



CONFIRMED MINUTES

Shire of West Arthur Special Council Meeting

to consider a Development Application which has been previously declined, which decision has been subsequently challenged through the State Administrative Tribunal.

Tuesday 13 August 2024

These Minutes were confirmed at the Ordinary council meeting on: 22 August 2024

Signed:

Presiding Member at the meeting at which the Minutes were Confirmed.

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The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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**MINUTES OF SHIRE OF WEST ARTHUR
SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
ON TUESDAY, 13 AUGUST 2024 AT 6.00PM**

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.07pm.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS:	Cr Neil Morrell	(Shire President)
	Cr Karen Harrington	(Deputy Shire President)
	Cr Graeme Peirce	
	Cr Robyn Lubcke	
	Cr Duncan South	
	Cr Adam Squires	
	Cr Russell Prowse	
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder Sunner	(Manager Corporate Services)
APOLOGIES:	Gary Rasmussen	(Manager Works and Services)
	Sharon Bell	(Community Development Officer)
	Kerryn Chia	(Projects Officer)
ON LEAVE OF ABSENCE:	Nil	
ABSENT:	Nil	
MEMBER OF THE PUBLIC:	Phil and Marg Scott	

3 PUBLIC QUESTION TIME

Nil

4 DISCLOSURES OF INTEREST

The Author of the report has declared interest in the matter, being previously engaged by Westpork to prepare bushfire management plans for all of its sites and contractor farms in the State, including at Mokup and Boscabel.

Cr Graeme Peirce declared an Impartiality Interest in relation to item 5.1 Lot 5 Stewart Road Composting Facility. Cr Peirce – Lionel Ainsworth of United Enterprises WA Pty Ltd is the Lessee of property Kojonup Lot 7092 owned by the Ian Peirce Family Trust of which Cr Peirce is not a Trustee or Beneficiary.

5 REGULATORY SERVICES

5.1 LOT 5 STEWART ROAD COMPOSTING FACILITY

File Reference:	A401
Author:	Geoffrey Lush, Planning Consultant
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	6/08/2024
Disclosure of Interest:	G. Lush was previously engaged by Westpork to prepare bushfire management plans for all of its sites and contractor farms in the State, including at Mokup and Boscabel
Location:	Lots 4 and 5 Stewart Road, Moodiarrup
Applicant:	Agri Corp Australia Pty Ltd trading as VMS Contractors
Owner:	LR Ainsworth & AH Calais
Proposal:	Development Application – Composting Facility
Attachments:	<ol style="list-style-type: none"> 1. Land Ownership - Confidential ↓ 2. Site Plan ↓ 3. Submissions Schedule ↓ 4. Odour Controls ↓ 5. Bushfire Prone Land ↓

SUMMARY:

This report relates to the application by VMS Contractors to develop a compost manufacturing and soil blending facility on Lots 4 and 5 Stewart Road Moodiarrup. In accordance with Directions issued by the State Administrative Tribunal the Shire is to:

- 1) By 23 August 2024, file a statement of issues, facts and contentions it says arise in relation to the decision under review.
- 2) By 27 September 2024, file (without prejudice) a set of all of conditions which it considers should be imposed if the Tribunal determines that approval of the application is appropriate.

The subject land is comprised of Lots 4 and 5 Stewart Road, Moodiarrup, and has a total area of 740.9178 hectares. The development site is located on Lot 5, while the access will extend through Lot 4 to the Boyup Brook – Arthur Road.

The proposed facility will process up to 48,000 tonnes per annum comprising of 35,000 tonnes of “biosolids”; 5,000 tonnes of pig manure; and 8,000 tonnes of green waste. The current operations at Busselton process 27,000 tonnes per annum but this does not include any manure. The facility will comprise of a Composting Pad being 3.0 hectares in size (150m x 200m) with an associated drainage pond (35m x 35m). There will be

one staff member on site weekdays (no weekend work) and an average of 4 truck deliveries to the site per day (Monday – Friday). The processed compost will have a P1 (pathogens 1) C1 (contaminants 1) rating which is the highest rating / lowest hazard levels.

The subject land is vacant land being predominantly cleared farming land used for grazing and cropping. The landowner has been applying pig manure/bedding (less than 1,000 tonnes per annum) from the Westpork Boscabel piggery to the site as a soil conditioner.

The subject land is included in the Rural zone in Local Planning Scheme No 2. The Zoning Table offers limited scope for the classification and approval of the application. For the application to be considered capable of approval it would have to be classified as either “industry - rural” or an unspecified use pursuant to Clause 4.4.2 of the Scheme. Council’s legal advice is that it does not meet either of these definitions and therefore is classified as “industry - general” which is a prohibited use.

In general terms, the composting of material to be used to improve soil conditions for farming done in an environmentally sustainable manner that does not prejudice the amenity of the locality, is considered to be compatible with the objectives of the Rural zone.

While some impact upon amenity is to be expected, determining the degree of that impact is difficult. Assessing the likely impact in advance requires value judgements to be made, assisted by any expert reports and information provided. State Planning Policy SPP 2.5 Rural Planning defines Rural Amenity which suggests that in rural areas that the consideration of amenity should take into account that normal farming practices such as ploughing, seeding, harvesting and/or spraying may impact on residents.

The application proposes a 500m buffer from the development site which relates to biosolids. DWER has advised that as the applicant proposes to accept manures, 1000m is the more applicable buffer distance. This will extend over several adjoining lots to the north while the nearest existing dwelling is located approximately 1.9km south of the development site.

There is no information available as to whether any buffer is required to the spreading of the processed compost.

No odour assessment report was submitted with the application which relies on the generic 500m buffer distance as being suitable. Council engaged OPAM Consulting to review the application. This has identified several issues and concluded that the odour impact risk from the proposed activity is possibly higher than low. Without a detailed odour assessment report that considers both the existing and proposed operations, it is very difficult to fully consider the likely odour impacts of the application.

The development proposes to use the existing access to the site located in the south western corner of Lot 4. As this has potential sight distance issues confirmation from a traffic engineer that the access is suitable is required.

Having regard to the precautionary principle as reflected in the planning framework, in the absence of detailed odour assessment report that considers both the existing and proposed operations, impacts on the surrounding properties and management measures, it has not been shown that the application will not have:

- A detrimental impact on the amenity of the area; and
- Be contrary to the orderly and proper planning of the location as reflected in the planning framework.

BACKGROUND:History

The application was originally received in April 2023. In July 2023 DWER advised that the application for the Works Approval for this proposal had been withdrawn and that the applicant was working with DWER to refine the scope of the works approval application and to address the Better Practice Organics Recycling Guidelines (2022), prior to DWER formally accepting the application.

A new application was lodged in January 2024.

Council at its Meeting of the 21st March 2024 resolved to refuse the application on the grounds that the proposal is classified as 'Industry – general' in Local Planning Scheme No 2 which is a prohibited (X) use in the Rural zone.

The applicant subsequently lodged an appeal against this decision with the State Administrative Tribunal. At the Directions Hearing held on the 7 June 2024 the Senior Member declined to list the matter for mediation, and instructed that the matter should proceed to a final hearing which will be held on the 15 October 2024 for a duration of three days.

Item 1 of the SAT orders is not a formal invitation to the Council to reconsider its previous refusal, but it does require Council to consider the application to determine whether any planning issue other than the permissibility of the use should be raised by the Shire at the final hearing. This allows for the possibility that the SAT may not agree with the Shire's classification of the use and may determine that it is capable of approval subject to its assessment of the planning merits. As the September Council Meeting is to be held on the 26th September, the consideration of Item 2 must also occur at the August Meeting.

Existing Conditions

The subject land is comprised of Lots 4 and 5 Stewart Road, Moodiarrup, and is located approximately 34 kms south of Darkan townsite. The site has a total area of 740.9182 hectares and the title details are documented below.

