

'The Council and Staff of the Shire of Boddington, in partnership with the community, Are committed to operating effectively and efficiently to provide quality Lifestyle opportunities that encourage population growth and development'

SUMMARY MINUTES

For the

ORDINARY MEETING OF COUNCIL

Held at

5PM, TUESDAY 17 MAY 2016

Shire of Boddington Council Chambers Bannister Road Boddington

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

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1. DECLARATION OF OPENING:

The Shire President, Cr Allert declared the meeting open at 5:00pm.

2. <u>ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:</u>

2.1.1 Attendance

Cr J Allert President

Cr M Glynn Deputy Shire President

Cr N Crilly

Cr E Hoek Cr T Collins

Cr I Collins

Cr S Manez

Cr D Smart

Mr C LittlemoreChief Executive OfficerMs T BryantExecutive Assistant

Mr Steve Thomson Town Planner Consultant

75 members of the public attended the meeting

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

3. DISCLOSURE OF INTEREST:

Cr Collins declared a Financial Interest in Item 8.6.2 in that she is a real estate agent.

Cr Allert Shire President moved a motion to defer Point 4 Public Question Time and bring forward Point 5 – Petitions/Deputations/Presentations/Submissions to be heard first.

Seconded Cr Hoek Carried 7/0

4. <u>PETITIONS/DEPUTATIONS/PRESENTATIONS/</u> SUBMISSIONS:

Mr Ian Birch (Town Planning Consultant representing CCBA) presented a presentation on behalf of Crossman Community and Business Alliance regarding the Crossman Natural Fertiliser Project.

A brief overview of the presentation.

With regards to the fertiliser project at Crossman, the following matters are believed to be of particular relevance:

- The aims and provisions of the Scheme;
- The requirements of orderly and proper planning including current and proposed local planning instrument that the local government is seriously considering adopting or approving;
- Any approved State planning policy; policy of the Commission; policy of the State; or local planning policy;
- Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);
- The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality;
- The amenity of the locality including environmental impacts of the development; character of the locality; and social impacts of the development;
- The likely effect of the development on the natural environment or water resources;
- The suitability of the land for the development taking into account the possible risk to human or safety;
- The adequacy of the proposed means of access to and egress from the site; and arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- Any submissions received on the application.

A Power Point presentation by Mr Noel Davies from Aurora Environmental representing Crossman Natural Fertiliser Project.

A brief overview of the presentation:

- The facility is a small scale natural fertiliser production facility.
- Stage 1 is a single shift (in daylight hours) and will have up to 8 staff working on site.
- The plan is to progressively expand with further stages (subject to further approvals) and the staff will be expanded with similar numbers per shift.
- It takes natural animal manures and produces a blended fertiliser pellet using simple physical processes.
- All operations occur inside a purpose built insulated shed to limit any dust, noise or dour emissions.
- The process incorporates odour extraction and scrubbing systems with noise and odours to be monitored and recorded for any adjustments and expansions.
- The process is a dry process with no liquid feedstocks and no liquid wastewater.

- BBPL are seeking organic certification for the product range.
- Crossman NFP is to be the model for many others around Australia.

5. PUBLIC QUESTION TIME:

5.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

5.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

5.3 PUBLIC QUESTIONS FROM THE GALLERY:

Questions relating to the Crossman Natural Fertiliser Project

Ms Claire Baylis: Is the Council aware of how many people in this room are opposed to the Natural Fertiliser Project?

Cr Allert: Half.

Ms Tamsin Hodder: Does Council still recognise the East Precinct Policy as the industry set up or are they going to overturn it by allowing an industrial area to be established? If they are going to allow it are they aware that compensation components will need to be included?

Mr Steve Thompson replied that in terms of compensation he believes there is none.

Mr Ken Austic: Is it possible to move the project 4kms south on Mr Lyster's property? Would be more beneficial, safer.

Mr Davies replied that the proponent had spent time and money on this project. Would put it back to square one in terms of environmental approval, besides being costly and timewise.

Mrs Mana Smart: If this proposal gets approved will the Shire allow further industrial development in this locality or intensive farming to support this type of industry for example piggeries, chicken farming etc in this locality?

