



Shire of Harvey

**DEVELOPMENT
SERVICES COMMITTEE
AGENDA**

14th November 2017

SHIRE OF HARVEY

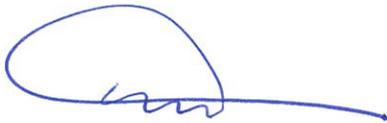
DEVELOPMENT SERVICES COMMITTEE MEETING

Dear Councillor,

Notice is hereby given that the next meeting of the Development Services Committee will be held on Tuesday, 14th November 2017, in the Council Chamber, Mulgara Street, Australind, commencing at 4:00p.m.

The business to be transacted is shown in the Agenda hereunder.

Yours faithfully,



For MICHAEL PARKER
CHIEF EXECUTIVE OFFICER

10th November 2017.

AGENDA

1. **OFFICIAL OPENING**
2. **RECORD OF ATTENDANCE/APOLOGIES**
3. **DECLARATIONS OF MEMBERS' AND OFFICER'S PERSONAL INTEREST**
4. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
5. **PUBLIC QUESTION TIME**
6. **PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

7. CONFIRMATION OF PREVIOUS MINUTES**7.1 DEVELOPMENT SERVICES COMMITTEE MEETING – Tuesday, 24th October 2017.**

That the Minutes of the meeting held on Tuesday, 24th October 2017, be confirmed.

RECOMMENDATION

That the Minutes of the Meeting, held on Tuesday, 24th October 2017, as printed be confirmed as a true and correct record.

8. REPORTS OF OFFICERS**8.1 PLANNING REPORT (Green)**

- 8.1.1 Clearing Permit Referral CPS 7767/1 – Proposed Clearing in State Forest for Apiary Site Maintenance – Western Honey Supplies Pty Ltd – State Forest No. 14 and 15 (RS/L/003).
- 8.1.2 Application for Development Approval – Alterations and Additions to Existing Service Station (Settlers Roadhouse) – Planning Solutions (on behalf of Marsino Pty Ltd) – Lot 1 (6045) Forrest Highway, Myalup (A5786).
- 8.1.3 Application for Development Approval – Use Not Listed (Rural Workers Accommodation) – L and A Sorgiovanni Pty Ltd – Lot 14 Eighth Street, Korijekup (A2664).
- 8.1.4 Request for Variation to Council Policy Prohibiting Use of Highly Reflective Building Materials (Zincalume) for reroofing heritage dwelling – Mr. D. E. Elphick – Lot 199 (13085) South Western Highway, Brunswick (A005065).

8.2 HEALTH REPORT (Caramel)

- 8.2.1 Health Report – 2016/2017 – Principal Environmental Health Officer – Shire of Harvey (HSH005).

8.3 BUILDING REPORT (Gold)

- 8.3.1 Building Permit Applications Received – Building Permits Issued – October 2017 – Shire of Harvey (BSR017 (15)).

9. MATTERS BEHIND CLOSED DOORS**10. CLOSURE**

8. REPORTS OF OFFICERS

8.1 PLANNING REPORT (Green)

| | |
|--------------------|---|
| Item No. | 8.1.1 |
| Subject: | Clearing Permit Referral CPS 7767/1 – Proposed Clearing in State Forest for Apiary Site Maintenance |
| Proponent: | Western Honey Supplies Pty Ltd |
| Location: | State Forest No. 14 and 15 |
| Reporting Officer: | Planning Officer (EE) |
| File No.: | RS/L/003 |
| | Attachment Reg. 17/32846 |

Summary

Council has been invited by the Department of Water and Environmental Regulation (DWER) to comment on a state wide Clearing Permit application to clear approximately 25.25ha in total of native vegetation for the maintenance of existing apiary sites. Of the 25.25ha proposed to be cleared only 0.4ha is within the Shire of Harvey over eight (8) individual sites. It is recommended that Council advises the DWER that it has no objections to the Clearing Permit.

Background

Western Honey Supplies Pty Ltd has applied to the DWER for a Clearing Permit to maintain the immediate area surrounding 505 existing apiary sites located throughout the State (refer **Attachment 1**). Of the total existing apiary sites, eight (8) are located within the Shire (refer **Attachment 2**).

Existing sites 1798, 1799, 2339, 4616 and 5201 are located within State Forest No. 14 and sites 2275, 2276 and 5192 are located within State Forest No. 15.

Maintenance of the apiary sites generally involves clearing approximately 500m² at each site via mowing/slashing. The DWER has advised that a Clearing Permit would be conditional upon the retention of mature trees.

Comment

The apiary sites located within the Shire are existing and the clearing required for the maintenance of the sites is standard practice by apiary site owners. As no mature vegetation will be permitted to be cleared, Staff have no issues with the proposal. It is therefore recommended that Council advises the DWER it has no objections to the granting of the Clearing Permit.

Statutory/Policy Environment

Environmental Protection Act 1986

Section 51E – Clearing Permits, Applying for, Granting, Refusing etc

- (4) *If the application complies with subsections (1) and (2), the CEO shall –*
- (b) *invite any public authority or person which or who has, in the opinion of the CEO, a direct interest in the subject matter of the application, to comment on it with such period as the CEO specifies;*

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

"Continue to implement integrated environmental, social and land use planning which will:

- protect significant vegetation, where possible."*

Budget Implications

Nil.

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Environmental or Reputational if incorrect advice is given. The Risk is mitigated by the report being thoroughly researched, peer reviewed and prepared by a qualified Council officer, resulting in LOW Risk being present.

Officer's Recommendation

That Council advises the Department of Water and Environmental Regulation that it has no objections to Clearing Permit CPS 7767/1 for Western Honey Supplies Pty Ltd to maintain existing apiary sites 1798, 1799, 2339, 4616 and 5201 within State Forest No. 14 and 2275, 2276 and 5192 within State Forest No. 15.

Item No. 8.1.2

Subject: Application for Development Approval – Alterations and Additions to Existing Service Station (Settlers Roadhouse)

Proponent: Planning Solutions (on behalf of Marsino Pty Ltd)

Location: Lot 1 (6045) Forrest Highway, Myalup

Reporting Officer: Planning Officer (EE)

File No.: A5786

Attachment Reg. 17/32478

Summary

A Development Application has been received (refer ***Attachment 1***) for the "Settlers Roadhouse" service station on Forrest Highway that proposes to undertake minor alterations and additions to upgrade the existing aging facilities, rectify undesirable operational elements and improve the general safety and efficiency of vehicle movements and parking within the site. The application does not propose to increase the retail floor area of the existing restaurant/shop or the number of bays and no changes are proposed to the existing constructed and approved access to and from Forrest Highway.

Given that the proposed scope of works are minor and incidental, approval under the Greater Bunbury Region Scheme (GBRS) is not required nor is there any requirement for referral to Main Roads WA (MRWA). Whilst Staff have delegation to determine this application, the prominence of the site warrants referral to Council. It is recommended that Council approves the application subject to appropriate conditions.