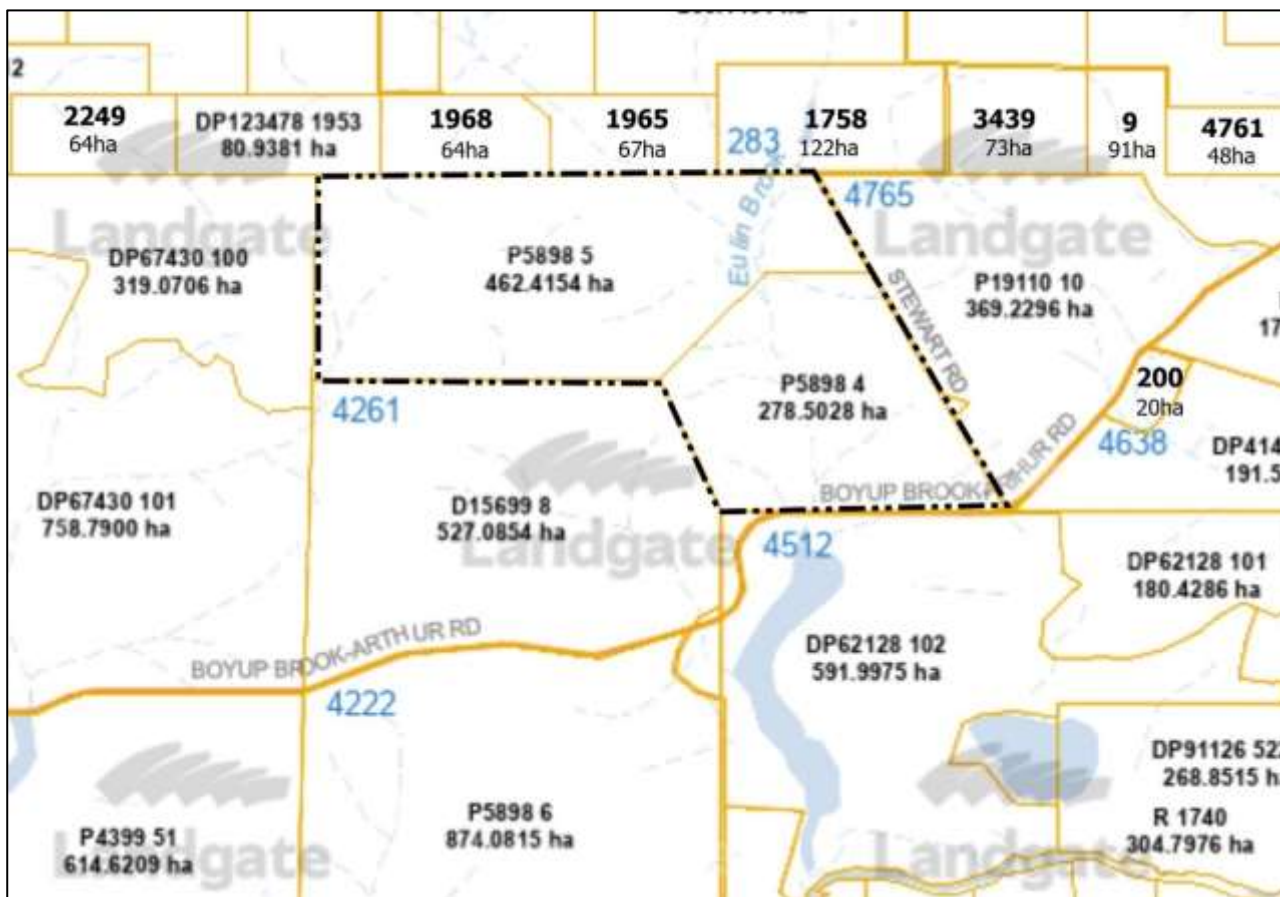
Lot	Plan	Vol	Folio	Registered Proprietor	Area(ha)
4	5898	2037	578	L Ainsworth & A Calais	462.4154
5	5898	1565	497	L Ainsworth & A Calais	278.5028

The development site is located on Lot 5, while the access will extend through Lot 4 to the Boyup Brook – Arthur Road. Lot 5 has a frontage of approximately 800m to Stewart Road and a depth of 3.2kms.

The subject land is vacant land being predominantly cleared farming land with some scattered areas of bushland and it is presently used for grazing and cropping. The landowner has apparently been applying pig manure/bedding from the Westpork Boscabel piggery to the site as a soil conditioner for some time.

The surrounding land is also used for broad acre farming. The lots vary in size from 64 to 874 hectares and immediately adjoining lots are shown as shown below. Many farms contain multiple lots as shown in Attachment 1. Several of the adjacent lots on the northern side of the site are landlocked with no constructed access via a gazetted road. Lot 100 on the western boundary is subject to a conservation covenant.

Eulin Brook traverses the eastern portion of the site with its confluence with the Blackwood River being approximately 5kms south east of the development site.



Lot 4 has an elevation of approximately 214m AHD where Eulin Brook crosses the Boyup Brook – Arthur Road. Lot 5 has an elevation of 224m AHD where Eulin Brook crosses its southern boundary. This increases to approximately 300m AHD in the western portion of Lot 5 in the vicinity of the proposed development site. The surrounding land also has similar elevations except to the south where it declines towards the Blackwood River.

The proposed development site is relatively flat with a gradient of 3% and an elevation of between 290 and 300m AHD.

The subject property is located within a ‘non-proclaimed’ area for both surface water and for ground water under the *Rights in Water and Irrigation Act 1914*.

The subject land and surrounding properties are also being promoted by Green Wind Renewables as the site for the proposed Ambrosia Wind Farm which has been advertised to produce 600 megawatts of power hosting up to 100 wind turbines. No development application has been made for this proposal.

The Application

The proposed development site is shown in Attachment 2 and is located approximately 630m from the western boundary, 680m from the northern boundary and 700m from the southern boundary. Access to the development site will be via the adjacent Lot 4 to the Boyup Brook – Arthur Road.

It is proposed that the facility will process up to 48,000 tonnes per annum comprising of:

- 35,000 tonnes of “biosolids” per annum, being sludge from the Water Corporation treatment works;
- 5,000 tonnes of pig manure; and
- 8,000 tonnes of green waste comprising of:
 - Saw dust;
 - Straw;

- Oat husks;
- Pine shavings; and
- Green waste.

Biosolids is sludge from a wastewater treatment plant that has undergone further treatment to reduce disease-causing pathogens and volatile organic matter significantly, resulting in a stabilised material suitable for beneficial use. It does not include industrial and food processing sludges. The source materials are described in Table 9 of the application below.

Feedstock	Description	Controls
Green waste	Lawn clippings, leaves, plants, branches, tree trunks and stumps but excluding timber.	- Only approved feedstock allowed on site. - Approved supplier list.
Natural fibrous organics	Seed hulls/husks, straw, bagasse and other natural organic fibrous organics but excluding peat.	- Delivery logs maintained including feedstock origin, date, time, load number, quantify & receipt location.
Biosolids and dewatered sewage sludge	Sewage sludge from a wastewater treatment plant that has undergone further treatment to significantly reduce disease-causing pathogens and volatile organic matter.	- Reject feedstocks not acceptance at the facility. - No acceptance of unsuitable material as listed in BPOR.
Manures	Animal manure and mixtures of animal manure and animal bedding organics.	- Feedstock contained within HDPE lined pad.

The facility will comprise of a Composting Pad being 3.0 hectares in size (150m x 200m) with an associated drainage pond (35m x 35m). Compost production occurs over a 4 – 8-week time cycle, with the material generally breaking down to about one third of the input materials. The application states that the end product will not be sold and that it will be used as a soil conditioner for properties owned by VMS and or its subsidiaries for soil rehabilitation.

The manufacturing of the compost comprises of the following steps:

- 1) All feedstock material is delivered directly to the Composting Pad.
- 2) Biosolids are delivered on a regular basis to prevent stockpiling.
- 3) Biosolids are processed within 24hrs of delivery.
- 4) Front end loader is used to spread material into a windrow to a max 2m x 2m x 30m with a minimum 6m between rows.
- 5) Green waste/straw and manure are spread over biosolids to form windrows.
- 6) Windrow turner is used to blend material every 2 – 3 days.
- 7) Quality Control monitoring is undertaken at every turn event.
- 8) At completion of a 28-day composting cycle, material is sampled and sent to a NATA accredited laboratory for analysis of P1 (pathogens 1) C1 (contaminants 1).

There will be one staff member on site weekdays (no weekend work) and the only building will be a sea container on site which operates as a lunchroom and a site office. There will be an average of 4 truck deliveries to the site per day (Monday – Friday).

The existing facility operated by VMS is located in Busselton and is proposed to be relocated to Moodiarrup. The application says that at the Busselton site the surrounding area has undergone residential development resulting in encroachment of the buffer distance required for the operations. A comparison between the existing operation and proposed facility is documented below:

Site	Bio-solids	Green Waste	Pig Manure	Total
Busselton	15,000t	12,000t		27,000t
Moodiarrup	35,000	8,000	5,000	48,000t

The email dated Friday, 28th April which accompanied the original application provided the following description of the proposal:

Agri Corp Australia Trading as VMS .Contractors has a composting facility in Busselton Licence L8526/2011/2.

We are applying to DWER to move our licence to 4261 Arthur River Boyup Brook Rd – (land owners: Lionel Ainsworth & Allan Calais).

Plan 5898 see attached maps.

We compost Biosolids, Piggery bedding straw and Green waste to achieve a P1, C1 soil conditioner for use on the land owners property. We do not sell the product.

Attached is our Compost Quality Production Manual we developed to meet AS4454.

The reason for us moving is our neighbours in Busselton have subdivided there farm and we are having houses built on our boundary, composting needs a 200m buffer and we don't have this anymore at our site.

On the proposed location we have 1km to the nearest house which in occupied by the land owner.

Entrance to our proposed site is at 4261 Arthur River Boyup Brook Rd.

We anticipate an average of 2 truck movements per week day and on a very rare occasion 1 on a weekend (once every 4 weeks).

The Gateway and entrance/crossover already exist, we will place permanent "Truck Entering" signs on either side of the entry.

Attached is and aerial view or our Busselton operation so you can see what we are applying for through DWER.

Also attached is the DRAFT site plan being presented to DWER.

The reference in the email to 'soil conditioner for use on the land owners property' is understood to mean the subject land and the adjacent Lot 1758 as well has the owner's farm at Bokal. The intention to use the compost on the owner's properties does not align with the development application itself, which states that the compost will be used as soil conditioner on properties owned by VMS and/or its subsidiaries.

