

MINUTES

of the

ORDINARY MEETING OF COUNCIL

HELD ON

**Thursday,
19th March 2015
at the**

Shire of Cuballing Council Chambers

These minutes were confirmed at the Ordinary Meeting held on Thursday 23rd April 2015.

Signed.....

Cr Mark Conley, Shire President

Thursday 23rd April 2015

DISCLAIMER

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

The Shire of Cuballing 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.

In particular and with derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing.

The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

TABLE OF CONTENTS

1. OPENING - ANNOUNCEMENT OF VISITORS
2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE
4. STANDING ORDERS
3. PUBLIC QUESTION TIME
5. APPLICATIONS FOR LEAVE OF ABSENCE
6. MINUTES
 - 6.1 *Confirmation of 19th February 2015 Ordinary Meeting of Council*
7. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS
8. DISCLOSURES OF INTEREST
9. REPORTS
 - 9.1 FINANCE
 - 9.1.98 *List of Accounts Submitted for Council Approval*
 - 9.1.99 *Statement of Financial Activity*
 - 9.2 CHIEF EXECUTIVE OFFICER'S REPORT
 - 9.2.154 *Planning Application for a Regional Waste Disposal Facility, Portion of Lot 23 Nebrikinning Road, Cuballing. Interim Report following the closure of the Public Submission Period*
 - 9.2.155 *Proposed Subdivision/Amalgamation Lots 133, 23 Wickepin Pingelly Road, East Pingelly*
 - 9.2.156 *Application for Planning Approval: Storage Shelter – Lot 33 Forrest Street, Popanyinning*
 - 9.2.157 *CSRFF Application – DREC Show Jumping Arena Project*
 - 9.3 WORKS SUPERVISOR'S REPORT

Nil
 - 9.4 HEALTH & BUILDING REPORT

Nil
10. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil
11. OTHER URGENT BUSINESS
 - 11.1.64 *Urgent Business – Purchase of Generator*
 - 11.2.65 *Approval to Purchase a generator*
12. CONFIDENTIAL ITEMS

Nil
13. CLOSURE OF MEETING

1. OPENING - ANNOUNCEMENT OF VISITORS

The meeting commenced at 3.02pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

Cr Mark Conley	President
Cr Roger Newman	Deputy President
Cr Eliza Dowling	
Cr Scott Ballantyne	
Cr Dawson Bradford	
Cr Tim Haslam	
Mr Gary Sherry	Chief Executive Officer
Ms Tonya Williams	Deputy Chief Executive Officer
Mr Bruce Brennan	Works Supervisor
Mr Colin Hawksley	
Mrs Chris Eales	
Mr Sheldon Paice	
Mr Robert Shepherd	
Mr John Lawson	
Ms Filipa Walmsley	
Mrs Glenda Vukomanovic	
Mr Wayne Bird	

4. STANDING ORDERS

COUNCIL DECISION

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Newman

Seconded: Cr Ballantyne

Carried 6/0

3. PUBLIC QUESTION TIME

3.1 Regional Waste Disposal Site

Mr Sheldon Paice referred to the recent release of the Greater Narrogin Growth Plan and asked about the strategic intent of the Great Southern Regional Waste Group (GSRWG) and what is the greater strategy for recycling and other waste management.

The Chief Executive Officer, Mr Sherry, advised that the proposal to construct a regional Waste Disposal site was indeed just one part of the strategic plan. Recycling will be conducted at separate locations in each member shire. The entire waste management plan was not included in the Greater Narrogin Growth Plan, just the Regional Waste Site component.

3.2 Regional Waste Disposal Site

Mr R Shepherd asked about the change in name from the Wagin Group of Council's to the Great Southern Regional Waste Group and was this change required because the Shire of Wagin were moving to deposit waste at Katanning.

The Chief Executive Officer, Mr Sherry, advised that the name change was actually completed some time ago and the Great Southern Regional Waste Group name was now being correctly used. The Shire of Wagin remain the administrative managers of the Group and Mr Sherry is not aware of any moves by the Shire of Wagin to deposit waste at Katanning.

3.3 Regional Waste Disposal Site

Mr R Shepherd asked about the site selection and had the Council reviewed any other regional sites.

Shire President, Cr Conley, advised that Council had visited the North Bannister waste site and had plans to visit the Regional Waste site in the Shire of Kondinin.

3.4 Regional Waste Disposal Site

Mr Colin Hawksley asked how the Shire of Cuballing would permit the subdivision of the land on which the Regional Waste Site was to be located and would neighbouring properties also be permitted to subdivide.

The Chief Executive Officer, Mr Sherry, advised that local government does not control land subdivisions, rather this is done by the WA Planning Commission. Local government only had the opportunity to comment on proposed subdivisions. The Dept of Planning had provided comment on the Planning Application and did not indicate that subdivision would not be permitted in this case.

3.5 Regional Waste Disposal Site

Mr Shepherd outlined that the Shire of Kondinin site was not comparable to this site and asked about how the current site would cope with increased levels of rain. Mr Shepherd advised that he believed that climate change would increase the amount of rain received. Mr Shepherd also table photos of flood damage received on Nebrikinning Road.

Shire President, Cr Conley, advised that the Department of Environment Regulation will require the design of the waste facility to cope with significant rain events. Cr Haslam advised that the Kondinin Regional waste site was located just outside the Kondinin townsite.

3.6 Regional Waste Disposal Site

Ms F Walmsley asked:

“How did the WVGC arrive at the purchase price of \$375,000.00 for the proposed site? At \$5,769 approx per hectare, the price is roughly \$1,800 more per hectare than market value as per real estate consultant I have spoken to this week. Is the Shire of Cuballing (or WVGC) setting a precedent for any other acquisitions they may have to make?”

Shire President, Cr Conley, advised that the sale price was reached by negotiation between the proposed seller of the land and the Great Southern Regional Waste Group. Cr Haslam advised that the purchase of land for the Kondinin Regional Waste Site was also completed for a sale price significantly above the price of nearby agricultural land.

3.7 Regional Waste Disposal Site

Mr Colin Hawksley asked why the Shire of Cuballing was contributing an equal share to the construction of the Regional Waste Site when the share of waste to be deposited was much less?

Shire President, Cr Conley, advised that the Shire of Cuballing were contributing an equal share to ensure that the Shire of Cuballing had an equal vote in the management of a Regional Waste Disposal Site.

3.8 Regional Waste Disposal Site

Mr Colin Hawksley asked how was the buffer zone for the Regional Waste Site decided? Mr Hawksley believed that it was best that the Shire of Cuballing would own any buffer zone required.

The Chief Executive Officer, Mr Sherry, advised that this was an issue for the Shire of Cuballing and the Officer's Recommendation in the report in this agenda sought to have the Great Southern Regional Waste Group explain how the required buffer would be contained on the property on which the Regional Waste Disposal Site would be located.

3.9 Regional Waste Disposal Site

Mr Colin Hawksley explained that he was concerned about the governance of this decision and asked why there was no reports of meetings attended by Councillors included in the Minutes of Council meetings. Mr Hawksley believed that ratepayers, including himself, were given no notification of the proposal.

Shire President, Cr Conley, advised that this matter had been considered by Council on a number of occasions and Cr Conley found it hard to believe that Mr Hawksley was not aware of the proposal when his son was a Councillor during much of the consideration by Council.

3.10 Regional Waste Disposal Site

Mr John Lawson advised that he believed that Council had ignored submissions from the Department of Parks and Wildlife and reports on the impact of feral animals in

Dryandra. Mr Lawson outlined the importance of the Dryandra woodland from an environmental perspective and how he believed the Regional Waste Site would impact on the woodland. Mr Lawson asked how feral animals would be controlled.

Shire President, Cr Conley, advised that Council had not completed its decision on the proposal and had not ignored any advice. Further Cr Conley advised that the Officer's Recommendation in the report in this agenda sought to have the Great Southern Regional Waste Group explain, undertake and/or arrange an investigation for an animal control strategy.

3.11 Regional Waste Disposal Site

Ms Chris Eales asked what if any benefit to the Shire of Cuballing would a Regional Waste site located in the Shire bring to the Shire?

Shire President, Cr Conley, advised that it was expected by the Great Southern Regional Waste Group that the shire in which the Regional Waste Site was located would be asked to manage the site. This management has the potential to create a financial return to the Shire.

3.12 Regional Waste Disposal Site

Ms Glenda Vukomanovic asked that:

“Given the statements made at the public meeting on the 03 February 2015 at the Agricultural Hall Cuballing, by the proponents selected spokesperson for that evening, of this Regional Refuse Site. Lindsay Stephens that NO ONE wants to live next to a DUMP. This also includes us not wanting to live in DUMP's Shadow. Seeing as this public statement suggests our property is now worthless as a habitat for us and for our rural enterprise what compensation has the Shire set aside set aside to FULLY compensate our relocation and re-establishment costs?”

Shire President, Cr Conley, advised that Council had not yet approved the proposal and that Council had no plans for compensation.

3.12 Regional Waste Disposal Site

Ms Vukomanovic, Ms Walmsley and Mr Hawksley advised that they had further written questions that they would like to have Council answer.

Shire President, Cr Conley, advised that he would take those questions on notice and provide answers.

These questions taken on notice were:

Mr Colin Hawksley
Wandering Narrogin Road
Cuballing WA 6311

1. The report to council suggests that this matter is to be determined in accordance with clause 4.4.2 of Cuballing's TPS. That section only applies if the proposed use does not fall within the type, class or genus of activity of any other use in the zoning table. On what possible basis is it contended that "landfill" does not fall within the type, class or genus of activity of "industry-general", as that term is defined in the TPS, which is a prohibited use?
2. Why does the report make no reference of the recent DAP decision relating to the proposed York Landfill (which held that Landfill is not consistent with the general agricultural zone and is therefore directly on point)?
3. On what basis is it considered the establishment of an industrial operation in what is otherwise a rural and residential area of the Shire meet the requirements of orderly and proper planning principles, as required by clause 10.2 of the Cuballing TPS?
4. In terms of buffer requirements, given there are 11 residences located in close proximity to the proposed site, why doesn't the recommendation in paragraph 4(e) require a minimum enforceable buffer distance of 500m, which is best practice for Landfills (refer clause 26 .2 of our submission)?

Filipa Walmsley
 3383 Wandering Narrogin Road
 Narrogin WA 6312

1. The Shire of Cuballing have admitted that affected land owners were supposed to be informed of the planning application in April 2014 and this did not happen until December 2014. What was the mechanism that allowed this to happen and what recompense do land holders have who have made business decisions, commenced building homes etc without the knowledge of this proposed site?
2. Change of name (Great Southern Regional Waste Group) - is a new memorandum of understanding required? How does our submissions relate to a new entity?
3. From Agenda - "the shire administration consulted widely for 63 days - you have included weekends and public holidays in this number, should you convert this to working days?
4. There were no submissions from politicians noted, was correspondence received from them and what community groups were written to? Where is the support from the member councils of WVG? -.Town of Narrogin and begrudgingly Shire of Narrogin and neutral response from Wickepin only.
5. It is claimed that five submissions support the planning application -Town of Narrogin, Shire of Narrogin, Shire of Wandering, an anonymous Cuballing Town resident who misguidedly believes recycling will be occurring at the

proposed site, Mr Ferrell who believes the dead sheep in farmers paddocks are more of an environmental concern and two separate communiques from the landholders, one of which was quite offensive? Who has been counted to make up the five?

6. "no decision can be made or be seen to be made that could be interpreted to imply that the proposal would be approved for implementation at this stage" -So what does the launch of the Wheatbelt Development Commission growth strategy mean - top four priority project - regional waste depot???
7. How can the Shire of Cuballing Councillors arrive at an unbiased decision when they are signatories to the WVGC?

Peter & Glenda Vukomanovic
44 Furnival Street
Narrogin WA 6312

- 1 Given that the Narrogin Shire Council has stated that they have left all communications to affected property owners with the Shire of Cuballing why is there no mention in any Proposal Document of our intention to build our house in what has only recently become known to us, to be within the DER Residential Buffer Zone? Especially given the Narrogin Shire President and CEO of same have been aware several months after the signing of the MOU on the 11 June 2013?
 2. Given the statements made at the public meeting on the 03 February 2015 at the Agricultural Hall, Cuballing, by the proponents selected spokesperson for that evening, of this Regional Refuse Site, Lindsay Stephen, that no one wants to live next to a dump. This also includes us not wanting to live in dump's shadow. Seeing as this public statement suggests our property is now worthless as a habitat for us and for our rural enterprise what compensation has the Shire set aside set aside to fully compensate our relocation and re-establishment costs.
- Q3. Why was a site directly opposite and in close proximity to our intended home and at our front gate chosen?
- Q4. Given Lindsay Stephens further comments at the same meeting that an option for us might be to sell while dump is out of sight.
- a. Does this further illustrate the obnoxious nature of the proposal leaving no doubt it is a totally unacceptable facility to be living in close proximity to?
 - b. Tactics to be used to disguise the real and total agenda for the site?
 - c. That the normal duty of disclosure be dispensed with?
 - d. the tactics employed thus far to fast track the proposal before encountering opposition and the inability of landholders affected to properly prepare a case:

5. Given the same statements made by Lindsay Stephens where is the obligation of duty of care or disclosure shown to adversely affected residents by the Shire of Cuballing?
6. Given the same statements should not have the Shire of Cuballing notified affected residents before any MOU was signed'.'
7. Given Q4a above should not have the Shire of Cuballing consulted with adversely residents at the interest stage before large sums of public monies was expended.
8. Given Q2 and Q4 above does it not imply a personal passionate interest in keeping the dump well away from any person, relatives neighbours and friends so as to raise an extensive conflict of interest amongst proponents.
9. Should not have this, as we view it, conflict of interest, been declared at the outset and the process handled by an independent body with ability to acquire the most appropriate site away from any residences and without the votes of Councillors and officials in the Shires who have extensive property interests in the Shires involved?
10. Would it not be appropriate that the true cost of thus adversely affect property owners compensated by the beneficiaries rather than expecting adversely affected owners to bear an unjust cost and burden on behalf of beneficiaries and the rest of the communities...
11. Given there are real health effects from contaminants in the air and in the water supply what monitoring stations are to be permanently set up?
12. Given the real risk of wind and flood events and since such events have already, occurred in the past, what compensation fund has been set up to address health issues of humans and animals and surface and ground water and soil contamination? One such event flowed off our hill broke the dam wall and flowed into and filled my neighbours dams. The same event flowed off the proposed refuse site through our property and filled the neighbours dam on our other side. Also water flowed off our property and through the subsequent stages of the proposed refuse site.
13. Since proponents have been made fully aware of the problems of this proposed site are they willing to fund the full costs of subsequent adverse impacts?
14. Are Councillors and proponents aware of adverse reports at other refuse sites? I attach an ABC news report to illustrate.
15. Are you willing to have this in front of your house? If not how can you in good conscience impose this in front of us?
16. Is it the case that in Wagin that the proposal was rejected for the fact that it came within 1km of a residence"

- 17 Would not worlds best practise insist on at least this distance to any dwelling?
- 18 Should not buffer zones be within the proponents own property and not use uncompensated owners?
- 19 Why do the plans on maps of proposal not show true buffer boundaries? Even by the Proponents own measures the red line should show protruding over the road and into our property. Given the obvious errors in documents should not the process be reviewed.
- 20 Is the Shire willing to abandon this proposal and restart public negotiations before expending further public funds in what we, in our view, feel is the spending of public funds primarily to protect private interests and the process was never going to locate the most appropriate site.

Mr Colin Hawksley, Mrs Chris Eales, Mr Sheldon Paice, Mr Robert Shepherd, Mr John Lawson, Ms Filipa Walmsley and Mrs Glenda Vukomanovic left the chambers at 3.52pm

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. MINUTES

6.1 CONFIRMATION OF 19TH FEBRUARY 2015 ORDINARY MEETING OF COUNCIL

COUNCIL DECISION

That the minutes (as circulated) of the Ordinary Meeting of the Shire of Cuballing held in the Council Chambers on 19th February 2015 be confirmed as a true and correct record.

Moved Cr Dowling

Seconded Cr Bradford

Carried 6/0

7. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

8. DISCLOSURES OF INTEREST

8.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

8.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Cr Bradford declared a Proximity Interest in item 9.2.154 in that he leases land beside the Proposed Regional Waste Disposal Site.

Cr Dowling left the chambers at 3.56pm

Cr Conley advised that with public interest in Item 9.2.156 and 9.2.157 that these matters will be brought forward on the agenda.

**Cr Dowling returned to the chambers at 3.58pm
Mrs Chris Eales entered the chambers at 3.58pm**

9.2.156 Application for Planning Approval: Storage shelter – Lot 33 Forrest Street, Popanyinning

Location:	Lot 33 Forrest Street, Popanyinning
Applicant:	Wayne Bird (Bird's Silos & Shelters)
File Ref. No:	TP3/A889
Disclosure of Interest:	Nil
Date:	6 th March 2015
Author:	Gary Sherry
Attachments	9.2.156A Information from applicant 9.2.156B Location plan 9.2.156C Submission 9.2.156D Development Table – General (from Town Planning Scheme No. 2)

Summary

Conditional Planning Approval is recommended for a storage shelter at Lot 33 Forrest Street, Popanyinning.

Background

1. The application

The applicant seeks planning approval for a storage shelter to store lengths of steel prior to use in the nearby Bird's Silos & Shelters fabrication workshop.

The tunnel shelter consists of a steel frame and canvas cover between two sea containers. The tunnel shelter has an area of 144m². Combined with the two sea containers, the total area of the structures is 204m² with a width of 12 metres and a depth of 17 metres. The maximum height of the tunnel shelter is approximately 6.5 metres.

The sea containers are attached to concrete footings for engineering stability. The storage shelter will be fabricated by Bird's Silos & Shelters.

The shelter is proposed to be setback 1 metre from the site's Forrest Street boundary and 1 metre from the site's northern boundary.

The owner has selected this location given there is a natural clearing which allow the construction without clearing of native vegetation.

Attachment 9.2.156A sets out plans and details provided by the applicant. The site plan does not show any vehicular access or parking.

2. *The application site*

The site is located on Forrest Street, Popanyinning. Attachment 9.2.156B shows the site along with the overall land owned by Bird's Silos & Shelters. Including Lot 33, Bird's Silos & Shelters own 14 adjoining/nearby titles totalling 24,894m² in area.

Lot 33 has an area of 1,416m², a frontage width of 20.12 metres, is vacant and contains some native vegetation.

Bird's Silos & Shelters have an established general industry (metal fabrication) business operating in the Popanyinning town site. In addition to the fabrication workshop, there are a number of buildings and other similar structures on nearby lots.

3. *Public consultation*

The Shire administration sent letters to 9 adjoining/nearby landowners seeking comment on the application for 14 days. The Shire received one submission (from Reverend Martin Suter of the Mandurah Christian Fellowship Inc) which is outlined in Attachment 9.2.156C. This submission opposes the Planning Application. Further details are outlined under "Comment".

4. *Planning context*

The site is zoned "Rural Townsite" in the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2). A wide range of uses can be considered in the Rural Townsite Zone including commercial, industrial and storage activities.

The use is best defined in TPS2 as "storage" which "means premises for the storage of goods, equipment, plant or materials". Storage is a "D" use in the Rural Townsite Zone (means that the use is not permitted unless the local government has exercised its discretion by granting planning approval).

Clause 4.2 of TPS2 sets out the following objectives for the Rural Townsite Zone:

- To provide for a range of compatible uses within the town sites for a range of services, residential types, community and recreational facilities that may be found in a small country town;
- To encourage land uses which may positively affect the living and visual amenity on local amenities;
- To provide for the protection of the natural environment;
- To protect or enhance any local reserves;
- To encourage the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape;
- To support commercial and industrial use in areas where the predominant established use is for residential purposes provided residential areas can be adequately buffered from any impacts.

The above objectives set out what the Council is seeking to achieve and the types of development which may or may not be suitable in the Rural Townsite Zone.

