



ORDINARY MINUTES

DATE: Tuesday, 27 September 2011

TIME: 2:45pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Rob Stewart
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
4.1	MR MATT CRANE – ITEM 10.1.1 - SPEAKING IN SUPPORT OF THE PROPONENT AND AGAINST OFFICER RECOMMENDATION - 859 HEALY ROAD NARRIKUP – NOTICE TO CLOSE COMPOSTING FACILITY.	2
5	DISCLOSURE OF INTEREST	4
6	APPLICATIONS FOR LEAVE OF ABSENCE	5
7	CONFIRMATION OF MINUTES.....	5
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
9	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	5
10	REPORTS OF COMMITTEES AND OFFICERS.....	7
10.1	DEVELOPMENT SERVICES REPORTS.....	7
10.1.1	LOT 859 HEALY ROAD NARRIKUP - NOTICE TO CLOSE COMPOSTING FACILITY	7
10.1.2	RESERVE 16271 PORONGURUP ROAD, MOUNT BARKER - PROPOSED BUILDING AT MOUNT BARKER SPEEDWAY	17
10.1.3	RESERVE 41498 (LOCATION 7675) BEVERLEY ROAD, KENDENUP – RENOVATIONS AND ADDITIONS TO KENDENUP COUNTRY CLUB CLUBHOUSE	20

10.1.4	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 49 - PORONGURUP RURAL VILLAGE - STRUCTURE PLAN - ADOPTION.....	24
10.2	WORKS AND SERVICES REPORTS.....	31
10.2.1	BUDGET REALLOCATION - OATLANDS ROAD FOOTPATH.....	31
10.3	COMMUNITY SERVICES REPORTS	35
10.3.1	KENDENUP SKATE PARK - CONSTRUCTION OF A SHELTER AND SEATING STRUCTURE.....	35
10.3.2	LOWOOD ROAD - PROMOTIONAL BANNERS - POLICY REVIEW	38
10.3.3	NATURAL DISASTER RELIEF - POLICY REVIEW	41
10.3.4	POLICY REVIEW - USE OF A CIRCUS VENUE	43
10.4	CORPORATE SERVICES REPORTS	45
10.4.1	FINANCIAL STATEMENTS – AUGUST 2011	45
10.4.2	LIST OF ACCOUNTS - AUGUST 2011	47
10.4.3	WRITE OFF OF DEBTS.....	49
10.4.4	SALEYARDS – ENVIRONMENTAL PROPOSALS	52
10.5	EXECUTIVE SERVICES REPORTS.....	61
10.5.1	RAIL CORRIDOR AND HUGHES ROAD KENDENUP	61
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	63
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	63
13	CONFIDENTIAL.....	63
14	CLOSURE OF MEETING.....	63

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:51pm The Presiding Member declared the meeting open.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President (left Chamber 3:58pm, returned 4:03pm)
Cr B Bell	Councillor (left Chamber 3:14pm, returned 3:19pm)
Cr A Budrikis	Councillor (left Chamber 3:30pm, returned 3:34pm) (left Chamber 4:13pm, returned 4:22pm)
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Vincent Jenkins	Planning Officer
Mr Eric Howard	Environmental Health Officer
Mrs Megan Beech	Senior Administration/Project Officer Works and Services
Mrs Linda Sounness	Executive Secretary

There were three members of the public in attendance and one child

Previously Approved Leave of Absence:

Nil

Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any

such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 MR MATT CRANE – ITEM 10.1.1 - SPEAKING IN SUPPORT OF THE PROPONENT AND AGAINST OFFICER RECOMMENDATION - 859 HEALY ROAD NARRIKUP – NOTICE TO CLOSE COMPOSTING FACILITY

I have been helping Paul in his composting operation from time to time since the hard stand was put in place back in 2007 and would like to speak against Item 10.1.1 Notice to Close Composting Facility.

I have five key areas I wish to talk about today:

- The nature of the operation
- Paul's cooperation with Council and other departments
- Previous Council approvals
- The recent problem that has brought us here today and
- a concluding summary

The nature of the operation

The process Paul takes once he collects the waste from Mount Barker Chickens (MBC) is he lays the waste on top of a bed of sawdust on his hardstand, he then adds microbes and mixes the sawdust and waste with his compost turner, then heaps this in edge of previous compost and covers it over with sawdust that is then let untouched for approximately six to eight weeks. This gives him a row of heaped composting material on his hardstand, one end being compost ready to be pulled out and worked, re-

heaped and left to mature. The other end being freshly made composting material to sit for the approximately six to eight week period. The finished product carries NASAA (National Association for Sustainable Agriculture Australia) organics status and being an environmentally sound product.

Cooperation with Council

The composting operation has been operating for some eight years now since June 2003. In that time a lot of effort and improvement has been made by Paul with the help of the Council, DAF and the DEC to meet the requirements of his licence. Most notably the hardstand constructed in 2007, and Paul's ability to minimise any effects of the operation on his neighbours. In the past 12 months there has been one odour complaint on 12 April that was unsubstantiated by the Council EHO, the last complaint prior to 12 April was on 5 July 2010 some 14 months ago that was also unsubstantiated by Council EHO. There were no further complaints until 1 August this year when there was a total of six complaints up until 12 September 2011 this being the time that MBC changed the composition of the waste used to make compost. There have been complaints since then.

Previous Council approvals

Paul's licence for composting has recently been renewed in July 2011 for a further 12 months.

To bring an extract used twice in the officer comment from Paul's application on the 9 June 2008 that was carried to build a shed to house the compost 'the proponent is continuously improving composting operations and procedures to reduce offensive odours'. This attitude has not changed. The development of a shed was not carried out as it was deemed too expensive and not sustainable to the business. Paul notified the Shire of his intention not to go ahead with shed in the months following the approval.

The recent problem

This being during the time in between the start of August to mid September the period of the latest complaints about operations at the composting facility. This is the time when MBC implemented the starting of procedures in their new processing shed which has affected the composition of the waste being used for the compost. Bloodied water that would not have been taken away in the old processing shed was now being poured into the tubs containing feathers creating extra water not wanted in the composting procedure causing the watered down blood to ooze from the heaps onto the hard stand and into the leachate pond and causing an increased odour at intermittent times. The EHO visited the site on two occasions (9 and 11 August) with Paul and were unable to pin point any particular cause but multiple of sources of odour was detected over the hardstand. We now believe that cause was decomposing blood. This was difficult for Paul to pick up as he is colour blind. During that week Paul had used straw as a more absorbent material to better soak up the increased juices in the heap. This was unsuccessful in capturing extra juices and the straw was heaped and covered with sawdust. Paul then went back to his normal practice of using sawdust. In those coming weeks Paul was able to identify the problem as the bloodied water coming from MBC and immediately asked MBC that any bloodied water be put in a separate tub and any water content be reduced and not be mixed with the feathers. This change has now minimised any leachate running out of the heap. The blood

tub is now being poured and covered on more mature compost and is no longer an odour issue. Paul has also added extra microbes and aerated the leachate pond. This has controlled the odour from the dam. We now believe the site has been restored to a minimal odour and now makes him compliant with his licence conditions.

In summary

Paul has done everything possible to rectify the problem odours of the past two months.

Has acted promptly and reasonably

Is adhering to licence conditions

Has always cooperated with Council and representatives

Any modifications to his operations are minor and resulting in less odour being released. Paul still adheres to the practices recommended by his consultant, the EHO and the DAF.

The end product is organic, certified and environmentally sound.

With the increased output of MBC Paul intends to keep his received waste to once a week. He believes this is enough to satisfy his customers and keep him well below the 1,000 tonne limit.

In conclusion I ask Council to adjourn consideration of this report for 60 to 90 days for the Council EHO to ascertain that the recent measures taken by Paul have rectified the problem experienced over the past two months and that Paul is working within the conditions of the licence.

Thank you for the opportunity to speak.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr M Skinner disclosed a Code of Conduct (Section 5.62 LGA) Interest – Formerly employed applicant – in Item 10.1.1.

Cr B Bell disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Quoted on work – in Item 10.1.3.

Cr A Budrikis disclosed a Proximity (Section 5.60(B) LGA) Interest – Owner of house across the railway – in Item 10.3.1.

Cr M Skinner disclosed a Financial/Indirect Financial (Section 5.60 (A) and Section 5.61 LGA) Interest – Farming 400 head of cattle – in Item 10.4.3.

Cr M Skinner disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest - 400 head of cattle - in Item 10.4.4.

Cr J Moir disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – cattle farmer – in Item 10.4.4.

Cr A Budrikis disclosed a Closely Associated Person (Section 5.62 LGA) Interest – Relative of Landowner adjacent to Hughes Road – in Item 10.5.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr B Bell requested Leave of Absence for 18 October 2011.

Moved Cr L Handasyde, seconded Cr G Messmer:

That Councillor Bell be granted Leave of Absence for 18 October 2011.

CARRIED (9/0)

NO. 213/11

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr S Etherington:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 6 September 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 214/11

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President thanked retiring Councillor Simon Grylls for his contribution to the Council over the past four years, wished him well and welcomed Cr Grylls to return to the Council in the future.

9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 23 September 2011 – attended the Councillor Dinner.

Cr S Etherington

- 23 September 2011 – attended the Councillor Dinner.

Cr B Bell

- 14 – 16 September 2011 – attended the Waste and Recycle Conference in Fremantle.
- 23 September 2011 – attended the Councillor Dinner.

Cr S Grylls

- 23 September 2011 – attended the Councillor Dinner.

Cr J Moir

- 23 September 2011 – attended the Councillor Dinner.

Cr A Budrikis

- 7 September 2011 – attended a Recreational Advisory Committee Meeting.
- 9 September 2011 – attended a function to welcome the new UWA Albany Centre Director, Jennifer O'Neill.
- 23 September 2011 – attended the Councillor Dinner.

Cr G Messmer

- 14 – 16 September 2011 – attended the Waste and Recycle Conference in Fremantle.
- 23 September 2011 – attended the Councillor Dinner.

Cr L Handasyde

- 22 September 2011 – attended a Fire Weather Officers Course.
- 23 September 2011 – attended the Councillor Dinner.

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 DEVELOPMENT SERVICES REPORTS

10.1.1 LOT 859 HEALY ROAD NARRIKUP - NOTICE TO CLOSE COMPOSTING FACILITY

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of conduct) was disclosed by Cr M Skinner – Nature of interest – Formerly employed applicant.

File No: N19722
Attachments: [Location Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 27 September 2011
Owner: Paul Hoult

PURPOSE

The purpose of this report is to consider a Notice pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 to close the composting facility currently operating at Lot 859 Healy Road, Narrikup.

BACKGROUND

In June 2003 following public advertising the Council approved an application for a Noxious Industry (Chicken Composting Operation) of up to 1,000 tonnes capacity per annum in accordance with plans dated 7 March 2003 and subject to nine conditions. The compost material is supplied from waste from Mount Barker Chicken at the Kendenup abattoir.