Background

Site Description

The existing service station (known as Settlers Roadhouse) is located on a 1.1ha portion of Lot 1 (6045) Forrest Highway, Myalup (refer **Attachment 2**). The site is generally flat and has direct vehicle access to and from Forrest Highway. Lot 1 is zoned "General Farming" with the portion of the site containing the service station (the site) being zoned "Special Use – Service Station" under the Shire's District Planning Scheme No. 1 (Scheme). The lot and site is zoned "Rural" and abuts a "Primary Regional Road" reservation under the Greater Bunbury Region Scheme (GBRS) (refer **Attachment 3**).

Proposal

The application proposes to undertake minor alterations and additions to upgrade the existing aging facilities, rectify some undesirable operational elements and to improve the safety and efficiency of vehicle movements and parking. The extent of the proposed works are detailed as follows:

- *General Alterations and Additions*

The proposed alterations and additions will include an upgrade to the recreational spaces and toilets to improve the facilities available to customers and the travelling public as well as the overall appearance of the service station. The proposed alterations and additions include:

- a. Extension to the existing toilet block to provide six (6) female toilets (including an accessible toilet) and four (4) male toilets and urinal (including an accessible toilet);
- b. Enclosure of the existing service yard and fuel tank area at the rear of the restaurant/shop with a 2.4m high colorbond fence;
- c. Play equipment area located east of the restaurant/shop, contained by a 2.4m high colorbond fence; and
- d. New 34.5m² storeroom extension at the rear of the restaurant/shop.

- *Access and Movement*

The existing access to and from Forrest Highway will remain unchanged. The proposal seeks to improve the internal movement of service and commercial vehicles through the site to enable more logical and defined movement paths. The proposed design and layout is sufficient to accommodate the swept paths of a 26m B-Double commercial vehicle, and would substantially improve the current situation with regard to commercial and recreational vehicle parking (caravan, boats etc). The proposed alterations and additions include:

- a. Replacement and relocation of the existing truck fuel bowsers to provide a two lane commercial vehicle refilling point north of the existing service station building. This includes a dedicated commercial vehicle passing lane south of the fuel bowsers providing for the passing of vehicles whilst bowsers are in use. (The current location of the truck fuel bowsers creates an undesirable and unsafe conflict between trucks and standard vehicles and pedestrians. The relocation of the truck fuel bowsers will reduce the interaction and conflict between the trucks and standard vehicles and pedestrians.);
- b. Construction of a 6.3m high canopy above the relocated truck fuel bowsers;
- c. A 4.01m extension to the existing canopy above the standard vehicle refuelling stations to meet current Standards;

- d. Sealing of the existing truck manoeuvring area at the rear of the site; and
- e. Various kerbing modifications and line markings to delineate and direct vehicle movements.

- *Car Parking*

The proposal seeks to rectify undesirable vehicle parking arrangements which often results in vehicles parking within the road reserve and across multiple parking bays. The proposed alterations to the parking includes:

- a. Retention of three (3) accessible parking bays adjacent to the restaurant/shop;
- b. Retention of two (2) service parking spaces within the service yard;
- c. Various modifications to existing car parking bays, including the conversion of eight (8) normal parking bays into four (4) long vehicle bays (designed for parking of towed caravans etc); and
- d. 34 standard car parking bays located within the south west corner of the site.

- *Signage*

The proposal also incorporates advertising signage to reflect the rebranding of the site to “Puma Settlers Service Station” with like-for-like replacement of existing signage. The proposed signage is consistent with Puma’s corporate branding implemented on all new and refurbished sites across Australia. The proposed signage comprises:

- a. A 4.5m x 0.75m “Settlers Café” sign on the west elevation of the existing restaurant/shop;
- b. A 5m x 0.9m “Puma” canopy sign on the north and west facades of the existing/extended standard vehicle canopy;
- c. A 5m x 0.9m “Puma” canopy sign on the north and west facades of the proposed truck canopy;
- e. Various “Puma” information and directional signs; and
- f. Removal of the community information sign with its relocation to be subject to a separate application process.

- *Effluent Management*

The proposal includes the removal of all existing septic tanks and leach drains and the installation of a new Biomax System. The new system will collect and treat wastewater which will then be sent to an effluent treatment area within an adjacent landscaped area. An Effluent Management Plan has been provided.

Advertising/Referral

As evidenced by **Attachment 4**, the proposal is considered to be ancillary/incidental and therefore does not require referral to the Western Australian Planning Commission or Main Roads WA (MRWA).

The proposed works are therefore exempt pursuant to section 3(ii) of the Clause 27 Resolution of the GBRS.

Whilst clause 2.2 of the Scheme refers to the requirement for applications to be referred to MRWA for sites that adjoin an "Important Regional Road", Forrest Highway is not shown on the Scheme Map as an "Important Regional Road" and therefore this clause is not applicable.

Clause 66 of the Deemed Provisions provides that the local government is to refer an application to another statutory or public authority if the local government is of the opinion that the application may affect that statutory or public authority. In this instance, the referral to MRWA is not required.

It is acknowledged that other applications have been referred to MRWA, however those have been for new development of ones which have sought to intensify existing landuses.

Comment

In assessing the subject application, Staff have noted the following:

- *Stormwater Management*

No details have been provided to demonstrate how stormwater will be managed on the site from the additional roof space and hardstand areas. The lack of stormwater management details would not prevent Council approving the application as this can be addressed by the imposition of appropriate conditions.

- *Effluent Management*

A few inconsistencies have been noted with the provided Effluent Management Plan (EMP) such as:

- a. The EMP referring to a Biomax C100 system whereas the application documentation refers to a Biomax C80 system; and
- b. The wastewater design flow calculations in the EMP only refers to the extended toilet block and does not refer to other sources of wastewater such as the kitchen and toilets within the restaurant/shop building.

The inconsistencies in the EMP would not prevent Council approving the application as the requirement for an amended EMP can be imposed as a condition and the approval of the Department of Health would be required prior to installation of the system.

- *Access*

Aerial photography of the site indicates there is an informal 'track' (not approved by MRWA) from the existing car park and across the verge (road reserve) for direct access to Forrest Highway. The site is adequately serviced by two constructed and approved access points to and from Forrest Highway and therefore informal access to Forrest Highway should be prevented. This matter can be addressed by a condition requiring a suitable method of treatment to prevent informal access from the car parking area directly onto Forrest Highway (such as the installation of bollards or non-mountable kerbing).

- *Signage*

Albeit the proposed signage is simply a like for like replacement of the existing signs an approval from the Shire and/or MRWA is still required prior to installation.

- *Ancillary Development*

Staff support the incidental and ancillary development which include additional ablutions (in response to public demand), children's play area, enclosure of the service yard and increased size of the overhead canopy.

The relocation of the existing truck bowsers, improved drainage, improved effluent disposal and vehicle circulation do not constitute development and therefore do not require the need for Development Approval.