Consultant Planner: Replied that in the report there is no further planning for industrialisation in the Crossman location.

Mrs Tania Bailey: Is Council considering mandating that the proponents undertake a Restricted Vehicle Access study?

Consultant Planner: Replied that that is one of the conditions for a Restricted Vehicle Access study.

Mrs Helen Wylkie: How is the Council going to assure us that there are no health implications for the current residents and future generations when this is the first prototype that has never been implemented in Australia?

Consultant Planner: Replied that no-one could give an ironclad guarantee regarding this. From the key agencies involved including the Department of Environment Regulations it appears to be well below with all the different emissions, whether to do with dust, noise etc.

Mr Craig Clark: If the proposal was to go ahead is there provision for a noise impact study to be undertaken. In the revised documentation it stated it would cost \$11.75m, then \$5.5m and tonight \$6m. When are we going to get a figure on this?

Consultant Planner: Barclay Engineering has already conducted a noise assessment which has been largely accepted, but there is a need for some more work.

Clarification of costing is \$5.5m for the first stage.

Mrs Cath Screiber: How many Councillors in the meeting today were not made aware of this proposal prior to February? We have been unable to locate any documentation in the Shire of Boddington minutes prior to the 21 February 2016.

CEO: It was not minuted before February.

Mrs Sarah Lowe: Has the council been democratically elected? Also our children come down Sth Crossman Road. There is not enough room for the bus to pass on the corner.

Cr Allert: All Councillors have been democratically elected.

Consultant Planner: The traffic issues along the section of Sth Crossman Road and Albany Hway is tight.

Cr Allert moved a motion to extend question time by 15 minutes.

Seconded by Cr Smart

Carried 7/0

Mr Jim Douthwaite: My question is for the environmentalist. Mr Austic suggested moving it 4kms further south, the environmentalist stated it would take too much time and money. They said they were going to put it in Wandering and that wasn't so long ago. "What's the story"?

Consultant Planner: Not sure of history of what happened in Wandering.

Mr Geoff Ferguson: Worried about the impact of the flora and fauna.

Cr Allert: The development will be on farming land.

Mrs Mana Smart: How many Councillors in the meeting today were not made aware of this proposal prior to February?

Councillors gave individual answers.

Mrs Carol Bergin: Why can't the development go near the Perth Waste site?

Cr Allert: The Perth Waste site is private land.

Mrs Sarah Easton: Are Councillors aware that in the Department Environment Regulations that there will be emissions?

Consultant Planner: Yes there are emissions, but are acceptable limits.

Mr Geoff Ferguson: Are they going to use local people for the construction of the development?

Mr Davies: The intention is to use local people.

Mr Ian Birch: Are the elected representatives of Council aware whether there is any support for this development.

Cr Allert: Yes

Mr Paul Easton: Is Council aware that in the report there are no know future plans of industrialisation in that area. However the proponents themselves have submitted with their proposed future, industrialisation plans. Therefore that statement is false. Are you aware of this?

Cr Allert: Aware that any further development has to come before Council.

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council Held on Tuesday 19 April 2016

OFFICER'S RECOMMENDATION - 6.1.1

COUNCIL RESOLUTION 34/16 Moved Cr Glynn

That the minutes of the Ordinary Meeting of Council held on Tuesday 19 April 2016 be confirmed as a true record of proceedings.

Seconded Cr Crilly Carried 7/0

7. <u>ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:</u>

Nil at this time.

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

8.1.1 Development Application for Natural Fertiliser Plant - Lot 9 Albany Highway, Crossman

OFFICER'S RECOMMENDATION - 8.1.1

COUNCIL RESOLUTION

MOVED Cr Hoek

That this item lay on the table to allow Councillors to negotiate with the developers of the plant about relocating the plant.