The reference to P1 and C1 relates to biosolids being the pathogen (P) and chemical contaminant (C) grades. The pathogen grade is based on the level of treatment undertaken to reduce pathogen levels, vector attraction and odour in the biosolids product. Four pathogen grades are used being P1 (high quality) to P4 (low quality). There are three Contaminant grades with grade C1 corresponding to the highest quality of biosolids (lowest contaminant level).

COMMENT:

Matters to be Considered

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:

- Clause 67 pf the Deemed Provisions items (a) – (zb); and

- Clause 5.18.3 of the Scheme - General Development Requirements

These matters are referenced in the following sections, reflecting the relevant planning framework.

State Planning Policies (Clause 67 (c))

The following State Planning Policies are considered to be relevant to the application:

- SPP 2.5 Rural Planning
- SPP 4.1 Industrial Interface
- SPP 3.7 Planning in Bushfire Prone Areas

These are referenced in the following sections.

Guidelines (Clause 67 (d))

The following Guidelines have been referred to in the preparation of this report:

- DWER (2022) Better Practice Organics Recycling Guidelines;
- DWER (2019) Odour Emission Guidelines;
- DWER (2012) Western Australian guidelines for biosolids management; and
- Department of Health (2024) Guideline for the management of public health risks associated with offensive trades in Western Australia.

Land Use Definition (Clause 67 (a))

As indicated in the Statutory Environment section of this report, the Scheme Zoning Table offers limited scope for the classification of the application. Schedule 1 of the Scheme Land Use Definitions includes the following:

“industry - general” means an industry other than a cottage, extractive, light, mining, rural or service industry.

“industry - rural” means —

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes.

For the application to be considered it would have to be classified as either “industry - rural” or an unspecified use pursuant to Clause 4.4.2 of the Scheme. For it to be classified as “industry - rural” it would have to be accepted that either the inputs (bio-solids from the Water Corporation Waste Water Treatment Plant) or the outputs (compost) is a “rural product” and the land use activity would need to be described as handling, treating, processing or packing a rural product.

Council’s legal advice is that it does not meet either of these definitions and therefore is classified as “industry - general” which is a prohibited use.

Zone Objectives (Clause 67(a))

The objectives for the Rural zone seek to promote productive farming which contributes to the economic base of the Shire, while seeking to ensure that the rural amenity and character of the location, and the preservation of the land's capability is maintained.

In general terms, the composting of material to be used to improve soil conditions for farming done in an environmentally sustainable manner that does not prejudice the amenity of the locality, is considered to be compatible with the objectives of the Rural zone.

Amenity (Clause 67 (m) and (n))

Amenity is a fundamental town planning concept which can be difficult to quantify. SPP 2.5 Rural Planning contains the following definition of Rural Amenity:

A standard of residential amenity that is rural in nature, which may include impacts from primary production. May also include biodiversity conservation, natural resource management, some public purposes and protection of landscapes and views.

This suggests that in rural areas that the consideration of amenity should take into account that normal farming practices such as ploughing, seeding, harvesting and/or spraying may impact on residents.

Clause 67(n) of the Deemed Provisions refers to the following components of amenity:

- (i) environmental impacts of the development;
- (ii) the character of the locality; and
- (iii) social impacts of the development.

Amenity includes the present and likely future amenity. Changes can be slow and evolutionary or sudden which can create unwelcome impacts. The specific characteristics which people value in an area can differ. Similarly, the tolerances of individuals to any changes may also vary.

The environmental impacts are normally considered as part of the DWER Works Approval. As indicated DWER is awaiting the outcome of the development application before undertaking its environmental assessment. In the absence of this Council can only have a limited consideration unless it engages its own environmental consultant to provide advice. This has been done for the odour issue.

The proposal does not include any buildings, other than a proposed sea container/office and the development site is set back more than 500m from the property boundaries. While it has an elevated position and will be visible from the surrounding area, this will be a distant view which is not considered to have any significant impact on the character of the locality.

While some impact upon amenity is to be expected, determining the degree of that impact is can be difficult to quantify as it involves value judgements. The provision of expert reports can assist in providing a measure of objectivity.

Social issues are clearly reflected in Strategic Planning as part of an integrated planning approach balancing economic, social and environmental factors. In relation to the application, the social impacts are closely aligned with the environmental and buffer issues addressed here.

Buffer Requirements (Clause 67 (c) and Clause 5.18.3)

SPP 4.1 Industrial Interface in part deals with the interaction between rural and industrial uses. It also promotes that the precautionary principle should be applied where there is inadequate information about the impacts, and where the impacts are difficult to avoid, mitigate or manage.

Section 5.12.1 of SPP 2.5 Rural Planning deals with avoiding land use conflict. This reinforces that where a development may generate off-site impacts, there should be application of the separation distances used in environmental policy and health guidance.

The recommended separation distance to sensitive premises is as defined in EPA Guidance No 3 Separation Distances between Industrial and Sensitive Land Uses. This recommends that for a composting facility, with outdoor uncovered, windrows that the buffer distances are:

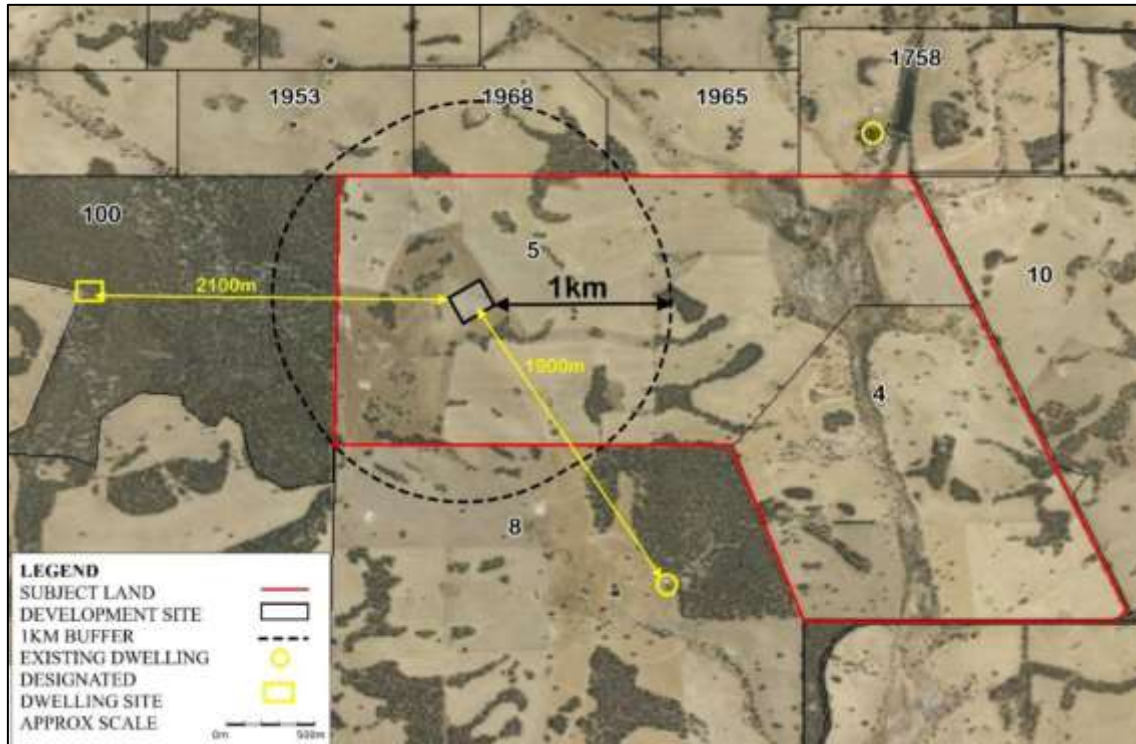
- 500m for biosolids;
- 150m for green waste; and
- 1,000m for manure.

The application states that it meets the required buffer distances on the basis of:

- Applying a 500m buffer for biosolids; and
- The nearest dwelling being approximately 2kms from the development site.

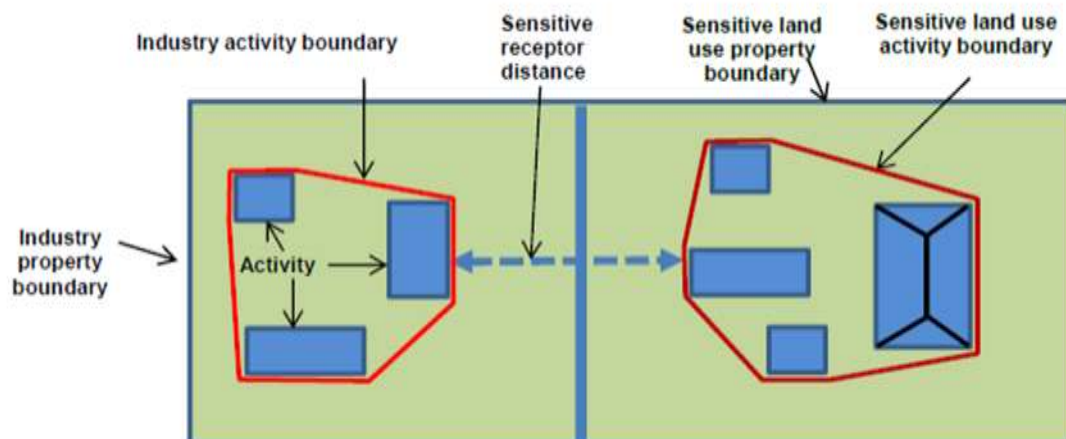
DWER has advised that as the applicant proposes to accept manures, then 1000m is the more applicable buffer distance than the 500m cited in the application. The pig manure component is 10.4% of the total material.