Notwithstanding the proposal represents more of a 'face lift', the current usage of the subject site warrants consideration of a Construction Management Plan to detail how the site and car parking will be managed during the construction of the proposed works.

Conclusion

The application proposes to undertake minor alterations and additions to upgrade the existing aging facilities, rectify undesirable operational elements and improve the general safety and efficiency of vehicle movements and parking within the site. The application does not propose to increase the retail floor area of the existing restaurant/shop or the number of bowsers. There are no proposed changes to the existing constructed and approved access to and from Forrest Highway. It is recommended that Council approves the application subject to appropriate conditions.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

The following are portions of Schedule 2 – Deemed Provisions that are relevant to this request:

Part 9, Clause 66 – Consultation with Other Authorities

“(1) When, in the opinion of the local government, an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.”

Greater Bunbury Region Scheme

Part 6, Clause 27 – Resolution as to Development in Respect of Zoned Land Requiring Approval

“(1) The Commission may by resolution require development on land zoned under this Scheme to have the planning approval of the Commission before it is commenced or carried on.”

Resolution Under Clause 27 of the GBRS

Schedule 1 – Development on Zoned Land Requiring Planning Approval, Clause 3 – Land Abutting a Regional Road Reservation

“Exceptions ... (ii) Ancillary and incidental development that does not encroach onto the regional road reservation and where no additional, relocated or new access is proposed.”

Health Act 1911 and Public Health Act 2016 provide the statutory framework associated with the installation of the on-site effluent disposal system.

Food Act 2008 provides the statutory framework associated with the kitchen facilities.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

“Continue to implement integrated environmental, social and land use planning which will:

- minimise land use conflict.”*

Budget Implications

Nil.

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Environmental, Financial, Reputational or Compliance if incorrect advice is given or a condition missed. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Council officer, resulting in LOW Risk being present.

Officer’s Recommendation

That Council:

1. Approves the Application for Development Approval for Alterations and Additions to the existing Service Station (known as Settlers Roadhouse) on a portion of Lot 1 (No. 6045) Forrest Highway, Myalup subject to the following conditions:
 - a. The development and/or use shall be generally in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without the prior written approval of Council;
 - b. This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;

Prior to a Building Permit being issued

- c. Detailed plans and specifications demonstrating that all stormwater will be contained and disposed of on-site shall be submitted to and approved by the Shire’s Executive Manager Technical Services prior to a Building Permit being issued. Such plans shall identify proposed invert levels, cover levels, pipe sizes and grade. If sandy soils, 1m³ of storage capacity for every 65m² of impermeable surface should be provided. If clayey soils, 1m³ of storage for every 100m² of impermeable surface should be provided;

- d. An amended Effluent Management Plan shall be submitted to and approved by the Shire's Principal Environmental Health Officer and the Department of Health prior to a Building Permit being issued. The amended Effluent Management Plan is to demonstrate that the proposed effluent treatment and disposal system adequately caters for all sources of wastewater;
- e. A Landscape and Reticulation Plan shall be prepared and submitted for approval by the Shire's Manager Planning Services prior to a Building Permit being issued. The Landscape and Reticulation Plan shall include all landscaped and reticulation areas within the development site and specify details of the vegetation species, number of plants and spacing of plants;
- f. A Bank Guarantee or Bond of \$5,000 shall be submitted prior to a Building Permit being issued for the purpose of installation of landscaping and reticulation. Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of 12 months after the installation of the landscaping and reticulation;

Prior to Commencement of Works

- g. A Construction Management Plan shall be submitted to and approved by the Shire's Executive Manager Technical Services prior to the commencement of any works on the development site. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
 - i. Provision of parking for customers, contractors and subcontractors;
 - ii. Access to bowsters for standard vehicles and commercial vehicles;
 - iii. Traffic management within and around the site;
 - iv. Management of construction waste;
 - v. Dust mitigation measures; and
 - vi. Effluent management.

By Completion of Works

- h. Direct vehicle access to the road reserve from the south western car parking area shall be restricted by the installation of appropriate structures within the property boundary to the satisfaction of the Shire's Executive Manager Technical Services prior to practical completion of the approved development;
- i. The car parking areas and access ways within the property boundary shall be suitably constructed, sealed, drained, kerbed, marked and thereafter maintained, to the specification of the Shire's Executive Manager Technical Services prior to practical completion of the approved development;
- j. All line marking of car parking areas and access ways shall be undertaken as shown on the approved plan to the satisfaction of the Shire's Executive Manager Technical Services prior to practical completion of the approved development;
- k. The approved development shall be connected to an effluent disposal system as approved by the Health Department of WA and/or the Shire's Principal Environmental Health Officer prior to practical completion of the approval development;

Most of the lot is covered by an orange tree orchard (refer **Attachment 2 – Aerial**) with the workers accommodation to be located in the cleared area in the south eastern corner of Lot 14.

Currently the main access to the site is via a limestone access road which skirts the western side of the river within the Harvey River conservation reserve. The use of this reserve for road access by private landowners is not the intended use of the river reserve area and if the proposal is advertised and approved, an alternative site access will need to be utilised.

Proposal

It is proposed to locate a 12m x 3m x 2.9m height transportable building at a location 33 metres from the eastern boundary and 11 metres from the southern boundary of Lot 14 (refer **Attachment 3 – Site Plan**).

Staff have discussed with the applicant the need for a revised site that achieves compliance with the 20m setback required by the Scheme. However, the applicant has requested that the setback as proposed (11m) be considered as locating the shed in that location would avoid the need for any fruit trees to be removed. Should the adjoining landowner be supportive, Staff are supportive of the reduced setback.

Workers Accommodation History

Accommodation for rural workers has previously been considered by Council on the following occasions:

- June 2007, Council approved “Workers Accommodation” on an “Intensive Farming” zoned property in Cookernup;
- February 2008, Council approved “Workers Accommodation” on a “General Farming” zoned property in Uduc; and
- September 2008, Council approved “Workers Accommodation” on a “General Farming” zoned property in Myalup.

Comment

Staff consider that the proposed use cannot reasonably be determined as falling within the interpretation of an existing use class in the Scheme.

Clause 4.2.4(c) makes provision for a “Use Not Listed” to be considered and provides that Council can “*determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone*”. The policy statement contained within Table 25 (“Intensive Farming”) of the Scheme refers to protecting the Shire’s irrigated farmland. This is consistent with the identification of the subject property as being within the Greater Bunbury Region Scheme Strategic Agricultural Resource Policy Area.

Given that Lot 14 is an operating citrus orchard and the proposal will assist with the seasonal operation of the intensive farming use, it can be considered that the proposal may be consistent with the objectives and purposes of the zone.

If Council determines that the proposed “Rural Workers Accommodation” use may be consistent with the objectives and purposes of the zone, pursuant to Clause 4.2.4(c) of the Scheme, the application is required to be advertised for a period of at least 14 days and then referred to Council for determination.