Seconded Cr Collins Lost 5/2

COUNCIL RESOLUTION

Moved Cr Crilly

That Council approve the Development Application for a natural fertiliser plant, classified as "industry-noxious" in the *Shire of Boddington Local Planning Scheme No.* 2, at Lot 9 on Plan 4850 (No. 9902) Albany Highway Crossman incorporating a processing building (production shed), receival bay, storage bay, fly ash silo, odour control unit, generator and fuel tank, office and amenities, vehicle parking, landscaping, lined drainage dams and weighbridge, subject to the following conditions:

- 1. The development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
- 2. This approval shall expire and be of no further effect if the development hereby approved has not been substantially commenced within a period of three (3) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the development approval has lapsed, no further development is to be carried out.
- 3. The hours of operation are limited to between 7.00am to 5.00pm Mondays to Fridays.
- 4. The approval is for the production of fertiliser pellets only and does not include producing liquid fertiliser.
- 5. The design of the receival area is modified to a fully enclosed area with details shown on the Building Permit to the satisfaction of the local government.
- 6. The vehicular crossover onto South Crossman Road to be located, designed, constructed, sealed (to a distance of a least 30 metres from South Crossman

- Road) and drained to the satisfaction of the local government prior to occupation.
- 7. The South Crossman Road/Albany Highway intersection is to be designed, constructed, sealed and drained to the satisfaction of the local government and Main Roads Western Australia prior to occupation.
- 8. No direct vehicular access is permitted between the site and Albany Highway.
- 9. The emergency access is only to be used in emergency situations.
- 10. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed to minimise dust and drained prior to occupation. The operator shall appropriately control dust for these areas on an on-going basis to the satisfaction of the local government.
- 11. All waste materials and by-products of vehicle wash-down areas must be contained on site and directed to a suitable waste treatment facility to the satisfaction of the local government.
- 12. Toxic and hazardous chemicals are to be stored within contained compounds on chemically resistant surfaces to the satisfaction of the local government.
- 13. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. In particular lighting should be designed in accordance with AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.
- 14. A Rodent, Vermin and Fly Management Plan is submitted and implemented to the satisfaction of the local government prior to occupation. Following this, the Plan is implemented on an on-going basis to the satisfaction of the local government.
- 15. Heavy vehicles and trailers used to transport waste products are to be fully enclosed to minimise odour and dry fly ash to be delivered in sealed trucks to the satisfaction of the local government.
- 16. Buildings are filled and drained to the satisfaction of the local government with details provided with the Building Permit.
- 17. The submission of a Stormwater Management Plan, prior to the commencement of site works, to the specification and satisfaction of the local government which is to be suitably implemented prior to occupation. Following this, the stormwater management measures are to be appropriately maintained. Amongst matters, the Plan should:
 - (i) ensure that all stormwater from buildings, hard stand vehicle access ways, manoeuvring and parking areas and other impervious areas are collected, detained and suitably treated on site;
 - (ii) provide a concrete apron surrounding the processing facility;
 - (iii) be designed in accordance with the Stormwater Management Manual for Western Australia and Water Quality Protection Note 52: Stormwater management at industrial sites;

- (iv) ensure that the sizing is designed and constructed to contain a "1 in 10" year or 72 hour extreme rainfall event along with a freeboard limit of 500 mm; and
- (v) address leachate and incorporate a collection and storage system which is separate from stormwater. The leachate is not to contaminate the underlying land, groundwater or stormwater system or surface waters. The storage system is to be appropriately lined for its working life and to have sufficient storage capacity.
- 18. Groundwater monitoring bores to be installed and located around the natural fertiliser plant site, both upslope and downslope to the satisfaction of the Department of Environment Regulation and the local government prior to occupation. Monitoring information is to be provided in an agreed format and as required as set out in writing by the Department of Environment Regulation and/or the local government.
- 19. An adequate on-site potable water supply must be provided in accordance with the *Australian Drinking Water Guidelines* prior to occupation.
- 20. The submission of a Bushfire Management Plan and associated implementation to the satisfaction of the local government prior to occupation. Following this, the Plan is implemented on an on-going basis to the satisfaction of the local government.
- 21. The submission of a Revegetation and Landscaping Plan to the satisfaction of the local government which is implemented prior to occupation. The Plan should have objectives of managing visual amenity, improving water management and addressing fire management requirements. Generally, the species should be locally indigenous.
- 22. The planted and landscaped areas shall be maintained to the satisfaction of the local government at all times.
- 23. Other than the temporary office and amenities, the buildings are clad in green colourbond colours or painted green on external walls and the roofs to the satisfaction of the local government.
- 24. The site shall be fenced, gated and sign-posted against unauthorised entry, and such features shall thereafter be permanently maintained to the satisfaction of the local government.