The first five conditions related to the then Department of Environment standards and were imposed by the Council on advice from that Department. The Department only licenses compost facilities of 1,000 tonnes and over of organic material per annum and this application was for less than 1,000 tonnes per annum. The approval conditions related to the compost facility being protected from the weather for initial stages of composting and upon a hard stand, stormwater runoff, containment of contaminated water, no nutrient export and exotic pests being satisfactorily addressed. The remaining approval conditions related to fire breaks, access ways and crossovers, on site signage and the total production not to exceed 1,000 tonnes of material per annum.

On 17 March 2006 the Council received a copy of a letter from the Department of Environment and Conservation (DEC) to Mr Hoult (the owner) regarding results of an inspection that had raised the following concerns:

'The facility is not constructed on an impermeable surface that minimises the infiltration of leachate from the compost into the ground. This could result in leachate from the compost contaminating the soil, groundwater or nearby surface waters.'

'There is no drainage system to control runoff from the compost areas. This could result in contaminated runoff entering the surrounding soils and groundwater, nearby surface waters and damaging local native vegetation.'

On 19 June 2006 the Council received a copy of a further letter from the DEC to Mr Hoult in response to a request for an upgrade of the composting facility to over 1,000 tonnes of compost per annum. This letter reiterated the need for an impermeable clay liner for the composting facility and stormwater and wastewater control and leachate pond.

In March 2007 the DEC advised the Council it was advertising a proposal for compost manufacturing and soil blending at Lot 859 Healy Road, Narrikup as the proponent proposed to exceed the production of 1,000 tonnes of organic material per annum.

The Council at its meeting held on 24 July 2007 when considering the development application for the proposed upgrade of the facility resolved at Resolution No. 262/07:

'That the proposal to extend the existing noxious industry (Chicken Composting Facility) to a facility handling over 1,000 tonnes of compost a year and soil blending be advertised for a period of twenty-one days.'

The Council when considering submissions received, resolved at its meeting held on 11 September 2007 at Resolution No. 303/07:

'That the question be adjourned until the next meeting of the Council to be held on 25 September 2007 pending inspection by Councillors.'

The Council at its meeting held on 25 September 2007 resolved at Resolution No. 339/07:

'THAT:

- (1) The proposal to extend the existing noxious industry (chicken composting facility) at Lot 859 Healy Road, Narrikup be approved subject to:*
 - (a) Development being in accordance with the application dated 18 June 2007 and the Opus International Environmental Assessment in respect to the design.*
 - (b) The existing composting site being cleaned up and rehabilitated.*
 - (c) The compost facility being limited to a maximum tonnage of 1,000 tonne of compost product per annum.*
 - (d) The correct installation of the appropriate hardstand or impervious area for all of the composting operation.*
-

- (e) *Appropriate management of stormwater runoff including any uncontaminated stormwater being diverted or channelled away from the operation.*
 - (f) *Contaminated water should be directed to the lined leachate-holding dam by appropriate bunding.*
 - (g) *The activity to be managed so as to not result in any nutrient export from the site or detriment to the environment.*
 - (h) *Measures being taken to minimise and control/manage any potential problems with flies and exotic predators, including foxes, feral cats, rats and mice This will involve the development and implementation of a vermin management plan to the satisfaction of the Council's Environmental Health Officer and the Department of Agriculture and Food.*
 - (i) *Appropriate management of odour impacts by the covering of the compost. Should odour impacts not be managed to the satisfaction of the Department of Environment and Conservation, the facility may need to be contained within an appropriate building.*
 - (j) *Installation of a fire break, not less than 5m wide, around the site and an operational fire fighting vehicle be kept on site during the operation of the prohibited and restricted burning periods.*
 - (k) *The crossover and access ways are to be maintained by the developer.*
 - (l) *Any on site advertising signage shall comply with Town Planning Scheme No. 3.*
 - (m) *The maintenance of a daily wind direction and speed monitoring record by the proponent.*
- (2) *The Chief Executive Officer will require the Council's Environmental Health Officer to carry out monthly inspections of the site for a period of 24 months to monitor the development.'*

Following the Planning Consent approval of the Council on 25 September 2007 the Council's Environmental Health Officer (EHO) regularly visited the site and discussed operations at the facility with the owner. Officers from the Department of Agriculture and Food (DAF) and the DEC have also provided advice.

During earlier advertising of the upgrading proposal in 2007, 15 submissions were received of which eight raised no objection and seven objected. Those who raised objection did so on the basis of odours, perceived health risk and flies during the summer months. Of those who raised no objection, some said they did not have problems with the odour issue.

The DEC issued its works approval for this composting facility in July 2007 with a design capacity of 1,200 tonnes per annum. The proposed upgrades to the facility

included an impervious surface under the composting area that would significantly reduce potential site contamination from effluent leaching into the groundwater.

The proponent subsequently reduced the potential capacity to less than 1,000 tonnes per annum and the DEC works approval was withdrawn. The Council's Planning Consent approval of 25 September 2007 was still applicable.

The Council at its meeting held on 11 March 2008 received a presentation from a nearby landowner raising problems with odour emanating from the facility. Council staff had previously advised concerned neighbours to keep records of odour events and two of these records were included in the presentation to the Council on 11 March 2008. A third record of odour events experienced was provided by another landowner.

The Council at its meeting held on 8 April 2008 considered a report on the extent to which the previously imposed conditions of approval had been satisfied.

Conditions (i) and (m) of the Council's approval of 25 September 2007 are particularly relevant. Condition (m) required the maintenance of a daily wind direction and speed monitoring record by the proponent. Condition (i) refers to odour impacts and required if odour impacts are not managed to the satisfaction of the DEC, the facility may need to be contained within an appropriate building. Three adjoining neighbours provided evidence of odour impact over a period of many months. The Manager Development Services visited the area on 17 occasions from 11 March 2008. On five of those 17 visits a strong odour was evident at Spencer Road to the north in the vicinity of several houses. On other occasions no odour was evident.

Several Councillors visited the composting site on the morning of 11 March 2008 where the proponent explained his operation, now located on a hardstand, and his possible intention to include the composting into a shed to reduce adverse impact from rain. This building would be dependent upon grant funding. The final phase of the project involves the compost being left in the open. It was observed at the site meeting the final stage still had a strong odour.

On 8 April 2008 the Council at Resolution No. 68/08 resolved:

'That pursuant to part (i) of the Council decision of 25 September 2007 in relation to the composting facility at Lot 859 Healy Road, Narrikup the Department of Environment and Conservation be requested to provide advice on the odour issue within sixty (60) days following which a further report will be placed before the Council at its ordinary meeting to be held on 8 July 2008.'

The DEC was requested to provide advice on the odour issue and on 18 April 2008 a letter was received from the DEC Regional Manager Great Southern. That letter discusses odour and methods of assessing odour but states at paragraph five the following:

'DEC officers have not made a formal assessment of the odour or validity of odour complaints from the facility in question at this stage, as DEC understands that the Shire is managing the health, environmental and amenity impacts of the facility through its noxious industry and planning conditions and approvals process.'

The DEC believes *'that the impacts generated from the activity can and should be managed or enforced by the Shire.'*

A meeting was held on 18 April 2008 with a range of government experts and aggrieved neighbours to discuss details of the operation and its management and to look at what improvements could be made.

As stated above, the Council's EHO has been regularly meeting the operator on site and providing extensive advice and guidance with varying levels of success. The officer from the DAF has also been on site on various occasions and provided advice on how to improve the composting operation, again with varying levels of success.

Council staff and officers from the DAF and DEC met with owners of two nearby properties to discuss their concerns in respect to continuing odour emissions on 26 May 2008.

The Council at its meeting held on 8 July 2008 resolved at Resolution No. 129/08:

'THAT:

1. *The owner of the composting facility at Lot 859 Healy Road, Narrikup be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 that the total composting operation is to be conducted in complete compliance with the details provided in the Council's letter of 3 June 2008 with (sic) a period of sixty (60) days.*
2. *Should the facility not be carried out and conducted in accordance with Part 1 above, Notice be provided under the provisions of the Shire of Plantagenet Town Planning Scheme No. 3 that the facility is to be closed, all material removed and the site rehabilitated to the Council's satisfaction within a period of sixty (60) days.*
3. *Should Part 2 above apply then at the end of the sixty (60) days the registration of the premises as an Offensive Trade under the Shire of Plantagenet Health Local Law 2008 be withdrawn.'*

The Council served written Notice dated 10 July 2008 on Mr Hoult requiring him to ensure the full composting operation is conducted in accordance with requirements set in the Council's letter dated 3 June 2008. Should these requirements not be completed to the satisfaction of the Council within a 60 day period, further Notice would be served to close and rehabilitate the site.

Mr Hoult requested Coffey Environments undertake an assessment into the options available for the disposal of potential contaminated stormwater runoff from the composting facility. The quality of water in holding dams had the potential to contribute significantly to odour emissions from the site. Results on tests conducted by Coffey Environments on the quality of the water in a holding dam at the composting site suggested significant contamination that may have occurred from a spill event at the composting site early in August 2008. Coffey Environments in a letter dated 28 July 2008 to Mr Hoult recommended a leachate management system to ensure reasonable water quality is maintained all times.

In a letter to Mr Hoult dated 1 October 2008, the Council confirmed updated and improved procedures implemented at the composting facility complied with requirements set in the Council's letter of 3 June 2008.

On 30 March 2009 the Council received an application for the construction of an outbuilding over an expanded hardstand area that increases the area of the existing composting facility but does not increase the approved output of less than 1,000 tonnes per annum.

The Council at its meeting held on 9 June 2009 resolved at Resolution No. 150/09:

'THAT:

The proposed construction of a (sealable) outbuilding over an additional hardstand at Lot 859 Healy Road, Narrikup be approved subject to the:

- 1. Development being in accordance with the plans dated 30 March 2009.*
- 2. Compost facility being limited to a maximum of 1,000 tonnes of compost product per annum.*
- 3. Correct installation of the appropriate hardstand or impervious area for all of the composting operation.*
- 4. Appropriate management of stormwater runoff including any uncontaminated stormwater being diverted or channelled away from the operation.*
- 5. Contaminated water should be directed to the lined leachate-holding dam by appropriate bunding.*
- 6. Activity to be managed so as to not result in any nutrient export from the site or detriment to the environment.*
- 7. Measures being taken to minimise and control/manage any potential problems with flies and exotic predators, including foxes, feral cats, rats and mice. This will involve the development and implementation of a vermin management plan to the satisfaction of the Council's Environmental Health Officer and the Department of Agriculture and Food.*
- 8. Appropriate management of odour impacts by the covering of the compost. Should odour impacts not be managed to the satisfaction of the Department of Environment and Conservation, the facility may need to be contained within an appropriate building.*
- 9. Installation of a fire break, not less than 5m wide, around the site and an operational fire fighting vehicle be kept on site during the operation of the prohibited and restricted burning periods.*
- 10. Crossover and access ways are to be maintained by the developer.*
- 11. Any on site advertising signage shall comply with Town Planning Scheme No. 3.*

12. *Maintenance of a daily wind direction and speed monitoring record by the proponent.*

ADVICE NOTES

- i) *The Chief Executive Officer will require the Council's Environmental Health Officer to carry out monthly inspections to monitor the development.*

This approval was valid for two years and expired on 9 June 2011. That development was never carried out.