Conclusion

The proposed “Rural Workers Accommodation” which will supplement the Intensive Farming activity in the area, is considered by Staff to be consistent with the objectives of the zone and it is recommended that Council:

- Determines the use may be consistent with the objectives and purpose of the zone;
- Advertises the application; and
- Receives a further report following the closure of advertising.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

The following are portions of Schedule 2 – Deemed Provisions that are relevant to this application:

Section 64 – Advertising Applications

“(1) An application for development approval must be advertised under this clause if the proposed development —“

“(b) relates to a use if —

(i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and

(ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;”

“(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —

(a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;”

Greater Bunbury Region Scheme – Strategic Agricultural Resource Policy 2005

The following are portions of the Strategic Agricultural Resource Policy that are relevant to this application:

“1.3 ...This policy aims to prevent development which may adversely affect the efficient and ongoing use of the policy areas for existing and potential agricultural production.”

“5.5 The following land use permissibilities are appropriate for the rural land and related land uses in any current rural zones within the policy areas... Farm workers accommodation ‘D’ or ‘A’...”

Shire of Harvey District Planning Scheme No.1

The following are portions of the Scheme that are relevant to this application:

- Clause 4.2.4 – Zoning and Development Tables

“If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the land use categories the Council may:-“

“(c) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 2.3 in considering an application consent. In approving such an application the Council may apply any conditions or development standards it deems necessary.”

- Table 25 – Zoning and Development Standards (Intensive Farming)

“Policy Statement: Council has identified by zoning and intends to protect from inappropriate use the valuable irrigated farmland in the Scheme area.”

Greater Bunbury Region Scheme (GBRS) – Strategic Agricultural Resource Policy 2005

The subject site is located within a “Strategic Resource Policy Area”. The Policy aims to prevent developments, within areas identified as a strategic agricultural area which may adversely affect the efficient and ongoing use of the areas for agricultural production. The Policy provides guidance on appropriate land uses within the strategic agricultural areas with “farm workers accommodation” being included as a suitable use. The GBRS referred to “farm workers accommodation” being definition in a previous version of Statement of Planning Policy No. 2.5 – Agricultural and Rural Land Use Planning provided. This definition was:

“accommodation for workers employed for agricultural and intensive agricultural activities on that holding”.

The accommodation proposed by the subject application is consistent with this definition.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

“Continue to implement integrated environmental, social and land use planning which will:

- *minimise land use conflict.”*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Reputational or Compliance if incorrect advice is given. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Council officer, resulting in LOW Risk being present.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Pursuant to Clause 4.2.4(c) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed "Use Not Listed" detailed in the Application for Development Approval for Lot 14 Eighth Street, Korijekup can be considered as "Rural Workers Accommodation" which may be consistent with objectives and purposes of "Intensive Farming" zone.

BY ABSOLUTE MAJORITY

2. Pursuant to Clause 4.2.4.(c) of the Shire of Harvey's District Planning Scheme No. 1, the Application for Development Application for "Rural Workers Accommodation" and reduced setback on Lot 14 Eighth Street, Korijekup be advertised for public comment for a minimum of 14 days in accordance with Section 64(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Receives a further report to determine the Application for Development Application for "Rural Workers Accommodation" and reduced setback on Lot 14 Eighth Street, Korijekup.

| | |
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| Item No. | 8.1.4 |
| Subject: | Request for Variation to Council Policy Prohibiting Use of Highly Reflective Building Materials (Zincalume) for reroofing heritage dwelling |
| Proponent: | Mr. D. E. Elphick |
| Location: | Lot 199 (13085) South Western Highway, Brunswick |
| Reporting Officer: | Planning Officer (RD) |
| File No.: | A005065 |
| | Attachment Reg. No. 17/32945 |

Summary

Council has received an Application for Development Approval to reroof a dwelling on Lot 199 (No. 13085) South Western Highway, Brunswick (subject site). The application is referred to Council for determination as the landowner is seeking to use zincalume, which is not permitted without Council approval pursuant to Council Policy 4.1.11 'Reflective Materials with a "Place of Landscape Value"'.

The single dwelling is on the Shire of Municipal Heritage Inventory (MHI) (Place No. 65 - Viewbank) with an assigned Management Category 3. The use of zincalume, to replace the existing and deteriorated galvanised roof would complement the heritage style of the dwelling. The proposed roof sheeting is not considered to have a negative impact on the visual amenity of the area. It is recommended that Council grants Development Approval subject to conditions.

Background

The subject site is zoned 'General Farming' under the Shire of Harvey District Planning Scheme No. 1 (Scheme) and located in a 'Place of Landscape Value'. The property is located 400m north of Brunswick Junction, on the eastern side of South Western Highway (refer **Attachment 1**). The dwelling (colloquially known as the "Viewbank") was built by John Crampton in the 1860s. It listed on the Shire's Municipal Heritage Inventory (Place No. 65) with a Management Category 3 (refer **Attachment 2**).

The building is in currently in poor condition and needs to be restored. The landowner is seeking to replace the existing zincalume roof with new zincalume sheets in order to maintain building's authenticity (refer **Attachment 3**). The area around the dwelling is heavily vegetated and would help reduce the visual impact of the zincalume.

Council has previously supported the use of zincalume as an external building material in a "Place of Landscape Value" in order to maintain the heritage values of those properties of a similar nature (Lot 51 South Western Highway, Bengfer).

Comment

The property is subject to Council Policy 4.1.11 '*Reflective Materials with a "Place of Landscape Value"*' (Policy), which applies to Places of Landscape Value as defined in the Scheme. The objectives of the Policy are:

- “1. *To ensure that proposed development will not have a detrimental impact on the visual amenity in areas identified within a Place of Landscape Value by the Scheme.*
2. *To preserve the scenic character of landholdings within a Place of Landscape Value, properties adjacent to or within view of designated scenic roads and other traffic routes of local and regional importance.*
3. *To acknowledge the thermal energy efficiency of highly reflective materials, however only permit such use where the visual impact can be avoided.”*

Where the Policy applies, the onus is on the Applicant to demonstrate that the use of highly reflective materials will not conflict with the Policy. The applicant has provided justification to support the use of the material for this property (refer **Attachment 4**).

