/17-2025/26.
Financial Implications:	Refer to relevant section
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 3</b> <b><i>"Responsible Land Use Planning &amp; Protecting Rural Land"</i></b>	

### **PROPOSAL SUMMARY**

Council is requested to consider an application for planning consent for a Poultry Farm at Lot 27 (No.1847) Old Bunbury Road, Waroona.

The proposed Poultry Farm is to be run on a free-range / pasture egg basis for the production of chicken eggs. The operation will accommodate 200 laying hens.

A purpose built, mobile coop will house the laying hens. The coop will be open during daylight hours allowing the hens to range freely and will be closed at night; protecting the hens from predators.

The operation will use existing area of cleared, pastured land for the poultry. By hitching to a farm vehicle the coop will be moved and rotated around the area depending on the availability of pasture. Supplementary feed will also be provided.

The processing of eggs will occur within the existing outbuildings on the lot and sold at locations external to the subject lot. No employment of external staff or sales are proposed on site.

A site plan can be seen in **APPENDIX 9.2.3A**, and the elevations and floor plan of the mobile coop can be seen at **APPENDIX 9.2.3B**.





## **BACKGROUND/INITIAL COMMENTS**

Lot 27 is located adjacent to the Forrest Highway and a Water Corporation drain (R25391). The lot is generally cleared pasture with some mature native vegetation largely located in the eastern portion of the lot. The existing developments on the lot including three outbuildings and a single house.

## **PLANNING – STRATEGIC IMPLICATIONS**

### Local Planning Strategy 2009 (LPS)

The subject lot is designated as General Agriculture located within the Agricultural precinct. Council's objective is to provide for the continued use of the area for a range of agriculture pursuits and low-key tourist establishments.

A minimum lot size of 80 hectares is specified in the strategy; however, the subject lot is 35.5ha. The specified setbacks for development are 20m from the road and 10m from side and rear boundaries.

## **EXTERNAL REFERRALS**

The application was referred to relevant public authorities for comment as follows:

- Department of Environmental Regulation (DER);
- Main Roads Western Australia (MRWA);
- Department of Water (DoW);
- Department of Agriculture and Food (DAFWA).

The following authorities provided comments on the proposed application:

- MRWA responded stating no objection to the development.
- DoW expressed concerns over the low lying land within the grazing area. This area is subject to inundation in winter. *Environmental Code of Practice for Poultry Farms in Western Australia (Department of Environment, 2004)* states poultry facilities should be established on elevated sites and require clearance of more than two metres above the maximum ground water level. DoW also raised the issue that the nutrient export from the land use to the Peel-Harvey System is increased due to the lack of clearance to groundwater. The DoW also recommended that further information be submitted by the applicant including the follow:
  - How the proposal will achieve phosphorus export targets of the *Environmental Protection (Peel Inlet – Harvey Estuary) 1992*;
  - How this issue of groundwater will be managed with reference to the *Environmental Code of Practice for Poultry Farms in Western Australia (Department of Environment, 2004)*.
- DAFWA raised no objection to the proposal subject to the following comment be taken into consideration:
  - The area where the chickens are kept must have no standing water or a water table that is close to the surface.

Following notification to the applicant and the subsequent submission of the *Double Creek Eggs Pasture Phosphorous Export Management Plan* to both the DoW and DAFWA. No objections were raised by either agency.

Upon receiving the management plan, the DoW recommended the following:

- Rotation of grazing areas and that chickens are removed from wetter areas prior to July to allow time for the manure to decompose before the commencement of winter rains; and
- Manure is to be adequately managed and or removed from site.

### **INTERNAL REFERRALS**

The Environmental Health Officer advised that the proposal should incorporate the management of the following:

- Nuisance to neighbours – dust, odour, lighting and traffic;
- The operator should be required to ensure ground cover is maintained so as to prevent dust issues;
- Any lighting should be directed away from neighbours and traffic;
- Disease prevention and control measures;
- Waste control and disposal – no stock piling of manure, controls for stable fly, burial sites to comply with set-back distances to bores, water table and natural water bodies, and waste receptacles to be provided which are vermin and weather proof;
- Compliance with the Australian Food Safety Standards Code– in particular 4.2.5 Primary Production & Processing Standard for Eggs and Egg Product (i.e. business needs to be registered and eggs to be branded); and
- Compliance with Codes of Practice for Poultry in Western Australia issued by the Department of Agriculture and the Department of Water.

The proposed chicken caravan must be designed and constructed in a way which is easy to clean and maintain, and keeping it clean should form part of their operational practices.

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 3 “*Responsible Land Use Planning & Protecting Rural Land*”.