The above buffers apply to the main compost processing area and not to the final spreading of the material. The 1km buffer from the compost processing area is shown below. The nearest existing dwelling is located approximately 1.9km from the development site.



The proposed dwelling site on Lot 100 is designated in the conservation covenant for that property which prohibits clearing and development in other locations. The buffer potentially impacts on Lots 1953 and 1968 to the north. However, it cannot be assumed that a dwelling can be developed on these properties as neither lots has constructed road access. Clause 5.7 of the Scheme stipulates that development approval is required for the development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road.

The Odour Emission Guidelines recommends that sensitive receptor distances should be measured from the 'activity boundary' of the industrial activity (citing windrows) to the nearest sensitive land use. In a rural environment the separation distance is to be measured as shown below.



Odour (Clause 67(n) and Clause 5.18.3(a))

DWER (2019) Odour Emission Guidelines notes that odours emitted to the atmosphere may result in annoyance or nuisance to members of the public. The following factors, described using the acronym FIDOL, are widely accepted as being important dimensions of odour nuisance:

- Frequency of odour impacts;
- Intensity (or strength) of the odour;
- Duration of the exposure events;
- Offensiveness of the odour; and
- Location of the impacts (the sensitivity of the receiving environment).

It describes that the reactions to odours can be very subjective. A smell may be pleasant to one person and unpleasant to another. Exposure to odour that affects general quality of life and wellbeing (amenity) may be regarded as annoying by an individual. 'Nuisance' may result from repeated exposure to annoying odours and lead to avoidance behaviour and complaints. Nuisance and interference with amenity may include:

- disturbance of normal day to day activities and recreation; and
- inconvenience in the enjoyment of one's social surroundings.

One submission states that the extra strong odour could be smelled from at least 12 km away.

A works approval issued by DWER may include implementation of odour control technologies and management practices such as:

- siting the activity so it is not in proximity to sensitive receptors;
- minimising odour generation at the source by:
 - covering or enclosing odour generating activities within structures
 - being maintained under negative pressure; and / or
 - capturing and directing the odorous gases to chemical, biological or thermal treatment prior to discharge;
- continuous monitoring and alarm systems to enable feedback for process
- control and corrective actions; and
- ambient field odour assessment, monitoring and reporting.

The proposed odour management controls are referenced in Table 12 of the application (Attachment 4) and summarised as:

- All biosolids are processed within 24hrs of receipt.
- Operations managed via Quality Management Manual compliant to AS 4454.
- Regular monitoring of windrows and leachate physical parameter to maintain optimum aerobic conditions.
- Regular turning of windrows to allow for aerobic bacteria growth.
- Excess water run-off holding pond capacity for evaporation.
- Windsock is used to regularly monitor wind direction.

Council has engaged OPAM Consulting to undertake Preliminary Desktop Review of the works approval application. This has concluded that:

- 1) The very high tonnage of biosolids and the very low tonnage of carbon feedstock is unusual. It is therefore unclear what mixing ratio will be applied.
- 2) With the large volumes of biosolids and pig manure to be mixed, the blend will be with a low C:N ratio;
- 3) The surface area of the pad may be limited for the proposed volumes to be processed at the facility; the pasteurisation of the blend may be difficult to achieve;
- 4) Although the production pad has a significant separation distance with most of the dwellings, if the characteristic of the blend (C:N ratio, moisture and porosity) are not optimal or aerobic conditions or full pasteurisation are not achieved, the large surface area of windows exposed to air may be a significant source of odour emissions. General low wind condition from N, NW and W may transport this plume towards sensitive receptors with limited dilution;
- 5) Even if the production pad is not a source of odour due to the distance, should the final product be not fully composted and still odorous while spread over the farmland area, several sensitive receptors already annoyed with odours from the past spread of pig manure on this property, will be sensitised and will continue to complain;
- 6) From a desktop review of the information in the Report, it is OPAM Consulting's view that the odour impact risk from the proposed activity is possibly higher than low.

There is no indication that any buffer distance is required to the areas where the processed material is being spread. However, as stated in (5) above should the final product be not fully composted it will still be odorous while spread over the farmland area. It is unclear whether this will comply with the prescribed P1:C1 rating.

While an Odour Impact Assessment (OIA) Report can be requested as a condition of approval, this cannot have the effect of contradicting the approval and can't act as a de facto refusal. Hence if there is any possibility that the Assessment and proposed management measures are unacceptable, then no approval should be issued. The application and OPAM Consulting's review do not provide sufficient certainty to make an informed decision.

Without a detailed odour assessment report that considers both the existing and proposed operations, it is very difficult to fully assess the odour impacts of the application.

Biosecurity (Clause 67 (o))

The Department of Primary Industries and Regional Development has advised that it does not have any specific biosecurity concerns relating to the proposed activity. It notes that there are approximately 30 composting facilities in the State which predominantly feature open-air composting in windrows.

It has requested that twice weekly inspections be made for Stable Fly to ensure early control if detected.

Site Suitability (Clause 67 (o), (q) and Clause 5.18.3 (c))

Council needs to be satisfied that the site (in its present condition) is physically suitable for the intended use. This also directly overlaps with DWER's consideration of the Works Application.

In relation to the development site the composting production pad will have 1.5mm HDPE liner and a 600mm compacted bund wall along the full perimeter. Given this and the elevation of the site it is expected to be able to achieve the minimum 2m vertical separation distance to groundwater.

The development site also has more than 100m horizontal separation to surface water and is setback 1,500m from Eulin Brook.

The nutrients in the finished compost will be taken up by the plant crop and absorbed into the soil. No nutrient budget has been provided to demonstrate the capacity of the site and other properties to accommodate the finished compost. However, this has not been raised as an issue by either DWER or DPIRD.

Application of the finished compost can be restricted from any potential water logged land associated with Eulin Brook and additional tree planting can be required along the watercourse if required.

Fire Management (Clause 67 (c) and (q))

Fire management associated with the application relates to:

- a) Internal fire originating at the development site; and/or
- b) External bushfires impacting on the development site.

Item (a) is primarily concerned with spontaneous combustion in decomposing piles of vegetation. The DFES Information Note on Bulk Green Waste Storage Fires identifies that moisture content is a critical factor in spontaneous combustion. The critical moisture range that supports spontaneous combustion is 20% to 45%. The proposed moisture levels for the composting process is between 45% to 65%.

To manage this DFES recommends a maximum storage pile size of: L: 50m x W: 10m x H: 5m.

Portions of the subject land are designated as being bushfire prone as shown in Attachment 5. Only a minor portion of the proposed development site is designated as being bushfire prone. State Planning Policy SPP3.7 Planning in Bushfire Prone Areas does not apply when the development site is not bushfire prone. Section 1.2 of the Guidelines for Planning in Bushfire Prone Areas states that:

For development applications where only part of a lot is designated as bushfire prone and the proposed development site is wholly outside of the designated area, the development application will not need to address SPP 3.7 or these Guidelines.

Clause 78D(1) of the Deemed Provisions requires that a Bushfire Attack Level (BAL) Assessment must be undertaken for a development site if it is in a bushfire prone area. Clause 78A defines a development site as meaning that part of a lot on which a building that is the subject of development stands or is to be constructed. Hence no Bushfire Attack Level (BAL) Assessment is required as:

- The development site is not bushfire prone; and
- No “habitable building” (as defined) is being constructed.

Clause 67(q) of the Deemed Provisions require Council to still consider the “suitability of the land for the development taking into account the possible risk of bushfire.” SPP3.7 Planning in Bushfire Prone Areas references “high risk land uses” as uses which may lead to the potential ignition, prolonged duration and/or increased intensity of a bushfire. The Guidelines describe these as:

High-risk land uses may include, but are not limited to: service stations, landfill sites, bulk storage of hazardous materials, fuel depots and certain heavy industries as well as military bases, power generating land uses, saw-mills, highways and railways, among other uses meeting the definition.

Traditionally municipal landfill/waste disposal sites, transfer stations and rubbish recovery facilities have been considered as high risk land uses.

The Australasian Fire and Emergency Service Authorities Council (AFAC) 2022 Fire Safety in Waste Management Facilities publication notes that this primarily from unsorted loose mixed combustible waste material generally presents a greater ignition hazard than most other combustibles. This does not apply to the application.

The application proposes the following fire management measures:

- A mobile 1,000L firefighting unit and additional 20,000L water tank available on site.
- Fire Emergency Management Plan will be developed for the facility with firebreaks maintained in accordance with the guidelines from Shire of West Arthur.
- Fire management will include production management and spraying of windrows during bushfire season and the use of mobile equipment capable of breaking apart and or separating windrows to prevent the spread of fire.
- All VMS windrows are built to 2m x 2m (width & height) dimensions with a maximum length of 30m and a minimum of 6m distance is maintained between rows. Windrows are contained within the production pad which is protected with a 600mm earth bund wall along the full perimeter.