Since the Council's original planning consent approval in September 2007 the Council has constantly received odour complaints from various people in the vicinity of the composting facility at Lot 859 Healy Road. Initially there were problems with the operator not carrying out the business correctly but after much effort from the Council, the DAF and the DEC, Mr Hoult operated the business in a manner that was far less offensive to neighbours and acceptable to various agencies. The Council has experienced an increase in complaints of odour emanating from the composting facility in the past two months. Inspections by the Council's EHO revealed Mr Hoult had modified his operations resulting in increased odour being released. Mr Hoult no longer adheres to the practices recommended by his consultants in 2008 and the Council's EHO and the DAF officer.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural – A noxious industry is an 'SA' use and requires formal advertising.

- Any Notice issued for a breach of the Scheme must be a minimum of 28 days.
- Notice issued under TPS3 to ensure compliance with conditions of planning consent may generate a right for the proponent to apply to the State Administrative Tribunal for a review of the Council decision.
- TPS3 contains provision for the Council to consider the proper and orderly planning and amenity of the area.

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Health Act 1911 (as Amended)

Health Local Laws Part 9 Offensive Trades

- Clause 9.2.2 reads: *'The occupier shall – (c) keep the premises free from any unwholesome or offensive odour arising from the premises;'*
- Clause 9.2.3 reads: *'The occupier shall – (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.'*

- Clause 9.2.8 reads: *'9.2.8 The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance.'*
- Clause 9.2.10 reads: *'9.2.10(1) An Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.'*
(2) The occupier shall comply with any directions given under this Section.'

Health (Poultry Manure) Regulations 2001

EXTERNAL CONSULTATION

The Council's EHO has on an ongoing basis corresponded with complainants, Mr Hoult, the DEC and DAF to resolve matters surrounding operations at and odour emanating from the composting facility. The Council's EHO regularly visited the composting facility and surrounding areas to monitor if any odour emanating from the facility could be identified.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Plan a safe and healthy living environment.'

Adverse impacts on the quality of life of nearby landowners and residents are an important strategic consideration.

OFFICER COMMENT

The DEC buffer distance guidelines for a composting facility vary from 1,000m for outdoor uncovered to 750m and 500m for outdoor and covered, and 250m for an enclosed facility and 150m for 'in-vessel' composting.

The odour matter is an issue which is difficult to monitor but the Council recognised this as a potential difficulty for particularly Lot 860 to the north. As the compost was to be covered with 150mm of cover (sawdust) then it could be interpreted that the 750m buffer should apply.

The Council in September 2007 considered the most appropriate course of action was to support the proposal to relocate the compost to the correctly prepared hardstand area but limit the amount of composted material to 1,000 tonnes per annum and require the odour to be constantly monitored. If the odour became an issue then the facility may need to be enclosed within an appropriate building.

It is clear the odour from the facility is an issue that is causing concern to the occupiers of some neighbouring properties in as much that it is disturbing their amenity and quality of life over prolonged periods.

The Council's EHO organised a meeting with a range of government experts and neighbours on 18 April 2008 to work through the details of the operation and its management by the proponent to determine what improvements can be made as a matter of urgency. The outcome of that meeting was that the officers recognised that improvements had been made but there was room for further action to ensure it was a proper composting operation with minimal leachate and no odour being emitted. The neighbours still had serious odour concerns.

At a meeting held on 26 May 2008 between Council staff, officers from DAF and DEC and aggrieved neighbours, the point was made by a nearby landowner that even in autumn, the odour was still a great concern to the neighbours.

The Council in a letter dated 3 June 2008 provided extensive and detailed advice to the proponent on immediate actions required. The EHO advised that at the time of the report to the Council on 8 July 2008 on the composting facility actions had been undertaken by the proponent to address the odour issue.

As stated above in 2008 Mr Hoult requested Coffey Environments undertake an assessment into the options for the composting facility. Coffey Environments recommended a leachate management system to ensure reasonable water quality is maintained all times. The then improved practices meant that there was no need to enforce the closure notice requirements of the Notice served on 10 July 2008.

On 9 June 2009 the Council approved a planning consent application for the construction of an outbuilding over an expanded hardstand area at the composting facility. The construction of the outbuilding over a hardstand area would have been a major improvement in operations but Mr Hoult did not act on the Council's approval which expired on 9 June 2011.

It appears that Mr Hoult has since modified his operations and is not adhering to earlier approvals and practices recommended by his environmental consultants. Examples are the sawdust underlay and cover has been replaced with straw which does not cover these heaps satisfactorily and there are various areas where the compost is not well contained.

Taking into account the increase in complaints of odour recently received by the Council and current operations at the composting facility, the Council should now require the composting facility to close and have the site cleaned up and rehabilitated to remove all of the composting material within a specified time frame such as 60 days. The registration of the premises as an Offensive Trade under the Health Local Law 2008 would then be withdrawn by the Council's EHO.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr S Grylls:

That:

1. The owner of the composting facility at Lot 859 Healy Road, Narrikup be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 advising as, in the opinion of the Council, the facility is not being operated and conducted in accordance with the Council's approval of 25 September 2007 and his environmental consultants recommendations, the facility is to be closed, all material removed and the site rehabilitated to the Council's satisfaction within a period of 60 days.
2. At the end of the 60 day period the registration of the premises as an Offensive Trade under the Shire of Plantagenet Health Local Law 2008 will be withdrawn.
3. Mount Barker Chicken be advised of 1. and 2. above.

AMENDMENT

Moved Cr J Moir, seconded Cr B Bell:

That the number '60' in Part 1 and number '60' in Part 2 of the motion be deleted and replaced with the number '90' in both instances.

CARRIED (9/0)

NO. 215/11

COUNCIL DECISION

That:

1. The owner of the composting facility at Lot 859 Healy Road, Narrikup be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 advising as, in the opinion of the Council, the facility is not being operated and conducted in accordance with the Council's approval of 25 September 2007 and his environmental consultants recommendations, the facility is to be closed, all material removed and the site rehabilitated to the Council's satisfaction within a period of 90 days.
2. At the end of the 90 day period the registration of the premises as an Offensive Trade under the Shire of Plantagenet Health Local Law 2008 will be withdrawn.
3. Mount Barker Chicken be advised of 1. and 2. above.

CARRIED (7/2)

NO. 216/11

10.1.2 RESERVE 16271 PORONGURUP ROAD, MOUNT BARKER - PROPOSED BUILDING AT MOUNT BARKER SPEEDWAY

File No: N1970

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan and Elevations](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 27 September 2011

Applicant: Mount Barker Speedway Club

PURPOSE

The purpose of this report is to consider a request for approval for the Mount Barker Speedway Club to construct a new building at the Mount Barker Speedway on Reserve 16271 (Lots 502 and 3879) Porongurup Road, Mount Barker.

BACKGROUND

On 23 August 2011 the Council received an application for a Building Licence from the Mount Barker Speedway Club requesting permission to construct a new building to the north of the existing club building which is a bar and undercover area. This new building will be used for the purposes of presentation and corporate entertainment area and the display of club awards and memorabilia.

The Crown owns Reserve 16271 and the care, control and management of the Reserve is vested with the Shire of Plantagenet for the purpose of 'Recreation'.

On 1 June 2008 the Council entered into a lease agreement with the Mount Barker Speedway Club for the lease of Reserve 16271. This lease is valid for five years and expires on 1 June 2013. The lease agreement between the Council and the Mount Barker Speedway Club states in clause 3.12 that the Mount Barker Speedway Club shall not make or permit to be made any alteration, addition or improvement to the premises without the permission of the Chief Executive Officer of the Shire of Plantagenet being first sought and obtained.

It can be seen from the site plan attached it appears the existing club building has been built over the boundary between lots 502 and 3879. The Council has requested State Land Services of the Department of Regional Development and Lands to amalgamate lots 502 and 3879 to one lot which will remain as part of Reserve 16271 and remove the anomaly of the building built over the boundary. The amalgamation of the two lots does not result in any alteration to the lease agreement or the Ministerial Order as the Reserve remains unaltered.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 – A building licence is required to be issued by the Principal Building Surveyor under delegated authority.

Land Administration Act 1997 – Management Orders/Vesting Orders.

Local Government Act 1995 – Section 3.58 – Disposing of Property.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Recreation Local Scheme Reserve.

FINANCIAL IMPLICATIONS

The Council recently adopted its 2011/2012 budget incorporating the distribution of Financial Assistance Grants. The Council approved a grant of \$3,000.00 towards the provision of a lockable building to the Mount Barker Speedway Club.

A building licence fee will be required to be paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

As the building is to be erected on a Council managed reserve, it will become the property of the Council, however the Mount Barker Speedway Club will be responsible for the ongoing maintenance of the structure. The building location is adjacent to the club building with the nearest property boundary being Porongurup Road approximately 30m to the north.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The proposed building is a skillion roof Colorbond® structure and is 8.0m long, 5.0m wide and 3.24m high. The building will be constructed in Colorbond® with external walls to be finished in classic cream colour and the roof is to be zincalume to match the existing canteen building.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That in accordance with the Vesting Order for this Crown land the proposed building on Reserve 16721 Porongurup Road, Mount Barker be approved subject to:

1. The development being in accordance with the plans dated 23 August 2011.
2. The Mount Barker Speedway Club acknowledging the building will become the property of the Council.
3. The Mount Barker Speedway Club retaining all maintenance responsibilities for the building.
4. The Mount Barker Speedway Club being responsible for any insurance excess in the event that an insurance claim, relating to the building, is made.

CARRIED (9/0)

NO. 217/11

**10.1.3 RESERVE 41498 (LOCATION 7675) BEVERLEY ROAD, KENDENUP –
RENOVATIONS AND ADDITIONS TO KENDENUP COUNTRY CLUB
CLUBHOUSE**

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr B Bell. Nature of interest– quoted on work.

3:14pm Cr B Bell withdrew from the meeting.

File No: N19768

Attachments: [Location Plan](#)
[Site Plan](#)
[Part Site Plan](#)
[Existing Floor Plan and Extent of Demolition](#)
[New Floor Plan](#)
[West and East Elevations](#)
[South and North Elevations](#)
[New Floor Plan of Ablution Block](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 27 September 2011

Applicants: Kendenup Country Club

PURPOSE

The purpose of this report is to consider detailed proposals for the Kendenup Country Club to extend and renovate the existing clubhouse building at the Kendenup Country Club at Reserve 41498 (Location 7675) Beverley Road, Kendenup.

BACKGROUND

The Council at its meeting held on 19 October 2010 resolved at Resolution No. 254/10:

'That

- 1. The proposal by the Kendenup Country Club Inc to renew and expand the toilet and washroom facilities and modernise the kitchen at Reserve 41498 (Lot 7675) Beverley Road be endorsed;*
- 2. The Council looks forward to receiving a detailed proposal regarding further proposed extensions and alterations to the remainder of the Kendenup Country Club building; and*
- 3. The application submitted for the 2010/11 round of Community Sport and Recreation Facilities Funds as follows:*

Applicant: Kendenup Country Club Inc;

Project: Renew and expand the toilet and washroom facilities and modernise the kitchen;

Total cost: \$161,844.77;

be supported.'