### **FINANCIAL ISSUES/IMPLICATIONS**

Cost of development application: \$147.00

### **POLICY ISSUES/IMPLICATIONS**

#### **State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment (SPP2.1)**

SPP2.1 defines Intensive Agriculture to include the development of land for the keeping, rearing or fattening of poultry (for either egg or meat production). The General Policy provisions of SPP2.1 including clause 5.3 which states that land used for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System, shall be managed to reduce or eliminate nutrient export from the land.



### State Planning Policy 2.5 – Rural Planning (SPP2.5)

SPP2.5 applies to all land zoned for rural or agricultural purposes in a region or local planning scheme in Western Australia. Clause 3.4(g) states that developments such as poultry farms are regulated entirely by planning processes and therefore require special consideration by planning decision-makers. This is because poultry farm operations are not subject to environmental regulation because they are not a “Prescribed Premise” under the Environmental Protection Regulations 1987.

Under the policy a poultry farm is defined as;

*“A subset of animal premises relating to any land or buildings used for the rearing or keeping of poultry for either egg or meat production.”*

### Local Planning Policy 1 – Community Consultation (LPP1)

The objective of this policy is to ensure that an appropriate level of community consultation is undertaken to keep any potentially affected landowners aware of a development proposal and to allow them ample opportunity to make a submission to allow their concerns to be considered by Council prior to making a decision on the subject proposal.

LPP1 requires that an application for a use designated “D” with local impact is to be advertised to owners and occupiers of affected neighbour properties with a comment period of 14 days.

## **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

### Planning and Development Act 2005

The Planning and Development Act 2005 provides for the preparation of Region and Local Planning Schemes and provides the head of power for the enforcement of the Scheme and any policies adopted under it.

### Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

The Regulations, made under the Planning and Development Act 2005, govern the way in which local planning strategies and local planning schemes are prepared, consolidated and amended.

Schedule 2 includes deemed provisions that are “read into” local planning schemes with Clause 67 specifying matters to be considered in the determination of an application for planning consent, which include;

- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following:
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;

- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

#### Peel Region Scheme 2003 (PRS)

The subject lot is zoned rural under the PRS. Clause 5 (b) of the PRS states that it is the purpose of the PRS to provide for the zoning of land for living, working and rural land uses.

Clause 12 (e) deals with the Rural zoning under the PRS;

“Rural – to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

#### Shire of Waroona Local Planning Scheme No. 7 1996 (TPS)

The subject lot is zoned Rural 1 – General Farming under the Local Planning Scheme No. 7. Within this zone, ‘Poultry Farm’ is listed as a ‘D’ use and may be granted at the discretion of Council.

Rural zones are dealt with under clause 4.14 of the TPS.

Clause 4.14.1 states that Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council’s objectives will therefore be to;

- permit land uses consistent with achieving this objective, and
- require that Intensive Agriculture be subject to the Planning Consent of Council

Clause 14.4.3 Intensive Agriculture & Rural Industry states

*“In considering a proposal to develop land for intensive agriculture the Council shall:*

- *take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Peel Harvey Estuary;*
- *take account of the objectives of the Commission’s Statement of Planning Policy for the Peel-Harvey Coastal Plain Catchment with respect to the potential impact of the proposal on the environment and water quality;*
- *Seek advice from the Department of Environment, Water and Catchment Protection and, where the proposal is located within the Peel-Harvey Coastal*

*Plain Catchment, as indicated on the Scheme Maps, the Environmental Protection Authority, and have due regard for that advice in making its determination or defer the decision pending formal assessment under Part IV of the Environmental Protection Act.”*

### **LEGAL ISSUES/IMPLICATIONS**

See Statutory Issues.

### **COMMUNITY CONSULTATION**

In accordance with LPP1, the application was advertised to the adjoining neighbours for a period of 14 days. No submissions were received regarding the proposed development.

### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

#### **PRS**

The subject lots is zoned Rural under the PRS and therefore rural land uses are permitted. The management of the proposed Poultry Farm is required for the sustainable use of the land and assistance of conservation of natural resources including water. This includes locating the chickens away from standing water to reduce nutrient run-off into the Peel-Harvey Inlet.

#### **Local Planning Scheme No. 7 (LPS No. 7)**

The subject lot is zoned Rural 1 – General Farming under the Local Planning Scheme No. 7. Within this zone, ‘Poultry Farm’ is listed as a ‘D’ use and may be granted at the discretion of Council.

Rural zones are dealt with under clause 4.14 of the LPS.

Clause 4.14.1 states that Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Under LPS No. 7 a Poultry Farm is a type of Intensive Agriculture. The proposal meets the LPS No.7 Scheme definition for Poultry Farm, meaning any land and/or buildings used for the keeping, hatching and rearing of poultry, for either meat or egg production for purposes of trade, commercial reward or gain.