Council's Policy does allow for the use of reflective materials where a specific set of criteria can be met and its use considered appropriate by Council. The criteria are listed in the table below. Staff comments in relation to each criterion are also provided in the table.

| Criteria | Staff Comments |
|--|---|
| The proposed development is considered by Council and an absolute majority votes in favour. | Acknowledged. It is recommended that Council determines by absolute majority to grant Development Approval for the reroofing of a heritage building with a zincalume roof. |
| There is sufficient vegetation or other landscaping already in place that will ensure that any proposed development will not be seen from any public road or surrounding landholdings. | The building will be visible from South Western Highway, however there is an appropriate amount of vegetation (garden beds and native vegetation) that will assist in mitigating the potential visual impact. |
| The reflective material will not create a nuisance or hazard. | <p>There is heavy vegetation around the building which will result in minimal visual impact and thereby will not create a nuisance or hazard.</p> <p>The proximity of the dwelling from South Western Highway is noted however, over time the reflectivity will diminish.</p> |
| The use of reflective material will not detrimentally affect the scenic character of an area, or impact on scenic vistas. | The use of zincalume on the roof of the building can be considered as an “exception” to the policy as will not detrimentally affect the amenity of the area. Using any other material may have a detrimental impact on the heritage value of the building and lessen its authenticity. |
| The use of reflective materials will not undermine or contravene this Policy or the provisions of the Scheme. | The MHI recognises the heritage value of the property (Place No. 65). The landowner is seeking to restore the building using original materials wherever possible. Supporting the development would not undermine the provisions of this Policy or the provisions of the Scheme. Approval would assist in maintaining the heritage value of the property. |

Council’s Policy aims to control the use of highly reflective building materials in certain parts of the Shire including Places of Landscape Value. The Policy recognises that highly reflective building materials can sometimes detract from the scenic rural character of an area and create a nuisance or hazard.

The proposed zincalume roof will be partially visible from South Western Highway but is unlikely to create a nuisance and hazard due to the vegetation and landscaping around the building. The use of the zincalume material would be in keeping with the building’s original design and help to preserve its heritage value. Staff consider there are no perceived adverse consequences arising from an approval of the proposed zincalume roof. Based on the assessment against the above criteria it is recommended that Development Approval be granted.

A condition to prevent vegetation or landscaping around the building being removed, unless as otherwise approved by the Manager of Planning Services, is considered appropriate to mitigate any likely visual impact in the short term.

Albeit only minor works are proposed it is recommended that photographic evidence of the works be provided to ensure that these works are documented thereby ensuring an accurate description of the dwelling in future MHI reviews is included.

Statutory/Policy Environment

Council Policy 4.1.11 'Reflective Materials with a "Place of Landscape Value"'

Clause 8.1.2 of the Scheme pertaining to Places of Landscape Value states:

"A person shall not without the special approval of the local government at or on a place of landscape value carry out any development including, but without limiting the generality of the foregoing:

- (a) The erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to the general rural pursuits of the locality);*
- (b) Clearing of land or removal of trees associated with a building of Heritage Value;*
- (c) The erection of advertising signs; and*
- (d) The clearing of land."*

Council Policy 4.1.11 'Reflective Materials with a "Place of Landscape Value"' is the primary means of controlling the use of highly reflective building materials in Places of Landscape Value with any variation requiring the need for an 'Absolute Majority' decision of Council.

Local Planning Policy for Heritage

Clause 13 a) of the policy states:

"Where alterations or extensions are proposed consideration should be given to making these modifications sympathetic to the heritage values of the place, and retention of original fabric is encouraged where feasible."

The applicant is seeking to reroof the building using zinaclume in order to maintain the authenticity of the building and preserve its heritage value.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Outcome 2.1.1 and 4.3.4 state:

- 2.1.1 *"Encourage the preservation of significant heritage properties and precincts within the Shire"*
- 4.3.4 *"Monitor and ensure compliance with the regulatory framework for local government business."*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/information***. The Consequence could be Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Exercises its discretion under Clause 2 of Council Policy 4.1.11 'Reflective Materials with a "Place of Landscape Value"' and supports the proposed Dwelling (Place No. 65 – Viewbank) to be reroofed using zincalume sheeting at Lot 199 (13085) South Western Highway, Brunswick; and

ABSOLUTE MAJORITY REQUIRED

2. Grants Development Approval for Dwelling (Place No. 65 – Viewbank) at Lot 199 (13085) South Western Highway, Brunswick subject to the following conditions:
 - a. A person shall not without the written approval of Council, use a building, or part of a building or land in respect of which Council has granted Planning Consent, subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;
 - b. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of Council;
 - c. No vegetation or landscaping within the area marked in red on the approved plans shall be removed without first acquiring approval from the Manager of Planning Services;
 - d. Prior to the completion of works, the owner shall submit an archival record of the subject site to the satisfaction of the Manager of Planning Services. The record must provide photographs of the roof replacement prior to, during and at the completion of the works; and
 - e. This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

Advice Note:

- a. The Shire's Health Department advises that any asbestos will need to be dealt with in accord with the Health Act 1911; and
- b. In accordance with the Building Act 2011, a Building Permit is required to be obtained prior to the commencement of any works on the site.

8.2 HEALTH REPORT (Caramel)

Item No. 8.2.1

Subject Health Report– 2016/2017
Proponent: Principal Environmental Health Officer
Location: Shire of Harvey
Reporting Officer: Principal Environmental Health Officer
File No.: HSH005

Attachment Reg. No.

Summary

This report is a summary of the major duties undertaken by the Shire's Environmental Health Department for the period commencing July 2016 and finalising June 2017.

A statistical report is tabulated (refer **Attachment 1**) which indicates activities and duties undertaken and is supported by a number of operational statistics of specific interest.

It is recommended that Council notes and receives this report.

Background

Council, at its meeting held 17th August 2010, adopted the document entitled, "*The Shire of Harvey – Environmental Health Operational Plan (EH Plan)*."

The EH Plan is consistent with the aspirations and objectives of Council's Strategic Community Plan 2013-2023 and provides the mechanism to satisfy Council's legislative obligations under the Health Act 1911 and the Food Act 2008. Furthermore, the EH Plan also addresses the Waste Avoidance Resource Recovery Act of 2007 and the Caravan and Camping Grounds Act 1995.

Health activities are not restricted to the pursuit of just legislation but considerable effort is directed at the dissemination of public health education. Mosquito health education programmes, food safety and on-line food training through Council's "I'm Alert" package, are examples of activities undertaken for the benefit of the public without particular regard to legislation.

Environmental Health Officers (EHOs) pursue a range of legislation regulated by the Health Act 1911 and Food Act 2008. To achieve compliance; monitoring, advice and education is preferable to exclusively relying on a legal remedy. A stepped approach relevant to the level of the breach is undertaken however, a serious breach of legislation is required to be pursued with urgency, with "on the spot" infringements or prosecution.

Waste management, which includes the administration of the refuse and recycling contracts as well as the Richardson Road landfill facility, now consumes considerable Staff time and resources. The waste and recycling reports are attached for Council's information (refer **Attachment 2**).

Staff have focused on the following subjects for Council's interest.

Comment

1. The Environment Health Operational Plan

The Environment Health Operational Plan (EH Plan), describes numerous environmental health strategies, and legislation to achieve positive public health outcomes. Since the adoption of the EH Plan new environmental health issues have emerged which require enhanced knowledge and in some circumstances, new or amended legislation. The EH Plan has been amended to reflect any modifications in legislation or procedures which will affect the EHO's ability to undertake their duties. Included in the Plan is documentation listing these amendments.