Additional fire management measures would normally include a suitable low fuel zone around the facility and documenting management procedures on high fire risk days including when there are total fire bans and harvest movement bans.

Given the minor encroachment of the site being designated as being bushfire prone, the characteristics of the development and there not being any structures involved, no BAL Assessment or Bushfire Management Plan was requested as this can be a condition of approval.

Public Health (Clause 67 (r))

The lower the level of processing the higher the chance of there being a potential health risk. The submissions have raised concern with the potential of Leptospirosis contamination from animal urine.

There are four levels for pathogens with the required P1 classification for the operation being the highest level having low pathogen levels with minimum regrowth potential. Compliance with this is an integral part of the Department of Health approval.

Access (Clause 67 (s))

The Boyup Brook – Arthur Road is a Regional Distributor road under the care and maintenance of the Shire. It has a 100km/h speed limit with an 8m wide sealed pavement. Stewart Road is an unsealed local access road (no through road).

The Boyup Brook – Arthur Road had a daily vehicle count of 95 vpd between September 2023 and January 2024, which includes the peak harvesting season. Based on a total volume of 48,000 tonnes per annum and truck load capacity of 50 tonnes; a maximum of 3.69 truck deliveries are expected per week. A total of 8 vehicle movements per day will not have any noticeable impact on the capacity of the Boyup Brook – Arthur Road.

The development proposes to use the existing access to the site located in the south western corner of Lot 4. This is also where the driveway to Lot 8 is located. This is near a bend in the road with double white line and an estimated sight distance of 150m. The sight distance increases with a filtered view through the bend. It is understood that the Safe Intersection Sight Distance (SISD) for trucks on a flat road with a speed limit of 100 km/h would exceed this distance.

An alternative access is potentially available further east towards Eulin Brook. While this has an increased sight distance to the west, there is also a 3 degree downhill gradient which may mitigate this.

The subject land also has access via Stewart Road noting that:

- The intersection with Boyup Brook – Arthur Road also has a 100km/h speed limit and is on a bend with limited sight distance;
- A section of Stewart Road has a 7 degree slope which is difficult for trucks to negotiate; and
- Access to the development site would require a significant crossing of Eulin Brook.

Although there is minimal traffic generation and the existing site property access is being used, it would still be appropriate to require confirmation from a traffic engineer that the access is suitable.

Water Supply (Clause 5.18.3 (b))

The application does not document any proposed water supply other than a 20,000L water tank being available on site.

Current Land Use

A substantial portion of the submissions relate to the existing land use and spreading of pig manure / bedding material. It is understood that this has been occurring for a number of years. Prior to receiving the initial development application, Council has no record of any formal complaints being made about this.

There is no suggestion that the existing use is in breach of any regulation or that it required a development application. Approval from DWER is required when more than 1,000 tonnes per annum is being spread.

It is assumed that:

- The proposed composting facility would replace the existing spreading of pig manure / bedding material but this has not been confirmed; and
- The characteristics of the processed compost with a P1:C1 classification will have less odour impact.

Property Value

A number of submissions raise concern that the proposed facility will reduce property values due to the impact on the local amenity. This is not a relevant planning consideration.

CONSULTATION:

Advice was sought from:

- Department of Water and Environmental Regulation.
- Council's Manager Environmental Health Services; Manager Works and Services; and Town Planning Consultant (J Douglas).
- McLeods Lawyers.
- Western Australia Local Government Association.

The application was advertised from the 2nd February to the 1st March by:

- Notice to the adjoining landowners;
- Referral to DWER and the Shire of Boyup Brook; and
- Publication on the Council's web page.

As a result, twenty (20) submissions have been received. A summary of the submissions is contained as Attachment 3 and the names of private parties have been removed in accordance with advice from WALGA.

A full copy of the submissions is available for Councillors. The major issues raised in the submissions are referenced in Attachment 3.

The Department of Water and Environmental Regulation has advised that:

An application for a Works Approval under Part V Division 3 of the Environmental Protection Act 1986 was submitted to the Department on 20 December 2023 from Agri Corp Australia Pty Ltd for the construction and operation of a composting facility at 283 Stewart Street, Moodiarrup. On 8 March 2024, the Department accepted the application for assessment and advertised the application for public comment.

The department received 12 public comments all opposing the proposal on various grounds.....

The department advised the applicant that their application for a Works Approval would remain on "stop the clock" until such time a decision had been made by the SAT.

While the application has been accepted for assessment, it has largely been on "stop the clock" since the public comment period, and so the Department has not yet undertaken a formal risk assessment. The department would be unlikely to grant a works approval without a development approval in place and therefore will not recommence with an assessment until such matter is resolved.

STATUTORY ENVIRONMENT:

Local Planning Strategy 2006

The Local Planning Strategy (2006) has been acknowledged by Council and the Western Australian Planning Commission as being outdated and is now subject to a formal review.

Section 5.1 Rural Land states that:

The Council supports the diversification of agricultural production that has the potential to expand both the economic base and the population of the district. It supports other rural uses that complement and do not have the potential to constrain established farming. Specifically, the Council will be mindful of the need for buffer separation for some uses to avoid nuisance such as dust, spray drift, odour, and noise.

It contains Guidelines for Development and for proposed land uses and it states that:

This will include larger or significant land uses that may potentially impact on adjoining residents or land. The land uses that will require assessment might be plantations, intensive live stocking, intensive agriculture, large-scale aquaculture, large-scale orchards etc. Generally, only the more significant land uses will need to be assessed and not all to the same level depending on their nature and size. But for each development all aspects should at least be considered even if it is simply to say there is not or an insignificant potential impact, or not applicable.

It contains a series of questions as a checklist but it is noted that these have now effectively been replaced by the provisions of Clause 67 of the Deemed Provisions that were introduced in 2015 documenting what matters Council is to have due regard to when considering an application.

Local Planning Strategy 2024

The Council at its Meeting of the 25 July 2024 adopted the draft Shires of Wagin, West Arthur and Williams Joint Local Planning Strategy prepared by the Department of Planning Lands and Heritage. This has now been submitted to the Western Australian Planning Commission for consent to be publicly advertised.

Until such time as the advertising has been completed and the Council has considered any submissions which have been received, the Strategy is not considered to be a “seriously entertained planning proposal” meaning that it is not relevant to the consideration of the current application.

Local Planning Scheme No. 2

The subject land is included in the ‘Rural’ zone under Local Planning Scheme No 2 (LPS2).

The Objectives for the Rural zones are:

- to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities.
- to provide for intensive agricultural uses and diversified farming which retain the rural character and amenity of the locality, and which are consistent with land suitability.
- to help protect rural land from land degradation and further loss of biodiversity by:
 - minimising clearing of remnant vegetation
 - encouraging retention and protection of remnant vegetation
 - encouraging development and protection of vegetation corridors
 - encouraging development of sustainable surface and sub-surface drainage works
 - encouraging rehabilitation of salt-affected land
 - encouraging soil conservation through land management measures
 - encouraging identification and protection of wetlands
- to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- to allow for facilities for tourists and travellers, and for recreation uses.
- to have regard to use of adjoining land at the interface of the Rural Zone with other zones to avoid adverse effects on local amenities.

Table 1 Zoning Table of the Scheme includes the following permissibility classes for nominated rural and industrial uses in the Rural zone.

• Uses		• Permissibility
• 1	• Agriculture - extensive	• P
• 2	• Agriculture - intensive	• D
• 7	• Animal husbandry - intensive	• A
• 40	• Industry - cottage	• D
• 41	• Industry - extractive	• D
• 42	• Industry - general	• X
• 43	• Industry - light	• X
• 44	• Industry - mining	• D
• 45	• Industry - rural	• D
• 46	• Industry - service	• X

Clause 4.4.2 of the Scheme relates to land uses that are not included in the Zoning Table and Council has discretion to consider such uses where it cannot reasonably be determined as falling within any other defined type or class of activity.

In considering an application for planning approval within the Rural zone the local government is to have due regard to the following matters contained in clause 5.18.3 General Development Requirements:

- a) any sensitive or incompatible uses which may require buffer separation from the proposed use;
- b) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;
- c) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and
- d) whether effluent disposal systems can be set back 100 metres (conventional septic system) or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).

Environmental Protection Act 1986

The proposal is a prescribed premises Category 67A being Compost Manufacturing and Soil Blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended solids.

This requires a Licence / Works Approval from the Department of Water and Environmental Regulation. DWER have confirmed that the application will be assessed against the Better Practice Organics Recycling Guidelines (2022).

Public Health Act 2016

The *Public Health Act 2016* together with the supporting *Public Health (Consequential Provisions) Act 2016* are now law in Western Australia. These Acts repeal much of the outdated *Health (Miscellaneous Provisions) Act 1911*.

As of June 2024, the offensive trades legislation under the previous *Health (Miscellaneous Provisions) Act 1911* has been repealed. The Department of Health now requires that proposals involving the use of biosolids to produce compost must be submitted to the Department for assessment.