The Crown owns Reserve 41498 (Lot 7675) and the care, control and management of the Reserve is vested with the Shire of Plantagenet for the purpose of 'Recreation'. The 20 year lease agreement between the Council and the Kendenup Country Club for the lease of Reserve 41498 expires in 2013.

The current plans propose to extend and renovate the existing Country Club building. The extensions include a new pool and darts room on the eastern end of the building with a new verandah and covered area along this extension at the front of the building. The current toilet block will be replaced with a new ablution facility and will include a disabled person's toilet. The lounge and bar area, captain's room, kitchen and store areas will be renovated. A new effluent disposal system will also be installed as part of these improvements.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Recreation Local Scheme Reserve.

Building Code of Australia

Local Government (Miscellaneous Provisions) Act 1960 – A building licence is required to be issued by the Principal Building Surveyor under delegated authority.

Land Administration Act 1997 – Management Orders/Vesting Orders

Local Government Act 1995 – Section 3.58 – Disposing of Property

Australia New Zealand Food Standards Code - Food Safety Standards (Australia) sets the requirements for food premises, fixtures, fittings, equipment and food transport vehicles.

FINANCIAL IMPLICATIONS

A building licence fee will be required to be paid for all additions and renovations. The demolition of the existing toilet block and construction of new additions to the club building will be carried out by the Kendenup Country Club with no cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 3 Community Services advocates:

'Deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'

The adopted Kendenup Precinct Development Plan reference to the Kendenup Country Club site is: *'Country Club and other users to have option of relocating activities to the new Community Recreation Centre facility as desired.'*

OFFICER COMMENT

New extensions to the club building will be constructed on site and all external walls will be renovated and finished to match new extensions. External walls of the building will be finished in cream colour with manor red Colorbond® trim and a manor red Colorbond® roof. The kitchen will be completed in accordance with the Australia New Zealand Food Standards Code.

The renovation of and construction of additions to the club building will be staged and the project will be managed and funded by the Kendenup Country Club.

The club building is on a Council managed reserve and is the property of the Council, however the Kendenup Country Club will be responsible for the ongoing maintenance of the structure.

A building licence will need to be issued.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr A Budrikis:

That the Kendenup Country Club be advised that no objections are raised by the Council for renovations and additions to the Kendenup Country Club building on Reserve 41498 Beverley Road, Kendenup subject to:

- 1. The development being in accordance with the plans dated 13 September 2011.**
- 2. The Kendenup Country Club acknowledging the building will become the property of the Council.**
- 3. The Kendenup Country Club retaining all maintenance responsibilities for the building.**
- 4. The Kendenup Country Club being responsible for any insurance excess in the event that an insurance claim, relating to the building, is made.**
- 5. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**

CARRIED (8/0)

NO. 218/11

3:19pm Cr B Bell returned to the meeting.

FURTHER MOTION

Kendenup Precinct Development Plan

Moved Cr J Moir, seconded Cr M Skinner:

That consideration be given to reviewing the Kendenup Precinct Plan and a report be presented to the meeting of the Council to be held on 20 December 2011.

CARRIED (5/4)

NO. 219/11

**10.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 49 -
PORONGURUP RURAL VILLAGE - STRUCTURE PLAN - ADOPTION**

File No: N19580

Attachments: [Precinct Plan](#)
[Rural Village Structure Plan](#)
[Karribank Enclave Plan](#)
[Mayfield Enclave Plan](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to consider final Western Australian Planning Commission (WAPC) modifications required to the Porongurup Rural Village Structure Plan relating to Amendment No. 49 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3).

BACKGROUND

Shire records indicate the owners of the subject land as being:

Lot 1 Boxhill Road – W & S Bird
Lot 5 Porongurup Road – W & S Bird
Lot 11 Porongurup Road – Jilsan Pty Ltd
Lot 1664 Boxhill Road – W & S Bird

The Porongurups Rural Strategy of 1997 refers to the Bolganup Precinct C as having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

A Scheme Amendment Request (SAR) was submitted in December 2006 and in accordance with the Council Policy TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 13 February 2007 a report was considered by the Council and Resolution 57/07 was as follows:

‘THAT:

- (1) *The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.*

- (2) *After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.'*

Following the advertising period of the SAR, the submissions received were considered by the Council on 24 July 2007 where at Resolution No. 267/07 it was resolved:

'That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be noted and the proponents be advised the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to various matters raised in the submissions, including: policy issues, environmental, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc. being addressed.'

Harley Survey Group submitted Scheme Amendment documentation and the Council at its meeting held on 11 March 2008 resolved at Resolution No. 43/08:

'That:

Amendment No. 49 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.

Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.

After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 8 July 2008.'

Councillors were provided with a full copy of the Amendment document with the 11 March 2008 agenda papers.

The Environmental Protection Authority (EPA) authorised the Amendment to proceed to advertising on 28 May 2008 and provided advice that native vegetation, drainage management and waterways needed to be addressed.

The necessary 42 day advertising period closed on 25 July 2008 and a total of 64 submissions was received. A community initiated workshop was held at the Porongurup Hall on 3 June 2008 to discuss various issues in the Porongurup locality one of which was the village concept. On 30 June 2008 the Council held a Public Information Session at the Porongurup Hall to explain details of the actual Amendment, to answer specific questions and to clarify details.

The Council considered the 64 public submissions at its meeting held on 26 August 2008 and resolved at Resolution No. 159/08:

'That:

- 1. The submissions lodged on Amendment No. 49 to Town Planning Scheme No. 3 be noted.*

2. *Amendment No. 49 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure subject to the Schedule of Modifications being altered at modification 1 – proposed clause 3.9.5a) to insert a new point ii) as follows:*

‘ii) A public consultation program to assist in the development of the concept of the village structure planning’

and to renumber parts ii) iii) and iv) accordingly.

- proposed clause 3.9.5c) to insert after the words ‘subsequent Scheme Amendment’ in line 6, the following ‘to zone the land appropriately’.

3. *Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 49 once approved by the Honourable Minister.’*

The Council’s August 2008 decision was then referred to the Department of Planning (DOP) for it to report to the WAPC in a letter dated 2 September 2008.

The WAPC responded in a letter dated 28 January 2010 advising the Minister for Planning required the preparation of a Structure Plan before the Amendment could proceed.

The consultants (Harley Global) submitted the required Structure Plan in November 2010 and the Council at its meeting held on 14 December 2010 resolved:

‘That:

- 1. The Porongurup Rural Village Structure Plan be advertised for a period of 42 days to enable public comment to be made.*
- 2. The consultants (Harley Global) are to organise a public information session during the 42 day period.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 22 March 2011.’*

The advertising period ended on 17 February 2011 and 23 submissions were received.

Councillors were provided with a full copy of the Structure Plan with the Agenda of 14 December 2010.

The consultants held a public information session at the Porongurup Hall on Monday 24 January 2011. A good number of persons attended that session during the course of the afternoon and evening.

When the matter of the submissions received was considered by the Council at its meeting held on 1 March 2011, the Council resolved:

'That the Porongurup Rural Village Structure Plan, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval and incorporation of the modified Structure Plan in the Amendment No. 49 documentation.'

Since that meeting of the Council two other submissions received were added to the Summary of Submissions and were discussed in a further report to Council on 22 March 2011. The Council at that meeting resolved at Resolution 76/11:

'That the Council resolution of 1 March 2011:

'That the Porongurup Rural Village Structure Plan, the Summary of Submissions and the Schedule of Modifications be referred to the Western Australian Planning Commission for its approval and incorporation of the modified Structure Plan in the Amendment No. 49 documentation.'

be endorsed.'

The Council decision and the modifications were, on 25 March 2011, referred to the DOP for it to report to the WAPC. In accordance with the procedure set for Structure Plans in Amendment No. 49, the WAPC has 60 days to determine whether to endorse the Structure Plan. The WAPC responded in a letter dated 17 June 2011 (84 days) requiring six modifications one of which was the list of modifications required by the Council.

The WAPC required modifications to the Structure Plan were forwarded to the proponents and their consultants have now carried out the modifications with the exception of one which is discussed later in this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within 28 days.

This subject Structure Plan is not bound by the legislative time constraints set by the Town Planning Regulations 1967 for an Amendment. The Amendment was advertised in 2008 and has been on hold whilst the consultants prepared the Structure Plan as required by the Minister for Planning. The Amendment documents have been modified (as requested by the Minister for Planning), endorsed by the Shire President and Chief Executive Officer and forwarded to the WAPC for final endorsement and Gazettal.

The draft Structure Plan was advertised for 42 days and a public information session was held during that time.

Amendment No. 49 includes a procedure for the preparation of a Structure Plan including time constraints for matters such as advertising, reporting to the Council and determination by the WAPC. The WAPC did not keep to its 60 day time frame but rather responded in 84 days on the modifications to the Structure Plan.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural.

EXTERNAL CONSULTATION

The SAR was advertised for comment for 60 days prior to it being considered by the Council in July 2007. The Amendment was advertised for 42 days and a total of 64 submissions was received.

The subject Structure Plan was advertised for 42 days to enable the public to comment and 23 submissions were received.

FINANCIAL IMPLICATIONS

The Structure Plan fee of \$4,840.00 has been paid.

POLICY IMPLICATIONS

This land is within Precinct C of the Porongurups Rural Strategy of 1997 and the village concept and associated Structure Plan conforms with the requirements of that Strategy. It is also in conformity with the Council's Planning Vision adopted by the Council on 9 March 2010 as Town Planning Scheme Policy No. 18.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

OFFICER COMMENT

The Structure Plan addresses many of the matters required by the Council in 2008 in terms of the extent of the conventional residential area, servicing, the inclusion of all of Precinct C and one large Rural Residential lot in the heavily vegetated northern area. The Structure Plan shows how the overall form of the development will be low key and village like.

The Structure Plan has been advertised and the Council considered the submissions on 22 March 2011. The WAPC has also considered the Structure Plan, the public submissions and the Council's recommended modifications. In a letter dated 17 June 2011 the WAPC required six modifications to be carried out. Those modifications are as follows:

- I. .(sic) verification of the suitability of the on-site waste disposal prior to lodgement of any strata subdivision and/or development application within the plan area;*
- II. verification of the potable water supply collection and storage to meet domestic demand prior to lodgement of any strata subdivision and/or development application within the Structure Plan area;*

- III. *verification of the 1:100 year flood event levels prior to any subdivision and/or development application within the Structure Plan area.*
- IV. *submission of a Fire Management Plan in accordance with the Commission's relevant planning policy prior to the lodgement of any subdivision and/or development application within the Structure Plan area;*
- V. *modifications in accordance with Plantagenet Shire's Schedule of Modifications (Attached); and*
- VI. *to address concerns raised in some submissions that vacant lots would create problems with respect to visual impacts from "for sale" signs, overgrown lots and fire hazards which would be exacerbated if many lots were created and not built on, the local government to give consideration to amending the Structure Plan to include a requirement which sets the maximum number of lots to be created at any one time, and the minimum number of lots to be built on prior to the creation of any more lots.'*

The modifications were forwarded to the proponents and their consultants have carried out all of the Council's 47 modifications (point V. above) together with points I. to IV. above required by the WAPC. In respect to points I. to IV. above, the proposed changes are as follows:

- i. *The following sentence has been inserted at the end of section 7.5 On-Site Effluent Disposal:*

'Prior to the lodgement of a subdivision or development application for a strata development within the Enclaves and/or the development of lots within the Structure Plan area, it will be required that additional information is provided demonstrating that the sites are suitable for on-site waste disposal, through either a communal waste system for the strata development or individual on-site effluent disposal units on green titles lots.'