Advice

- (a) This development approval does not include stage 2 of the project including any dwelling.
- (b) The applicant is advised that this development approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- (c) The natural fertiliser plant facility is required to gain a Works Approval and an operating licence from the Department of Environment Regulation. The applicant/operator is required to also ensure that other legislative requirements are met.

- (d) The level of noise emanating from the premises shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection* (Noise) Regulations 1997.
- (e) Weeds should be appropriately controlled in accordance with Department of Agriculture and Food guidelines. This in part should address the management of declared weeds under the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management Regulations 2013*.
- (f) The issue of the approval shall not, in any way, render the local government liable for damage or injury of any kind to any member of the public and/or the operators such liability shall be the sole responsibility of the operator. The operator shall ensure that they hold sufficient public liability insurance cover for any claim against them.
- (g) The local government encourages the operator to:
 - (i) seal the internal private vehicular access road;
 - (ii) install low speed signage within the site;
 - (iii) liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations;
 - (iv) ensure that all technical reports associated with the facility are maintained on the operator's website;
 - (v) establish and maintain a complaints management system; and
 - (vi) report any environmental incident promptly to the Department of Environment Regulation and to the local government.
- (h) In relation to Condition 3, any proposed changes to operating hours will be subject to a new Development Application. Any request to extend operating hours should be based on environmental monitoring reports that are approved by the Department of Environment Regulation. In particular, the environmental monitoring reports should indicate that noise emissions are compliant with the *Environmental Protection (Noise) Regulations 1997.* The environmental monitoring reports should be complemented with a noise modelling assessment relating to anticipated impacts of longer hours of operation.
- (i) In relation to Condition 4, this is expected to require the doors on the receival bay to be fitted with curtains or installing quick closing doors.
- (j) In relation to Condition 6, any gates should be off-set to ensure heavy vehicles are not blocking the road when entering the site.
- (k) In relation to Condition 7, Main Roads Western Australia require the proponent to prepare a Restricted Access Vehicle (RAV) assessment. The outcomes will determine the required upgrading of the Albany Highway/South Crossman Road intersection and as required the associated design drawings and details.
- (I) In relation to Condition 18, sampling water from these monitoring bores will allow the quality of groundwater downstream of the natural fertiliser plant to be compared to groundwater sampled upstream of the natural fertiliser plant.
- (m) Occupation of the premises is not permitted until all conditions are appropriately addressed to the satisfaction of the local government.

(n) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

AMENDMENT Cr Hoek

Point (o) and (p) to be included in the Advice

- (o) Encourage the Department of Environment Regulation to add to the works approval /operating licence. Testing of rain water within 2.5 kms of site with the cost being met by Natural Fertilisers operators.
- (p) Community consultation be undertaken once per quarter during development phase, through presentation and question and answer sessions on the progress of the project to the community of Boddington.

Seconder Cr Glynn Carried 4/3

The Amendment became the MOTION

COUNCIL RESOLUTION 35/16

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Advice

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- (n) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
- o) Encourage the Department of Environment Regulation to add to the works approval /operating licence. Testing of rain water within 2.5kms of site with the cost being met by Natural Fertilisers operators.
- p) Community consultation be undertaken once per quarter during development phase, through presentation and question and answer sessions on the progress of the project to the community of Boddington.

Seconded Cr Glynn Carried 5/2

Cr Collins asked that her vote against this resolution be recorded. Reason being that "I can see every benefit of this proposal and I would love to see those benefits realised in the Shire of Boddington, however my singular objection is the lack of communication and consultation directly with the community.

One presentation open to the public where they could have asked questions and have them answered would have resolved this issue for me.

On that basis I will not be supporting this proposal tonight."

Cr Hoek asked that her vote against this resolution be recorded.

57 members of the public left Chambers.

8.2 MANAGER FINANCIAL SERVICES:

8.2.1 Monthly Financial Statements – April 2016

OFFICER'S RECOMMENDATION - 8.2.1

COUNCIL RESOLUTION 36/16 Moved Cr Collins

That Council adopt the:

- 1. monthly financial statements for the period ending 30 April 2016; and
- 2. summary of reconciliations for the period ending 30 April 2016.