Under Clause 14.4.3 Intensive Agriculture & Rural Industry, when considering a proposal for intensive agriculture Council shall take into consideration:

- groundwater flow, drainage, and proximity to the Peel-Harvey River;
- the objectives of SPP 2.1 Peel-Harvey Coastal Plain Catchment; and
- refer and consider the advice from the relevant agencies.

#### **SPP 2.1 Peel-Harvey Coastal Plain Catchment**

Clause 5.3 states that land used for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System, shall be managed to reduce or eliminate nutrient export from the land. The subject lot borders a drain that feeds into the Peel-Harvey Catchment. The proposal will not exceed the target phosphorous export rate of 0.47kg/ha/year set by the EPP (1992). The input rate of 3.03kg/ha/year is well below



the target input rate of 6.5kg/ha/year cited within the *Hydrological and nutrient modelling of the Peel-Harvey Catchment (DoW, 2011)*.

State Planning Policy 4.3 – Poultry Farms (SPP4.3)

A condition and advice note are required to ensure compliance with the signage requirements of SPP4.3.

Shire of Waroona Strategic Community Plan 2016/17-2025/26

The proposed Poultry Farm development is consistent with the aims and principles towards achieving Theme number 3: Land Use – Responsible Land Use Planning and Protecting Rural Land.

Local Planning Strategy (LPS)

The proposed land use is listed as a discretionary use within the LPS and the proposal is considered to be consistent with the objectives of the Agricultural precinct, including to provide for the continued use of the area for a range of agricultural pursuits.

External Referral

DoW expressed concerns with the low lying land at the area where the chickens are depicted to be located. This area is subject to inundation in winter. *Environmental Code of Practice for Poultry Farms in Western Australia (Department of Environment, 2004)* states poultry facilities should be established on elevated sites and require clearance of more than two metres above the maximum ground water level.

Internal Referral

No objections were raised by internal departments, however there are a number of issues to be addressed:

Advice notes are required to address the Environmental Health issues of the proposal, and to inform the applicant that compliance with the following is required:

- Australian Food Safety Standards Code, and in particular 4.2.5 Primary Production & Processing Standard for Eggs and Egg Product;
- Codes of Practice for Poultry in Western Australia issued by the Department of Agriculture and the Department of Water; and

Conclusion

The proposal for up to 200 laying hens to be managed on a free-range basis across the area (approximately 35ha) is considered to be consistent with the provisions of the Local Planning Scheme No. 7, local planning strategy and planning policies. The proposal is not deemed to detrimentally impact the environment or amenity of the area provided nutrient run-off is managed to be consistent with the nutrient export rate. The proposal is recommended for approval with appropriate conditions and advice notes.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.2.3A,B</b>
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**VOTING REQUIREMENTS**

Simple Majority



**COUNCIL RESOLUTION****OCM17/05/043****MOVED: CR SCOTT****SECONDED: CR WRIGHT**

That in relation to the application for planning consent for the development of a Poultry Farm on Lot 27 Old Bunbury Road, Waroona, Council resolves to approve the application subject to the following conditions:

1. The development shall be carried out and fully implemented in accordance with the details indicated on the application and stamped approved plans.
2. Appropriate signage for the approved Poultry Farm shall be installed in accordance with the requirements of State Planning Policy 4.3 – Poultry Farms.
3. No retail sales are permitted from the approved Poultry Farm direct to the public.

**ADVICE TO APPLICANT:**

- A. The applicant is advised that the approved development is subject to the Australian Food Safety Standards Code, and in particular 4.2.5 Primary Production & Processing Standard for Eggs and Egg Product.
- B. The applicant is advised to obtain any relevant Codes of Practice for Poultry in Western Australia that may be issued by the Department of Agriculture and Food, the Department of Water or other agency.
- C. Signage is not approved as part of this application and signage may be subject to a separate application for planning consent.

**CARRIED 7/0**

**9.3 DEPUTY CEO/DIRECTOR CORPORATE SERVICES**

<b>9.3.1 ACCOUNTS FOR PAYMENT</b>	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 15/05/17	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers: 9.3.1</b>
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<b>COUNCIL RESOLUTION</b>		
<b>OCM17/05/044</b>		
<b>MOVED: CR GERMAIN</b>		
<b>SECONDED: CR MASON</b>		
<b>That Vouchers numbered:</b>		
<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
Municipal	Cheques 8572 - 8594	\$116,219.51
Trust (Cheque/EFTs)	EFT N/A Chq: 11120-11123	\$2,011.60
Electronic Transfers Municipal Fund	EFT 24793 to 24977	\$499,787.92
Direct Wages	01/4/17 – 30/4/17 inclusive	\$180,544.20
Direct Debits	01/4/17 – 30/4/17	\$1,555.73
<b>GRAND TOTAL:</b>		<b><u>\$800,118.96</u></b>
<b>and attached at Appendix 9.3.1 be endorsed.</b>		
<b>CARRIED 7/0</b>		