- ii. *The following sentence has been inserted at the end of section 7.4 Water:*

'Prior to the lodgement of a subdivision or development application for a strata development within the Enclaves and/or the development of lots within the Structure Plan area, it will be required that additional information is provided demonstrating that a suitable collection, storage and distribution of a potable water supply will be available to the lots or future development.'

- iii. *The following sentence has been inserted at the end of section 7.8.1 Drainage:*

'Prior to further subdivision and/or development of the land, verification of the 1:100 year flood event levels will be required. These investigations can be undertaken independently, based upon lot ownership.'

- iv. *The following sentence has been inserted in section 7.7 Fire Management:*

'Prior to lodgement of a subdivision and/or development application, it will be required that a revised Fire Management Plan is submitted.'

The WAPC point VI. above involves the creation of a complex and unworkable form of staging requirement which would stop new lots being created until a certain number of already created lots are built on. Whilst in theory such a provision could

be beneficial visually and have small benefits for fire and land management, it would detrimentally impact on the economies of scale for the development of lots. It would create problems for future financing or possible joint ventures with development companies. Such a provision is impractical to impose. The DOP Albany suggested possible wording of such a clause as follows:

‘To ensure that an over- supply of vacant lots does not create adverse visual impacts on the locality from the proliferation of ‘for sale’ signs, or fire hazards from over grown lots, land shall be developed in stages with the maximum number of lots to be created in any one stage not to exceed , and the minimum number of lots to be built on in the previous stage prior to the creation of any more lots shall be’

As Councillors are aware, this village proposal consists of a range of various types of lots including 31 residential (2,000m²) lots, 12 larger (5,000m² to 1ha) residential lots, seven rural residential (1-2ha) lots, nine bush (2-23ha) lots and two enclaves containing 30 strata lots each. To attempt to say which subdivision goes first and which ones do not proceed could be seen as contrary to the National Competition Policy as the Council would be interfering with a developer’s choice as to which lots would be released and when. When the consultant raised this with the Manager of the DOP Albany office, he was advised that if the Council feels the provision is unnecessary, it can then be removed by the decision of the meeting. The Manager assured the consultant that if the provision was removed, the WAPC would not require it to be reinserted. On the basis of this advice the staging provision has not been included in the modified Structure Plan.

A page has also been added to the end of the Structure Plan for signatures of the Shire President, Chief Executive Officer and the WAPC.

The Structure Plan is considered suitable for adoption by the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Grylls:

That:

- 1. The Porongurup Rural Village Structure Plan be adopted incorporating the required modifications of the Western Australian Planning Commission with the exception of modification ‘VI.’ as detailed in its letter of 17 June 2011 as such a staging condition would be unworkable.**
- 2. The adopted Porongurup Rural Village Structure Plan be referred to the Western Australian Planning Commission for its endorsement.**

CARRIED (9/0)

NO. 220/11

10.2 WORKS AND SERVICES REPORTS

10.2.1 BUDGET REALLOCATION - OATLANDS ROAD FOOTPATH

File No: N19715
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration / Project Officer Works
and Services
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to consider an amendment to the 2011/2012 Adopted Budget to reallocate funds from the Road Maintenance account (20225.0126) to the Mount Barker Footpath Construction account (51203.0250) for the purpose of footpath improvement along the north side of Oatlands Road between Osborne Road and Fellows Street.

BACKGROUND

A footpath improvement schedule has been implemented throughout Mount Barker and each year footpaths are identified and prioritised for upgrade. This upgrade consists of an asphalt overlay on these footpaths.

Asphalt overlay has already been completed during 2011/2012 on sections of footpath along Mount Barker Road, Marion Street, Ormond Road and Muir Street. Asphalt overlay has also been completed at the pedestrian entrances to the railway crossings near Wilson Park and at the Visitor Centre near the Mount Barker Cooperative. Footpath works on Mount Barker Road were suspended due to a 'Sewer Infill Project' which is scheduled by the Water Corporation to be carried out in the near future. Works on this footpath will be completed during 2012/2013 following completion of works by the Water Corporation.

Oatlands Road north side footpath, from Albany Highway to Osborne Road has previously been upgraded with an asphalt overlay. Oatlands Road north side footpath, from Osborne Road to Fellows Street currently has a bitumen seal.

Oatlands Road, north side footpath was not identified for further upgrade in 2011/2012.

Correspondence was received from the Water Corporation on 1 September 2010 regarding a proposal to replace the water main in Oatlands Road. The proposal indicated that the works were scheduled to proceed in approximately February 2011.

Works are currently being carried out by Landline Enterprises (Contractors for the Water Corporation) to replace the existing water main aligned under the footpath along Oatlands Road. The north side footpath on Oatlands Road between Albany Highway and Fellows Street will require reinstatement following excavation work. These works have resulted in the need to re-consider footpath works in this area.

STATUTORY ENVIRONMENT

The Local Government Act 1995, Part 6 Financial Management, Division 4 General Provisions provides the following at Section 6.8:

'Section 6.8 – Expenditure from municipal not included in annual budget.

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

- (1a) *In subsection (1) –*
'additional purpose' means a purpose for which no expenditure estimate is included in the local government's annual budget.'

EXTERNAL CONSULTATION

The Manager Works and Services and Engineering Technical Officer attended a site meeting with the Water Corporation on 12 September 2011 to discuss a possible optimum outcome arrangement for reinstatement and upgrade of this section of footpath.

The Water Corporation has indicated their willingness to fund the reinstatement of the section of footpath from Osborne Road to Fellows Street up to bitumen seal standard. The Water Corporation will be required to reinstate the section of footpath from Albany Highway to Osborne Road (130m) to asphalt overlay standard.

The Water Corporation have also been consulted regarding the proposed 'Sewer Infill Project' which is expected to commence in November/December 2011. Plans obtained relating to this project indicate that a sewerage extension will occur in Oatlands Road from Hassell Street to just west of Deane Street. Advice from the Water Corporation is that it is unlikely that these works will affect the footpath. The sewer is approximately 3.0m from the water main and the Water Corporation considers that works will be carried out in the road, not the footpath. The Water Corporation have noted that in the unlikely event that the footpath is disturbed, it will be replaced 'like for like' at a cost to the Water Corporation.

FINANCIAL IMPLICATIONS

The Council's 2011/2012 budget was adopted on 5 July 2011. An allocation of \$50,000.00 is provided for Mount Barker Footpath Construction (account 51203.0250). Currently there is approximately \$4,800.00 available in this account.

The 2011/2012 budget includes an allocation of \$1,150,000.00 for Road Maintenance (account 20225.0126). Currently there is approximately \$766,000.00 available in this account.

An allocation of \$5,000.00 is included in the budget for Footpath Construction – Improvements and Extensions (account 51230.0250), all of which is currently available.

The section of footpath from Osborne Road to Fellows Street is approximately 321m long and 2.2m wide. It is proposed that a 20mm asphalt overlay will be completed on this section in order to bring the footpath to the same standard as the section from Albany Highway to Osborne Road and that which is being upgraded on other footpaths throughout Mount Barker.

The cost to bitumen seal this 706.2m² (321m x 2.2m) section of footpath is estimated at \$9,109.98 (excluding GST). The cost to provide an asphalt overlay is estimated at \$19,491.12 (excluding GST).

The Water Corporation has advised that it will fund the restoration of the footpath to a two coat bitumen seal standard ('like for like'). The Shire of Plantagenet will be required to fund the difference of approximately \$10,381.14 (excluding GST) to bring the footpath to asphalt overly standard.

It is worth noting that the footpath section will be upgraded to a width of 2.2m on average, however some places may be marginally wider. It is estimated that any additional costs over the 2.2m standard width will not exceed \$1,500.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 2 Infrastructure, provides the following as one of its aims:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

It is mutually beneficially for both the Shire and the Water Corporation to progress the upgrade of the Oatlands Road footpath in line with the reinstatement works already being completed on the footpath. This will bring the footpath up to the standard that other footpaths (including an existing portion of Oatlands Road) have already been completed (asphalt overlay) throughout Mount Barker.

This proposal will result in the Water Corporation only being required to engage one Contractor for asphalt overlay of the entire section. The Water Corporation would otherwise be required to engage one Contractor to asphalt the section from Albany Highway to Osborne Road (to bring to existing standard) and another Contractor to bitumen seal the section from Osborne Road to Fellows Street (to again bring back to existing standard).

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr S Grylls, seconded Cr B Bell:****That:**

- 1. Funds totalling \$12,000.00 (excluding GST) from the Road Maintenance account (20225.0126) be reallocated to the Mount Barker Footpath Construction account (51203.0250) for the purpose of north side footpath improvement along Oatlands Road from Osborne Road to Fellows Street; and**
- 2. The adopted 2011/2012 Annual Budget be amended as follows:**

Account	Description	Current Budget	New Budget	Net Amount
20225.0126	Road Maintenance	\$1,150,000.00	\$1,138,000.00	(\$12,000.00)
51203.0250	Mount Barker Footpath Construction	\$ 50,000.00	\$ 62,000.00	\$12,000.00

CARRIED (9/0)**NO. 221/11****Absolute Majority**

10.3 COMMUNITY SERVICES REPORTS

10.3.1 KENDENUP SKATE PARK - CONSTRUCTION OF A SHELTER AND SEATING STRUCTURE

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr A Budrikis. Nature of interest – Owner of house across the railway.

3:30pm Cr A Budrikis withdrew from the meeting.

File No: N19755
Attachments: [Floor plan](#)
[Site plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to consider a request from the Kendenup Community Development Association Incorporated (KCDA) to install a shade shelter and seating at the Kendenup Skate Park site.

BACKGROUND

The Kendenup Skate Park construction was finished in March 2011 and is a well used community facility. The KCDA has approached the Shire for approval to install a 6m x 4m shelter adjacent to the skate park, including built in seating. A sketch plan of the proposed shelter is attached.

The Kendenup Skate Park is located adjacent to Hassell Avenue and forms part of the WestNet Rail corridor area. The Shire has a licence for the use of the rail corridor land for a ten year period for 'community use'.

STATUTORY ENVIRONMENT

The Rail Freight System Act 2000.

EXTERNAL CONSULTATION

Consultation has occurred with members of the KCDA.

FINANCIAL IMPLICATIONS

The KCDA has carried out some fundraising activities and has sought in-kind donations of materials and skilled labourers time to build the shelter and seating structure at no cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Once the structure is in place, it becomes the property of the Council and therefore will be subject to ongoing maintenance and replacement costs.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan (2003), Key Result Area Three - Community Services Aims are to deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community. An initiative to assist achieve this aim is to facilitate the increased provision of youth oriented activities.