Attachment 9.2.156D shows the Development Table – General from TPS2. As "storage" is not set out under the Rural Townsite Zone, the use is classified as "All other Permitted Uses". Accordingly, the Council can assess setbacks and other requirements such as landscaping as listed in the schedule or as determined by Council. Considerations include

the Council being satisfied that the application is consistent with the orderly and proper planning of the locality and retaining the area's amenity.

While noting the Development Table – General, Lot 33 was created many years ago and prior to the creation of TPS2. While noting this, front setbacks for development in the Rural Townsite Zone as set out in TPS2 have a standard of generally between 11 – 20 metres.

TPS2 enables buildings to be built to side property boundaries in the Rural Townsite Zone. All buildings within 3 metres of property boundaries need to be suitably fire rated as set out in the *National Construction Code (Building Code of Australia)*.

The *Shire of Cuballing Local Planning Strategy* (page 16) includes the aim “To provide employment opportunities for local residents” and a strategy “To encourage the consolidation of existing industrial uses and ensure the provision of Town Planning Scheme provide protection to the residential area”.

Given the shelter is intended to be used for storage to support the Bird's Silos & Shelters business, it is suggested that the use is not an outbuilding. Accordingly, Council's *Outbuildings Planning Policy* is not considered relevant in assessing the Planning Application.

Better planning practice requires a suitable buffer between industrial and “sensitive” uses e.g. dwellings. Storage is however not listed in the Environmental Protection Authority's *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*. By way of comparison, the guidelines set a generic buffer distance of 500 – 1000 metres for “metal fabrication” with the buffer determined by size of the business operation.

Comment

A) Overview

It is recommended that Council approve the Planning Application subject to conditions. This follows assessment against TPS2, the Local Planning Strategy, relevant Planning Policies, information provided by the applicant, considering the views of the submitter and site characteristics. Conditional approval is recommended for reasons including:

- it is consistent with existing development on the Bird's Silos & Shelters site, it supports a local business to grow and it promotes employment opportunities;
- it is considered preferable for the area's amenity to store the lengths of steel in the shelter rather than outside;
- the shelter is intended to be used for storage and not fabricating. Expected off-site impacts of storage are considered to be manageable and are likely to be associated with the noise of steel being moved on occasions and possible reversing beepers;
- planning conditions can assist to minimise impacts and enhance amenity;
- clearing of native vegetation is minimised;
- only one objection was received from adjoining/nearby landowners on this Planning Application. It can only be assumed that other landowners have no objections; and
- there is wide-spread community acceptance of Bird's Silos & Shelters operation in Popanyinning. Based on Shire records, there have been no written complaints dating back to 2010.

B) Issues raised by Reverend Suter

As outlined in Attachment 3, Reverend Suter has set out a number of reasons opposing the Planning Application. Some of the reasons relate to amenity considerations (noise, smell and visual impacts), the lack of landscaping and the minimal setbacks from boundaries.

As outlined above, there are expected to be manageable off-site impacts from the proposed storage use. There is however a need for the operator to ensure that noise and as relevant dust impacts are appropriately managed on an on-going basis.

To assist in enhancing the appearance of the proposed storage shelter and to improve the area's amenity, it is suggested that the setback from the front property boundary (Forrest Street) is increased from 1 metre to 5 metres. This front setback area should then contain existing trees/shrubs and be complemented with additional and appropriate replanting.

Reverend Suter also raises the matter of the shelter being used to accommodate overseas workers. In response, the applicant has applied to the Shire to store lengths of steel and has not applied for any form of housing. Should the applicant's requirements change, the applicant would need to submit and gain necessary approvals from the Shire.

C) Stormwater management

Given the size of the storage shelter and the creation of impervious surfaces, the applicant will need to appropriately manage stormwater to the satisfaction of the Shire. As part of this, the design will need to ensure that stormwater and drainage does not impact adjoining/nearby properties.

D) Amalgamating titles and possible laneway closure

Bird's Silos & Shelters have operated from their Popanyinning site for decades, with their business now extending over a number of smaller lots. During this time, various buildings have been built over property boundaries. Better practice is that buildings are fully contained within lots as this reduces future issues including if there is a change of ownership.

There is an unnamed laneway that runs north-south between Francis Street and Forrest Street that is largely engulfed by the Bird's Silos & Shelters business. The laneway does however provide secondary legal access to Lot 323 Forrest Street and Lot 30 Francis Street which are not owned by Bird's Silos & Shelters.

It is suggested that Bird's Silos & Shelters and the Council commence consideration of matters including:

- whether it is preferable for any existing lots to be amalgamated to address buildings extending over property boundaries and to provide greater flexibility in locating future development;
- whether the laneway should be retained to provide alternative access to properties in the area or whether it should be amalgamated into adjoining properties;
- the preparation of a concept plan or development guide plan to set out anticipated future development for the Bird Silos & Shelters site. This could provide greater certainty for Bird Silos & Shelters, the community, other stakeholders and the Shire regarding the nature of development and how it will be a "good neighbor"; and
- whether the Rural Townsite Zone provides the appropriate balance of flexibility and certainty for all stakeholders.

Strategic Implications - Nil

Statutory Environment

Planning and Development Act 2005 and TPS2

Policy Implications - Nil

Financial Implications – Nil

Economic Implications

The development, if approved and implemented, will assist to increase monies spent locally and assist with job creation.

Social Implications

One submission was received from an adjoining/nearby landowner objecting to the application. Provided the business effectively manages noise, the development should have minimal off-site impacts.

Environmental Considerations

It is suggested there are limited environmental issues given the shelter is located in a cleared area.

Consultation

Adjoining/nearby landowners were invited to make comment on the Planning Application.

Options

The Council can:

1. approve the Planning Application with no conditions;
2. approve the Planning Application with conditions;
3. refuse the Planning Application (providing reasons); or
4. defer and seek additional information.

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

That the Council approve the Planning Application for a storage shelter at Lot 33 Forrest Street, Popanyinning subject to the following conditions:

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two 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 Planning Approval has lapsed, no further development is to be carried out.**
- 2. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**

3. The provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The local government will require that all stormwater from the storage shelter and impervious areas are collected, detained and suitably treated on site to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
4. The external walls of the sea containers are upgraded, including the removal of rust, either painted or clad in colourbond prior to occupation to the satisfaction of the local government.
5. The setback of the development from Forrest Street be, at least 5 metres.
6. The planting of a 3 metre wide landscaping strip adjoining Forrest Street prior to occupation to the satisfaction of the local government.
7. The landscaped and planted area shall be maintained to the satisfaction of the local government at all times.
8. The storage shelter is not used for habitable purposes.

Advice

- A) The proponent is advised that this Planning 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.
- B) The proponent is advised that the approved development must comply with all relevant provisions of the *National Construction Code (Building Code of Australia)*.
- C) In relation to Condition 3, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). The local government will support stormwater run-off being connected to a Shire stormwater legal point of discharge provided it is appropriately designed via a soakwell/silt pit to the satisfaction of the local government.
- D) Noise emissions must comply with the *Environmental Protection (Noise) Regulations 1997*. The *Environmental Protection Act 1986* contains penalties where the assigned levels prescribed by the *Environmental Protection (Noise) Regulations 1997* are exceeded.
- E) It is the responsibility of the proponent/landowner to advise the local government when all conditions relating to the development have been satisfied.
- F) The local government encourages the applicant to consider matters including the location of property boundaries, the future of the laneway, the preparation of a concept plan/development guide plan and future zoning.
- G) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you

may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

COUNCIL DECISION

That the Council approve the Planning Application for a storage shelter at Lot 33 Forrest Street, Popanyinning subject to the following conditions:

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two 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 Planning Approval has lapsed, no further development is to be carried out.**
- 2. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 3. The provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The local government will require that all stormwater from the storage shelter and impervious areas are collected, detained and suitably treated on site to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.**
- 4. The external walls of the sea containers are upgraded, including the removal of rust, either painted or clad in colourbond prior to occupation to the satisfaction of the local government.**
- 5. The setback of the development from Forrest Street be, at least 1 metres.**
- 6. The storage shelter is not used for habitable purposes.**

Advice

- A) The proponent is advised that this Planning 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.**
- B) The proponent is advised that the approved development must comply with all relevant provisions of the *National Construction Code (Building Code of Australia)*.**
- C) In relation to Condition 3, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). The local government will support stormwater run-off being connected to a Shire stormwater legal point of discharge provided it is appropriately designed via a soakwell/silt pit to the satisfaction of the local government.**
- D) Noise emissions must comply with the *Environmental Protection (Noise) Regulations 1997*. The *Environmental Protection Act 1986* contains penalties where the assigned levels prescribed by the *Environmental Protection (Noise) Regulations 1997* are exceeded.**

- E) It is the responsibility of the proponent/landowner to advise the local government when all conditions relating to the development have been satisfied.**
- F) The local government encourages the applicant to consider matters including the location of property boundaries, the future of the laneway, the preparation of a concept plan/development guide plan and future zoning.**
- G) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.**

Moved Cr Bradford

Seconded Cr Ballantyne

Carried 6/0

Council's decision differed from the Officers Recommendation to allow retention of large vegetation that would otherwise be destroyed on the site that has a significant positive impact in the townsite amenity.



FORM OF APPLICATION FOR PLANNING APPROVAL

Town Planning Scheme No. 2
Application Number _____

Owner details:		
Name: Wayne Bird. <small>(Surname, First Names or Company Name)</small>		
Address: 201 Howard St Popanyinning WA.		
Postcode: 6309.		
Phone: 9887 5055	FAX: 9887 5077	
Home:	Work:	Email: birdssilos@wn
Mobile: 0427 622 991.	.com.au.	
Contact Person: Wayne Bird.		
Signature:	Date: 18-12-14.	
Signature:	Date:	
<p>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. If the owner is a company, the names of all directors must be provided.</p>		

Applicant details:		
Name: Wayne Bird.		
Address: 201 Howard St Popanyinning WA.		
Postcode: 6309.		
Phone: 9887 5055	FAX: 9887 5077	
Home:	Work:	Email: birdssilos@
Mobile: 0427 622 991	wn.com.au.	
Contact Person for Correspondence: Wayne Bird.		
Signature:	Date: 18-12-14.	

S:\Town Plan\FORM OF APPLICATION FOR PLANNING APPROVAL.docx

Part 2

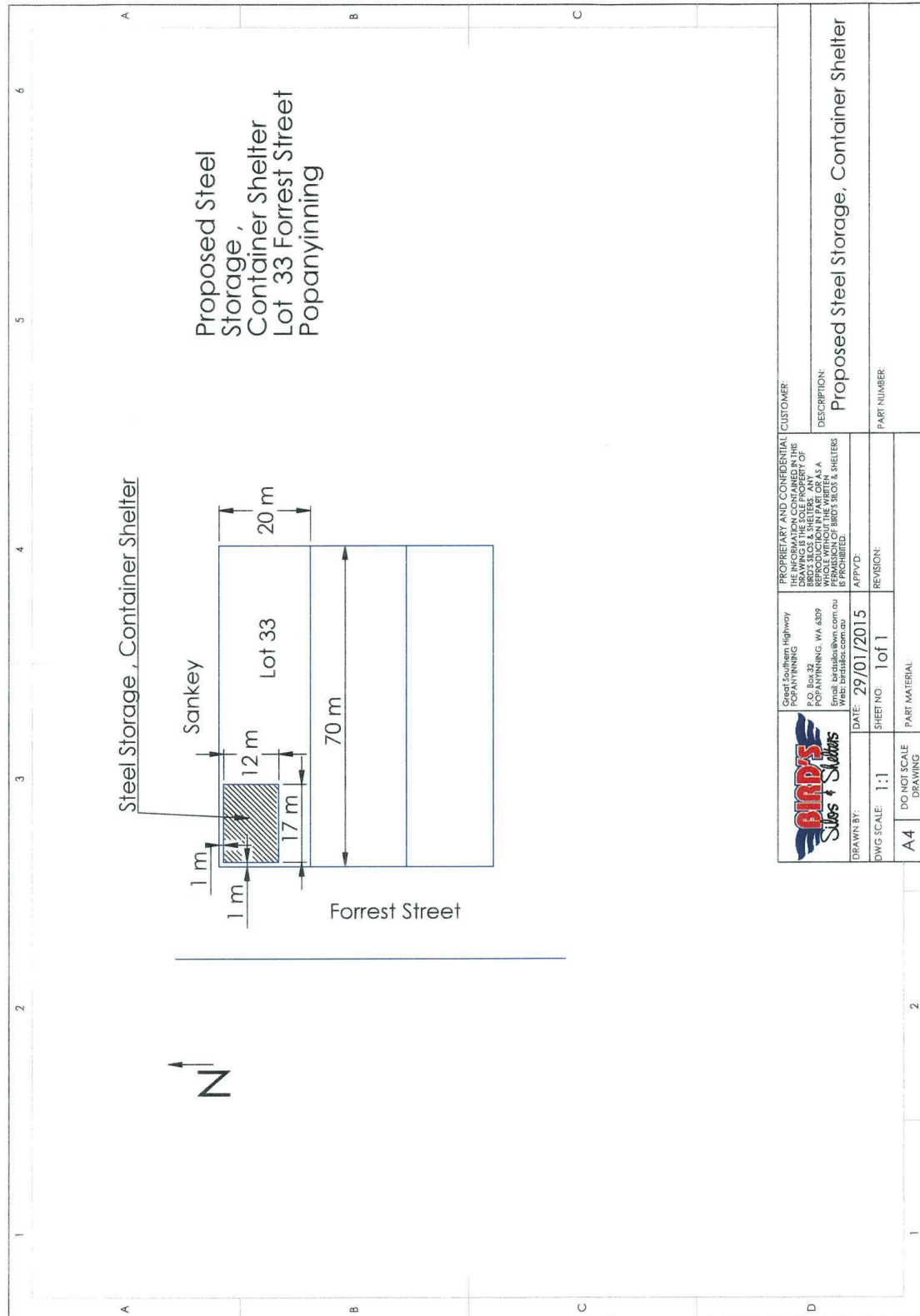
Property details:		
Lot No. <u>33</u>	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio: <u>Vol 2220</u>
Diagram or Plan No:	Certificate of Title Vol. No:	Folio: <u>937</u>
Title encumbrances (e.g. easements, restrictive covenants):		
Street name: <u>Forrest St.</u>		Suburb: <u>Popanyinning.</u>
Nearest Street Intersection:		<u>Forrest & Spragg St.</u>

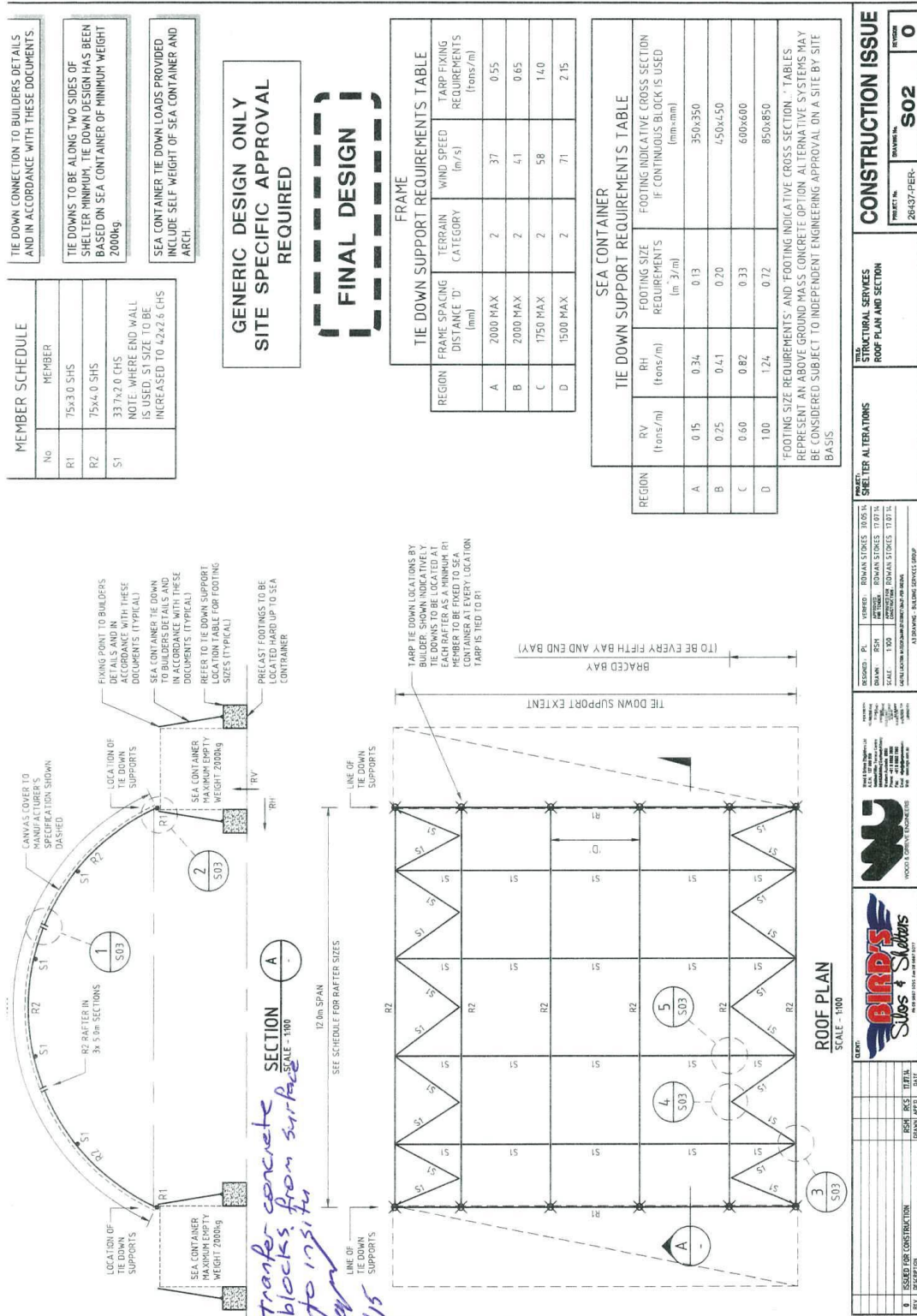
Details of Proposal:
Description of proposed development and/or use: <u>Tunnel shelter attached to two shipping containers. used to store lengths of steel.</u>
Nature of any existing buildings and/or use:
Approximate cost of proposed development (excluding GST): <u>\$9000.</u> <u>\$16685.00</u> <i>David</i>
Estimated time of completion: <u>End of January 2015.</u>