The *Public Health Act 2016* no longer references offensive trades but the general public health duty specified in Part 3 of the Act requires a person must take all reasonable and practicable steps to prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by the person. It distinguishes between a:

- Serious public health risk; and
- Material public health risk.

A nuisance is something that causes offence, annoyance, trouble, or injury. Nuisances may interfere with the enjoyment of a private residence or property and/or affect the public health. In cases where matters are a nuisance or amenity problem but are not likely to result in harm, the serious and material public health risk provisions do not apply.

POLICY IMPLICATIONS:

Based upon the current Scheme provisions, the outcome of the Appeal potentially has significant implications for development within the Shire. This will require further consideration both in the current Scheme and the review of the Local Planning Strategy.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The Shire's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025 contain the following general outcomes that could be relevant:

Outcome 2.1 – Improved employment through diversification in agriculture

- Support agricultural diversification opportunities which have the potential to provide economic benefits and employment growth and promote funding opportunities on social and traditional media when they arise.

Outcome 2.2 – A growing, diverse business community

- Promote and consider opportunities to develop industrial sites to attract new businesses to the Shire.

Outcome 3.1 – Maintain and improve our key natural assets

- Consider environmental impacts and biodiversity when assessing land use applications through council.

Outcome 4.4 – Appropriate planning and development

- Review and update the Shire Policy Register to reflect current policies and develop new policies relevant to recent regulatory changes.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Conditions of any planning approval are not complied with.
Risk Likelihood (based on history and with existing controls)	(4) Likely
Risk Consequence	(4) Major
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(16) High
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure Compliance with any planning approval.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION SCM-2024-078

Moved: Cr Graeme Peirce

Seconded: Cr Karen Harrington

- A. That Council opposes the application for the use and development of Lots 4 and 5 DP5898 Stewart Road Moodiarrup, for the purpose of a compost manufacturing and soil blending facility on the following grounds:
- 1) The proposal is classified as 'Industry – general' in Local Planning Scheme No 2 which is a prohibited (X) use in the Rural zone.
 - 2) In the absence of detailed odour assessment report that considers both the existing and proposed operations, impacts on the surrounding properties and management measures the application may have:
 - a. A detrimental impact on the amenity of the area; and
 - b. Be contrary to the orderly and proper planning of the location as reflected in the planning framework.
- B. That in the event the application is nevertheless approved by the State Administrative Tribunal the following conditions of approval should be imposed:
- 1) Prior to the commencement of works at the site a revised site plan drawn to scale and dimensioned showing the existing site features, vegetation, heights, boundary setbacks shall be submitted to the Responsible Authority for approval.
 - 2) Prior to the commencement of works at the site an Odour Assessment Report and Environmental Management Plan shall be submitted to the Responsible Authority for approval. This Plan shall address both the existing proposed operations, required buffers and management measures for the composting process and spreading application of the finished product. .
 - 3) Prior to the commencement of works at the site, the applicant shall provide advice from a suitably qualified traffic engineer confirming that the proposed access to and egress from the site is safe and/or any measures that are required to make it safe. If measures are required to make the access/egress safe the applicant must lodge a suitable plan with the Responsible Authority for approval.
 - 4) Prior to the commencement of the use, a Bushfire Management Plan shall be prepared and submitted to the Responsible Authority for approval.
 - 5) The proposed sea/container / office shall be located so as to have a BAL – 12.5 rating.
 - 6) An Odour Complaint Management Plan to the satisfaction of the Responsible Authority is to be submitted to the Responsible Authority for approval prior to the use first commencing. The Plan is to include, but not be limited to:
 - a) A clear and accessible procedure for the public to report odour complaints to the operator;
 - b) A system for logging and tracking complaints, including the date, time, nature of the complaint, and the complainant's contact information;
 - c) A process for investigating complaints promptly and effectively;
 - d) Communication protocols for informing complainants about the investigation outcomes and any actions to be taken and making this information available to Shire upon request.The approved Plan is to be implemented on an ongoing basis.
 - 7) The use and development hereby approved shall comply with the plans required to be submitted and approved pursuant to these conditions. The endorsed plans shall not be modified or altered without the prior written approval of the Responsible Authority.

-
- 8) No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.
 - 9) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.

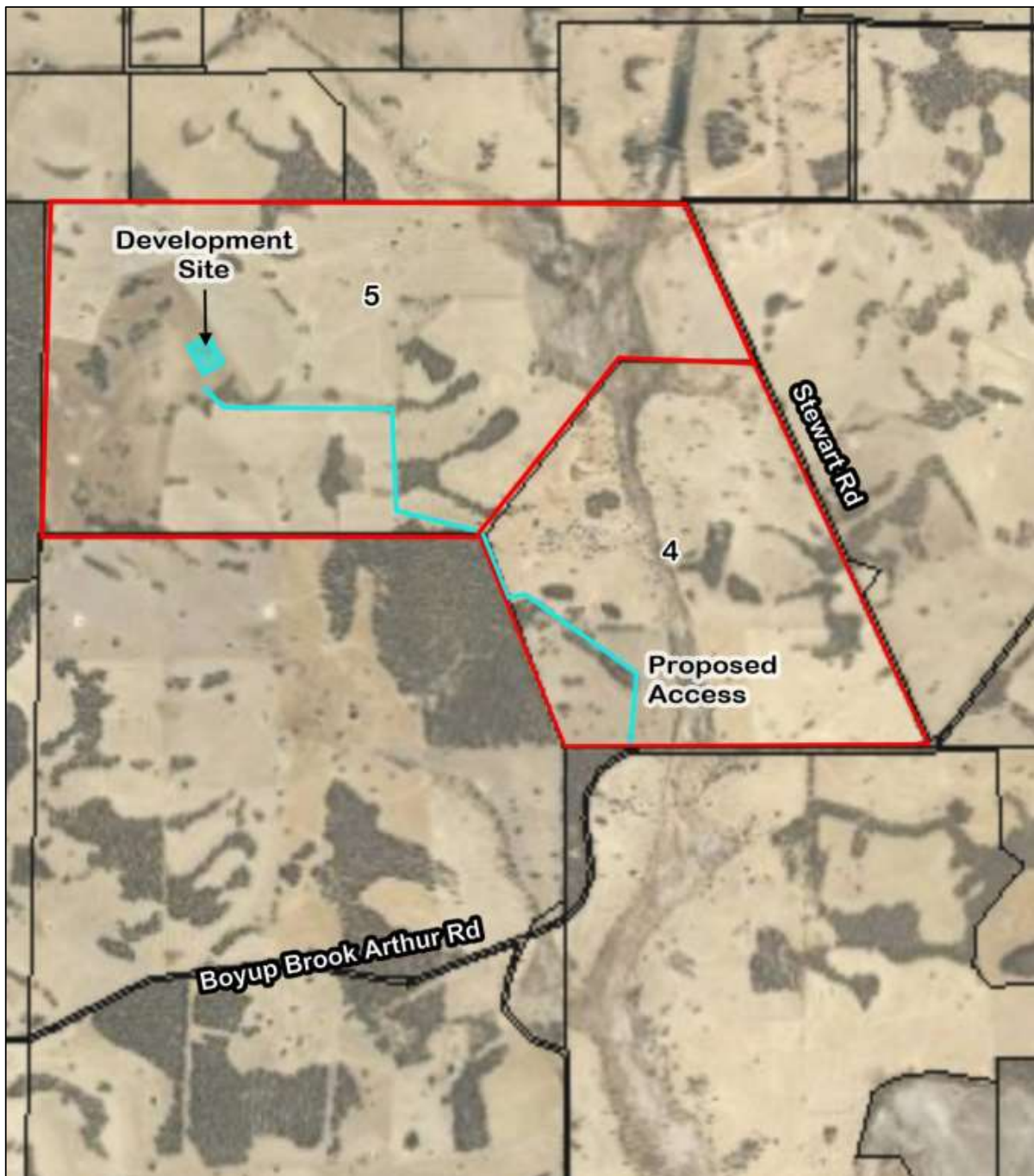
In Favour: Crs Neil Morrell, Karen Harrington, Graeme Peirce, Robyn Lubcke, Duncan South, Adam Squires and Russell Prowse