Environmental Health Officers for the purpose of statistical analysis against the requirements of the EH Plan record have entered major daily duties into monthly reports. It must be stated that whilst achieving the required number of inspections per premise is a valuable statistical tool these numbers do not in isolation necessarily reflect the effectiveness of the inspections.

2. Public Health Plan

Public Health Plans (PH Plan) will be a future requirement of the Public Health Act 2016, but will not be legally required until the implementation of stage 5 of the Act in approximately four (4) years time.

To assist local governments the DoH has introduced an *Interim State PH Plan* which includes:

- *Part 1: A health status report for Western Australians.*
This section aims to examine the public health trends in WA and identify areas of inequalities in particular sub groups.
- *Part 2: Objectives and policy priorities 2017-2021.*
This section outlines the proposed health objectives and policy priorities for WA for the next 5 years.

A number of local governments have developed or are producing PH Plans in anticipation of stage 5. The aims/outcomes of the PH Plans is a quantum shift from traditional environmental health duties and appear to be directed more at community health trends, e.g. exercise/mobility, nutrition, healthy lifestyle choices.

Staff will investigate the process for developing PH Plans and present a further report to Council.

3. Food Premises

The inspection frequency of a food premises is primarily dictated by the risk rating which is defined by the food types and food processing methods. Staff's aim is to inspect a high risk business three (3) times per year and low risk, once per year. This will also vary depending upon the outcomes of an inspection. A premise which requires more rigorous surveillance can be re-inspected on a more regular basis (e.g. fortnightly), until satisfactory standards are achieved and maintained. For this reporting period one (1) infringement and six (6) Improvement Notices were issued pursuant to the Food Act 2008. All Improvement Notices were compiled with.

There are 312 food businesses (289 for 2015/16) registered within the Shire which is an increase of 23 from last year. Of that number there are 138 businesses that notified the Shire of their existence and may require some level of inspection but are exempt due to their community status from the requirement to register or pay a fee.

The following table describes the number of anticipated inspections set by Staff:

- 293 (267 for the 2015/16 period) inspections will be targeted for low, medium and high risk premises; and
- Inspections numbers for Community Exempt Groups cannot be anticipated as this is calculated by the risk type. The term Exempt only relates to the non-payment of a fee.

| Risk categories | Number of registered premises | Frequency of Inspection per year | Anticipated number of inspections | Total Inspections |
|---|--------------------------------------|---|--|--------------------------|
| Very Low Risk and Community Exempt Groups | 138 | Only when necessary | Depending on food type | ? |
| Low Risk | 55 | 1 | 1 | 55 |
| Medium Risk | 93 | 2 | 2 | 186 |
| High Risk | 26 | 2 | 3 | 52 |
| Total | 312 | | | 293 |

Staff achieved a total of 327 (295 for 2015/16) food premise inspections out of the anticipated 293. This equates to 112% of the anticipated number of inspections. The Principal Environmental Health Officer (PEHO) considers this a high level of achievement. Not captured by the statistics is the time dedicated to assisting businesses with the initial food premise fit out or follow-up inspections to ensure health education or compliance with Improvement Notices.

The sustained increase in commercial developments continues to place pressure on Staff to achieve target expectations. As a result Staff have adjusted inspection regimes to focus on low, medium and high risk by reducing inspections on the very low risk categories.

The activity of community groups classified as exempt businesses continue to be high however efficiencies has reduced the amount of Staff time required to process these applications. Staff now requires that a community group that regularly operates from a location applies with the bulk dates instead of multiple applications. The processing of these applications can be time consuming but does not attract a fee.

In addition to premise inspection, duties also include the recall of compromised food with 26 (33 for 2015/16) recalls being undertaken for this reporting period. In most situations the food is returned to the manufacturer, or in extreme circumstances destroyed in the presence of an EHO.

4. Water Sampling

The surveillance of various types of water is scheduled into annual programmes of:

- Environmental;
- Potable water; and
- Swimming pools.

For the reporting period 269 samples were taken compared to 245 for the previous year. The majority of potable samples are defined as private supplies which are available to the public, such as caravan parks, roadhouses and rural tourist accommodation. Potable and public swimming pool waters are sampled once per month. Any site which fails to meet the biological standards are investigated for the possible source of contamination and re-sampled immediately.

Environmental/recreational water samples have been taken from the Logue Brook Dam, Binningup and Buffalo Beaches for the purpose of long term surveillance and trends. If however, the sampling site exhibits gross contamination the closure of the water body to the public could be considered, however this is difficult to enforce.

5. Mosquito Control

Mosquito control is one of the Shire's most important public health issues and it is to be noted that a separate and comprehensive report on mosquito control activities was presented to Council on 18th July 2017. This report can be made available to Councillors on request from the PHEO.

For Councillors interest, the Leschenault Contiguous Local Authority Group (CLAG) is the longest servicing CLAG and was established in 1990 between the local governments of Harvey, Dardanup and Bunbury.

In February 2015, the Shire being a member of the Leschenault CLAG, signed an updated agreement in the form of an Memorandum of Understanding (MoU) between the local government members and the Department of Health (DoH) to formalise each signatory's responsibilities. The MoU continues to operate effectively.

The intensity of mosquito control activities is determined by a variety of climatic conditions and virus activity. Staff will continue to vigorously control mosquito populations to endeavour to prevent the spread of disease to the human population.

To complement mosquito control activities the Leschenault CLAG initiated a health education media campaign in 2004. This has been very successful and enhanced with the inclusion of the Geographe CLAG.

In response to the previous year's market research, the CLAG reviewed and modified its public health communication strategy which resulted in the following:

- TV advertising through GWN7 was initiated, with a 10 week period campaign, commencing 26th December 2016;
- Radio advertising through a Radio West/Hot FM campaign was initiated in October 2016 and ceased in January 2017;
- Newspaper advertising September to November 2016;
- "Fight the Bite" Website (continuous blanket coverage);
- Social media through an external provider (continuous blanket coverage); and
- Bunbury Caravan and Four Wheel Drive Expo, Payne Park in Bunbury. A joint staffed display stand promoting mosquito control and awareness (Saturday 26th and Sunday 27th November 2016).

The establishment of the “*Funding Initiative for Mosquito Management in Western Australia*” (FIMMWA) 2013 by the former state government resulted in the Leschenault CLAG procuring approximately \$91,800 in funding. This facilitated considerable capacity building for future mosquito control activities through the purchase of equipment and the doubling in floor area of the previous storage shed. FIMMWA ceased in the 2016/17 financial year.

6. Meat Inspection Service

In addition to its Environmental Health Officers, the Shire provides three (3) staff who undertake independent meat inspection duties at Goodchild Abattoir, Rosamel Road, Kemerton.

The service is funded through a gazetted meat inspection fee paid per carcass which covers all operational costs. This fee can be adjusted by a prescribed procedure when required by Council on the recommendation of Staff.