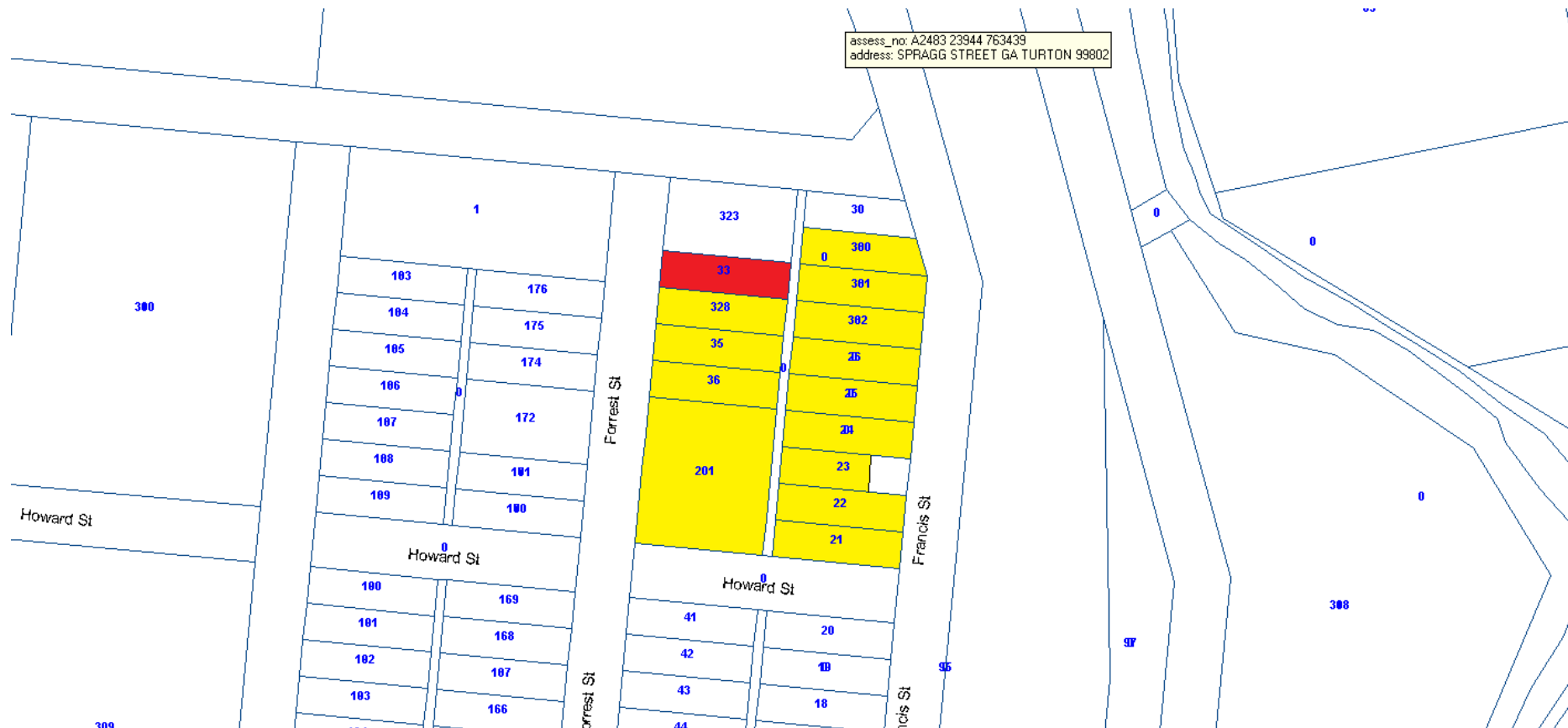
NOTE: this form should be completed and forwarded to the Council together with 2 copies of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

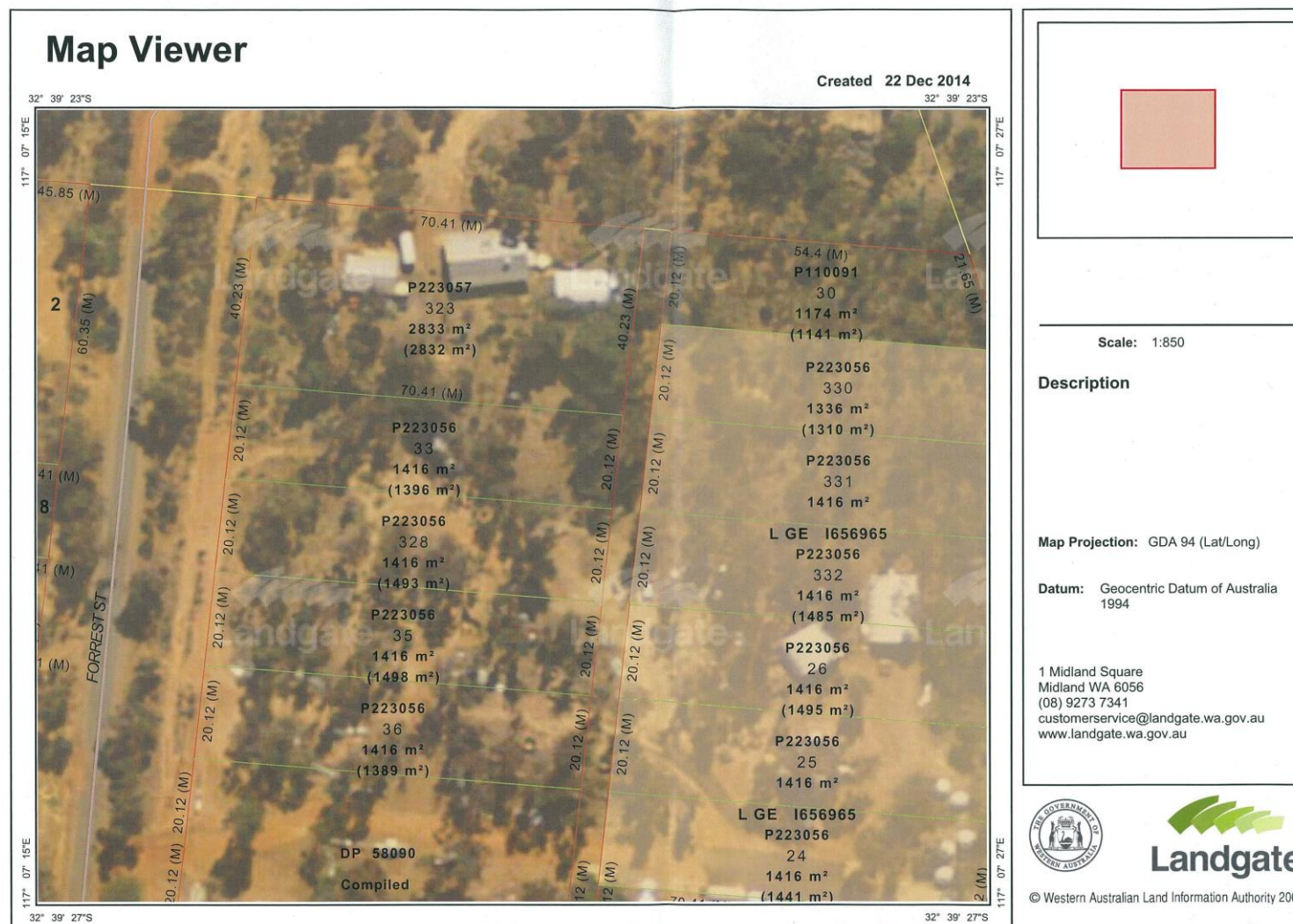
Office Use Only	
Acceptance Officer's initials:	Date Received:
Local Government Reference No:	

S:\Town Plan\FORM OF APPLICATION FOR PLANNING APPROVAL.docx









Mandurah Christian Fellowship

Incorporated

(ABN 25 331 598 649)

Our hope is in God who is the Saviour of mankind

Pastor in Charge, Reverend Martin Suter
PO Box 261, Mandurah 6210

The Chief Executive Officer
PO Box 13, Cuballing WA 6311

Dear Mr Sherry,

Comment against Planning Approval Industry General – Lot 33 Forrest Street Popanyinning

1. I am instructed to submit reasons for our opposition to the proposal in its current form.
2. An inspection of the proposed site reveals a collection of unsightly containers and silos.
3. The proposal site plan indicates a finished width of only 12 metres, whereas an added width will be that of two containers, as shown on the 'Section' diagram above the 'Roof Plan' on the 'Final Design' Sheet.
4. It has been established that a new Asian workforce has been imported.
5. Therefore it must be assumed that the proposed shelter can be for a sheltered work area and that the containers can house very comfortable amenities for these workers.
6. Given that the most efficient use of work areas is of a twenty-four hour nature could be a very good reason to propose this shelter on a remote corner of the property.
7. However, even though this land may now be 'industrial', it nevertheless exists in a township of residences, on an historical residential street, and abutts inhabited residences. Residences may contain loved ones who are not involved on the work site and who should not be subjected to the sights sounds and smells from an industrial lot.
8. Inasmuch as the Forrest Street boundary is in a residential area it could be the desire of a responsible industrialist to set back buildings, along that boundary, to allow a buffer of landscaping and car parking.
9. Inasmuch as the lot boundary abutts a residential lot it may be the desire of a responsible community minded industrialist to allow a sight and sound buffer of more than one metre on the north side of the proposal.
10. It is good that an entrepreneur should seek to expand. It is not good that Council might allow such industrial expansion within a designated residential townsite. We counsel against such approval. If the townsite was moved 1500 metres from the industrial site then such would be a commendable separation, allowing residents quiet enjoyment of their domicile.

Yours sincerely,

M.G. Suter (Revd.)
10th February 2015

DEVELOPMENT TABLE - GENERAL

Zone	Use	Min Lot Area (m2)	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
1. Rural Townsite	Residential	See Residential Design Codes as listed in this Schedule or as Determined by Council							
	Commercial	-	-	15	7.5	Nil or 2m if abutting a Residential property	1 per 20m ² of gross leasable floor area		
	Shop	-	-	15	7.5	Nil or 2m if abutting a Residential property	1 per 10m ² of gross leaseable floor area		
	Office	-	-	15	7.5	Nil or 2m if abutting a residential property	1 per 20m2 of gross leasable floor area		
	Eating House			15	7.5	2m	1 per 5m ² of Public area		
	Hotel	1 ha	80	20	15	10	1 per bedroom and 1 per 5m ² of public area	25	
	Tavern	4000	40	20	15	10	1 per 5m ² of Public area	25	
	Motel	4000	80	20	15	10	1.5 per accommodation Unit	20	
	Educational Establishment	To be determined by Council	30m	20	10	5m	As determined by Council	As determined by Council	As determined by Council
	Service Station	1500 (Roadhouse 2000)	25	20	7.5	5	20	As determined by Council	Boundary setbacks apply to Pumps, Canopy, Buildings
	Place of Public Worship	2000	20	15	7.5	2	1 per 5 seats	50	
	General Industry	2000	25	20	7.5	5m on one side	As determined by Council	As determined by Council	
	Light/Service Industry	1000	25	11	7.5	5m on one side	As determined by Council	As determined by Council	
	All other Permitted Uses	As listed in this Schedule or as determined by Council							
2. Rural Residential	All other Permitted Uses	As listed in this Schedule or as determined by Council							
3. General Agricultural	Abattoir		As determined by Council	50	20	20	As determined by Council	As determined by Council	As determined by Council
	Rural Pursuit	1 ha	50m	15	15	5	As determined by Council	As determined by Council	As determined by Council
	All other Permitted Uses	As listed in this Schedule or as determined by Council							

9.2.157 CSRFF Application – DREC Show Jumping Arena Project

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 11th March 2015
File Reference: Grants G5
Attachment 9.2.157A DREC Location plan
9.2.157B Draft CSRFF Application

Summary

Council is to consider participation and support in the DREC Show Jumping Arena Project and CSRFF application.

Background

The Department of Sport and Recreation's (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. The CSRFF program provides up to a third of project funding. The CSRFF program has a small grants round, for projects less than \$450,000 in size in March and September each year and a single large grants round in September. Under the CSRFF program, successful applicants have until the end of the next financial year to complete their project.

Shire staff, in conjunction with Dryandra Regional Equestrian Association (DREA), has prepared a CSRFF application for the construction of a show jumping arena at the Dryandra Regional Equestrian Centre (DREC). The DREC Show Jumping Arena Project will install a fenced, international standard show jumping arena that will host state level show jumping events that attract entrants from throughout Western Australia and provide a local service the Great Southern region of Western Australia. A location plan is included at Attachment 9.2.157A

The draft CSRFF application is included at Attachment 9.2.157B. Letters of support, quotations and other supporting documentation not included in the attachment but have been received. The DREC Show Jumping Arena Project has a total project cost of \$181,257 (GST Exclusive).

This show jumping arena design allows a multi-purpose use by all equestrian sports and other activities. These disciplines include endurance, dressage, mounted games, western pleasure. The show jumping arena can be used as secure areas for vetting stations for events. The additional facility will greatly improve the rate at which show jumping is conducted at 3 day events, where up to 200 show jumping competitors need to be assessed on the day.

The project needs to be completed between October and February during the off season of the equestrian users of the facility.

The show jumping arena will be 70m by 70m in size. Show jumping is a fast and high impact sport, the surface aggregate must be well draining, have high traction, and reduce the potential strain on a horses ligaments and tendons. Construction of the show jumping arena will include layers of earthworks and incorporate channels and course aggregates to

allow drainage. Special imported surface material will provide an even and safe surface for show jumping and other different equestrian disciplines.

The arena will be fully fenced with cattle rail fencing. This fencing has an excellent lifespan, is strong and has no sharp or protruding edges and so meets OSH standards. The fencing will include a double gate at both the southern and western sides for easy vehicle access and a single gate on the northern side personal and horse entry. The fencing is designed meet Occupational Safety and Health (OSH) requirements for separating competitors from spectators, officials and other competitors

The components of construction include:

• Sub-base level fill - Gravel - 4,000m ³ @ \$6 per m ³	\$24,000
• Base level fill - Cracker Dust aggregate - 1,500 tonne @15 per tonne	\$22,500
• Cartage of aggregate @ \$6 per tonne	\$9,000
• Surface fill - Supply and Cartage of River Sand - \$45 per tonne	\$24,750
• Fencing	\$27,062
• Construction – Labour	\$42,070
• Construction Plant Operation Costs	<u>\$27,710</u>
• Sub Total	\$177,092
• Cost escalation / Contingency of 5% on externally sourced items	<u>\$4,165</u>
• Total project expenditure	\$181,257

The CSRFF application features

• A CSRFF grant (GST Exclusive)	\$60,419
• Contributions from user groups (GST Exclusive)	\$40,909
This amount includes contributions from DREA of \$30,000 (GST Inclusive) and Dryandra Pony Club of \$15,000 (GST Inclusive).	
• Completion of the construction works the Shire of Cuballing	\$69,780
Includes all labour and plant costs	
• Shire of Cuballing - cash contribution (GST Exclusive)	<u>\$10,149</u>
• Total project Income	\$181,257

Comment

Council role in reviewing this project is both to consider involvement but also to review the application prior to submission.

The CSRFF application process requires that local governments review and rank projects from their local area before submission to the DSR for evaluation. Council is required to comment on the areas including project justification, financial viability and community input for each grant application. Should multiple applications be received, then Council is required to rank the applications from a Shire priority position.

Council involvement in the project has Council seeking to obtain the grant and undertaking the project management. While DREA commenced preparation of the grant, given the large earthmoving component of the project and Council's registration for GST, there is benefit in Council completing the application and project.

Council's contribution to the project is significant but substantially labour and plant. The labour and plant costing is substantial but does include Council's full overhead costs and private works rates.

The major components of the project are construction materials including gravel, cracker dust and river sand. All of these components are included as purchased items. Whilst cracker dust and river sand are available from established suppliers, Council hopes to

purchase gravel from a nearby land owner for the first time. It is anticipated that the purchase and winning of this gravel may cost more than other established sources.

The continued development of the DREC as a regional facility will attract favourable support from grant funders. Given the state level competitions held at this venue, this project was viewed favourably by the Regional DSR manager at an onsite meeting on Wednesday 11th March 2015.

Statutory Environment – Nil at this time

Financial Implications

Council's commitment at this time to the project, given the project is successful, requires Council to make an allocation in the 2015/16 Budget.

Strategic Implications

The DREC will be a key regional facility located in the Shire of Cuballing. As such a regional facility, Council will be able to more easily access to grant funding that focuses on regional facilities and infrastructure for the DREC than for other, local facilities.

As a Shire facility hosting regional events, the DREC will be the face of the Shire for many visitors arriving in the Shire of Cuballing to attend facilities at the DREC. Similar exposure and publicity for the DREC will be valuable promotion for the Shire of Cuballing.

Policy Implications – Nil at this time

Economic Implications

There is potential for significant economic benefit to the town and Shire of Cuballing from the activities at the regional DREC.

Social Implications

Having a regional facility such as the DREC located within the Shire of Cuballing provides significant benefits for those residents with an equestrian interest.

Environmental Implications - Nil

Consultation

Staff have met or discussed this application with:

- Ms Jenifer Collins, Manager - Wheatbelt, DSR
- Mr Wayde Maclean, Regional Officer-Wheatbelt, DSR
- Ms Angela Doyle, CEO, Equestrian WA.
- Ms Chris Eales, President, DREA
- Ms Danielle Short, Secretary, DREA
- Mr Gavin Townsend, President, Dryandra Pony Club
- Ms Jaqui Early, Committee, DREA

Options

Council can resolve:

1. The Officer's Recommendation;

2. To support the DREC Showjumping Project, support Council's role in applying for funding and acting as project manager but amend Council's level of involvement in the project;
3. To support the DREC Showjumping Project, requiring a community group to apply for funding and act as project manager and amend Council's level of involvement in the project;
4. Not support the project or grant application at this time.

Voting Requirement – Simple Majority

Cr Haslam left the chambers at 4.32pm

Cr Haslam returned to the chambers at 4.35pm

Cr E Dowling declared an impartiality Interest in this item, in that she is member of the Dryandra Pony Club and left the chambers at 4.55pm

COUNCIL DECISION:

That Council:

1. Support the DREC Showjumping Project;
2. Support the DREC Showjumping Arena project as outlined in the draft Grant Application included at Attachment 9.2.157B, including the role as project manager;
3. Commit to allocating staff and plant resources up to \$69,780 in the 2015/16 budget for this project; and
4. Commit to allocating funds of up to \$10,149 in the 2015/16 budget for this project.

Moved Cr Newman

Seconded Cr Haslam

Carried 5/0

Cr Haslam left the chambers at 4.32pm

Cr Haslam returned to the chambers at 4.35pm

Cr E Dowling declared an Impartiality Interest in this item, in that she is member of the Dryandra Pony Club and left the chambers at 4.55pm

Cr Dowling returned to the chambers at 4.56pm

Mrs Chris Eales left the chambers at 4.56pm

Mr Wayne Bird left the chambers at 4.58pm

9.1 REPORTS – FINANCE AND ADMINISTRATION

9.1.98 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – FEBRUARY 2015

Date:
Reporting Officer: Nichole Gould, Admin Officer
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Register Delegated Authority
Budget Implications: Nil
Attachment: 9.1.98A List of payments
Voting Requirements: Simple Majority

Background

Nil

Comment

Council is provided at Attachment 9.1.98A with a list of payments made from each of Council's bank accounts during the months of February 2015.