OFFICER COMMENT

The Kendenup Skate Park is located in the rail corridor between Hassell Avenue and the railway line. While clearing around the site has been minimised to only removing what was necessary, there is a lack of shade around the skate park area. The skate park is often visited by spectators watching their friends and/or children and there have been repeated requests to the KCDA to consider installing a shade structure and seating beside the skate park to accommodate these people.

The Kendenup community has been very proactive with fundraising and sourcing in-kind donations in order to support infrastructure development in the town. The KCDA helped raise in excess of \$35,000.00 in-kind support for the Kendenup Skate Park project.

The KCDA has continued this work to gather materials and skilled labourers to construct a shelter and seating area adjacent to the Kendenup Skate Park.

A sketch plan of a proposed shelter and seating area including site map is attached. A Building Licence for the structure will need to be issued prior to construction taking place, therefore details such as the specifications of the support posts and the roof structure will need to be provided.

It is also recommended that if the structure is endorsed, that the Council's Principal Building Surveyor oversees the construction to ensure it is of sufficient standard, safe and meets the relevant legislative requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr L Handasyde:

That the construction of a shade shelter and seating area at the Kendenup Skate Park located in the WestNet Rail corridor adjacent to Hassell Avenue, Kendenup, be endorsed provided the following conditions are met:

1. a building licence is obtained prior to construction taking place;
2. the shelter is installed in the location identified in the site plan dated 20 September 2011;
3. the Shire's Principal Building Surveyor oversees the construction;
4. there is no cost to the Council for the construction of the structure including site works, construction, rubbish removal and any necessary site rectification; and
5. the construction be managed to ensure there are no safety risks to Kendenup Skate Park users.

CARRIED (8/0)

NO. 222/11

3:34pm Cr A Budrikis returned to the meeting.

10.3.2 LOWOOD ROAD - PROMOTIONAL BANNERS - POLICY REVIEW

File No: N19745
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to review Council Policy I/R/17 – Lowood Road - Promotion Banners.

BACKGROUND

At its meeting held on 26 May 2009, the Council resolved:

'That amended Council Policy I/R/17 - Lowood Road - Promotional Banners:

'OBJECTIVE:

The objective of this Policy is to provide clear guidelines for the display of promotion banners along Lowood Road on the designated banner poles.

POLICY:

The display of promotion banners on the designated banner poles along Lowood Road be conditional upon the following:

- 1. The applicant is responsible for providing the banners (including artwork) on a suitable, durable material, with the relevant dimensions and with the necessary attachment points.*
 - 2. The banners will be erected and removed by Council staff or contractors that have been engaged by the Council.*
 - 3. Only banners that promote events or activities that provide a significant benefit to the Plantagenet community will be displayed.*
 - 4. Commercial advertising is not permitted.*
 - 5. Banners deemed offensive or insensitive will not be permitted.*
 - 6. Banners will be displayed for a minimum two week period and a maximum four week period, unless an extension of time is approved by the Chief Executive Officer.*
 - 7. The applicant is responsible for retrieving the banners from the Shire of Plantagenet once the banner has been taken down at the completion of the approved time period.*
 - 8. If a banner(s) is damaged or vandalised whilst on display, the applicant is responsible for repairing or replacing the banner(s), including the cost of recovering and re-erecting the banner.*
 - 9. The applicant is responsible for paying the adopted fee to have the banners erected, displayed and removed. Fees are set on a cost recovery basis and listed in the Council's Annual Budget.'*
-

be endorsed.'

FINANCIAL IMPLICATIONS

There are no financial implications associated with this policy.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The banner poles have been used by community groups to promote community events, such as the Mount Barker Fair. The policy has proven sufficient for the use of the banner poles.

The continuation of the current policy is considered appropriate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr J Moir:

That Council Policy I/R/17 – Lowood Road – Promotion Banners:

‘OBJECTIVE:

The objective of this Policy is to provide clear guidelines for the display of promotion banners along Lowood Road on the designated banner poles.

POLICY:

The display of promotion banners on the designated banner poles along Lowood Road be conditional upon the following:

1. The applicant is responsible for providing the banners (including artwork) on a suitable, durable material, with the relevant dimensions and with the necessary attachment points.
2. The banners will be erected and removed by Council staff or contractors that have been engaged by the Council.
3. Only banners that promote events or activities that provide a significant benefit to the Plantagenet community will be displayed.
4. Commercial advertising is not permitted.
5. Banners deemed offensive or insensitive will not be permitted.
6. Banners will be displayed for a minimum two week period and a maximum four week period, unless an extension of time is approved by the Chief Executive Officer.
7. The applicant is responsible for retrieving the banners from the Shire of Plantagenet once the banner has been taken down at the completion of the approved time period.
8. If a banner(s) is damaged or vandalised whilst on display, the applicant is responsible for repairing or replacing the banner(s), including the cost of recovering and re-erecting the banner.
9. The applicant is responsible for paying the adopted fee to have the banners erected, displayed and removed. Fees are set on a cost recovery basis and listed in the Council's Annual Budget.'

be endorsed.

CARRIED (9/0)

NO. 223/11

10.3.3 NATURAL DISASTER RELIEF - POLICY REVIEW

File No: N19750
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to review Council Policy RS/ES/1 – Natural Disaster Relief.

BACKGROUND

At its meeting held on 23 June 2009, the Council resolved:

'That amended Council Policy RS/ES/1 - Natural Disaster Relief, as follows:

OBJECTIVE:

The objective of this Policy is to provide assistance to victims of a natural disaster which has occurred within the Shire of Plantagenet.

POLICY:

To assist people that are genuine natural disaster victims, Building Licence fees (to a maximum of \$750.00 for any one building) shall be donated by the Chief Executive Officer, subject to budgetary allocation, for the replacement of buildings on the same site and of a similar size and structure to buildings irreparably damaged or destroyed during the natural disaster.

This Policy will only be applicable when the Shire President has determined that the event is a natural disaster.'

be endorsed.'

FINANCIAL IMPLICATIONS

Building Licence fees include statutory and Council fees and comprise a Builders Registration Board fee, a Building Construction Industry Training Fund levy (only applicable for structures valued at more than \$20,000.00) and a Council fee. The minimum Building Licence fee is \$126.50.

The average Building Licence fee for a single dwelling is \$1,100.00 and \$126.50 for a carport. It is proposed that \$750.00 remain the maximum donation payable by the Chief Executive Officer.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Natural Disaster Relief policy specifically refers to a donation towards Building Licence fees (to a maximum of \$750.00 for any one building), subject to budgetary allocation.

There is no allocation in the 2011/2012 Annual Budget, however if such an event were to occur and the Shire President has determined that this policy should apply, then an allocation may be made through a budget reallocation report.

A continuation of the current policy is considered appropriate although it is recommended that the policy focus be changed to 'Local Disaster' rather than 'Natural Disaster' to differentiate this policy from other State and Federal Natural Disaster Relief Programs.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr L Handasyde:

That amended Council Policy RS/ES/1 - Disaster Relief, as follows:

OBJECTIVE:

The objective of this Policy is to provide assistance to victims of a local disaster which has occurred within the Shire of Plantagenet.

POLICY:

To assist people that are genuine local disaster victims, Building Licence fees (to a maximum of \$750.00 for any one building) shall be donated by the Chief Executive Officer, subject to budgetary allocation, for the replacement of buildings on the same site and of a similar size and structure to buildings irreparably damaged or destroyed during the disaster.

This Policy will only be applicable when the Shire President has determined that the event is a local disaster.'

be endorsed.

CARRIED (7/2)

NO. 224/11

10.3.4 POLICY REVIEW - USE OF A CIRCUS VENUE

File No: N19753
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to review Council Policy A/PA/10 – Use of a Circus Venue.

BACKGROUND

At its meeting held on 23 June 2009, the Council resolved:

‘That amended Council policy A/PA/10 - Use of a Circus Venue:

‘OBJECTIVE:

To provide guidelines on the appropriate venue for a circus in Mount Barker.

POLICY:

The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Park (north) for such purposes subject to:

- 1. All normal charges and bonds being paid in advance.*
- 2. Evidence of a Public Liability Insurance Cover to the sum of \$20 million being sighted to the satisfaction of the Chief Executive Officer.*
- 3. The circus performance not clashing with any other scheduled event at Frost Park.*
- 4. Any damage to Frost Park being repaired by the circus operators at their expense.*
- 5. Circus organisers obtaining all necessary permits and approvals prior to the event.’*

be endorsed.’

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Circus Royale staged two performances on 26 and 27 October 2010 at Sounness Park, Mount Barker following approval from the Council at its meeting held on 19 October 2010. Circus management had requested a change in the venue from Frost

Park (north) to Sounness Park as it was a much more central and visible position which helps support their ticket sales.

Damage to the grass surface at Sounness Park was not of concern as there were no sports being played at the Sounness Park facility at the time of the circus.

The circus left the site in a clean state and the only clear impact to the grass surface was areas that had been grazed by the circus animals. The circus received its full bond entitlement after they had left the site.

If another circus was to host an event in Mount Barker it can be assumed that they would want a venue which is central and provides maximum visibility. However, the proposed developments at Sounness Park may make the area unsuitable for activities such as a circus and therefore, it is recommended that the policy remains unchanged with Frost Park (north) nominated as the venue for circus performances.

If necessary, Council permission may be sought for a change to this venue on a 'case by case' basis.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Grylls, seconded Cr J Moir:

That Council Policy A/PA/10 – Use of a Circus Venue, as follows:

'OBJECTIVE:

To provide guidelines on the appropriate venue for a circus in Mount Barker.

POLICY:

The Council will, with regard to a circus venue in Mount Barker, permit the use of Frost Park (north) for such purposes subject to:

- 1. All normal charges and bonds being paid in advance.**
- 2. Evidence of a Public Liability Insurance Cover to the sum of \$20 million being sighted to the satisfaction of the Chief Executive Officer.**
- 3. The circus performance not clashing with any other scheduled event at Frost Park.**
- 4. Any damage to Frost Park being repaired by the circus operators at their expense.**
- 5. Circus organisers obtaining all necessary permits and approvals prior to the event.'**

be endorsed.

CARRIED (9/0)

NO. 225/11

10.4 CORPORATE SERVICES REPORTS

10.4.1 FINANCIAL STATEMENTS – AUGUST 2011

File No:	N19761
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	27 September 2011

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 August 2011.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr M Skinner:

That the Financial Statements for the month ending 31 August 2011 be received.

CARRIED (9/0)

NO. 226/11

10.4.2 LIST OF ACCOUNTS - AUGUST 2011

File No: N19572
Attachment: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of August 2011.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended August 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$615,787.28;
- b. Municipal Cheques 42188 - 42280 totalling \$87,965.70; and
- c. Trust Cheque 317 totalling \$1951.80.

CARRIED (9/0)

NO. 227/11

10.4.3 WRITE OFF OF DEBTS

A Financial/Indirect Financial (Section 5.60 (A) and Section 5.61 LGA) Interest was disclosed by Cr M Skinner. Nature of interest – Farming 400 head of cattle.

3:58pm Cr M Skinner withdrew from the meeting.