Every animal processed is inspected for compliance for human consumption. A statistical record of the type and number of animals processed for 2016/17 financial year is attached for Council's information (refer **Attachment 3**).

7. Dwellings Unfit for Human Habitation

The health standards of dwellings which are used for accommodation, particularly older style rental homes, are of interest to Staff. In the past 12 months, 22 inspections have been undertaken in response to complaints or Staff observation to ascertain fitness for habitation. This compares to 15 in the previous year.

When time limitations are placed upon compliance orders, owners are generally pursued on or approximately one month before the date of expiry to ascertain the owner's intent. Legal proceedings are pursued where ongoing offences have occurred and the owner is recalcitrant, however to date, Staff have been able to achieve the desired Health Act outcomes without requiring legal action.

8. Fire Damaged Asbestos Buildings

Staff have been confronted this year with five (5) fire damaged asbestos buildings. These are very complex and emotive issues which are often protracted in remediation as this may not just involve the fire source but the possible offsite impacts. In brief, the initial investigation undertaken by EHOs, is to understand the fire characteristics, intelligence gathering and to assess the impacts of a single incident can take several days. Subsequently the ongoing investigation and remediation process can be impeded, partly due to regulation, but more often to the logistics and third party co-operation. Listed below for Councillors information are the dates and progress on these incidents:

- September 2016 – ongoing;
- April 2017 – remediated;
- May, 2017 – remediated;
- May 2017 – ongoing; and
- August 2017 – ongoing and approaching remediation.

Due to the above incidents the PEHO was requested to and presented a paper at the 71st WA State Environmental Health Australia Conference in August 2017.

9. General complaints

In addition to scheduled regulatory duties, general complaints consume a large proportion of Staff time. During this reporting period there were 461 incidences and follow-ups which required investigation.

It appears to Staff that there is an increase of neighbourhood disputes where it is expected by the complainant that the dispute can be resolved by the Shire. Staff however investigate complaints to ascertain justification and to instigate the enforcement of legislation where required. Examples of such unsolvable complaints are as follows:

- Children playing in their backyards and making noise;
- Children's toys such as balls etc. coming over the fence;
- Cooking odours;
- Loud talking and laughing;
- Cigarette smoking drifting over fences;
- Various animals such as snakes, spiders, ants, etc., entering yards, particularly in Special Residential areas;
- Green parrots dropping gum nuts on tin rooves;
- "Giant budgies";
- Loud vehicles especially a particular make of motorcycle; and
- Legitimate vehicle movements at night e.g. at grouped dwellings.

10. Needles and Syringes

Council's EHO's respond immediately to locate and remove any reported incident of illegally disposed needle/syringes as this is considered a "very high priority".(refer **Attachment 1**). In some circumstances where needles and syringes are difficult to locate the person reporting will wait onsite for an EHO. This service is appreciated by the public and often receives compliments on social media.

Further to this, Staff are also responsible for the replacement of damaged units and sharps containers. There are 16 disposal units throughout this Shire. One disposal unit was repaired due to vandalism.

For this reporting period 14 needles and syringes were collected. The number of incidents is lower compared to previous years, however these statistics are only for needles and syringes collected by Council's EHO's and not by other agencies.

11. New Buildings

Input to the approval of building plans is also required by the Health Act 1911. Such aspects of ventilation, facilities (e.g. laundries/bathrooms), effluent disposal, occupancy rates and various aspects of public building safety are assessed. For this reporting period, 973 building plans of which 222 were dwellings, were processed compared to 560 for the period 2015/16.

12. On site Effluent Disposal

78 onsite effluent disposal applications were processed with 81 "Permits to Use" issued. Each onsite disposal system is required to be inspected for compliance and any noncompliance rectified prior to a "Permit to Use" issued.

In addition to the above a further 111 inspections were undertaken for:

- Complaint;
- Compliance;
- Advice; and
- Ground/soil assessment.

13. Refuse and Recycling Services

In addition to Council's kerbside recycling collection, Staff have in place a number of initiatives to divert waste from landfill, as listed below.

- Used oil recycling, free service for non-commercial, (Richardson Road Landfill site);
- Household hazardous waste, free service for non-commercial, (Richardson Road Landfill Facility);
- E-waste, free service for non-commercial, (Richardson Road Landfill Facility);
- Drum muster (Richardson Road Landfill Facility);
- Cardboard (Richardson Road Landfill Facility);
- Office paper (Harvey Administration Office);
- Dry cell battery collection (Harvey and Administration Office)
- Mobile phone Muster (Harvey and Administration Office); and
- Tyre recycling (Richardson Road Landfill Facility).

Collection statistics for all of the above including the disposal quantities for kerbside refuse are attached for Council's reference (refer **Attachments 2 & 2a**).

14. Richardson Landfill Facility

To preserve the limited air space at Council's Richardson Road Landfill Facility, kerbside refuse has been re-directed to the Bunbury Harvey Regional Council (BHRC) at Stanley Road site since July 2015. This was required due to the former DER rejecting a proposal to landfill over a previously filled area. To further assist with saving space, bulk bin cardboard recycling which was introduced in January 2016 has continued to be well supported with approximately 526.5 cubic metres (320 cubic metres for 2015/16) being diverted from landfill.

The issue of the future direction of the Richardson Road site remains complicated with the potential extension to the longevity of the BHRC site and continued investigation of a shared regional landfill facility with other South West local governments. Although a potential regional site has been selected, further site assessment and obtaining approvals are not expected in the short term.

Council, at its meeting of 18th July 2017, committed to supporting to the BHRC and Lot 45 Stanley Road as the Regional landfill site and the proposed construction of lined cells 1 and 2.

In light of Council's resolution and that the approval process for the cell construction is well advanced, the most practical solution to waste management at the northern portion of this Shire would be to establish a transfer station at the Richardson Road Landfill Facility.

Baseline data has been collected and established that 10-15 tonnage per week of general putrescible domestic waste could be directed BHRC when required. The substantial remaining southern area of the site is licensed to operate as a Class 1 inert site (e.g. construction and demolition waste). With reference to the above potential solution at the BHRC, Staff is cautious in pursuing expensive consultancies for a comprehensive hydrogeological study and landfill cell development at the Richardson Road Landfill Facility.

15. Australind Ditchingham Road Landfill Site

The Australind landfill site located on Reserve 26271, Ditchingham Road was gazetted in 1962 and decommissioned in 1990 and was reported to the former Department of Environment Conservation in 2007 as “A Known or Suspected Contaminated Site.”

In 2015, Council was required by that agency to undertake a Contaminated Site Investigation (CSI) to determine the contamination status of the site. In brief a consultant was selected and funding was provided in Council's 2016/17 Budget.

This CSI has recently been completed, the document approved by the PEHO and consequently submitted to the Department of Water and Environmental Regulation, (DWER) for consideration. Based on the report it is Staff's opinion that the Ditchingham Road Landfill Site presents a low level contaminated site but this will be determined by the DWER. A future report referencing the DWER response will be provided to Council.