COUNCIL DECISION:

That Council notes the Chief Executive Officer's List Of Accounts for February 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 included at Attachment 9.1.98A including payments from:

1. the Municipal fund totalling \$81,645.08; and
2. the Trust Fund totalling \$24,991.35

Moved Cr Ballantyne

Seconded Cr Newman

Carried 6/0

LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Credit Card	Muni	Total
222015	4 - Police Licensing Payments	Police Licensing Payments	-1644.85			-1644.85
1622015	4 - Police Licensing Payments	Police Licensing Payments	-1046.35			-1046.35
1922015	4 - Police Licensing Payments	Police Licensing Payments	-16973.70			-16973.70
2022015	4 - Police Licensing Payments	Police Licensing Payments	-56.30			-56.30
2322015	4 - Police Licensing Payments	Police Licensing Payments	-1921.80			-1921.80
2422015	4 - Police Licensing Payments	Police Licensing Payments	-909.80			-909.80
2522015	4 - Police Licensing Payments	Police Licensing Payments	-565.15			-565.15
2622015	4 - Police Licensing Payments	Police Licensing Payments	-61.90			-61.90
2722015	4 - Police Licensing Payments	Police Licensing Payments	-2498.80			-2498.80
0322015	4 - Police Licensing Payments	Police Licensing Payments	-2889.70			-2889.70
0422015	4 - Police Licensing Payments	Police Licensing Payments	-55.80			-55.80
622015	4 - Police Licensing Payments	Police Licensing Payments	-5375.90			-5375.90
0922015	4 - Police Licensing Payments	Police Licensing Payments	-1349.45			-1349.45
1022015	4 - Police Licensing Payments	Police Licensing Payments	-829.80			-829.80
1122015	4 - Police Licensing Payments	Police Licensing Payments	-630.70			-630.70
1222015	4 - Police Licensing Payments	Police Licensing Payments	-1195.80			-1195.80
1322015	4 - Police Licensing Payments	Police Licensing Payments	-259.20			-259.20
EFT1245	Great Southern Fuel Supplies	January Fuel, Diesel			-16298.52	-16298.52
EFT1246	Machine Man Fencing	Supply Pool Fencing for Cuby Rec grounds - \$2400 outstanding payment prior to pick up			-2400.00	-2400.00
EFT1247	Mandurah PA Hire	Hire of PA Equipment for Music Festival 2x 2.5 subs 1600w, 2x 500w speakers, 4x stage lights, \$230 discount			-490.00	-490.00
EFT1248	Avon Waste	Bulk bin service and rent - 4 bins			-1310.33	-1310.33
EFT1249	Beaurepaires	4x drive tyres up truck CN026			-4182.60	-4182.60
EFT1250	Bill & Bens Hot Bread Shop	50x hot dog rolls and 2x SW bread for Movie Night			-41.60	-41.60
EFT1251	Builders Registration Board Building Commission	January Building Permits			-71.00	-71.00
EFT1252	Burgess Rawson (WA) Pty Ltd	Water usage at War Memorial 9/12/14 - 10/02/15			-169.79	-169.79
EFT1253	Ballards Of Narrogin	Purchase of drink fridge for Depot			-330.00	-330.00
EFT1254	Best Office Systems	Brother Colour and Black Ink for Building Officer printer			-144.00	-144.00
EFT1255	Child Support Agency	Payroll deductions			-151.33	-151.33

LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Credit Card	Muni	Total
EFT1256	Cuby Roadhouse	January Account invoice 51/52 - Postage			-824.04	-824.04
EFT1257	Dynamic Print	A Mort Business Cards			-249.00	-249.00
EFT1258	Edwards Motors PTY LTD	1x tow bar extension			-148.50	-148.50
EFT1259	Edge Planning & Property	3 1/4 hours 6884 - Regional Tip			-561.00	-561.00
EFT1260	Filters Plus	Radial seal air filter (96.00), air filter (\$89)			-572.00	-572.00
EFT1261	Hancocks Home Hardware	3 keys cut for the Popo Hall			-36.00	-36.00
EFT1262	Ingrey Ford Pty Ltd	Building Surveyor Car Service - Mitsubishi Triton			-550.00	-550.00
EFT1263	JR & A Hersey P/L	100 guide posts, 12x spray/ mark, 1x tape measure, 1x window cleaner, 2x spray bottles, 1x test light, 3x safety vest, 5x danger tape			-1500.88	-1500.88
EFT1264	Knightline Computers	1.5hrs resolve email issues on computers and phone			-135.00	-135.00
EFT1265	Kareem Pty Ltd	Payment for sand 55m, self loaded			-302.50	-302.50
EFT1266	Komatsu	1x guide, 2x shim, 4x guide, 12x shim			-887.74	-887.74
EFT1267	Landgate	Schedule R2015/1			-161.25	-161.25
EFT1268	Limitless Promotions	300 dog tags in yellow, red, orange (2018, 2019 and lifetime) and 300 stainless steel rings			-450.00	-450.00
EFT1269	Makit Narrogin Hardware	1x K/R 1lt white			-182.60	-182.60
EFT1270	Mechanical And Diesel Services	Carry out service on truck CN026 100,000km - fix electrical fault becons			-1398.10	-1398.10
EFT1271	Metrocount	100m premium road tube, centreline flap 10 pack x2			-841.50	-841.50
EFT1272	McDougall Weldments	Straighten and brace grab bucket, pivot points, washer, labour			-1080.75	-1080.75
EFT1273	Narrogin Agricultural Repairs	Fast fill trailer pump			-194.00	-194.00
EFT1274	Narrogin Auto Electrics	2x battery 075H two way radio, 2x UHF 076D radios			-944.90	-944.90
EFT1275	Narrogin Bearing Services	36mm 3/4 drive socket			-173.40	-173.40
EFT1276	Narrogin Earthmoving And Concrete	Supply and lay concrete at Cuballing Tennis courts			-4548.50	-4548.50
EFT1277	Narrogin Gardening Services	Blackspot funding applications services - 6 hours			-408.00	-408.00
EFT1278	Narrogin Hire Service And Reticulation	5 full sprinkler heads and 20 adjustable sprinkler heads for Skate Park			-70.30	-70.30
EFT1279	Narrogin Packaging	240L bin liner, style slimline towel, 2 PLY toilet roll			-413.27	-413.27
EFT1280	P & C Electrical Contracting Pty Ltd	Various materials, labour and machine hire for replacing all lamps in flood lights at tennis court, replace faulty light fitting at tennis court and find fault for cricket net flood light failure			-5057.80	-5057.80
EFT1281	Page Truck Hire	Bobcat hire to push up the Popo tip in January			-2607.00	-2607.00

LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL

Chq/EFT	Name	Description	Trust	Credit Card	Muni	Total
EFT1282	Quickfit Windscreens And Narrogen Glass	1x new side window for Loader			-473.00	-473.00
EFT1283	Retravisision	Wall mounted urn			-1398.00	-1398.00
EFT1284	RICHARD JAMES McDougall	work done at the Cuballing Tennis Club			-860.00	-860.00
EFT1285	Shire Of Pingelly	Policy and Procedures Workshop Contribution, 10 March 15 - Gary Sherry			-475.00	-475.00
EFT1286	SOS Office Equipment	Meter readings for Xerox DCVC44754 to 31 January 15			-204.30	-204.30
EFT1287	Sheridan's	Staff Name Badges, 7x 14.95, \$7 admin fee, \$72 set up fee			-308.39	-308.39
EFT1288	SpinFX Audio	Supply of Entertainment for the Cuby Music Festival			-2010.00	-2010.00
EFT1289	Staples Australia Pty Ltd	Floor mats - marbig delux Cmat 1140x1340			-318.19	-318.19
EFT1290	Toll Ipec (Courier Australia)	Stationery - Paper Delivery Freight			-140.78	-140.78
EFT1291	WA Local Government Association	Advertising - Planning Application Proposed Landfill			-460.88	-460.88
749	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
749	11 - Interest On Graders	Interest On Graders			-994.96	-994.96
749	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders			-2719.32	-2719.32
749	10 - Big Air Cloud Management	Big Air Cloud Management			-116.49	-116.49
749	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
	Commonwealth Bank	Credit Card Charges		-224.28		-224.28
			-24991.35	-224.28	-81420.80	-100055.79

9.1.99 STATEMENT OF FINANCIAL ACTIVITY

Date:	10 March 2015
Reporting Officer:	Tonya Williams – Deputy CEO
Enabling Legislation:	Local Government (Financial Management) Regulations 1996
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 7
Attachment:	9.1.99A Statement of Financial Activity
Voting Requirements:	Simple Majority

Background

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment

General Purpose

Rates

An amount of \$1,002,487 has been raised in rates for the year. \$58,809.73 was given as a discount on rates. At the end of January rate debtors were \$62,302.63, final instalments are due 3rd March. The discount has increased slightly due to some rate notices being sent out later due to new valuations received for several properties after the initial rate run.

Governance

Contributions and Reimbursements

This includes the reimbursement from the Shire of Mt Marshall for Mrs Eva Haydon's LSL contribution of \$12,932. It also includes the proceeds for the mulcher which needs to be journalled to schedule 14.

Other

Insurance premiums have been paid – some in full and some are in two instalments.

Health

Environmental Health Services are costing less than budgeted.

Housing

Expenditure is lower than budgeted as less money spent on Deputy CEO housing to date, due to a December start date.

Community Amenities

A Transfer Station Grant is still expected to be received later this financial year. Currently, tip maintenance costs are lower than budgeted. The Town Planning consultant fees are less than expected with expected costs to be incurred in February.

Recreation and Culture

Work is expected to be undertaken on the Cuballing Tennis Courts in February.

Transport

Income is lower than budgeted due to a Roads to Recovery grant not being received in November, expect to receive all road funding in the coming months. Maintenance on streets and roads has been lower than budgeted, however there are works to be undertaken in the coming months on resealing and works under CLGF funding in the Cuballing townsite.

Economic Services

Building Wages and Other Costs

This includes the cost and Darryle's wages and associated costs such as training, publications, superannuation etc. The running costs of the vehicle need to be transferred to this account and at present are \$1,271 for fuel usage.

Income – Building Surveyor Services

Schedule 13 Economic Services contains only work carried out for the Shire of Cuballing for Building Services.

Other Property and Services

Expenditure PWO Other

Main expenditure is the subscription to Roman for an amount of \$5,311.

Parts and Repairs

To date \$51,895.19 has been spent on parts and repairs. Parts and repairs will increase considerably in the coming months as the loader is still undergoing extensive repair work estimated at \$10,000.

Internal Repair wages

This now includes the servicing of vehicles carried out by the outside staff which previously went under parts and repairs.

ABC costing only done to September 2014.

COUNCIL DECISION:

That the Statement of Financial Activity, as included at Attachment 9.1.99A, for the Shire of Cuballing for period ending 31 January 2015, be received.

Moved Cr Dowling

Seconded Cr Bradford

Carried 6/0

Bank Reconciliation for the month of January 2015

	Municipal Fund	Trust Fund	Reserve Accts
Opening balance	\$568,962.87	\$29,392.71	\$ 1,037,932.80
Income	\$208,379.44	\$42,992.70	-
Add interest	1,143.61	-	1,977.92
Adjustment	\$0.00	-	
Expenditure	-\$293,878.24	-\$37,258.15	
Closing balance	\$484,607.68	\$35,127.26	\$ 1,039,910.72
Bank account	\$98,810.31	\$34,216.16	\$ 2,893.89
Investments	\$394,890.68	0.00	\$ 1,037,016.83
Plus O/S deposits	-	911.10	
Less O/S cheques	-\$9,093.31		
Closing balance	\$484,607.68	\$35,127.26	\$ 1,039,910.72

Investments 31 January 2015

Account Number	Maturity Date	Interest Rate	Fund/Account		
			Municipal	Trust	Reserve
3445506	Cash Deposit	2.25%	-		1,037,016.83
34681402	Cash Deposit	2.25%	300,000.00		
	Online account	2.50%	94,890.68		
Total			394,890.68	0	1,037,016.83

SHIRE OF CUBALLING
MONTHLY STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

TABLE OF CONTENTS

Statement of Financial Activity	2
Notes to and Forming Part of the Statement	3 to 17

SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

	NOTE	31-Jan 2014	31-Jan 2014 Y-T-D	2014/2015	Variance s Budget to Actual	Variance s Budget to Actual
		Actual \$	Budget \$	Budget \$	Y-T-D %	Y-T-D \$
<u>Operating</u>						
Revenues/Sources						
Governance		14,257	12,990	16,637	(9.75%)	(1,267)
General Purpose Funding		313,355	298,375	598,900	(5.02%)	(14,980)
Law, Order, Public Safety		17,061	16,750	26,500	(1.86%)	(311)
Health		1,386	464	1,500	(198.71%)	(922)
Education and Welfare		-	-	-		-
Housing		-	-	-		-
Community Amenities		1,133	21,269	22,350	94.67%	20,136
Recreation and Culture		3,296	7,850	9,100	58.01%	4,554
Transport		360,711	469,796	838,860	23.22%	109,085
Economic Services		110,885	37,808	64,200	(193.29%)	(73,077)
Other Property and Services		118,432	94,125	143,713	(25.82%)	(24,307)
		940,516	959,427	1,721,760		18,911
(Expenses)/(Applications)						
Governance		(206,362)	(102,214)	(129,030)	(101.89%)	104,148
General Purpose Funding		(15,696)	(30,170)	(69,477)	47.98%	(14,474)
Law, Order, Public Safety		(36,792)	(87,881)	(142,489)	58.13%	(51,089)
Health		(8,409)	(25,420)	(43,712)	66.92%	(17,011)
Education and Welfare		(4,969)	(8,982)	(13,606)	44.67%	(4,013)
Housing		(14,897)	(25,502)	(41,555)	41.59%	(10,605)
Community Amenities		(73,415)	(116,586)	(203,262)	37.03%	(43,171)
Recreation & Culture		(83,996)	(161,874)	(262,980)	48.11%	(77,878)
Transport		(600,416)	(1,152,428)	(1,974,307)	47.90%	(552,012)
Economic Services		(110,705)	(63,171)	(107,527)	(75.25%)	47,534
Other Property and Services		133,867	70,318	(92,106)	(90.37%)	(63,549)
		(1,021,791)	(1,703,910)	(3,080,051)		
<u>Adjustments for Non-Cash</u>						
<u>(Revenue) and Expenditure</u>						
(Profit)/Loss on Asset Disposals		7,502	(27,500)	(27,500)		
Depreciation on Assets		-	957,491	957,491		
Movement current leave entitlements		-	-	-		
<u>Capital Revenue and (Expenditure)</u>						
Purchase Land Held for Resale		-	-	-		
Purchase Land and Buildings		(42,719)	(231,156)	(231,156)		
Purchase Infrastructure Assets - Roads & Footpaths, Other		(656,613)	(879,641)	(879,641)		
-		(12)	-	-		
Purchase Plant and Equipment		(391,334)	(369,000)	(369,000)		
Purchase Furniture and Equipment		-	-	-		
Proceeds from Disposal of Assets		65,998	57,500	57,500		
Repayment of Debentures		(18,747)	(70,551)	(70,551)		
Repayment of Debentures		(18,759)	-	-		
Proceeds from New Debentures		-	-	-		
Transfers to Reserves (Restricted Assets)		(13,100)	(79,000)	(79,000)		
Transfer to/from Reserves		-	-	-		
Transfer to restricted assets		-	-	-		
Transfers from Reserves (Restricted Assets)		-	259,000	259,000		
Transfer from Restricted Cash		297,044	298,338	298,338		
Net Current Assets July 1 B/Fwd		498,339	496,502	496,502		
Net Current Assets Year to Date		(585,934)	-	-		
Amount Raised from Rates		(939,609)	(332,499)	(946,307)		

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

	31-Jan	30-Jun
3. ACQUISITION OF ASSETS	Actual	Budget
	\$	\$
The following assets have been acquired during the period under review:		
<u>By Program</u>		
Governance	58,610	55,000
Community Amenities	-	140,000
Recreation and Culture	42,719	91,154
Transport	955,700	1,151,643
Economic Services	33,636	42,000
	<u>1,090,665</u>	<u>1,479,797</u>
<u>By Class</u>		
Land and Buildings	42,719	231,156
Infrastructure Assets	656,613	879,641
Plant and Equipment	391,334	369,000
Furniture and fittings	-	-
	<u>1,090,666</u>	<u>1,479,797</u>

SHIRE OF CUBALLING
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

5. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Loan Date	Years	Principal 1-Jul-13	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Recreation & Culture										
Loan #61 Change Rooms	31/10/2005	10	12,749		4,993	10,127	7,756	2,623	325	505
Transport										
Loan #62 - Loader	11/08/2008	10	123,885		13,754	27,969	110,131	95,916	4,018	9,362
Loan#63 - Graders	7/02/2014	8	289,495	-	18,759	32,455	270,736	257,040	7,241	10,349
			426,129	-	37,506	70,551	388,623	355,579	11,584	20,216

All debenture repayments were financed by general purpose revenue.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

	31-Jan 2014 Actual \$	2014/15 Budget \$
6. RESERVES		
Cash Backed Reserves		
(a) Plant and Equipment Reserve		
Opening Balance	283,089	283,088
Amount Set Aside / Transfer to Reserve	3,627	44,157
Amount Used / Transfer from Reserve	-	(254,000)
	<u>286,716</u>	<u>73,245</u>
(b) IT and Office Equipment Reserve		
Opening Balance	29,246	29,245
Amount Set Aside / Transfer to Reserve	372	20,194
Amount Used / Transfer from Reserve	-	-
	<u>29,618</u>	<u>49,439</u>
(c) Employee Entitlements Reserve		
Opening Balance	123,397	123,389
Amount Set Aside / Transfer to Reserve	1,575	2,489
Amount Used / Transfer from Reserve	-	-
	<u>124,972</u>	<u>125,878</u>
(d) Housing Reserve		
Opening Balance	7,631	7,629
Amount Set Aside / Transfer to Reserve	97	160
Amount Used / Transfer from Reserve	-	-
	<u>7,728</u>	<u>7,789</u>
(e) Recreation and Community Facility Res		
Opening Balance	292,959	292,950
Amount Set Aside / Transfer to Reserve	3,737	6,123
Amount Used / Transfer from Reserve	-	(5,000)
	<u>296,696</u>	<u>294,073</u>
(f) Refuse Site Reserve		
Opening Balance	58,624	58,624
Amount Set Aside / Transfer to Reserve	748	1,225
Amount Used / Transfer from Reserve	-	-
	<u>59,372</u>	<u>59,849</u>
(g) Grain Freight Reserve		
Opening Balance	106,989	106,989
Amount Set Aside / Transfer to Reserve	1,365	564
Amount Used / Transfer from Reserve	-	-
	<u>108,354</u>	<u>107,553</u>
(h) Equestrian Reserve		
Opening Balance	2,000	2,000
Amount Set Aside / Transfer to Reserve	104	2,042
Amount Used / Transfer from Reserve	-	-
	<u>2,104</u>	<u>4,042</u>

SHIRE OF CUBALLING

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015**

6. RESERVES	31-Jan 2014 Actual \$	2014/15 Budget \$
Cash Backed Reserves continued		
(i) General Purpose Reserve		
Opening Balance	122,888	122,888
Amount Set Aside / Transfer to Reserve	1,474	2,046
Amount Used / Transfer from Reserve	-	-
	<u>124,362</u>	<u>124,934</u>
Total Cash Backed Reserves	<u>1,039,922</u>	<u>846,802</u>

All of the above reserve accounts are supported by money held in financial institutions.

6. RESERVES (Continued)	31-Jan 2014 Actual \$	2014/15 Budget \$
Summary of Transfers To Cash Backed Reserves		
Transfers to Reserves		
Plant and Equipment Reserve	3,627	44,157
Office Equipment Reserve	372	20,194
Employee Entitlement Reserve	1,575	2,489
Housing Reserve	97	160
Recreation and Community Facility Reserve	3,737	6,123
Refuse Site Reserve	748	1,225
Grain Freight Reserve	1,365	564
Equestrian Reserve	104	2,042
General Purpose Reserve	1,474	2,046
	<u>13,098</u>	<u>79,000</u>
Transfers from Reserves		
Plant and Equipment Reserve	-	(254,000)
IT and Office Equipment Reserve	-	-
Employee Entitlements Reserve	-	-
Housing Reserve	-	-
Recreation and Community Facility Reserve	-	(5,000)
Refuse Site Reserve	-	-
Grain Freight Reserve	-	-
Equestrian Reserve	-	-
General Purpose Reserve	-	-
	<u>-</u>	<u>(259,000)</u>
Total Transfer to/(from) Reserves	<u>13,098</u>	<u>(180,000)</u>

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2013 TO 30 JUNE 2014

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Plant and Equipment Reserve

- to be used for the purchase and replacement of major items..

IT and Office Equipment Reserve

- to be used for the purchase of new and/or replacement of office equipment or furniture items.

Long Service Leave Reserve

- to be used to fund long service leave requirements.

Housing Reserve

- to be used to fund the construction of new shire housing.

Recreation and Community Facility Reserve

- to be used to fund the upgrade of the oval and associated facilities.

Refuse Site Reserve

- to be used to fund the upgrade of the refuse site.

Grain Freight Reserve

- to be used to maintain the grain freight route through the district.

Equestrian Reserve

- to be used for the maintenance and upkeep of the equestrian centre.