Seconded Cr Glynn Carried 7/0

8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/ BUILDING SURVEYOR:

Nil

8.4 MANAGER WORKS & SERVICES:

Nil

8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

8.5.1	List of Payments
0.5.1	

OFFICER'S RECOMMENDATION - 8.5.1

COUNCIL RESOLUTION 37/16 Moved Cr Smart

That Council adopts the list of payments for the period ending April 2016; at Attachment 8.5.1A.

Seconded Cr Glynn Carried 7/0

8.5.2 Debtors Balance Write Off

OFFICER'S RECOMMENDATION – 8.5.2

COUNCIL RESOLUTION

That Council write off the following debtor invoices as unrecoverable:

Invoice Number	Amount
8370	\$12,743.97
8371	\$1,820.55
8372	\$679.67
8373	\$12,743.97

MOVED Cr Collins

That this item lay on the table. Reason being that Councillors want a breakdown of these amounts.

Seconded Cr Glynn Carried 7/0

8.5.3 Boddington Hospital Auxiliary Waiver of Fees

OFFICER'S RECOMMENDATION - 8.5.3

COUNCIL RESOLUTION 39/16 Moved Cr Smart

That Council support the waiver of the fees for the hire of the Town Hall, totalling \$182, for the Boddington Hospital Auxiliary Group's 2016 events.

Seconded Cr Hoek Carried 7/0

8.5.4 Boddington Football Club Waiver of Fees

OFFICER'S RECOMMENDATION - 8.5.4

COUNCIL RESOLUTION

40/16

Moved Cr Hoek

That Council support the waiver of the fees for the hire of the Town Hall, totalling \$66, for the Boddington Football Club Town Hall Ball.

Seconded Cr Crilly Carried 7/0

8.6 CHIEF EXECUTIVE OFFICER

8.6.1 Action Sheet

Disclosure of Interest:

Nil

Date:

Author: Chris Littlemore

Purpose of Report

To bring forward Councillors information the Action Report with actions taken on previous Council resolutions.

Meeting Date	Resolution Number	Responsible Officer	Subject	Date Completed	Comments Current Status
19/04/16	27/16	PEHO	Stall Holder – Food Vendor	9/05/16	Letter sent
19/04/16	29/16	CSO	LOAF – RSL Flagpole	5/05/16	Letter sent
19/04/16	30/16	CSO	LOAF – Women's Networking Forum	5/05/16	Letter sent
19/04/16	31/16	CSO	Loaf – Boddington Junior Netball Association	5/05/16	Letter sent
19/04/16	33/16	CEO	Boundary Change	9/05/16	Letter sent

For information only.

Cr Collins declared a Financial Interest in Item 8.6.2 in that she is a real estate agent and left Chambers at 6:25pm.

8.6.2 Sale of 25 Johnstone Street Boddington

OFFICER'S RECOMMENDATION - 8.6.2

COUNCIL RESOLUTION

41/16

Moved Cr Crilly

5/1

That Council offer the property at 25 Johnstone St Boddington by public tender in accordance with section 3.58(2)(b) of the Act.

MOTION

Cr Smart

CEO be given the powers to negotiate with the two local real estate agents.

THE AMENDMENT BECAME THE MOTION

That Council offer the property at 25 Johnstone St Boddington by public tender in accordance with section 3.58(2)(b) of the Act.

CEO be given the powers to negotiate with the two local real estate agents.

Seconded Cr Manez Carried

Cr Collins entered Chambers at 6:28pm.

9. <u>ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS</u> <u>NOTICE HAS BEEN GIVEN:</u>

Nil at this time

10. <u>URGENT BUSINESS WITHOUT NOTICE (WITH THE APPROVAL OF THE PRESIDENT OF MEETING):</u>

Nil at this time

11. <u>CONFIDENTIAL ITEMS:</u>

Nil

12. <u>CLOSURE OF MEETING:</u>

6:30pm.
These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on Tuesday

With no further business to discuss the Shire President, Cr Allert, closed the meeting at

J R ALLERT (President)