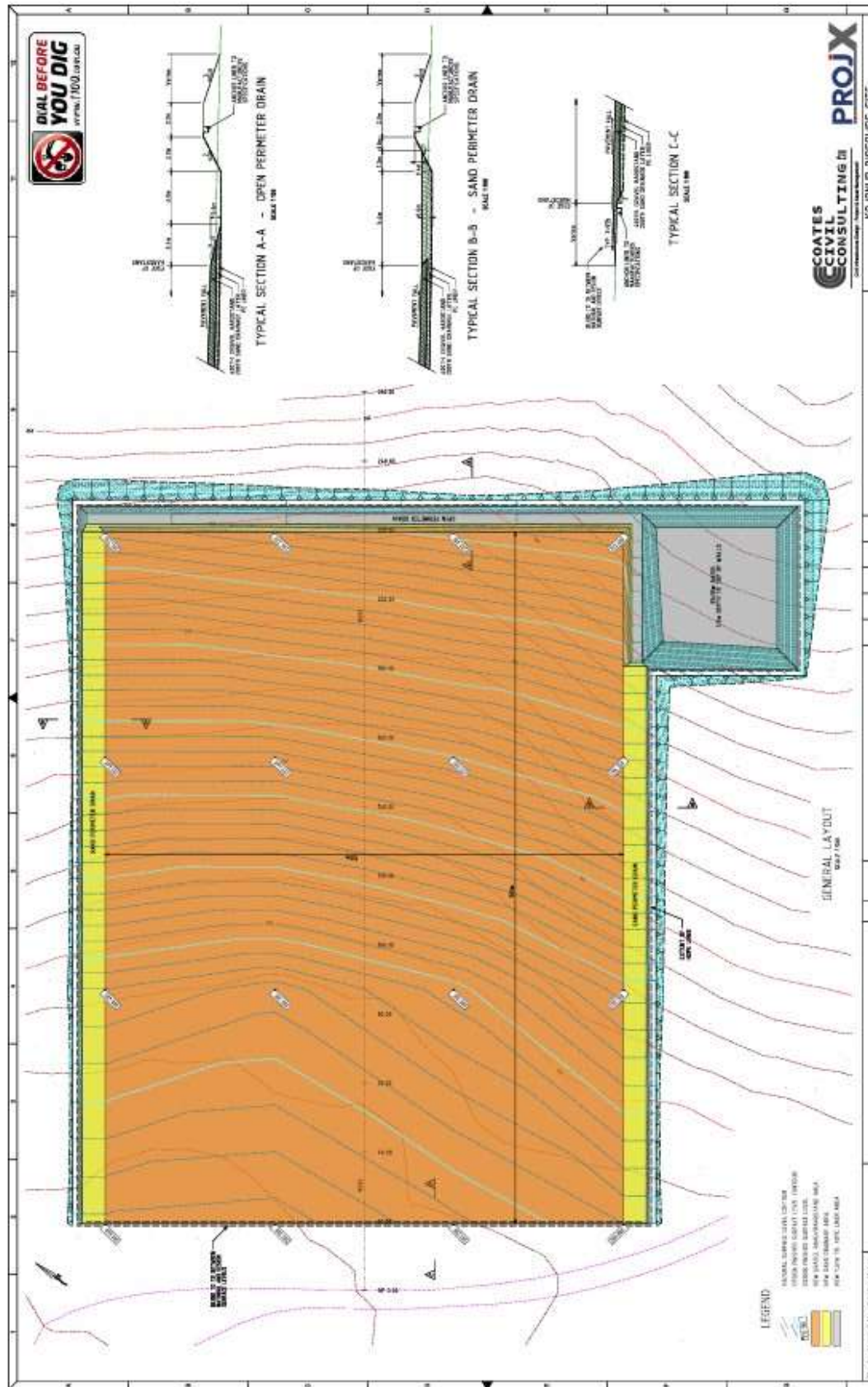
Against: Nil

CARRIED 7/0

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Attachment 2 – Site Plan





Attachment 3 – Submissions Schedule

No	Summary
1	No environmental assessment Lack of consultation Bio security Waterway pollution Odour
2	Potential odours and air pollution Increased traffic and noise Negative impact on property values No consultation Site is too close to the Blackwood River The impact assessment does not comply with the relevant standards. Open windrow composting is a low cost option and difficult to manage.
3	Potential odours and air pollution Increased traffic and noise Negative impact on property values No consultation Site is too close to the Blackwood River The impact assessment does not comply with the relevant standards. Open windrow composting is a low cost option and difficult to manage.
4	Potential odours and air pollution Increased traffic and noise Negative impact on property values No consultation Site is too close to the Blackwood River The impact assessment does not comply with the relevant standards. Open windrow composting is a low cost option and difficult to manage.

- | No | Summary |
|----|--|
| 5 | <p>Untreated pig effluent will produce such continuous and excessive stench as to make the amenity of our home untenable.</p> <p>Information provided by the proponent VMS Contracting, is not accurate.</p> <p>Of particular concern to us is the proponent's reference only to east-west wind flows. Winds regularly blow strongly from the south from winter storms and summer sea breezes – directly from the proposed facility site towards our property.</p> <p>Has 18 queries regarding the application and supporting documents.</p> <p>Shire should establish better communication procedures.</p> |
| 6 | <p>The proposal will have a negative impact on Lake Towerrinning</p> <p>Potential contamination of the Blackwood River (Eulin Crossing) is a popular camp site and water skiing area.</p> <p>Leptospirosis is transmitted in the urine of pigs and is transferred to humans via infected water, soil, air and objects. Leptospirosis causes kidney, liver and respiratory failure.</p> <p>The local waterways are used in the area for farming and watering stock which means that farm produce will also become infected.</p> <p>The odour and smell from this type of plant is abhorrent, disgusting and will prevent me from my right smell and breathe clean fresh air.</p> <p>Pig manure and effluents are well known to be spontaneously flammable and the Shire does not have a permanent and fully functioning Fire Department.</p> <p>The amount of damage that 3 trucks per day plus administrative and support vehicles will do to the local roads is unimaginable.</p> |
| 7 | <p>House is 3km south of the proposed site.</p> <p>There will be an increase in odours with the final product being used for soil conditioning within the premises or at other farming land owned by the proprietors.</p> <p>contamination of the waterways.</p> <p>The odour from this site will affect our value of life.</p> |
| 8 | <p>The scale of this project is of a commercial scale and should be under light industry zoning and regulation.</p> <p>The risk of heavy metal in human bi-product</p> <p>Increased fly numbers.</p> <p>Smell control (could smell the spreading of pig bi-product last year)</p> <p>Increased vehicle movements (road trains)</p> |

- | No | Summary |
|-----------|---|
| | <p>Risk to the water ways in overflow (heavy rainfall events)</p> <p>Why are they moving from there current site?</p> <p>Not a rural farming project</p> |
| 9 | <p>Composting on an industrial scale (as proposed) is a scheduled activity under Noxious Industry and Offensive Trade – under the Planning and Development (LPS) Regulations 2015</p> <p>The proposed facility is industrial and is not is consistent with usage allowed in rural zoning.</p> <p>The proponent’s business model is based on low capital cost bio waste disposal. The primary feedstock is large quantities of high risk, problematic, sewage sludge (biosolids) and piggery waste.</p> <p>The submission provided by VMS is materially flawed and does not align with the relevant Department of Water, Energy and Regulations (DWER) guidelines.</p> <p>Odours generated from composting facilities using predominately pig and human waste as the feedstock are noted as highly offensive over long distances (kilometres) from their source.</p> <p>Negative impact on property values.</p> <p>The facility will create traffic, traffic hazards, odour, dust, noise and industrial activity that decrease the amenity of the area.</p> <p>Contrary to Local Planning Scheme No.2 – Local Planning Strategy⁷, which states “To preserve and enhance the lifestyle of West Arthur Shire residents”.</p> <p>The current regulations for composting operations rely on self-assessment and reporting back to the regulators. Regulators are slow to respond.</p> <p>The proponent has not undertaken any environmental impact assessments.</p> <p>Open windrow composting is a low-cost method of composting that creates difficult to manage Environmental, Social and Governance (ESG) issues.</p> |
| 10 | <p>Very strongly against it on the grounds of bio security</p> |
| 11 | <p>Odour from the manures & biosolids, we already get a terrible smell from the current pig manure.</p> <p>Biosecurity Risk from the feed matter and green waste being used, stored and transported.</p> <p>Close proximity to the river</p> |

- | No | Summary |
|----|---|
| | inconsistency in the report published on your Shire website. It seems that dwelling 2 on the map is in actual fact not leased by the applicants or their family members but used by the land owner |
| 12 | 1. The amount of traffic proposed is unacceptable on the Boyup Brook Arthur rd.
2. Odours concern me and more so my son who has just taken up residence at our farm.
3. Foreign weeds are also a concern. |
| 13 | Primarily concern is odour from the facility from their property, particularly with the inclusion of pig manure in the mix.

What's the usual process for gaining approval for developments that are identified by the EP regulations as prescribed premises.

How does the Shire assess the various potential impacts of the application and whether the applicant has sufficiently addressed these in the risk matrix.

In particular, how is the buffer / screening distance to be decided? |
| 14 | The human waste and pig manure at the open composting facility would produce a putrid smell that would drift and not only affect the direct neighbours but other surrounding property owners.

The impact that this facility could have on local water courses may be irreversible.

Is a biosecurity risk.

Local roads in this area are unsuitable for any additional traffic. |
| 15 | Odours generated from composting facilities using predominately pig and human waste as the feedstock are noted as highly offensive large distances (kilometers) from their source.

The Trigwell area is one of natural beauty, The addition of large-scale composting facility will create traffic, traffic hazards, odour, dust, noise and industrial activity that decreases the amenity of the area.

Negative impact on property values.

Proposal is not compatible with the rural zoning.

The proponent's business model appears to be based on a low-cost collection, disposal and recycling of large quantities of high risk, problematic piggery waste and partially treated sewage waste.