General Purpose Reserve

- to be used to maintain/fund various facilities throughout the district.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

	31-Jan 2014 Actual \$	Brought Forward 1-Jul \$
7. NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	487,318	488,032
Cash - Restricted Reserves	1,039,922	1,026,811
Cash - Restricted Cash	-	297,044
Receivables	100,601	74,675
Inventories	11,032	11,032
	<u>1,638,873</u>	<u>1,897,594</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(13,017)</u>	<u>(75,400)</u>
NET CURRENT ASSET POSITION	<u>1,625,856</u>	<u>1,822,194</u>
Less: Cash - Reserves - Restricted	(1,039,922)	(1,026,811)
Less: Cash - Restricted Municipal	-	(297,044)
NET CURRENT ASSET POSITION	<u><u>585,934</u></u>	<u><u>498,339</u></u>

SHIRE OF CUBALLING
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

8. RATING INFORMATION

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2014/2015 Rate Revenue \$	2014/2015 Interim Rates \$	2014/2015 Back Rates \$	2014/2015 Total Revenue \$	2014/2015 Budget \$
General Rate								
UV - Cuballing	0.006733	224	100,116,000	674,081	-	-	674,081	674,081
GRV Cuballing	0.072742	176	1,848,542	134,467	(2,525)	-	131,942	134,467
Sub-Totals		400	101,964,542	808,548	(2,525)	-	806,023	808,548
Minimum Rates	Minimum \$							
UV - Cuballing	760	128	10,366,627	97,280	-	-	97,280	97,280
GRV Cuballing	620	154	702,131	95,480	-	-	95,480	95,480
Sub-Totals		282	11,068,758	192,760	-	-	192,760	192,760
Ex gratia rates							998,783	1,001,308
Specified Area Rates							-	-
Discounts							998,783 (58,787)	1,001,308 (55,000)
Totals							939,996	946,308

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2014/15 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

9. TRUST FUNDS

Funds held at balance date over which the Municipality has no control and which are not included in this statement are as follows:

Detail	Balance 1-Jul-13 \$	Amounts Received \$	Amounts Paid (\$)	Balance \$
Bonds - Building	14,389			14,389
Bonds - Hall Hire	1,050			1,050
Commodore Tennis Club	3,090			3,090
Cuballing Country Festival	1,099	-	-	1,099
Cuballing Cricket Club	200			200
Popo Plates	0	2,400	-	2,400
Cuballing Football Asson	566			566
Environment and Townscape Trust Fund	5,713	648		6,361
Police Licensing	5,148	209,281	(210,005)	4,424
Swipe cards	1,545	15	(15)	1,545
	32,800			35,124

10. SUPPLEMENTARY INFORMATION

May include (not exhaustive) the following:

- Operating Statement;
- Balance Sheet;
- Debtors listings;
- Creditors listings;
- Cash/Investment summaries;
- Plant reports;
- Ratio analysis; and
- Other information considered relevant.

9.1.100 STATEMENT OF FINANCIAL ACTIVITY

Date:	10 March 2015
Reporting Officer:	Tonya Williams – Deputy CEO
Enabling Legislation:	Local Government (Financial Management) Regulations 1996
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 7
Attachment:	9.1.100A Statement of Financial Activity
Voting Requirements:	Simple Majority

Background

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment

General Purpose

Rates

An amount of \$1,002,487 has been raised in rates for the year. \$58,809.73 was given as a discount on rates. At the end of January rate debtors were \$48,661.35, final instalments are due 3rd March. The discount has increased slightly due to some rate notices being sent out later due to new valuations received for several properties after the initial rate run.

Governance

Contributions and Reimbursements

This includes the reimbursement from the Shire of Mt Marshall for Mrs Eva Haydon's LSL contribution of \$12,932. It also includes the proceeds for the mulcher which needs to be journalled to schedule 14.

Other

Insurance premiums have been paid – some in full and some are in two instalments.

Health

Environmental Health Services are costing less than budgeted.

Housing

Expenditure is lower than budgeted as less money spent on Deputy CEO housing to date, due to a December start date.

Community Amenities

A Transfer Station Grant is still expected to be received later this financial year. Currently, tip maintenance costs are lower than budgeted. The Town Planning consultant fees are less than expected with expected costs to be incurred in February.

Recreation and Culture

Work is expected to be undertaken on the Cuballing Tennis Courts in February.

Transport

Income is lower than budgeted due to a Roads to Recovery grant not being received in November (expected to be received in March), expect to receive all road funding in the coming months. Maintenance on streets and roads has been lower than budgeted, however there are works to be undertaken in the coming months on resealing and works under CLGF funding in the Cuballing townsite.

Economic Services

Building Wages and Other Costs

This includes the cost and Darryle's wages and associated costs such as training, publications, superannuation etc. The running costs of the vehicle need to be transferred to this account and at present are \$1,271 for fuel usage.

Income – Building Surveyor Services

Schedule 13 Economic Services contains only work carried out for the Shire of Cuballing for Building Services.

Other Property and Services

Expenditure PWO Other

Main expenditure is the subscription to Roman for an amount of \$5,311.

Parts and Repairs

To date \$59,098.32 has been spent on parts and repairs. Parts and repairs will increase considerably in the coming months as the loader is still undergoing extensive repair work estimated at \$8,000 to be billed in March.

Internal Repair wages

This now includes the servicing of vehicles carried out by the outside staff which previously went under parts and repairs.

ABC costing only done to September 2014.

COUNCIL DECISION:

That the Statement of Financial Activity, as included at Attachment 9.1.100A, for the Shire of Cuballing for period ending 28 February 2015, be received.

Moved Cr Ballantyne

Seconded Cr Newman

Carried 6/0

Bank Reconciliation for the month of February 2015

	Municipal Fund	Trust Fund	Reserve Accts
Opening balance	\$484,607.68	\$35,127.26	\$ 1,039,910.72
Income	\$280,458.81	\$42,391.00	-
Add interest	974.13	-	1,981.70
Adjustment	\$0.00	-	
Expenditure	-\$136,286.76	-\$38,265.00	
Closing balance	\$629,753.86	\$39,253.26	\$ 1,041,892.42
Bank account	\$230,573.96	\$37,347.05	\$ 2,893.89
Investments	\$395,201.46	0.00	\$ 1,038,998.53
Plus O/S deposits	\$4,302.55	1,906.21	
Less O/S cheques	-\$324.11		
Closing balance	\$629,753.86	\$39,253.26	\$ 1,041,892.42

Investments 28 February 2015

Account Number	Maturity Date	Interest Rate	Fund/Account Municipal	Trust	Reserve
3445506	Cash Deposit	2.25%	-		1,038,998.53
34681402	Cash Deposit	2.25%	300,000.00		
	Online account	2.50%	95,201.46		
Total			395,201.46	0	1,038,998.53

SHIRE OF CUBALLING
MONTHLY STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

TABLE OF CONTENTS

Statement of Financial Activity	2
Notes to and Forming Part of the Statement	3 to 17

**SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015**

	NOTE	28-Feb 2014 Actual \$	28-Feb 2014 Y-T-D Budget \$	2014/2015 Budget \$
<u>Operating</u>				
Revenues/Sources				
Governance		18,265	16,519	16,637
General Purpose Funding		377,002	441,000	598,900
Law, Order, Public Safety		17,516	16,750	26,500
Health		1,386	929	1,500
Education and Welfare		-	-	-
Housing		-	-	-
Community Amenities		1,163	21,286	22,350
Recreation and Culture		3,346	8,305	9,100
Transport		525,711	739,782	838,860
Economic Services		96,783	43,259	64,200
Other Property and Services		133,239	106,291	143,713
		<u>1,174,410</u>	<u>1,394,121</u>	<u>1,721,760</u>
(Expenses)/(Applications)				
Governance		(251,230)	(105,017)	(129,030)
General Purpose Funding		(15,857)	(34,739)	(69,477)
Law, Order, Public Safety		(70,443)	(99,055)	(142,488)
Health		(8,409)	(29,230)	(43,712)
Education and Welfare		(4,969)	(9,908)	(13,606)
Housing		(23,654)	(28,614)	(41,555)
Community Amenities		(83,848)	(135,752)	(203,262)
Recreation & Culture		(150,636)	(183,418)	(262,980)
Transport		(1,039,684)	(1,316,776)	(1,974,307)
Economic Services		(126,391)	(70,667)	(107,528)
Other Property and Services		79,724	(64,544)	(92,106)
		<u>(1,695,397)</u>	<u>(2,077,720)</u>	<u>(3,080,051)</u>
<u>Adjustments for Non-Cash (Revenue) and Expenditure</u>				
(Profit)/Loss on Asset Disposals		9,854	(27,500)	(27,500)
Depreciation on Assets		607,245	957,491	957,491
Movement current leave entitlements		-	-	-
<u>Capital Revenue and (Expenditure)</u>				
Purchase Land Held for Resale		-	-	-
Purchase Land and Buildings		(58,847)	(231,156)	(231,156)
Purchase Infrastructure Assets - Roads & Footpaths, Other		(791,573)	(879,641)	(879,641)
Other		-	-	-
Purchase Plant and Equipment		(391,334)	(369,000)	(369,000)
Purchase Furniture and Equipment		-	-	-
Proceeds from Disposal of Assets		86,388	57,500	57,500
Repayment of Debentures		(18,745)	(70,551)	(70,551)
Repayment of Debentures		(21,478)	-	-
Proceeds from New Debentures		-	-	-
Transfers to Reserves (Restricted Assets)		(15,082)	(79,000)	(79,000)
Transfer to/from Reserves		-	-	-
Transfer to restricted assets		-	-	-
Transfers from Reserves (Restricted Assets)		-	259,000	259,000
Transfer from Restricted Cash		297,044	298,338	298,338
Net Current Assets July 1 B/Fwd		498,339	496,502	496,502
Net Current Assets Year to Date		(620,175)	-	-
Amount Raised from Rates		<u>(939,350)</u>	<u>(271,615)</u>	<u>(946,307)</u>

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

	28-Feb	30-Jun
3		
. ACQUISITION OF ASSETS	Actual	Budget
	\$	\$
The following assets have been acquired during the period under review:		
<u>By Program</u>		
Governance	58,610	55,000
Community Amenities	-	140,000
Recreation and Culture	58,847	91,154
Transport	1,090,661	1,151,643
Economic Services	33,636	42,000
	<u>1,241,754</u>	<u>1,479,797</u>
<u>By Class</u>		
Land and Buildings	58,847	231,156
Infrastructure Assets	791,573	879,641
Plant and Equipment	391,334	369,000
Furniture and fittings	-	-
	<u>1,241,754</u>	<u>1,479,797</u>

SHIRE OF CUBALLING
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

5. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Loan Date	Year s	Principa l 1-Jul-13	New Loan s	Principal Repayment s		Principal Outstandin g		Interest Repayment s	
					Actual \$	Budge t \$	Actual \$	Budget \$	Actual \$	Budge t \$
Recreation & Culture										
Loan #61 Change Rooms	31/10/2005	10	12,749		4,993	10,127	7,756	2,623	325	505
Transport										
Loan #62 - Loader	11/08/2008	10	123,885		13,752	27,969	110,133	95,916	4,017	9,362
Loan#63 - Graders	7/02/2014	8	289,495	-	21,478	32,455	268,017	257,040	8,236	10,349
			426,129	-	40,223	70,551	385,906	355,579	12,578	20,216

All debenture repayments were financed by general purpose revenue.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

	28-Feb 2015 Actual \$	2014/15 Budget \$
6. RESERVES		
Cash Backed Reserves		
(a) Plant and Equipment Reserve		
Opening Balance	283,089	283,088
Amount Set Aside / Transfer to Reserve	4,177	44,157
Amount Used / Transfer from Reserve	-	(254,000)
	<u>287,266</u>	<u>73,245</u>
(b) IT and Office Equipment Reserve		
Opening Balance	29,246	29,245
Amount Set Aside / Transfer to Reserve	428	20,194
Amount Used / Transfer from Reserve	-	-
	<u>29,674</u>	<u>49,439</u>
(c) Employee Entitlements Reserve		
Opening Balance	123,397	123,389
Amount Set Aside / Transfer to Reserve	1,813	2,489
Amount Used / Transfer from Reserve	-	-
	<u>125,210</u>	<u>125,878</u>
(d) Housing Reserve		
Opening Balance	7,631	7,629
Amount Set Aside / Transfer to Reserve	112	160
Amount Used / Transfer from Reserve	-	-
	<u>7,743</u>	<u>7,789</u>
(e) Recreation and Community Facility Res		
Opening Balance	292,959	292,950
Amount Set Aside / Transfer to Reserve	4,302	6,123
Amount Used / Transfer from Reserve	-	(5,000)
	<u>297,261</u>	<u>294,073</u>
(f) Refuse Site Reserve		
Opening Balance	58,624	58,624
Amount Set Aside / Transfer to Reserve	861	1,225
Amount Used / Transfer from Reserve	-	-
	<u>59,485</u>	<u>59,849</u>
(g) Grain Freight Reserve		
Opening Balance	106,989	106,989
Amount Set Aside / Transfer to Reserve	1,571	564
Amount Used / Transfer from Reserve	-	-
	<u>108,560</u>	<u>107,553</u>
(h) Equestrian Reserve		
Opening Balance	2,000	2,000
Amount Set Aside / Transfer to Reserve	124	2,042
Amount Used / Transfer from Reserve	-	-
	<u>2,124</u>	<u>4,042</u>

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

6. RESERVES	28-Feb 2015 Actual \$	2014/15 Budget \$
Cash Backed Reserves continued		
(i) General Purpose Reserve		
Opening Balance	122,888	122,888
Amount Set Aside / Transfer to Reserve	1,692	2,046
Amount Used / Transfer from Reserve	-	-
	<u>124,580</u>	<u>124,934</u>
Total Cash Backed Reserves	<u>1,041,903</u>	<u>846,802</u>

All of the above reserve accounts are supported by money held in financial institutions.

6. RESERVES (Continued)	28-Feb 2015 Actual \$	2014/15 Budget \$
Summary of Transfers To Cash Backed Reserves		
Transfers to Reserves		
Plant and Equipment Reserve	4,177	44,157
Office Equipment Reserve	428	20,194
Employee Entitlement Reserve	1,813	2,489
Housing Reserve	112	160
Recreation and Community Facility Reserve	4,302	6,123
Refuse Site Reserve	861	1,225
Grain Freight Reserve	1,571	564
Equestrian Reserve	124	2,042
General Purpose Reserve	1,692	2,046
	<u>15,079</u>	<u>79,000</u>
Transfers from Reserves		
Plant and Equipment Reserve	-	(254,000)
IT and Office Equipment Reserve	-	-
Employee Entitlements Reserve	-	-
Housing Reserve	-	-
Recreation and Community Facility Reserve	-	(5,000)
Refuse Site Reserve	-	-
Grain Freight Reserve	-	-
Equestrian Reserve	-	-
General Purpose Reserve	-	-
	<u>-</u>	<u>(259,000)</u>
Total Transfer to/(from) Reserves	<u>15,079</u>	<u>(180,000)</u>

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2013 TO 30 JUNE 2014

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Plant and Equipment Reserve

- to be used for the purchase and replacement of major items..

IT and Office Equipment Reserve

- to be used for the purchase of new and/or replacement of office equipment or furniture items.

Long Service Leave Reserve

- to be used to fund long service leave requirements.

Housing Reserve

- to be used to fund the construction of new shire housing.

Recreation and Community Facility Reserve

- to be used to fund the upgrade of the oval and associated facilities.

Refuse Site Reserve

- to be used to fund the upgrade of the refuse site.

Grain Freight Reserve

- to be used to maintain the grain freight route through the district.

Equestrian Reserve

- to be used for the maintenance and upkeep of the equestrian centre.

General Purpose Reserve

- to be used to maintain/fund various facilities throughout the district.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

	28-Feb 2015 Actual \$	Brought Forward 1-Jul \$
7. NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	632,036	488,032
Cash - Restricted Reserves	1,041,903	1,026,811
Cash - Restricted Cash	-	297,044
Receivables	90,277	74,675
Inventories	11,032	11,032
	<u>1,775,248</u>	<u>1,897,594</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(113,170)</u>	<u>(75,400)</u>
NET CURRENT ASSET POSITION	<u>1,662,078</u>	<u>1,822,194</u>
Less: Cash - Reserves - Restricted	(1,041,903)	(1,026,811)
Less: Cash - Restricted Municipal	-	(297,044)
NET CURRENT ASSET POSITION	<u><u>620,175</u></u>	<u><u>498,339</u></u>

SHIRE OF CUBALLING
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

8. RATING INFORMATION

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2014/2015 Rate Revenue \$	2014/2015 Interim Rates \$	2014/2015 Back Rates \$	2014/2015 Total Revenue \$	2014/2015 Budget \$
General Rate								
UV - Cuballing	0.006733	224	100,116,000	674,081	-	-	674,081	674,081
GRV Cuballing	0.072742	176	1,848,542	134,467	(2,525)	-	131,942	134,467
Sub-Totals		400	101,964,542	808,548	(2,525)	-	806,023	808,548
Minimum Rates	Minimum \$							
UV - Cuballing	760	128	10,366,627	97,280	-	-	97,280	97,280
GRV Cuballing	620	154	702,131	95,480	-	-	95,480	95,480
Sub-Totals		282	11,068,758	192,760	-	-	192,760	192,760
Ex gratia rates							998,783	1,001,308
Specified Area Rates							-	-
							-	-
Discounts							998,783 (58,850)	1,001,308 (55,000)
Totals							939,933	946,308

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2014/15 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 28 FEBRUARY 2015

9. TRUST FUNDS

Funds held at balance date over which the Municipality has no control and which are not included in this statement are as follows:

Detail	Balance 1-Jul-14 \$	Amounts Received \$	Amounts Paid (\$)	Balance e \$
Bonds - Building	14,389			14,389
Bonds - Hall Hire	1,050	50		1,100
Commodore Tennis Club	3,090			3,090
Cuballing Country Festival	1,099	-	-	1,099
Cuballing Cricket Club	200			200
Popo Plates	0	2,400	-	2,400
Cuballing Football Assn	566			566
Environment and Townscape Trust				
Fund	5,713	648		6,361
Police Licensing	5,148	251,623	(248,271)	8,500
Swipe cards	1,545	15	(15)	1,545
	<u>32,800</u>			<u>39,250</u>

10

. SUPPLEMENTARY INFORMATION

May include (not exhaustive) the following:

- Operating Statement;
- Balance Sheet;
- Debtors listings;
- Creditors listings;
- Cash/Investment summaries;
- Plant reports;
- Ratio analysis; and
- Other information considered relevant.

9.2 CHIEF EXECUTIVE OFFICER'S REPORT

9.2.154 Planning Application for a Regional Waste Disposal Facility – Portion of Lot 23 Nebrikinning Road, Cuballing – Interim report following closure of the public submission period

Location: Portion of Lot 23 (Plan No. 39761) Nebrikinning Road, Cuballing
Applicant: URP for Great Southern Regional Waste Group
Owner: Peter & Heather Dowdell
File Ref. No: TP2/A472
Date: 6th March 2015
Author: Gary Sherry

Attachments: 9.2.154A Extract of information submitted by the applicant
9.2.154B Location plan
9.2.154C Submissions

Summary

This report outlines the outcomes of the consultation period, broadly considers the submissions and sets out the next steps regarding the Planning Application. Following the outcomes of the Environmental Protection Authority determination being completed and the applicant providing required information on various matters, the Planning Application will again be reported to Council.

Background

1. Purpose of report

The purpose of this report is to:

- inform Council, on a preliminary basis, of the results of the public consultation period on the Planning Application for the proposed regional waste disposal facility;
- seek Council direction for required additional technical investigations; and
- outline the next steps in the process relating to the Planning Application.

A more detailed assessment will be undertaken at the time when the Council is given authority to proceed to determine the Planning Application.

2. The proposal

The applicant has sought planning approval for the establishment of a regional waste disposal (landfill) facility on a portion of Lot 23, on Plan 39761, Nebrikinning Road, Cuballing. The applicant:

- sets out that the waste disposal facility will be a Class II putrescible landfill operation designed to accept clean fill, Type 1 inert waste, putrescible wastes, contaminated solid waste meeting waste acceptance criteria specified for Class II landfills, Type 2 Inert Wastes and Type 1 and 2 Special Wastes;
- proposes two separate cells with it developed in four stages. Stage 1, located in the existing gravel pit, is located in the western portion of the site and comprises an area of approximately 3.6 hectares. The eastern cell (stages 2 – 4) is located on cleared land and will comprise an area of approximately 6.6 hectares;
- proposes that vehicular access to and from the site is via Nebrikinning Road and the existing gravel crossover/access;

- estimates that the facility will receive more than 5,000 tonnes of waste per year and will have a lifespan of up to 60 years following which it will be sealed, re-vegetated and closed (It is noted that the draft Works Approval application mentions 7,000 tonnes of waste per year);
- proposes that the facility will be owned and operated by the Great Southern Regional Waste Group (previously called the Wagin Voluntary Group of Councils) and not open for general public access. The facility will only be accessed by sealed refuse vehicles;
- outlines replanting on portions of the cleared section of the site; and
- proposes to separately seek subdivision approval from the Western Australian Planning Commission to create a lot of approximately 65 hectares to accommodate the proposed waste disposal facility.