File No: N19731
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to recommend the write off a recent saleyards penning fee and a number of bad debts that have been outstanding for an excessive period of time and are considered unrecoverable.

BACKGROUND

The debts proposed to be written off are detailed below.

1. Jarrod Colbung \$1,130.25

This is an outstanding debt carried over from Logis and entered into Civica as of 1 July 2007. This debt related to a deliberately lit fire.

At the Council meeting held on 18 January 2011, a motion to write off two sundry debtors (Jarrod Colbung \$1,130.25 and David Shorter \$1,130.25) totalling \$2,260.50 was lost.

A property sale and seizure order was subsequently issued to both persons. Mr Shorter paid in full rather than relinquish a vehicle, however the bailiff has advised that Mr Colbung has no possessions to be seized. No further legal action can be taken and it is recommended that it be written off.

2. Mount Barker Panel Beaters \$75.00

This debt relates to waste disposal at the Mount Barker Landfill Site. This amount has been outstanding since September 2010. The business has since closed and all attempts made to send statements to a forwarding address have been unsuccessful. Due to the small value, further action is not considered warranted.

3. S Parry \$25.20

This amount has been outstanding since June 2010. This debt related to medication bought to sedate Ms Parry's dog after a dog attack. All attempts to recover the debt have been unsuccessful and Ms Parry is no longer at the address supplied. Due to the small value, further action is not considered warranted.

4. Landmark \$150.00

On two recent sale days, computer problems caused some issues and delays in the sales. The most recent occasion occurred due to a computer which had been repaired but the ports had not been set up properly to communicate with the Livestock Exchange software on the server. Paperwork had not been printed for several pens and buyers had to rely on weights being called.

One particular vendor, (ML and JF Phillips) has argued that the price obtained for their cattle was much lower than it would have been if the usual standard of service had been in place. Landmark has waived its fee and has requested the Council to do the same. Fees amount to \$150.00 (plus GST) for 20 animals.

This matter was considered by the Great Southern Regional Cattle Saleyards Advisory Committee at its meeting held on 6 September 2011. Members of the Saleyards Committee considered that due to the problems caused by Shire equipment, the write-off was supported in order to maintain goodwill with the customer and agent.

The Saleyards Committee resolved that it be recommended to the Council that saleyards fees for Landmark (Vendor ML & JF Phillips) totalling \$150.00 (plus GST), be written off.

STATUTORY ENVIRONMENT

Section 6.12(1) (c) of the Local Government Act states:

(1) Subject to subsection (2) and any other written law, a local government may:

(c) Write off any amount of money, which is owed to the local government.

(An absolute majority is required)

FINANCIAL IMPLICATIONS

It is recommended that a total of \$1,380.45 be written off to provide an accurate reflection of the Council's receivables.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Significant attempts have been made to recover all of the outstanding debts. Such attempts include contact both written and verbal and debt collection agencies where appropriate. Despite these repeated attempts, there has been no success and as such, they are considered unrecoverable and if not written off, they will misrepresent the true financial position of the Council.

In regard to the saleyards fees, the administration agrees with the stance taken by the Saleyards Committee.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the following sundry debtors totalling \$1,380.45 be written off:

1.	Jarrold Colbung	\$1,130.25
2.	Mount Barker Panel Beaters	\$ 75.00
3.	S Parry	\$ 25.20
4.	Landmark	\$ 150.00

COUNCIL DECISION**Moved Cr S Grylls, seconded Cr L Handasyde:****That the following sundry debtors totalling \$1,305.45 be written off:**

1.	Jarrold Colbung	\$1,130.25
2.	S Parry	\$ 25.20
3.	Landmark	\$ 150.00

CARRIED (7/1)**NO. 228/11****Absolute Majority**Reason for change

An address was proposed to be provided for Mount Barker Panel Beaters.

4:03pm Cr M Skinner returned to the meeting.

10.4.4 SALEYARDS – ENVIRONMENTAL PROPOSALS

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr M Skinner. Nature of Interest – 400 head of cattle.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr J Moir. Nature of interest – cattle farmer.

Authority to participate pursuant to Section 5.69(3)(b) of the Local Government Act 1995.

Approval has been received from the Department of Local Government (formerly the Department of Local Government and Regional Development) via a letter dated 10 December 2010 giving permission for Cr M Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards from 7 December 2010 to 31 December 2011.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No: N19563
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to recommend a position which would enable the Council to progress a number of operational and infrastructure improvements relating to effluent management at the saleyards.

BACKGROUND

The Great Southern Regional Cattle Saleyards Advisory Committee (Saleyards Committee) has been attempting to progress a solution to the environmental problems at the saleyards for some years. A recent history is as follows:

- The Council's 2009 Annual Environmental Report noted an increase in nutrient levels in the groundwater down gradient of the waste water treatment ponds. One of the two ponds was de-sludged during 2008 however water quality in down gradient bores was elevated compared to other bores. The report recommended that consideration be given to the de-sludging of the second pond.
- In a letter dated 12 April 2010, the Department of Environment and Conservation (DEC) noted the results of the 2009 Annual Report and advised that:

'It is recommended that further investigation into the management of nutrients on site be undertaken. DEC Supports a mid-year review of nutrient loading rates as recommended in the AER; however DEC also recommends that the Shire of Plantagenet explore the elevated nutrient concentrations in the

irrigation water and groundwater, the potential environmental impacts of these levels, and possible mitigation measures. Elevated nutrient levels in the groundwater beyond ANZECC guideline trigger values may be an indicator that pollution is occurring from the activities on site.

The de-sludging of the treatment pond in 2008 does not appear to have improved groundwater quality as suggested in the 2008 AER, and as such it is recommended that this issue now be explored further.'

- In July 2010, Charles Williams from West Coast Laboratories was appointed as the Council's new contractor for environmental and monitoring services. Mr Williams met with the Committee and the trend of elevated nutrients was discussed. The Council wrote to DEC and requested an extension of time to investigate this matter. Mr Williams was requested to further investigate a solution in conjunction with the Deputy Chief Executive Officer.
- In September 2010, the Committee sought advice from DEC on the planting and irrigation of trees such as bluegums between the ponds and the soak, in order to facilitate the uptake of nutrients.
- In October 2010, DEC advised that any change or expansion to the current irrigation area will require a works approval application and licence amendment. The planting of trees does not require approval from DEC but the irrigation of wastewater to land or trees would. Any new wastewater disposal (irrigation) area would also require some form of formal approval from DEC (depending on proposed storage and volumes irrigated may require a works approval to construct and licence to operate). A Nutrient Irrigation Management Plan would need to be prepared to manage the new irrigation areas.
- In December 2010, a letter was received from DEC in relation to breaches of licence conditions. DEC also advised of a requirement to decommission the pond 3 overflow system and contoured infiltration drain.
- In December 2010, Shire staff and Mr Williams met with representatives of Ecolab (a firm approached by Mr Williams to provide specialist advice) to explore options for waste water treatment. A series of questions was received and answered.
- In April 2011, after they had done some investigations, EcoLab pulled out of the discussions as they were of the view that their technology could not provide a solution which would enable environmental performance to be improved to the extent sought by DEC in its letter dated 12 April 2010. Mr Williams started looking for other firms that may be in a position to assist.
- Also in April 2011, the Saleyards Committee resolved to seek advice from DEC on a proposal to:
 - Decommission the waste water overflow on the southern sullage pond by installing a cap on the discharge pipe on the outside of the pond;
 - Install a valve on that pipe in cases of emergency due to large rainfall events, with the submission to include historical rainfall records; and
 - Amend the DEC licence for the Saleyards to incorporate the allowance in Clause 2.
- In May 2011, DEC responded to this letter, advising that a minimum of 400mm freeboard is recommended on treatment ponds specifically to handle rainfall events and wave action. Within the final pond, this would equate to maintaining a surface water level 400mm below the top of the overflow pipe. This

requirement is being considered by DEC for addition to the Shire's licence. The proposed installation of a cap and valve is only supported by DEC if adequate freeboard is maintained. To facilitate any future emergency discharges via the overflow pipe, DEC would require discharges to be measured (eg: by a magnetic flow meter) and reported to the DEC. This is also being considered for incorporation into the licence.

- Also, in May 2011, Mr Williams sought assistance from a water treatment firm called Klen International. An initial meeting was held on site.
- In July 2011, Cr Michael Skinner, Deputy CEO John Fathers and Saleyards Manager Stewart Smith attended the Rural Press 2011 Australian Livestock Markets Association Conference held in Dubbo. During this trip, they also visited saleyards in Muchea, Dubbo, Carcoar and Forbes. A number of conclusions came from those visits. In brief:

The Forbes' truckwash grate and effluent system is simple yet effective and in particular the use of aerators and additives in ponds was very beneficial. The use of additives seems to be important and has since been dealt with in Klen's presentation.

While not a direct impact on environmental factors, it was evident that the provision of soft floors is becoming more important from an animal welfare point of view. At the conference, contact was made with RPS Industries, a firm that supplies rubberised soft floors. The firm has offered to install the product free of charge on a trial basis at our saleyards.

RPS will be sending enough matting to cover the first selling pen and one of the loading ramps. RPS advises that not only will this have a positive impact on animals, but should provide savings in wash down of around 60%.

It was concluded that, if the claims are correct, a full covering of the entire concrete areas could be more important than the extra yard space that is currently in the budget. From a marketing point of view, this may encourage producers to sell in the saleyards rather than on-farm and therefore could also increase throughput. Just as importantly, the reduction in water usage will not only result in cost savings, but as pointed out by Klen International, is an important factor in improving environmental performance.

- In August 2011, following the conclusion of the investigations by Klen International, a presentation was made to the Saleyards Committee by its representative, Gerrit Van Rensburg. At that meeting, the Committee arrived at a preliminary plan for further consideration. It was also agreed to hold a strategic planning session on 6 September 2011, to which all councillors should be invited, in order to progress this and other long term plans.
- At its meeting held on 6 September 2011, the Saleyards Committee formalised the recommendation to this report. The committee considered that the short term objectives should include statements about implementation rather than just investigation. Also, the committee considered that appropriate tree planting in the contoured infiltration drain, south east of pond 3 would also be beneficial in reducing nutrients in that area.

STATUTORY ENVIRONMENT

The Council is required to fulfil its obligations under a licence granted by DEC issued in accordance with the provisions of the Environmental Protection Act 1986.

EXTERNAL CONSULTATION

Consultation has occurred with Charles Williams from West Coast Laboratories, Gerrit Van Rensburg from Klen International. Discussions have also been held with numerous saleyards staff at sites visited in July 2011.

FINANCIAL IMPLICATIONS

The 2011/2012 budget includes a sum of \$50,000.00 for capital environmental improvements, which was funded from the State Government contribution that paid off the saleyards loans. The budget also includes a maintenance amount of \$40,000.00 for sludge removal. The cost of the improvements proposed is dealt with in the Officer Comment section.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Strategic Plan does not mention the saleyards specifically, however protection of the environment is a recurring theme in the document.

OFFICER COMMENT***Investigations by Klen International***

A summary of the presentation by Gerrit Van Rensburg is as follows:

Problem Definition

There are high nutrient levels in inspection boreholes (phosphorous and nitrogen), resulting in a nutrient plume in the soil under the ponds. The assumption is that at least one or all of the ponds are leaking waste water into the ground. It is anticipated that the plume will slowly dissipate after a solution is found to reduce the sludge and nutrient levels.