Open windrow composting is a low-cost method of composting that creates difficult to manage Environmental, Social and Governance (ESG) issues. |

- | No | Summary |
|-----------|--|
| 16 | <p>The smell of the compost is foul and is unbearable to work in will affect myself and my families quality of living. The proposed site is cheaply done and the proposal has a lot of incorrect information in it.</p> |
| 17 | <p>Incorrect statements that have been made referencing House 2 in Figure 1 as leased or owned by Glenwood Farm. House 2 is not owned or leased by Glenwood Farms. House 2 is where I live, on my brother's property, Geoffrey Whitaker, in The Lakeside Trust.</p> <p>Open windrow composting facility is a low cost operation with minimal options to control the consequential odour.</p> <p>Glenwood Farm add pig manure to their paddocks which causes an extremely strong stench that can last for weeks. Last year I could smell the extra strong odour from at least 12 km away.</p> <p>The Blackwood River is closer than the Balgarup River and Eulin Brook flows through the site.</p> <p>An environmental impact assessment has not been conducted.</p> <p>The driveway entrance is shared with the neighbour. Negative traffic impact especially on driveway.</p> <p>No consultation from Agri Corp Australia Pty Ltd with the neighbouring landowners.</p> |
| 18 | <p><u>Shire of Boyup Brook</u></p> <p>Should truck movements, associated with the composting facility, be located on any Shire of Boyup Brook LG roads, an approval notice should be on the condition that:</p> <ul style="list-style-type: none">• The owner / operator shall be responsible for the repair of any undue damage to public roads caused by operations associated with the composting facility, to the satisfaction of the Shire of Boyup Brook Chief Executive Officer. <p>An approval notice should include the following advice:</p> <ul style="list-style-type: none">• Should the amount of truck movements associated with the composting facility, occurring on any Shire of BB roads, increase to a volume that has the potential to impact on the amenity of an area (noise and dust) and the safety of movement, a management plan should be submitted in consultation with the Shire to address any issues, which may include financial contributions to address road safety and amenity measures. |
| 19 | <p><u>Department of Water and Environmental Regulation</u></p> <ul style="list-style-type: none">• The applicant is currently working with DWER to refine the scope of the works approval application and address the Guideline: Better practice organics recycling (2022), prior to DWER formally accepting the application. |

No Summary

- The purpose of a works approval, and subsequent licence, is to allow DWER to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during operation.
- The subject property is located within a 'non-proclaimed' area for surface water under the Rights in Water and Irrigation Act 1914, where the taking of surface water for purposes other than domestic and non-intensive stock watering purposes cannot, in the department's determination, sensibly diminish stream flows or impact on the riparian rights of downstream users.
- The site is in a 'non-proclaimed' area under the RIWI Act, there are no regulatory requirements under this Act by DWER for the take of groundwater as long as there is no abstraction of artesian water.
- Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals. This relates to DWER only, and not the EPA which is a separate entity to DWER.
- The applicant has referenced the EPA Guidance Separation Distances between Industrial and Sensitive Land Uses and has quoted that a 500 m buffer distance is recommended for biosolids facility, however, as the applicant proposes to accept manures, then 1000 m is the more applicable buffer distance.

20 Department of Industries and Regional Development

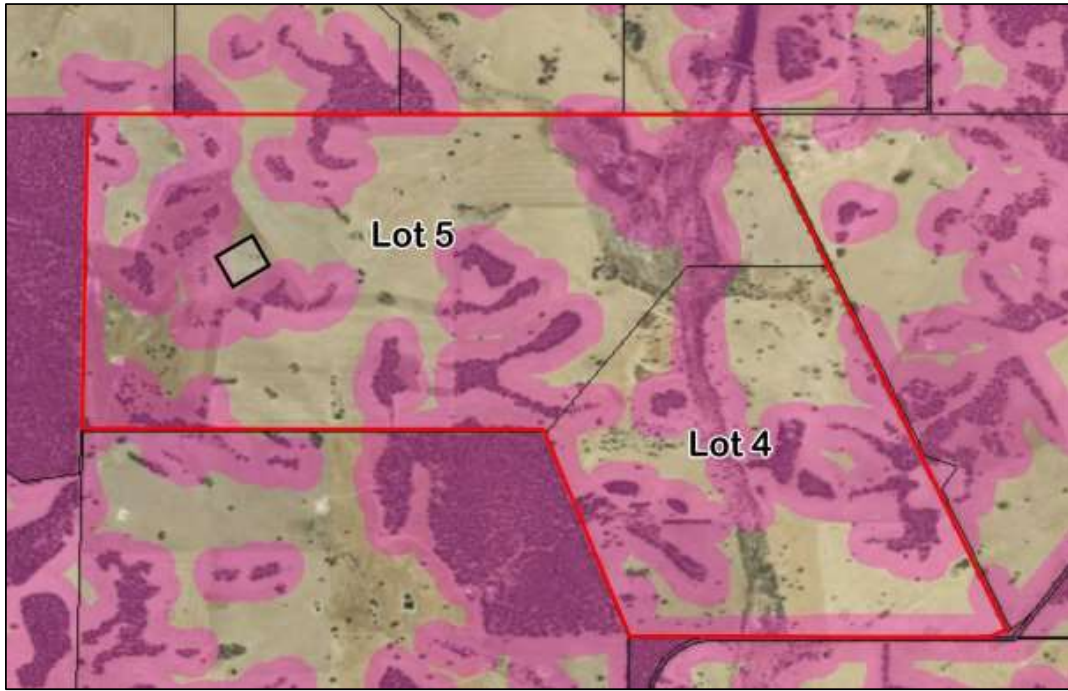
- References DWER's Guideline: Better practice organics recycling, December 2022.
- In Western Australia, 20221, there was about 30 composting facilities which predominantly feature open-air composting in windrows. There are also at least four facilities where continuous aerobic composting conditions are maintained by forcing air into the pile. Consequently, DPIRD does not have specific biosecurity concerns relating to the proposed activity.
- DPIRD requests if the proponent is moving green waste from declared areas within the city, the proponent develops a comprehensive biosecurity management plan to ensure that declared species (i.e. weed seeds, insects) are not introduced into the area.
- DPIRD requests that the proponent conducts regular surveys for Stable Fly, preferably twice per week, due to the lifecycle of the insect, to ensure early control, if detected.

Attachment 4 – Odour Controls

Table 12: Operational odour analysis - Normal Conditions (Extracted from DWER's Guideline: Odour Emissions)

Odour emission operations review	Operational Condition ¹
Uncovered windrow, outdoor compost production	Normal
Uncovered leachate collected on run off catchment	Normal
Odour sources and emissions	<ul style="list-style-type: none"> - Biosolids receival fugitive emissions. - Odour generation most likely during delivery of biosolids to production pad. - Fugitive emissions from evaporation of leachate collected in runoff catchment.
Process controls	<ul style="list-style-type: none"> - Operator has 10+ years operational experience and compliance to EP Regs. - Operations managed via Quality Management Manual compliant to AS 4454. - Operational hours Monday to Friday X 8hr shifts. - Production pad designed with 500mm gradient towards water run-off holding pond with a 2.0m operating depth, 1.0m freeboard and a lined 600mm compacted bund wall providing a large surface area for evaporation. - Runoff catchment is regularly monitored to maintain aerobic conditions and minimise odour generation. - Site located within farming land with no urban development in proximity. - Feedstock receival and other composting activities undertaken during Day Shift only. - All biosolids are processed within 24hrs of receival. - Nearest farmhouse properties are +2kms distance and owned/leased by farm owner who is also a Joint Venture partner of VMS. - Green waste/straw and manure are spread over biosolids to form windrows to a maximum of 2 x 2 m (width & height), thus minimizing fugitive emissions and allow for heat generation required for composting. - Windrow temperature (T) is regularly monitored to ensure internal T is maintained at >55 °C for 15 consecutive days. - QC monitoring is undertaken at every turn to maintain moisture content between 45-65% and pH of 5.1-7.9 for optimum aerobic conditions. - Windrow turner used to blend material every 2 - 3 days to allow for aerobic bacteria growth which reduces biosolids odour emissions. - Windsock is used to regularly monitor wind direction. - Existing tree line buffer between operational site and farmhouses.
Triggers and corrective actions	<ul style="list-style-type: none"> - Windsock used to monitor wind speed and direction with corrective actions to include non-turning of windrows. - Runoff water recycled to windrows to allow for aerobic process to take place. - Silt residue on runoff catchment regularly removed and return to process. - End product is sampled and sent for NATA accredited laboratory analysis of P1 (pathogens 1) C1 (contaminants 1) as prescribed by VMS's current EP Licence L8526/2011/2. - A failed laboratory test results in the failed windrow being immediately tagged out. - Non-compliant windrows are rolled and blended into a new windrow to dilute any contaminants. <ul style="list-style-type: none"> • Note: The newly formed windrow will undergo a 15-day cycle before retesting takes place.
Corrective action evaluation	<p>The corrective actions are effective if:</p> <ul style="list-style-type: none"> - Fugitive odour generation from biosolids is reduced using green waste to form and cover the windrows. - Required temperatures for composting process are maintained for 15 consecutive days, resulting in aerobic decomposition of feedstock. - Turning of windrows allows for thorough blending and continuous decomposition of feedstock.
Contingency actions	<ul style="list-style-type: none"> - Windrows allowed to rest without turning where safe to do so. - Limit operations to favourable wind conditions.

Attachment 5 – Bushfire Prone Land



6 CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6.15pm.