A summary of the details submitted by the applicant is set out in Attachment 9.2.154A which provides background information which is generally not repeated in this report. A full copy of the Planning Application submitted by the applicant and the draft Works Approval are available on the Shire's website.

3. *The site*

The site:

- is situated approximately 7 kilometres south-west of the Cuballing townsite and eight kilometres north-west of the Narrogin townsite. The site's location is shown in Attachment 9.2.154B;
- has an area of 173.84 hectares and is a privately owned;
- contains a mix of cleared land, predominately used for cropping and grazing, and native vegetation;
- contains an old gravel pit in the south-west section with this land being elevated above other parts of the site;
- has frontage to both Nebrikinning Road and Wandering-Narrogin Road; and
- adjoins rural properties which are zoned "General Agriculture" in the *Shire of Cuballing Town Planning Scheme No. 2 (TPS2)*.

Nebrikinning Road forms the boundary between the Shire of Cuballing and the Shire of Narrogin.

The Dryandra Woodland is located generally to the west and north of the site. Portions of the Dryandra Woodland are located approximately 6 kilometres to the west of the proposed waste disposal facility and approximately 4 kilometres from the 14 Mile Brook Nature Reserve which is located north-west of the site.

4. *Public consultation*

Legally, the Shire is required to publicly advertise the Planning Application for at least 14 days as set out in TPS2.

The Shire administration consulted widely for 63 days from 11th December 2014 to 12th February 2015 and invited public comment on the Planning Application through:

- writing to all ratepayers in the Shire of Cuballing;
- writing to 15 nearby landowners in the Shire of Narrogin. The Shire of Cuballing requested that the Shire of Narrogin supply landowner details within 5 kilometres of the proposed waste disposal facility;
- writing to community groups, natural resource management groups, politicians representing the area and other stakeholders;
- writing to 7 State Government and servicing agencies;
- writing to 6 adjoining/nearby local governments;
- placing details on the Shire website including the full version of the Planning Application;
- placing a notice in the Narrogin Observer on two occasions;

- placing a public notice on the Shire notice board;
- having details available at the Shire office; and
- placing a sign on the Nebrikinning Road frontage of the site.

The Shire also referred the Planning Application to the Environmental Protection Authority (EPA). This matter is further considered in section 7 of this report.

A public meeting was held in the evening of Tuesday 3rd February 2015 at the Cuballing Agricultural Hall.

The Shire administration established a list of interested people/stakeholders and has forwarded information when received to those wanting to be on the list.

5. Submissions

The Shire received 70 submissions on the Planning Application. All submissions received, provided to the time of writing this report, are set out in Attachment 9.2.154C.

In summary, the submissions can be divided as follows:

- 56 raising objections and/or concerns on the Planning Application;
- 9 providing advice, raising no objection or having no comment; and
- 5 supporting the Planning Application.

Typically, submissions from nearby landowners and community members oppose or raised issues with the Planning Application. There was no State Government agency which objected to the Planning Application.

The key matter raised by submitters relating to the impacts of the waste disposal facility on numbats and other native species in the Dryandra Woodland. There were comments received from local residents on this matter along with comments from people living in other parts of Western Australia and Australia along with submitters from overseas.

6. Summary of reasons opposing the Planning Application and key issues raised

The reasons for opposing the Planning Application, along with key issues raised, are summarised below under the headings of environmental impacts, economic and financial impacts, social and community impacts, and traffic impacts. It is noted that there is considerable interrelationship between the headings and some matters could be included under different or multiple headings.

Environmental impacts

Matters raised include:

- the waste facility will detrimentally impact on Numbats and other native species (including Chuditch, Red Tailed Phascogales, Woylies, Quolls, Bettongs, Curlews, Mallee fowl) on the nearby Dryandra Woodland;
- the waste facility will attract flies, feral cats, rodents, foxes, feral pigs and other unwanted species;
- the proposed 2 metre high fence will not prevent cats and foxes from accessing the facility and baiting is ineffectual and has impacts on native species;
- proximity to a vegetation corridor;
- there is a need for an effective animal control strategy and a remnant vegetation conservation strategy;
- impacts/contamination of water resources (surface water and groundwater) which include the implications of the landfill facility being located at the top of a catchment;

- there is insufficient research undertaken and insufficient geotechnical and hydrological investigations;
- dust, noise, odour and vibration impacts;
- odour from trucks carrying waste;
- dust from Nebrikinning Road (unless it is sealed);
- the buffer should be retained on the application site and not extend into adjoining properties;
- rubbish being blown onto nearby properties;
- there is a need to address the Department of Water's *Water Quality Protection Note 111: Landfills for Disposal of Putrescible Materials* – which covers matters including the design, construction, operation and rehabilitation of landfills;
- clearing of native vegetation to accommodate increased safety such as at the entrance to the site, on Nebrikinning Road and at the Nebrikinning Road/Wandering-Narrogin Road intersection;
- flora and fauna have not been properly surveyed on the application site;
- there is no mention of how gas emissions will be managed;
- some of the plans and information mention the waste facility is proposed to receive asbestos, medical waste and septic system waste;
- there are no guarantees that everything will go to plan. Expect there will to be insufficient resources for effective management and there will be resulting pollution and off-site impacts;
- if there are breaches of environmental guidelines then the damage will be done and it will be too late;
- there is a need for recycling in the region;
- need to limit the amount of waste received each year. However, what does the Shire intend to do should the facility receive more than this?
- the application should be referred to the EPA and to the Department of Parks and Wildlife; and
- waste dumps are a primitive form of waste disposal which could impact the environment for generations to come.

Economic and financial impacts

Matters raised include:

- detrimental impact on property values;
- detrimental impact on other businesses including Upper Great Southern Eggs;
- loss of prime agricultural land;
- biosecurity risks with nearby food producers including the egg farm and increased risk of fruit fly;
- water pollution impacting farming operations and businesses;
- it will discourage investment and population growth in the area;
- the Dryandra Woodland attracts many tourists and visitors and assists with local employment. This could be threatened with the waste facility;
- there is no indication of income generation or increased local employment opportunities;
- there are no management plans or costs of establishing, running and rehabilitating the facility;
- there is a need for appropriate funding and associated rehabilitation. Need to ensure that Shire of Cuballing residents are not out of pocket; and
- is there any economic benefits for the Shire of Cuballing and its ratepayers in having a waste facility in the Shire?

Social and community impacts

Matters raised include:

- impacts on human health;
- it negatively impacts the rural character and amenity of the area;

- insufficient buffers to surrounding dwellings and properties owned by other landowners;
- impact on nearby “lifestyle” properties;
- there are more appropriate alternative sites within the region which have increased buffers from dwellings, other sensitive uses and the Dryandra Woodland;
- increased fire risks on surrounding areas, Cuballing and Narrogin;
- the need to prepare a Fire Management Plan;
- stress and inconvenience on other landowners and their families;
- visual impact from adjoining/nearby properties along with passing traffic;
- expected increased Shire rates and increased management given the existing Cuballing tip is proposed to be a waste transfer station (will lead to duplication of services);
- it will increase the likelihood of a rubbish collection service and associated costs in the Shire of Cuballing;
- each Shire should be responsible for their own rubbish;
- why should waste from other towns be “dumped” in the Shire of Cuballing?
- the regional waste disposal facility should be located elsewhere (not in the Shire of Cuballing);
- why should the Cuballing community take regional rubbish when they should recycle everything?
- what benefits will the Cuballing community receive from the project?
- waste should be taken to Perthwaste’s North Bannister landfill facility;
- procedural concerns including that the proposal has been known for some time yet nearby landowners and other ratepayers have only recently been made aware of the proposal, the proponent has not met with adjoining/nearby landowners, and there is insufficient information to appropriately determine the impacts of the proposal;
- the proposal is considered inconsistent with TPS2 and the Council has no power to approve the Planning Application;
- approval could result in the Shire and the operator being exposed to liability risks under the tort of nuisance;
- the existing Cuballing and Popanyinning tips have expected long life-spans and there is accordingly no need to rush making a decision on the Nebrikinning Road site;
- the site does not meet the needs of a regional waste disposal site given there are no future growth opportunities as the site is constrained by surrounding properties; and
- has an Aboriginal heritage survey been undertaken?

Traffic impacts

Matters raised include:

- increased truck traffic and impacts on Nebrikinning Road;
- safety concerns with school buses and school aged children on Nebrikinning Road;
- safety concerns at the Nebrikinning Road/Wandering-Narrogin Road intersection and the need to upgrade the intersection;
- insufficient information provided regarding the frequency and size/capacity of trucks;
- concerns that the applicant is not supporting upgrading Nebrikinning Road and concerns that Shire of Cuballing ratepayers will need to meet this cost; and
- impacts on a number of other local roads including Congelin-Narrogin Road, Clayton Road and Bradford Exchange Road.

7. Referral to the Environmental Protection Authority

Given the proposal’s potential for environmental impact and the expected high degree of community interest, the Shire administration referred the Planning Application to the EPA.

The EPA sought a seven-day comment on the new referral between 18 – 25 February 2015 through information being publicly available on the EPA website. The Shire informed those on the Shire’s list of interested people/stakeholders regarding the EPA seeking comment.

At the time of preparing this report, the EPA has not determined whether or not they will require the proposal to be subject to the environmental impact assessment process.

Under Section 41 of the *Environmental Protection Act 1986*, the Council is not able to make a decision on the Planning Application until:

- (a) the Shire is informed that the EPA is not going to assess the proposal; and
 - (i) the 14 day appeal period has expired without an appeal being lodged; or
 - (ii) any appeal has been determined; or
- (b) if notice has been given the proposal is to be assessed, the environmental assessment of the proposal is complete and the Minister for the Environment has issued an authority in writing permitting implementation of the proposal.

8. *Review of processes*

There are interlinked processes with this proposal. These are:

- the planning process: an Application for Planning Approval has been made under TPS2; and
- the environmental process: because the proposal is seen to have a potential effect on the environment, the Shire referred the application to the EPA as per Section 38(1) of the *Environmental Protection Act 1986* for assessment.

Having referred the Planning Application to the EPA, the Council is now legally constrained from making “any decision that could have the effect of causing or allowing the proposal to be implemented” until such time as the:

- the EPA decision has determined whether or not to assess the proposal and no appeals are made;
- should an appeal be made, the Minister for the Environment dismisses the appeal; or
- should an appeal be made, the Minister for the Environment upholds the appeal and the Minister requires a formal Environmental Impact Assessment (EIA). If an EIA is required, the Council is required to await the Minister for the Environment serving on the Council an authority in writing that such a decision can be made.

Following the above, the Council can then re-engage with the planning process and will then be under obligation to make a determination on the Planning Application.

Subject to the Council’s decision on the Planning Application, there is a further process with the applicant needing to apply for and gain a Works Approval and gain an associated Licence from the Department of Environment Regulation. A Works Approval is required prior to the proponent undertaking any construction. A Licence is a statutory tool that allows the occupier of prescribed premises to operate.

9. *Position faced by the Council*

There are two points that should be taken into account by the Council when considering this matter:

- no decision can be made or be seen to be made that could be interpreted to imply that the proposal would be approved for implementation at this stage; and
- under the provisions of TPS2, the Council is required, when giving consideration to a Planning Application, to take into account a range a number of matters some of which relate to environmental issues.

Because the Council in time is required to determine the Planning Application, having regard to a range of issues including environmental considerations, it is important for the Council to maintain its position of neutrality until the time comes for the decision to be made. If this does not occur, the Council will be open to the criticism that it has pre-empted its evaluation of all relevant issues and not held them in balance to arrive at a well-considered decision.

10. Planning context

Shire of Cuballing Town Planning Scheme No. 2

The site is zoned “General Agriculture” in TPS2. Both “waste disposal facility” and “landfill” are not included in the Zoning Table of TPS2 or defined in Schedule 1 of TPS2. Sub-clause 4.4.2 states:

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”

Legally, the Shire has to invite comments for at least 14 days as per sub-clause 4.4.2 and clause 9.4 of TPS2.

Shire of Cuballing Local Planning Strategy

The Local Planning Strategy provides no direct guidance relating to waste disposal facilities. The strategy does, amongst matters, seek to protect prime agricultural land, support agriculture value-adding industries, to promote the region as a strategic location for industry, to promote best practice land management and to promote the Dryandra Woodland.

Other policies and guidelines

There are a range of planning policies and environmental documents relevant to the application including the Western Australian Planning Commission *State Planning Policy 4.1 State Industrial Buffer Policy*, *State Planning Policy 4.1 Amended Draft Industrial Buffer Policy*, EPA *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses*, and EPA *Guidance Statement No. 33 - Environmental Guidance for Planning and Development*.

EPA *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* sets out details relating to waste disposal – putrescible landfill site (class 2 & 3) which is described as a “site accepting inert putrescibles, contaminated solid waste (meeting criteria for Class 2 & 3, (special wastes (type 1 & 2), as specified for burial”. The guidelines recommend a generic buffer distance of 500 metres from “sensitive” uses (e.g. subdivisions), 150 metres from single residences and an internal buffer of 35 metres from boundaries. A Code of Practice along with regulations has been developed for landfill facilities.

Comment

At this stage, it recommended that the Council note the submissions including the objections and issues raised. Following the environmental impact assessment process being finalised by the EPA, the Council can then determine the Planning Application. In the meantime, it is recommended that the applicant responds to issues raised. It is also recommended that the Council require the applicant to arrange additional technical investigations to address the following issues:

- animal control strategy as recommended by the Department of Parks and Wildlife;
- preparation of a fire management plan incorporating prevention strategies; and
- odour impact assessment which includes modelling for stages 1 – 4 operating at expected maximum capacity, including odour from the leachate dam, along with waste transport.

Following the receipt of the applicant's advice, which will ideally be received as a complete package, the Shire administration will report back to Council, with the Council to consider whether or not it will grant conditional planning approval to the regional waste disposal facility.

Strategic Implications

While there are increasing efforts to reuse and recycle a greater proportion of goods and materials, the provision of a regional waste disposal site is required for the region.

Statutory Environment

Planning and Development Act, Environmental Protection Act and LPS2.

Under Section 41 of the *Environmental Protection Act*, the Council is not able to make a decision on the Planning Application until:

1. the Shire is informed that the EPA is not going to assess the proposal; and
 - (a) the 14 day appeal period has expired without an appeal being lodged; or
 - (b) any appeal has been determined; or
2. if notice has been given the proposal is to be assessed, the environmental assessment of the proposal is complete and the Minister for the Environment has issued an authority in writing permitting implementation of the proposal.

Policy Implications - Nil

Financial Implications - Nil at this stage.

Economic Implications

Not considered at this point. This will be separately assessed following a final position from the EPA.

Social Implications

Various residents and groups have concerns and raise objections to the application.

Environmental Considerations

This is not considered at this point. This will be separately assessed following a final position from the EPA.

Consultation

Consultation was recently undertaken by the Shire administration seeking landowner and stakeholder comment.

Options

Given the Shire is awaiting the EPA decision, the Council is not able to approve the Planning Application at this stage. The Council can however:

1. refuse the Planning Application (giving reasons);

2. defer; or
3. note the submissions; await the outcome of the EPA process, request that the applicant addresses issues and concerns in the submissions and request that the applicant undertakes additional technical investigations.

Voting Requirements

Simple Majority

Cr Bradford declared a Proximity Interest in item 9.2.154 and left the chambers at 5.03pm

Cr Haslam left the chambers at 5.20pm

Cr Haslam returned to the chambers at 5.23pm

COUNCIL DECISION

That Council, in relation to the Planning Application for a Regional Waste Disposal Facility at portion of Lot 23 (Plan 39761), Nebrikinning Road, Cuballing:

1. note that it is not in a position to consider any aspect of the Planning Application insofar as concerns making a decision that could lead to the implementation of the proposal until such time as the Environmental Protection Authority gives it the authority to do so;
2. note the submissions set out in Attachment 3;
3. request the applicant to provide a written response to the submissions and how objections and issues will be addressed;
4. without pre-empting the decision of the Environment Protection Authority or a future decision by the Council, request the applicant's advice regarding:
 - a. the practicality and feasibility of transferring waste to Perthwaste's North Bannister landfill facility rather than to the proposed Cuballing site;
 - b. clarifying the intended materials to be disposed and not disposed;
 - c. the rationale as to why stages 2 – 6 were prioritised over the area identified as "Area suitable for future landfill" on Figure 9 Proposed Staging of the draft Works Approval report;
 - d. scaling back the size of the application such as removing stages 3 and 4 from the Planning Application;
 - e. providing a buffer of at least 130 metres and ideally 150 metres on the application site between the edge of the waste disposal facility and neighbouring properties;
 - f. identifying a new access location between the site and Nebrikinning Road which has appropriate vehicular sight distances to the east and west;
 - g. the intended level of contribution to upgrading Nebrikinning Road;
 - h. subject to (4)(g), sealing the crossover and a suggested minimum of 20 metres of the access way extending from Nebrikinning Road; and
 - i. the approach to setting aside a percentage of the site's income for rehabilitation and the management of the site after waste is no longer received;
5. request the applicant to undertake and/or arrange investigations for the following:
 - a. animal control strategy;
 - b. fire management plan incorporating prevention strategies; and

c. odour impact assessment which includes modelling for stages 1 – 4 operating at expected maximum capacity, including odour from the leachate dam, along with waste transport; and

6. note the Shire administration will separately report back to the Council, following the outcome of the Environmental Protection Authority decision and following matters set out in points 3, 4 and 5 being suitably addressed, with the Council to determine whether or not it will approve the Planning Application for the regional waste disposal facility.

Moved Cr Haslam

Seconded Cr Ballantyne

Carried 5/0

Cr Bradford returned to the chambers at 5.33pm



14 November 2014

Shire of Cuballing
PO Box 13
CUBALLING WA 6311

ATTENTION: Mr Gary Sherry - Chief Executive Officer

Dear Gary

**APPLICATION FOR PLANNING APPROVAL
PROPOSED REGIONAL WASTE DISPOSAL FACILITY
PORTION OF LOT 23 (NO.3118) WANDERING-NARROGIN ROAD, CUBALLING
SHIRE OF CUBALLING**

Urban & Rural Perspectives, on behalf of the current landowners, Peter John Dowdell and Heather Mary Dowdell, and the Wagin Voluntary Group of Councils (WVGC) hereby submits an Application for Planning Approval for the establishment of a new Regional Waste Disposal Facility (i.e. Regional Rubbish Tip) on portion of the abovementioned property.

Please find enclosed the following information to assist the Shire's consideration and determination of the application:

- A completed and signed planning application form;
- A current copy of the certificate of title for the subject land; and
- Various maps and plans prepared in support of the proposal.

In assessing the application it is requested that due consideration be given to the following key points:

Background

1. The Wagin Voluntary Group of Councils (WVGC) comprises the following local government authorities:
 - Shire of Wagin
 - Shire of Cuballing
 - Shire of Pingelly
 - Shire of Wickiepin
 - Shire of Williams
 - Shire of Narrogin
 - Town of Narrogin
2. All seven (7) participating Council's are seeking to establish a regional approach to waste management and disposal which is a key objective of the Strategic Waste Management Plan (SWMP) prepared for the WVGC in April 2009.