There is also a build-up of solids in the effluent ponds, resulting in decreased efficiency, decreased pond volume, blockages of irrigation nozzles and increased likelihood of seasonal pond overflows. As de-sludging doesn't necessarily provide an answer in the short term, it would be best to ensure sludge build-up didn't occur in the first place.

Nutrient Levels

Effluent Characteristics	Raw Effluent Screen	Final Effluent SW1	Required Effluent
BOD (mg/L)	147	72.0	
COD (mg/L)	528	282.0	
TSS (mg/L)	1656	220	
pH	7.7	7.2	
Nitrogen (mg/L)	162.0	64.0	<5.0
Phosphorus (mg/L)	28.0	12.0	<0.06
Oil & Grease	NoT tested	NoT tested	

Possible Strategies

Possible strategies involve either the removal, reduction or the utilisation of nutrients or a combination of these. Solids removal can be by microbial digestion, mechanical or chemical means. Nutrient reduction can be achieved by microbial digestion or chemical means. Nutrients can also be contained and managed, in a similar way to what we are doing now with irrigation on adjacent paddocks.

Solids removal can be achieved in a variety of ways:

- Filtration (sand, multi-media, activated carbon);
- Mechanical (belt filter press, centrifuge);
- Chemical (coagulation, flocculation).

However, this will not necessarily remove all the nutrients. Soluble nutrients have the ability to leach through the soil into ground water.

Options Considered – Treatment of Waste Water

1. Chemical Treatment

- Nitrogen removal:
 - pH to 11 with lime;
 - Bubble with air;
 - Neutralise with acid;
 - Possible odours;
- Phosphorous removal:
 - Metal salt;
 - Sludge handling;
 - Equipment – clarifier;
 - High cost of chemicals.

2. Biological Nutrient Removal (BNR)

Although the exact configurations of each system differ, BNR systems designed to remove Total Nitrogen (TN) must have an aerobic zone for nitrification and an anoxic (absence or deficiency of oxygen) zone for denitrification. BNR systems designed to remove Total Phosphorous (TP) must have an anaerobic zone free of dissolved oxygen and nitrate. Often, sand or other media filtration is used as a polishing step to remove particulate matter when low TN and TP effluent concentrations are required. Common BNR systems cost from approximately \$300,000.00 upwards.

3. Constructed wetlands and intermittent sand filters

Advantages:

- Natural;
- Low maintenance;
- Environmentally friendly;
- Optional to irrigate;

Disadvantages:

- Expensive to construct;
- Take up considerable space;
- Low solids and nutrient recovery;
- High risk in flooding events;
- Sand filtration as polishing step;
- Anaerobic conditions (smell);
- High cost;
- Not extensively developed / proven.

4. Biological Enhancement

- Activated sludge process (anoxic, aerobic)
 - Expensive equipment;
 - Require skilled and consistent operation;
 - Power bills – aeration;
- Wetlands
 - Harvest plant material;
 - Construction;
 - Space;
 - Leaching of nutrients still possible;
 - Not fully researched;
- Ponds (anaerobic, aerobic)
 - Limited success;
 - Can be enhanced with chemicals;
 - Aeration / agitation.

Options Considered – Treatment of Ponds

- Aerobic Ponds
 - Bubble air or agitate or add peroxide;
 - Enhance nutrient removal with Klenzyme F;
- Anaerobic pond
 - Remove Nitrogen;
 - Settling of solids and to precipitate Phosphorous add a coagulant;
 - Reduce sludge with Klenzyme F.

This should result in an immediate reduction in nutrients. Seepage will continue, but should be greatly reduced.

Options Considered – Lined Ponds

- Time to construct;
- Risk of lining damage;
- Medium cost;
- Total elimination of seepage;
- No need to reduce nutrients (less chemical costs);
- Sludge management still needed, but mechanical means can be considered.

Proposed Short and (if necessary) Longer Term Solutions

1. Practise direct irrigation as far as possible to reduce volume in ponds and amount of nutrients to be treated.
2. Set up to reduce nutrients with an aerobic ponds followed by the anaerobic pond. Chemical addition will be needed to ensure nutrient reduction (Klenzyme F and Bioxide WW 1632).
3. Line the ponds.
4. Install a sand filter with backwash back into the last pond to reduce blockage of irrigation system.
5. Install belt filter press to remove more solids prior to feeding to the ponds.

Cost of Chemicals (Based on 300kl/week)

- Klenzyme F
 - Chemical \$ 10,316.00 per annum;
 - Equipment \$ 2,000.00 (Optional – 200 Litre drum, agitator and dosing pump).
- Bioxide WW1623 (Alternative to aeration)
 - Chemical \$18,240.00 per annum;
 - Equipment \$ 2,000.00 (1,000 Litre tank and dosing pump).

Further Officer Comment

The Council needs to be taking some affirmative action and also be seen by DEC to be doing so. Nevertheless, the Council has limited funds and must spend that money in the most cost effective way.

From the site visits and advice from Klen International, the use of aerators and enzyme additives seem to be an effective and cost effective way of encouraging bacterial action and maintaining ponds in good order. The reduction in water throughput into the ponds is also critical to reduce volume in ponds and amount of nutrients to be treated.

The Committee will recall that the Council spent around \$20,000.00 in 2008 to remove sludge from ponds 1 and 2. This was not entirely successful in that the long reach excavator could not reach to all parts of the ponds. It is unlikely that the Council could adopt this method in the future due to environmental licence restrictions. Prior to that, contractors had been engaged to remove sludge using skimming equipment and flocculants. This method was completely unsuccessful and was abandoned.

One of the impressive things observed at Forbes saleyards was the ability of the combination of aeration and enzyme additives to digest sludge. If we can replicate these results, the Shire could achieve significant cost savings in sludge removal.

Waste water currently discharges to ponds 1 and 2 at the same time (1 and 2 then 3). In order to most effectively facilitate biological waste water treatment, the pipework should be adjusted such that the ponds can operate in series (1 then 2 then 3). Quotations would need to be sought to carry out this work.

During site visits, the sediment trap pond at Muchea was thought to be a good idea. At Dubbo, three ponds are in place, two long, narrow primary ponds and one secondary pond. Only one primary pond is used at any one time with the other one drying out. At Forbes, the primary ponds are relatively small and narrow (approx 4m x 16m). Due to the apparent ease with which Forbes keeps its ponds clean, the use of smaller anaerobic ponds is thought to be beneficial.

At its 16 August 2011 meeting, the Saleyards Committee considered that a clay barrier could be installed to effectively cut pond 1 in half, to enable easier access, more effective enzyme action and allow cleaning out of solids if required. This is probably more a stage 2 option and would need further investigation to see if it is viable.

This is the extent of works proposed at the current time. It is anticipated that the results will be monitored and further decisions made on the more significant and costly works such as pond liners and filters. It should be remembered that some of the recommendations will take time to implement and it will take even longer to see any appreciable positive impacts.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. An environmental action plan for the saleyards, consisting of the following:
 - A. Short term
 - i) Investigate soft floor and reduce water use;
 - ii) Further investigate and implement enzyme additives;
 - iii) Further investigate and install aerators and progressively clean up ponds 3 and 2 then 1;
 - iv) Re-configure the ponds to be 1 then 2 then 3 in series;
 - B. Medium Term
 - i) Subject to the results of the short term actions, consider the installation of a clay barrier to effectively cut pond 1 in half, to enable easier access, more effective enzyme action and allow cleaning out of solids if required;
 - ii) Undertake appropriate tree planting in the contoured infiltration drain, south east of pond 3;
 - C. Longer term
 - i) Depending on the results of these actions, further investigate the use of a sand filter and pond liners.

be noted;
2. A further report be presented to the Council on the efficacy of the action plan when the results become available.

CARRIED (9/0)

NO. 229/11

10.5 EXECUTIVE SERVICES REPORTS

10.5.1 RAIL CORRIDOR AND HUGHES ROAD KENDENUP

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr A Budrikis. Nature of interest – Relative of Landowner adjacent to Hughes Road.

4:13pm Cr A Budrikis withdrew from the meeting.

File No: N19786

Attachments: [WestNet Rail Letter](#)
[Letter to Landholders](#)
[Map](#)
[Memo to Councillors](#)
[List of Landholders](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Rob Stewart
Chief Executive Officer

Proposed Meeting Date: 27 September 2011

PURPOSE

The purpose of this report is to formally advise Councillors of a situation that has developed for residents of Hughes Road Kendenup who do not have any constructed road access to their properties.

BACKGROUND

By memorandum dated 13 April 2011 (copy attached) Councillors were advised that a situation had been brought to the Chief Executive Officer's attention whereby residents of Hughes Road had believed that a rail access corridor running adjacent to the gazetted and unmade Hughes Road Reserve had been advised by WestNet Rail that they were not entitled to access their properties through the rail corridor.

At that time several of the affected land owners indicated their dismay that their properties were effectively 'land locked'.

STATUTORY ENVIRONMENT

Section 56 of the Land Administration Act (1997) vests the care, control and management of roads within a district to the local government of that district, except for main roads.

EXTERNAL CONSULTATION

In the first instance, the issue came to the Council's attention when a resident on the unconstructed part of Hughes Road noted that emergency vehicles were having a difficult time finding his location. At that stage the matter was raised with WestNet Rail regarding the potential for signage to be erected and at this stage WestNet Rail advised that no access should be taken from the rail reserve.

Since then all affected land owners have been contacted and many have, in turn, contacted the Council.

FINANCIAL IMPLICATIONS

To effectively meet the access requirements for the affected residents of Hughes Road, approximately 3,000 metres of road formed to 'C' Class Road standard would be required. The cost of this in virgin bush would be approximately \$220,000.00 however, there is some doubt that a clearing permit could be arranged in the short to medium term due to the probable presence of rare or endangered flora.

POLICY IMPLICATIONS

Council Policy I/R/7 – Roads – Unconstructed Roads applies. A copy of this Policy is attached.

No budgetary allocation has been made for the construction of this road and there has been no indication that affected land owners wish to construct the road.

Council Policy 1/R/16 – Rural Road Hierarchy also applies.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 2 (Infrastructure) notes an aim of the Council is to:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

It is difficult to recommend the inclusion of the unconstructed part of Hughes Road on a works program. It would appear that purchasers of the affected land believed that the rail corridor was indeed Hughes Road and that they therefore had a legal right of access. This is clearly not the case. Where the Council was aware of an impending purchase, the lack of legal road access was mentioned although in at least one instance, the potential for access along the rail corridor was noted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Grylls, seconded Cr G Messmer:

That the owners of land adjacent to the unconstructed portion of Hughes Road Kendenup be advised that although the Council will consider funding the clearing and construction of Hughes Road, it is unlikely that such funding will be available in the short to medium term.

CARRIED (8/0)

NO. 230/11

4:22pm Cr A Budrikis returned to the meeting.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

Nil

13 CONFIDENTIAL

NIL

14 CLOSURE OF MEETING

4:23pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____