The report does indicate that there is evidence of asbestos fragments of a non-fibrous nature from illegal dumping which are of a low risk in nature. In response, Staff will identify and pursue remediation of the asbestos risk and other attainable recommendations from the report. To assist with these matters an allocation of \$10,000 has been included in the 2017/2018 Budget.

16. Septage site

For the disposal of effluent from septic tanks and low strength industrial waste, Council operates a licensed septage disposal facility, which consists of four (4) anaerobic lagoons totalling 1,440m³ in volume and two (2) aerobic lagoons totalling 2,177m³ in volume.

EHOs attend onsite to supervise the acceptance of each load, checking compliance documents and to register those documents on the DWER Controlled Waste Tracking System. With the reduction in availability of this type of disposal facility for liquid waste contracts, there is pressure to accept larger quantities of waste. The site does have limited capacity and this increase will place loading pressures on the facility. Staff therefore continue to carefully manage the facility to maximise income to Council, whilst maintaining the biological integrity. As reported last year Staff applied a combination of bacterial cultures and enzymes to assist with the maintaining the biological integrity and reducing the biological oxygen demand in the aerobic lagoons.

For 2016/17 year this facility received 2,993 kilolitres of waste (refer **Attachment 4**) and with a dump fee of \$56 per kilolitre generates a substantial annual income for Council. The site achieved its license capacity in June and therefore maximum income to Council was achieved.

Council is required to prepare an annual report which is to be submitted to (DWER) in August of each year.

17. Public Events

Public events are required to be assessed by Council's Health Department for compliance with the Health (Public Building Regulations) 1992. Event organisers are required to submit an Events Package which addresses, public safety, temporary buildings, food facilities, sanitation, ablutions, insurances, etc. The documentation is assessed and the facilities inspected for compliance prior to the event. Furthermore, Council's Health Department act in a co-ordinating role to ensure that other issues for the running of the event are considered.

For this reporting period 26 (39 in 2015/16) events were assessed with the most significant being:

- Australia Day Breakfast;
- Harvey Show;
- Harvey Harvest Festival;
- Brunswick Show;
- Myalup Easter Fair;
- Various Christmas celebrations;
- Various markets;
- Camp Doogs;
- Ultra Marathon;
- Open Water Swimming Series, Harvey Dam;
- Bunbury Runners Club, Cross Country; and
- South West Horse Trials.

Shortly after most events there is a debriefing session which involves Council's Health Department to discuss any points of concern. It is to be noted that there have been no incidences of concern from events for the reporting period (refer **Attachment 1**).

18. Cleaning Services

Council, in April 2013, decided to employ its own cleaning staff for the majority of public facilities. Council's Health Department is responsible for the supervision of cleaning staff, excluding recreation centres and is very satisfied with their performance. Several compliments have been received from the public in respect to the presentation of public toilets. These compliments are communicated to the cleaning Staff who continue to be dedicated to their duties.

The cleaners van, signed with the Shire of Harvey logo, has been in operation since March of 2016 and has proved to be a valuable asset. This allows flexibility to attend cleaning emergencies and the provision of cleaning equipment/consumables to the other cleaning staff.

19. Annual reports

Annual mandatory reporting to various State and Federal agencies is required throughout the year. The reports are listed below:

- National Pollution Inventory

This is a Federal Department of Environment report for the Richardson Road Landfill site and for the entire Shire for all waste collected and processed. These are a very time consuming reports due to the complexity and often ambiguous nature of the data required, some of which is not available. For example, waste disposed of to private landfill sites or other commercial disposal methods.

- Waste Census

The Waste Authority conducts an annual census of the waste and recycling services provided to households and commercial premises by **local government** in Western Australia. Information gathered through the census includes the quantity of materials collected, disposed to landfill and recovered by each type of waste and recycling service offered.

- Septage Disposal Site
Report submitted to DWER on the activities of the site such as liquid waste categories, volumes and incidents.
- Richardson Road Landfill Facility
Report submitted to DWER on the activities of the site such as ground water bore monitoring, waste categories, volumes and incidents.
- Health (Miscellaneous) Act 1911 and Public Health Act 2016
Report submitted to the DoH on the local government's general public health activities.
- Food Act 2008
Reports submitted to the DoH on food related activities within the local government area.

Statutory/Policy Environment

- Health (Miscellaneous) Act 1911
Section 26 of the Health Act 1911 empowers and obligates the local government to undertake the provisions of the Act, Regulations, Local Laws and the servicing of notices.
- Public Health Act 2016
Part interim Act, which is being introduced in various stages over the next four (4) years and is to function in unison with the Health (Miscellaneous) Act 1911.
The Act sets out the functions of local governments in relation to the administration of this Act and the appointment of environmental health officers.
- Food Act 2008
Empowers the local government to undertake the provisions of the Act, Regulations, (including meat inspection) and to set fees.
The Act also empowers "authorised persons" to service notices to issue infringement notices.
- Caravan and Camping Grounds Act 1995
Empowers and obligates the local government to undertake the provisions of the Act and Regulations.
Delegates (Authorised Person) the power of entry and limited enforcement powers for the specific purpose of tobacco control.
- Local Government Act 1995
Empowers and obligates the local government to undertake the provisions of the Act, Regulations and various Local Laws.
- Biosecurity and Agriculture Management Act 2007
Delegates (Authorised Person) the power of entry and limited enforcement powers for the specific purpose for the control of Stable/biting Fly.

- Environmental Protection Act 1986

Empowers and obligates the Department of Environmental Regulation to undertake the provisions of the Act make regulations and set licence conditions for the Richardson Road Landfill Facility and the Septage Site.

- Contaminated Sites Act 2003

Requires the reporting of a suspected or a known contaminated site to the Department of Water and Environmental Regulation. Contaminated sites under the ownership of the Shire may require further investigation upon the direction of the DWER.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.3.4 states:

“Monitor and ensure compliance with the regulatory framework for local government business.”

Risk Management

The Risk Theme Profile identified as part of this report is providing ***Inaccurate Advice/Information***. There is no Consequence associated as Council is receiving the information only with no recommendation on action or intervention.

Budget Implications

Environmental Health operations were undertaken within the provisions of the 2016/17 Budget.

Officer's Recommendations:

That Council notes and receives the 2016/17 Health Report for the Shire of Harvey.

8.3 BUILDING REPORT (Gold)

| | |
|---------------------------|---|
| Item No. | 8.3.1 |
| Subject: | Building Permit Applications Received – Building Permits Issued – October 2017 |
| Proponent: | Shire of Harvey |
| Reporting Officer: | Principal Building Surveyor |
| File No.: | BSR017 (15) Attachment Reg. No. 17/33876 |

74 building applications have been received and 76 Building Permits issued for the month of October 2017. Details of Building Permits approved are attached.

Officer's Recommendation

That Council receives the report on building activity over the month of October 2017.