PO Box 2507 MALAGA WA 6944

■ Tel: 08 9248 8777 ■ Email: enquiries@urp.com.au ■ Website: www.urp.com.au

Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323



14 November 2014

Shire of Cuballing
PO Box 13
CUBALLING WA 6311

ATTENTION: Mr Gary Sherry - Chief Executive Officer

Dear Gary

**APPLICATION FOR PLANNING APPROVAL
PROPOSED REGIONAL WASTE DISPOSAL FACILITY
PORTION OF LOT 23 (NO.3118) WANDERING-NARROGIN ROAD, CUBALLING
SHIRE OF CUBALLING**

Urban & Rural Perspectives, on behalf of the current landowners, Peter John Dowdell and Heather Mary Dowdell, and the Wagin Voluntary Group of Councils (WVGC) hereby submits an Application for Planning Approval for the establishment of a new Regional Waste Disposal Facility (i.e. Regional Rubbish Tip) on portion of the abovementioned property.

Please find enclosed the following information to assist the Shire's consideration and determination of the application:

- A completed and signed planning application form;
- A current copy of the certificate of title for the subject land; and
- Various maps and plans prepared in support of the proposal.

In assessing the application it is requested that due consideration be given to the following key points:

Background

1. The Wagin Voluntary Group of Councils (WVGC) comprises the following local government authorities:
 - Shire of Wagin
 - Shire of Cuballing
 - Shire of Pingelly
 - Shire of Wickiepin
 - Shire of Williams
 - Shire of Narrogin
 - Town of Narrogin
2. All seven (7) participating Council's are seeking to establish a regional approach to waste management and disposal which is a key objective of the Strategic Waste Management Plan (SWMP) prepared for the WVGC in April 2009.

PO Box 2507 MALAGA WA 6944

■ Tel: 08 9248 8777 ■ Email: enquiries@urp.com.au ■ Website: www.urp.com.au

Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323



12. Two (2) separate envelopes / cells are proposed to accommodate the new regional 'Waste Disposal Facility' which will be developed in four (4) separate stages. Stage 1 will be developed in Envelope / Cell 1 which is located in the eastern portion of the site and will comprise a total area of approximately 6.6 hectares. Envelope / Cell 2 is located in the western portion of the site. It contains proposed stages 2 to 4 of the facility and will comprise a total area of approximately 3.6 hectares (see Appendix 5 – Proposed Site Development Plan).
13. Subject to all necessary regulatory approvals, the proposed waste disposal facility will be a Class II putrescible landfill operation designed to accept clean fill, Type 1 inert waste, putrescible wastes, contaminated solid waste meeting waste acceptance criteria specified for Class II landfills, Type 2 Inert Wastes and Type 1 and 2 Special Wastes.
14. The facility will be owned and operated by the WVGC and not open for general public access. The facility will only be accessed by local government refuse vehicles for disposal of the various waste types listed above.
15. It is estimated the facility will not receive more than 5,000 tonnes of waste per year and will have a lifespan of up to sixty (60) years following which it will be sealed, revegetated and closed.

Shire of Cuballing Town Planning Scheme No.2

16. Lot 23 is classified 'General Agriculture' zone under the Shire of Cuballing Town Planning Scheme No.2 (TPS No.2).
17. The Council's stated objectives for land classified 'General Agriculture' zone under TPS No.2 are as follows:
 - To preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
 - To allow for the extraction of basic raw materials where it is environmentally and socially acceptable;
 - To ensure the preservation of the rural character and rural appearance of land within the zone;
 - To encourage intensive agriculture where soil conditions and location are appropriate and it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities;
 - To protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity;
 - To preserve and protect the natural undeveloped land areas throughout the zone; and
 - To ensure that natural drainage patterns/catchments throughout the Shire are recognised in land management practices.

PO Box 2507 MALAGA WA 6944

■ Tel: 08 9248 8777 ■ Email: enquiries@urp.com.au ■ Website: www.urp.com.au

Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323



18. A regional 'Waste Disposal Facility' is not a use that is defined or listed in TPS No.2.
19. Pursuant to clause 4.4.2(b) of TPS No.2, "if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —
(b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval;..."
20. Given the nature, scale and intent of the proposed development and use of Lot 23, it is contended that it may be consistent with the objectives of the land's current 'General Agriculture' zoning classification and should therefore be advertised for public comment in accordance with the procedures prescribed in clause 9.4 of TPS No.2.
21. A detailed review of the development standards contained in the 'Development Table – General' of TPS No.2 confirms there are no specific standards that apply to the development of a 'regional waste disposal facility' on land classified 'General Agriculture' zone.
22. The following development parameters relate to the proposed regional 'Waste Disposal Facility':

Development Consideration	Proposed
Lot Size	65 hectares subject to WAPC approval
Frontage Width	Proposed Lot – Approximately 900 metres along Nebrikinning Road
Setbacks: - Nebrikinning Road (Front) - Proposed Side (West) - Proposed Side (East) - Proposed Rear (North)	Closest Approx. 120m (Envelope / Cell 2) Closest Approx. 90m (Envelope / Cell 1) Closest Approx. 70m (Envelope / Cell 2) Closest Approx. 50m (Envelope / Cell 2)
On-Site Car Parking	NIL. A designated car parking area is not proposed however there is sufficient area available on-site for the parking of vehicles should it be required.
On-Site Landscaping	Screen vegetation is proposed along the boundary of Nebrikinning Road and the perimeter of Envelope / Cell 2. Furthermore and as previously mentioned, at the end of a given stage's life span the land will be re-contoured and revegetated to a 'parkland cleared' standard.

23. It is contended the proposed development parameters do not conflict with any development standards contained in TPS No.2.
24. Vehicle access to the proposed facility will be via Nebrikinning Road along the land's southern boundary which is a local rural road constructed to a gravel standard. It is open to Council to require an upgrade of Nebrikinning Road (or a contribution towards its upgrade) as a condition of planning approval for that

PO Box 2507 MALAGA WA 6944

■ Tel: 08 9248 8777 ■ Email: enquiries@urp.com.au ■ Website: www.urp.com.au

Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323



portion between the facility's main entry and Wandering-Namagin Road to the east if it considers an upgrade is necessary and reasonable in the circumstances.

25. In determining whether or not to impose a condition requiring an upgrade to Nebrikinning Road it is requested that Council have due regard for the historic

use of the land as a gravel pit, the use of this road in its current gravel standard by vehicles carting gravel from the pit and the small amount of weekly traffic likely to be generated by the proposed new waste disposal facility.

26. The imposition of a road upgrade condition on any planning approval that may be issued by Council is considered unnecessary as the likely type and volume of traffic generated by the new waste disposal facility will be similar to the previous gravel pit use on Lot 23 which itself has had little impact on the quality and standard of Nebrikinning Road.

27. Clause 5.11 of TPS No.2 addresses matters and considerations relating to all development in the 'General Agriculture' zone. It is contended that the proposed development on Lot 23 satisfies the various relevant matters contained in that clause, particularly given that screen vegetation is proposed along the boundary of Nebrikinning Road and the perimeter of envelope / cell 2. Furthermore and as previously mentioned, at the end of a given stage's life span the land will be re-contoured and revegetated to a 'parkland cleared' standard.

EPA Guidance Statement No.3 – Separation Distances Between Industrial and Sensitive Land Uses

28. The Environmental Protection Authority's (EPA's) stated purpose of Guidance Statement No.3 is to provide advice to proponents, responsible authorities, stakeholders and the public about the minimum requirements for environmental management which the EPA expects to be met.

29. The guidance statement provides generic separation distances between some industries and sensitive land uses. Section 4.2 of the guidance statement states:

"The generic separation distances are a tool to assist in the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use."

30. With specific reference to Waste Disposal Facilities – Putrescible Landfill Sites (Classes 2 & 3), Appendix 1 of Guidance Statement No.3 prescribes the following separation distance (extract):

Industry	Description of Industry	Buffer distance in metres and qualifying notes
Waste Disposal - Putrescible Landfill Site (Class 2 & 3)	Site accepting inert, putrescibles, contaminated solid waste (meeting criteria for Class 2 & 3), special wastes (Type 1 & 2), as specified, for burial.	500 for sensitive uses (subdivisions), 150 for single residences & an internal buffer of 35m from boundaries.

31. It is contended that the proposed new waste disposal facility on Lot 23 will satisfy the generic separation distances prescribed in Appendix 1 of Guidance Statement No.3 (see Appendix 6 – Figure 2 – Distance to Nearest Dwellings).

PO Box 2507 MALAGA WA 6944

■ Tel: 08 9248 8777 ■ Email: enquiries@urp.com.au ■ Website: www.urp.com.au

Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323



Conclusion

Having regard for:

- i) the suitability of the site as confirmed by the Hydrogeological Assessment prepared by Groundwater Consulting Services Pty Ltd in 2013;
- ii) the flexibility afforded by the Shire of Cuballing Town Planning Scheme No.2 for Council to consider and approve the proposed new regional waste disposal facility as a 'use not listed';
- iii) the need and demand for a new regional waste disposal facility and the WVGC's intent to develop and use the facility for local government purposes and prohibit general public access;
- iv) the proposal's general compliance with the various development standards prescribed in TPS No.2, including vehicle access, boundary setbacks and visual screening, and the opportunity for Council to impose additional development requirements, if considered necessary; and
- v) the proposal's compliance with the generic separation distances prescribed by the EPA's Guidance Statement No.3,

it is contended that it is reasonable for the Cuballing Shire Council to consider the proposal on its individual merit, subject to the requirements of clause 9.4 of TPS No.2, and grant conditional approval.

In light of the above information and justifications we respectfully request Council's favorable consideration and approval in accordance with the information and plans submitted in support of the application.

Should you have any queries or require additional information regarding this application please do not hesitate to contact the undersigned of this office on 9248 8777 or steve@urp.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Pandevski'.

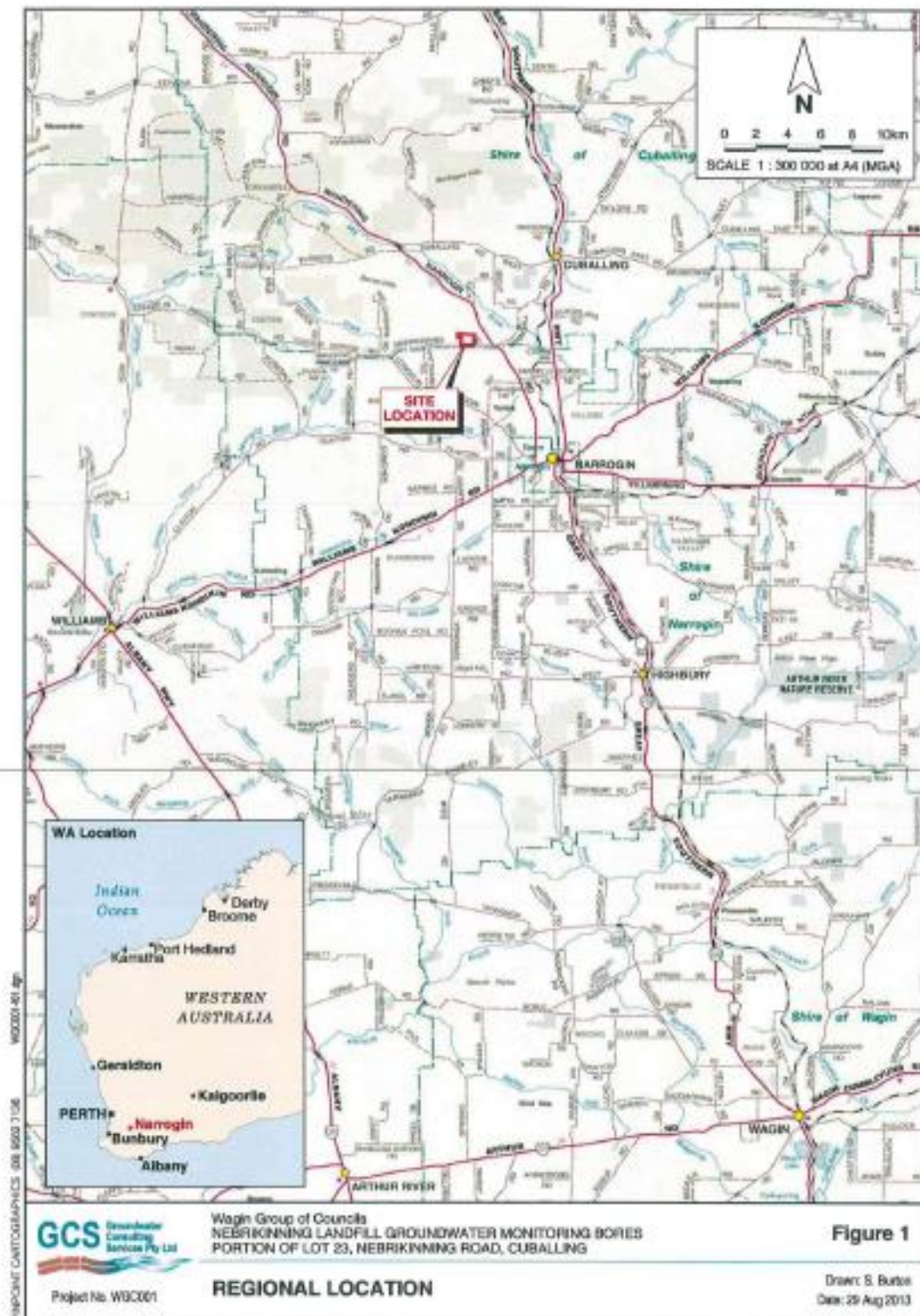
Steve Pandevski
Town Planner
Urban & Rural Perspectives

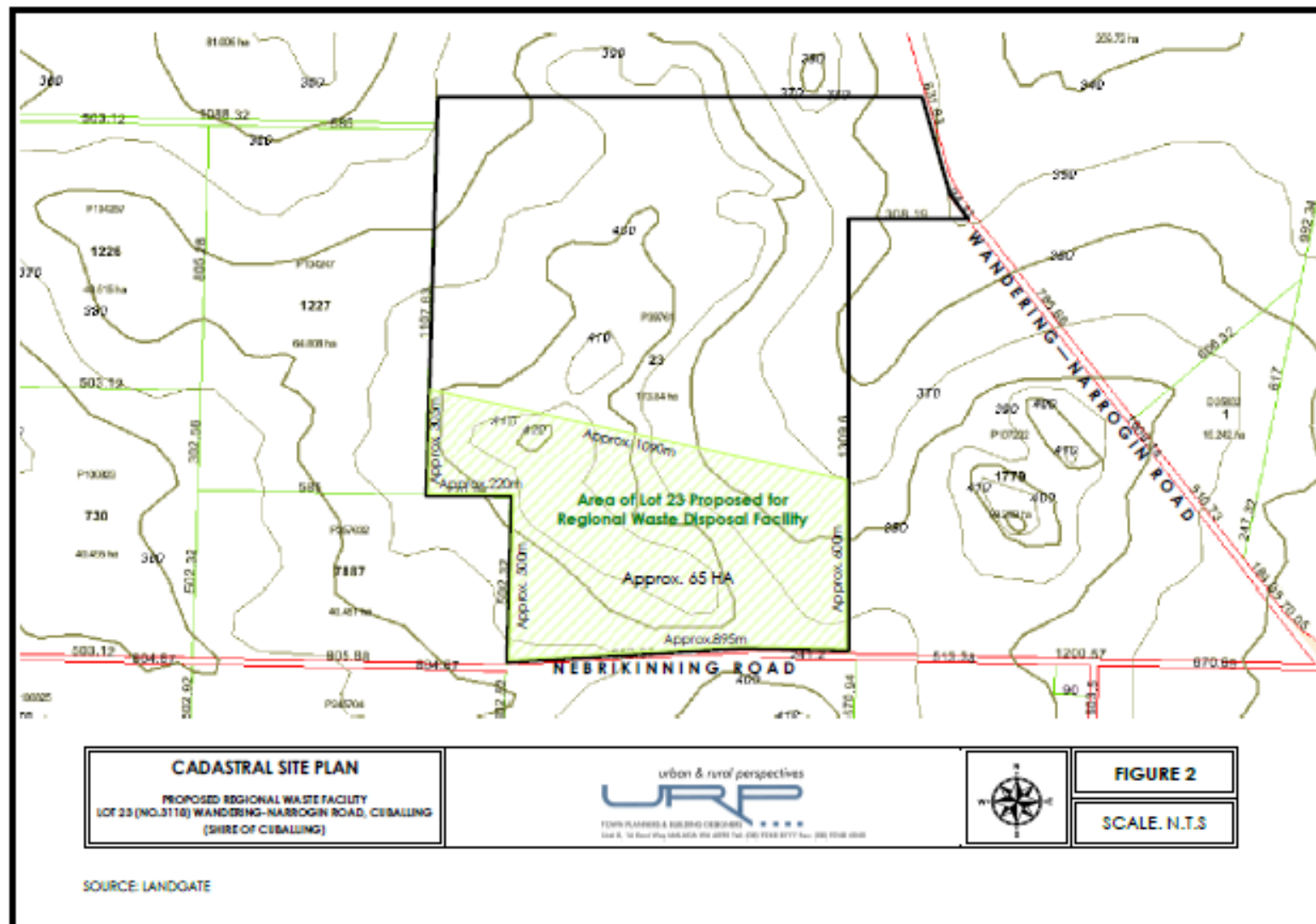
Encl. 'Planning Application' form
Three (3) copies of all documentation & plans