<b>9.3.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 30 APRIL 2017</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Financial Services / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Financial Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 16/5/17	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	N/A
Statutory Implications:	N/A
Strategic Implications:	N/A
Financial Implications:	N/A
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 "Active Civic Leadership, Good Governance, &amp; Excellence in Management"</b>	
<b>Voting Requirements</b>	<b>Simple Majority</b>

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.2</b>
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**COUNCIL RESOLUTION****OCM17/05/045****MOVED: CR SALERIAN****SECONDED: CR GERMAIN**

**That the Monthly Statements of Financial Activity for the period 1 July 2016 to 30 April 2017 be received and noted.**

**CARRIED 7/0**

<b>9.3.3 PROPOSED AMENDMENTS TO 2016/17 ADOPTED BUDGET</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall, Manager Financial Services; No Interest
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy CEO/Director Corporate Services; No Interest
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 16/5/17	File No.: 1/7
Previous Reference:	2016/17 Adopted Budget
Policy Implications:	<i>See Below</i>
Statutory Implications:	<i>See Below</i>
Strategic Implications:	<i>See Below</i>
Financial Implications:	<i>See Below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

The Council is requested to authorise several amendments to the 2016/17 adopted budget as described below.

### **BACKGROUND / INITIAL COMMENTS**

#### Building Maintenance Expenditure

There are a number of small budget amendments requested to be moving from one building maintenance account to another within different activities

#### Air conditioner Installation

Within the 2016/17 budget there are funds to replace the air conditioner at the Waroona Visitor Centre. This is still in reasonable working order and is requested to move the funds to the Admin building to an office where there is no suitable heating and cooling.

#### Scholarship Grants

Officers have been successful in acquiring two Department of Local Government and Communities scholarship grants which are being utilised by the Community Development Officer and Rec Centre Duty Manager

#### Youth Fest

A donation was received to contribute toward the Waroona Youth Fest, amendment is to increase the expenditure relating to the event.

### **PLANNING – STRATEGIC IMPLICATIONS**

NIL

### **REFERRALS**

NIL

## **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

Number 6; The relevant Strategic Community Plan reference is number 6 “Active Civic Leadership, Good Governance, & Excellence in Management”.

## **FINANCIAL ISSUES/IMPLICATIONS**

The following chart provides a summary of the changes which result in the overall budget remaining in a balanced position.

<b>2017/2018 BUDGET</b>		<b>Increase / decrease</b>
<b>PROPOSED BUDGET AMENDMENTS</b>		
139420	Reduce Budgeted expenditure	4,406
CC01	Amendment to balance over expenditure for CRC Building Maintenance	(2,600)
117020	Amendment to balance over expenditure for Eastcott Street Building Maintenance	(961)
124620	Amendment to balance over expenditure for Scout Hall Maintenance	(845)
118220	Reduce Budgeted expenditure	1,500
129220	Reduce Budgeted expenditure	3,000
AQ02	Amendment to balance over expenditure for Rec Centre Building Maintenance	(4,500)
101820	Reduce Budgeted expenditure	264
103420	Amendment to balance over expenditure for Admin Building Maintenance	(264)
AQ02	Reduce Budgeted expenditure	380
171540	Amendment to balance over expenditure for Rec Centre P&E Capital	(380)
135740	Reduce expenditure due to being able to postpone this replacement	(3,700)
105540	Increase expenditure to install air conditioner at the admin centre	3,700
152030	Increase income due to grant received from Dept. Local Government & Community	9,500
152620	Increase expenditure due to Community Development Scholarship received	(9,500)
170930	Increase income due to grant received from Dept. Local Government & Community	4,016
171020	Increase expenditure due to Youth Development Scholarship received	(4,016)
114630	Increase income due to cash donation for Youth Fest	1,818
114820	Increase expenditure to Youth Fest	(1,818)

## **POLICY ISSUES/IMPLICATIONS**

NIL

## **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Budget Amendments are required to be authorised by an absolute majority



**LEGAL ISSUES/IMPLICATIONS**

NIL

**COMMUNITY CONSULTATION**

Not Required

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A number of small budget amendments are to be considered to allow officer to continue their duties and responsibilities whilst staying within approved budget figures.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.3.3</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION****OCM17/05/046****MOVED: CR MASON****SECONDED: CR SNELL**

**That the 2016/17 adopted budget accounts be amended as per Appendix 9.3.3**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**9.4 CHIEF EXECUTIVE OFFICER**  
Nil

**10. CONFIDENTIAL REPORTS**  
Nil

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING**

**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**

**12.1 ELECTED MEMBERS**  
Nil

**12.2 OFFICERS**  
Nil

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 4.57 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 JUNE 2017 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER  
.....  
DATE