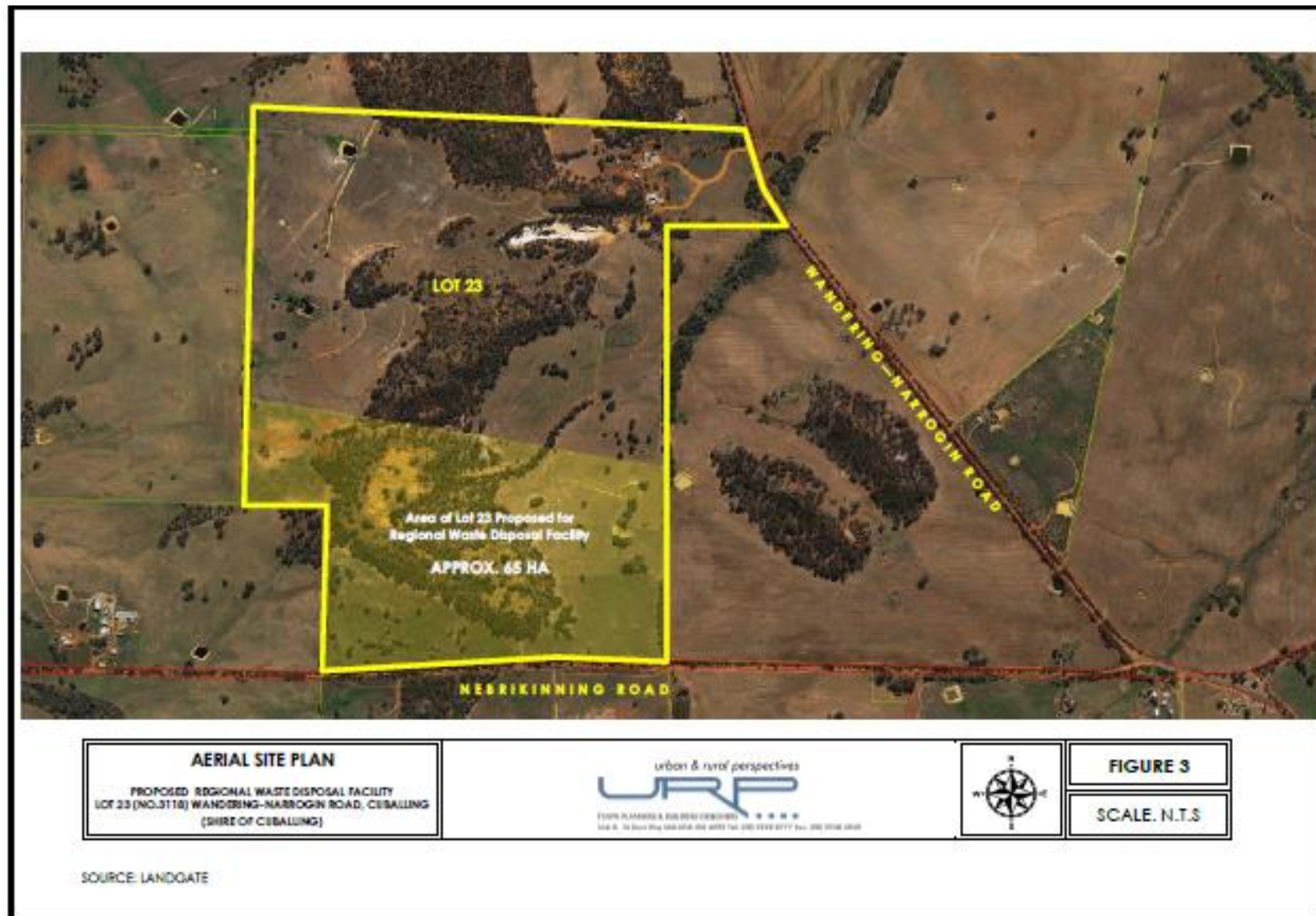
PO Box 2507 MALAGA WA 6944

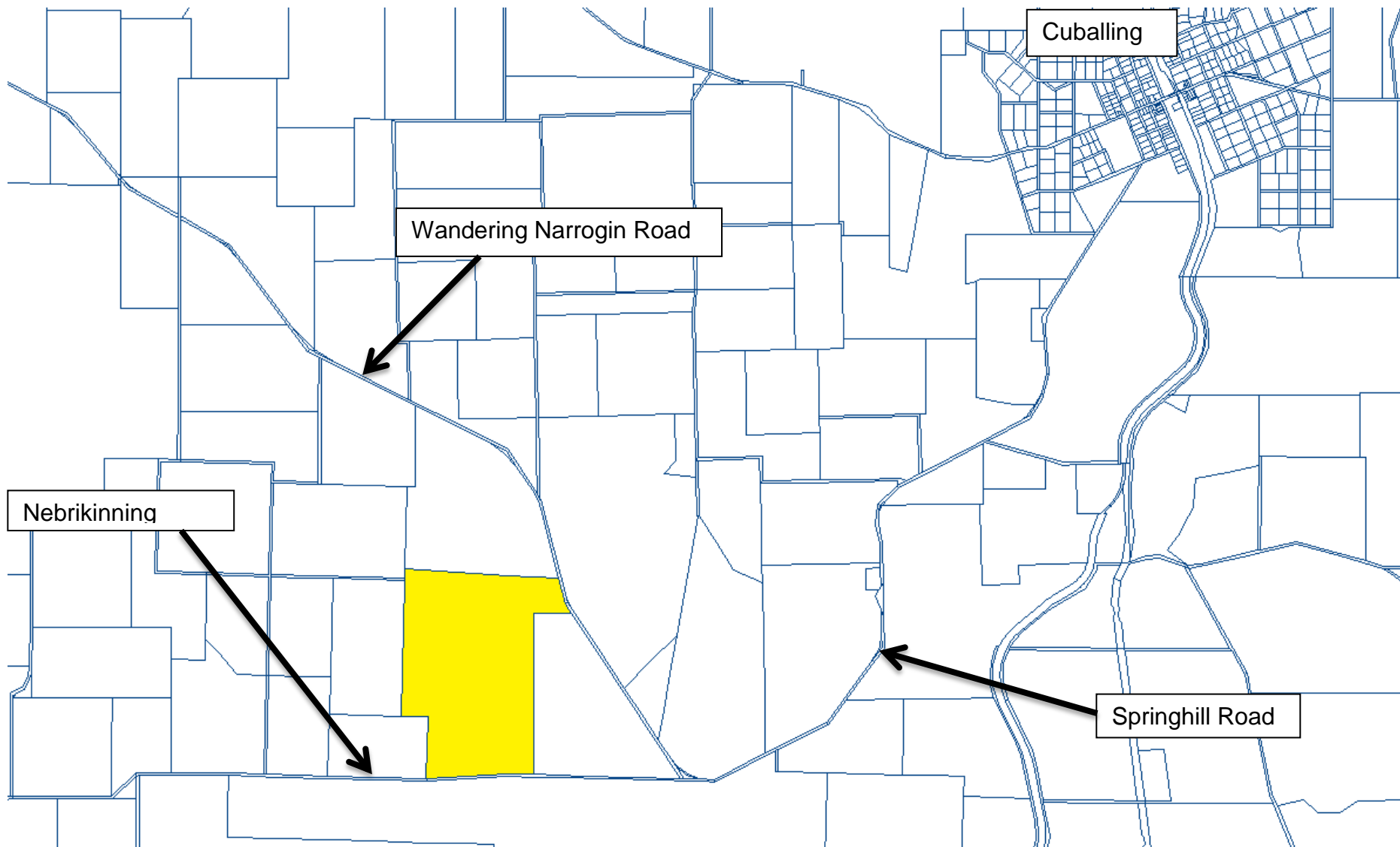
■ Tel: 08 9248 8777 ■ Email: enquiries@urp.com.au ■ Website: www.urp.com.au

Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323









YOUR REF:

OUR REF:

ICR144769-18.4.5, 14.9.45

ENQUIRIES:

Brian Robinson



SHIRE OF CUBALLING
PO BOX 13
CUBALLING WA 6312

89 Earl Street Narrogin Western Australia 6312
Tel: (08) 9881 1944 Fax: (08) 9881 3092
Email: enquiries@narrogin.wa.gov.au
www.narrogin.wa.gov.au

Attention: Gary Sherry

Dear Gary ,

**RE: PLANNING APPLICATION - PROPOSED LANDFILL FACILITY - PORTION OF LOT 23
(3118) WANDERING NARROGIN ROAD, CUBALLING**

I refer to your correspondence dated 2nd December 2014 providing the Town of Narrogin with opportunity to comment on the above mentioned proposal.

The purpose of this correspondence is to advise that Full Council considered the proposal at its Ordinary Meeting held on the 16th December 2014, whereby it was resolved that Council:

- a) Advise the Shire of Cuballing that it unconditionally supports the establishment of a Regional Landfill Facility on Part Lot 23 Wandering-Narrogin Road as proposed.

I trust that this information is of assistance and thank you for the opportunity to comment.

Please feel free to contact me on 9881 1944 should you have any queries regarding this matter.

Yours sincerely,

Brian Robinson
Director
Technical & Environmental Services

19 December 2014

22 DEC 2014

The Town of Narrogin acknowledges the Noongar people as traditional custodians of this land and their continuing connection to the land and community.
We pay our respect to them, to their culture and to their Elders past and present.

Correspondence to be addressed to
the Chief Executive Officer
PO Box 188, Narrogin WA 6312



ABN: 50 860 676 021

Enquiries: Russell on 98810513
Our Ref: 04/12013
Your Ref: TP2

17 December 2014

Mr G Sherry
Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

19 DEC 2014

Dear Gary

**PLANNING APPLICATION - PROPOSED LANDFILL FACILITY - PORTION OF LOT 23
(3118) WANDERING NARROGIN ROAD, CUBALLING**

Thank you for your letter regarding the proposed landfill application. As the location has no direct impact on roads under the control of the Commissioner of Main Roads, I have no further comment or objections to the proposal.

If you require any further information please contact Mr Mark Russell on 98810513. In reply please quote file reference 04/12013.

Yours sincerely

Mark Russell
OPERATIONS MANAGER NARROGIN

Chief Executive Officer

Po Box 13

CUBALLING WA 6311

08 JAN 2015

Dear Gary

I refer to your letter of 2nd December 2014 regarding Planning Application – Proposed Landfill Facility – Portion of lot 23 (3118) Wandering Narrogin Road, Cuballing.

I wish to register my strong objection to the proposed landfill facility on land adjoining the property jointly owned by myself and Donald Fitt.

The proposed facility would significantly decrease the value of our property due to the undesirable nature of such a neighbouring activity.

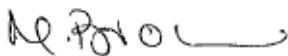
I would like to remind Council that the Council's long standing objectives for this land includes:

- To ensure the preservation of its rural character and rural appearance;
- To protect the economic viability of rural zoned land; and
- To preserve and protect the natural undeveloped areas.

The value of my neighbouring landholdings will be further devalued given that the proposal states that "The imposition of a road upgrade condition, on any planning approval that may be issued by Council, is considered unnecessary".

Please note that I haven't yet determined a level of compensation that would suffice to offset the devaluation that would occur if this proposal were to be implemented. I will probably require legal assistance in this regard should the Council decide in its wisdom to override its long standing objectives for this rural zoned land region.

Yours faithfully



Marie Browne (P.O.A)

For Betty Fitt

30A Strome Road

APPLECROSS WA 6153

5th January 2015

13 JAN 2015

Chief Executive Officer

PO box 13

CUBALLING WA 6311

Dear Gary

I Donald Fitt agree with the concerns expressed in the attached letter.

Yours faithfully

Handwritten signature of Donald Fitt and the date 2/1/15.

Donald Fitt

Box 53

Narrogin WA 6312

Chief Executive Officer

Po Box 13

CUBALLING WA 6311

13 JAN 2015

Dear Gary

I refer to your letter of 2nd December 2014 regarding Planning Application – Proposed Landfill Facility – Portion of lot 23 (3118) Wandering Narrogin Road, Cuballing.

I wish to register my strong objection to the proposed landfill facility on land adjoining the property jointly owned by myself and Donald Fitt.

The proposed facility would significantly decrease the value of our property due to the undesirable nature of such a neighbouring activity.

I would like to remind Council that the Council's long standing objectives for this land includes:

- To ensure the preservation of its rural character and rural appearance;
- To protect the economic viability of rural zoned land; and
- To preserve and protect the natural undeveloped areas.

The value of my neighbouring landholdings will be further devalued given that the proposal states that "The imposition of a road upgrade condition, on any planning approval that may be issued by Council, is considered unnecessary".

Please note that I haven't yet determined a level of compensation that would suffice to offset the devaluation that would occur if this proposal were to be implemented. I will probably require legal assistance in this regard should the Council decide in its wisdom to override its long standing objectives for this rural zoned land region.

Yours faithfully



Marie Browne (P.O.A)

For Betty Fitt

30A Strome Road

APPLECROSS WA 6153

5th January 2015

CEO - Cuballing Shire

From: Martin Whitely <ceo@wandering.wa.gov.au>
Sent: Friday, 19 December 2014 10:32 AM
To: 'CEO - Cuballing Shire'
Subject: Planning Application - Proposed Landfill Facility

Hi Gary

At the Ordinary Council Meeting yesterday the above item was discussed and the following resolution was made by Council;

COUNCIL DECISION – ITEM 10.1.1

Moved Cr McNeil seconded Cr Dowsett;

That Council support the planning application for the proposed Landfill Facility at Lot 23 (3118) Wandering Narrogin Rd, Cuballing.

CARRIED 7/0

Cheers

Martin Whitely
Chief Executive Officer

Shire of Wandering
22 Watts St
Wandering WA 6308
Ph: (08) 9884 1056
Fax: (08) 9884 1510
Website: www.wandering.wa.gov.au

CEO - Cuballing Shire

From: Mark Hook <ceo@wickepin.wa.gov.au>
Sent: Friday, 19 December 2014 12:56 PM
To: ceo@cuballing.wa.gov.au
Subject: Waste Facility Planning Comment

Garry

For your information Council passed the following Resolution on Wednesday 17th December 2014 at its Ordinary Meeting of Council.

Resolution No 171214-09

Moved Cr Lang / Seconded Cr Allan

That as the Shire of Wickepin is a member of the Wagin Waste Group that submitted the Planning Application to the Shire of Cuballing for the proposed Landfill Facility on Portion Lot 23 (3118) Wandering Narrogin, Council does not wish to make any comments on the Planning application for the Proposed Landfill facility on Portion Lot 23 (3118) Wandering Narrogin Road in the Shire of Cuballing.

Carried 7/0

Will Forward a letter in the Mail

Kind Regards

Mark J Hook
Chief Executive Officer
Shire of Wickepin
Phone 9888 1005
Fax 9888 1074
Mobile 0429 207 855
email: ceo@wickepin.wa.gov.au
P.O Box 19
Wickepin W.A 6370

This email and any attachments are confidential and may contain legally privileged and/or copyright material. You should not read, copy, use or disclose any of the information contained in this email without authorisation. If you have received it in error please contact us at once by return email and then delete both emails. There is no warranty that this email is error or virus free.

CEO - Cuballing Shire

From: Shire of Cuballing <enquiries@cuballing.wa.gov.au>
Sent: Tuesday, 13 January 2015 7:55 AM
To: ceo@cuballing.wa.gov.au
Subject: FW:

From: patricia mihaljevich [<mailto:p.mihaljevich@outlook.com>]
Sent: Friday, 9 January 2015 6:00 PM
To: enquiries@cuballing.wa.gov.au
Subject:

I wish to enquire about the planning application to establish a landfill facility. I am concerned about the odours within the area and how far these odours will travel. Also what problems could arise from such a facility. Would land value drop. I don't really have much knowledge on these matters and would really like to know how it might affect the town and surrounding areas.

Thank you
Patricia Mihaljevich

Sent from Windows Mail

SHIRE OF NARROGIN
43 FEDERAL STREET, NARROGIN 6312



14 JAN 2015

Inquiries: Geoff McKeown

13 January, 2015

Mr. Gary Sherry
Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

Dear Gary,

Planning Application – Proposed Landfill Facility

I refer to your letter of the 2nd December 2014 inviting written comments on the proposed development of a landfill facility on portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing.

The matter was presented to Council at its December 2014 Ordinary Meeting and the following resolution was passed:

"That Council:

- 1. Acknowledges that it has received notification from the Shire of Cuballing of the Application for Planning Approval for the establishment of a new Regional Waste Disposal Facility on portion of Lot 23 Wandering Narrogin Road, Cuballing;*
- 2. Does not wish to raise any specific issues regarding the application; and*
- 3. The Shire of Cuballing be advised of the Shire of Narrogin's response to the Application for Planning Approval is made as an adjacent local government, rather than as a member of Wagin Voluntary Group of Councils."*

In coming to this decision the Council recognised that the Shire of Narrogin is a member of the Wagin Voluntary Group of Councils and that it has previously endorses the actions of the Group to reach the point of making an application for planning approval.

All Correspondence to be addressed to the Chief Executive Officer
Telephone: (08) 9881 1866 Facsimile: (08) 9881 3031
15-HBS-RUB Email: enquiries@narroginshire.wa.gov.au Web: www.narroginshire.wa.gov.au

Further, the Shire of Narrogin has not undertaken separate communication with property owners within its boundary, that are in close proximity to the proposed site, as it believes it would be confusing to receive two sets of correspondence. It was considered more appropriate that the consultation be conducted by the Shire of Cuballing so that all submissions are lodged directly with one agency and be considered as part of a future report to your Council.

Thank you for the opportunity to comment on this application.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Geoff McKeown', with a large, stylized loop at the beginning.

Geoff McKeown
Chief Executive Officer

15-HBS-RUB

CEO - Cuballing Shire

From: VOGEL Simon <Simon.Vogel@dfes.wa.gov.au>
Sent: Thursday, 15 January 2015 10:21 AM
To: 'ceo@cuballing.wa.gov.au'
Subject: Comment- Proposed Regional Waste Facility - Shire of Cuballing.

Dear Gary,

DFES has no objection to the proposal.

A Fire Management Plan for the facility will be subject to the conditions prescribed by the Shire of Cuballing in accordance with the powers vested in the Shire by, but not limited to, the Bush Fires Act 1954 and Bush Fire Regulations 1954.

Kind Regards,

Simon Vogel
DFES District Officer - Narrogin
Operations Command
Great Southern Region

P. 9881 3892
F. 9881 3894
M. 0427 026967
simon.vogel@dfes.wa.gov.au





Government of Western Australia
Department of Environment Regulation

Your ref: TP2
Our ref: 2014/001709
Enquiries: Teresa Gepp
Phone: 6467 5383
Fax: 6467 5510
Email: LUP.Advice@der.wa.gov.au

15 JAN 2015

Mr Gary Sherry
Chief Executive Officer
Shire of Cuballing
Locked Bag 13
CUBALLING WA 6311

Dear Sir

**PLANNING APPLICATION – PROPOSED LANDFILL FACILITY PORTION OF LOT 23
WANDERING NARROGIN ROAD, CUBALLING - REQUEST FOR COMMENT**

Thank you for your referral dated 5 December 2014 inviting comment from the Department of Environment Regulation (DER) on the above planning application before Council.

DER is reviewing its roles and responsibilities and its involvement in statutory and strategic land use planning processes. This review is occurring to ensure that the Department's resources are efficiently and effectively targeted to core statutory roles and functions. As a component of this review, the Department has released a Draft Guidance Statement on Land Use Planning which can be accessed at <http://www.der.wa.gov.au/our-work/consultation> and is open for comment until 2 March 2015.

DER is not currently resourced to respond to the volume of planning referrals received, however it is noted that your referral relates to a facility that is categorised as a Prescribed Premise as per Schedule 1 of the *Environmental Protection Regulations 1987*. As such, the operator is required to obtain a works approval (for construction), and a licence or registration (for operation) for facilities. This requirement is acknowledged within the documentation provided by the applicant.

The purpose of a works approval is to allow DER to assess the environmental acceptability of a proposal against standards and policies. Works approvals also contain conditions to ensure the premises can operate in an environmentally acceptable manner and that the works themselves do not cause unacceptable environmental impacts. DER assesses proposals for their potential to cause emissions and discharges to air, land or water.

While DER will undertake parallel processing of applications, note that a works approval will not be issued until such time as the planning approval for the facility has been granted.

The Atrium, 168 St Georges Terrace, Perth WA 6000
Postal address: Locked Bag 33, Cloisters Square, Western Australia 6850
Phone: (08) 6467 5000 Fax (08) 6467 5562
www.der.wa.gov.au

Proponents can also be advised that the clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained in accordance with the Regulations, or is exempt. Proponents who wish to clear are required to submit an application if an exemption does not apply. Guidelines and fact sheets are available at: <http://www.der.wa.gov.au/your-environment/native-vegetation> Further information on the clearing permit process can be obtained by email (NVP@der.wa.gov.au) or by telephone (6467 5020).

Yours sincerely



Kerry Laszig
A/EXECUTIVE DIRECTOR LICENSING AND APPROVALS

9 January 2015



Government of Western Australia
Department of Planning

19 JAN 2015

Your ref: TP2
Our ref: 853/04/09/0002
Enquiries: Grady O'Brien (6551 9784)

Gary Sherry
Chief Executive Officer
PO Box 13
CUBALLING WA 6311

TRANSMITTED BY EMAIL ONLY: enquiries@cuballing.wa.gov.au

Dear Mr Sherry

**PLANNING APPLICATION - PROPOSED LANDFILL FACILITY - PORTION OF LOT 23
(3118) WANDERING NARROGIN ROAD, CUBALLING**

Thank you for your letter of 2 December 2014, inviting the Department of Planning to comment on the above mentioned proposal.

The Department supports the cooperative approach that has been employed by the Wagin Voluntary Group of Councils regarding the establishment of a shared Regional Waste Disposal (landfill) facility at Lot 23 Wandering-Narrogin Road, Cuballing. On the basis of the information provided, the Department has no objection to the proposal.

As a use not listed under the Scheme, it is noted that the Council will need to determine whether the development of a landfill facility at Lot 23 is consistent with the objectives of the *General Agriculture zone*.

The Western Australian Planning Commission's recently endorsed Wheatbelt Regional Planning and Infrastructure Framework (WPIF, 2014) advocates a preference to the use of a scheme amendment process for the identification and zoning of sites for landfill facilities. In particular this provides an opportunity to establish special conditions for the site prior to development, should conditions relating to buffers and potential environmental, bushfire, amenity, traffic or other impacts be needed.

I understand that consideration is being given to the creation of a separate lot for the landfill facility and note that provision is made for this under Clause 6.2 of *Development Control Policy 3.4 - Subdivision of Rural Land, Public Utilities and ancillary uses*.

If further assistance is required, please contact Grady O'Brien - Planning Officer, Wheatbelt Region on 6551 9784, or by e-mail at wheatbelt@planning.wa.gov.au.

Yours sincerely

Pam Baskind
Strategic Planning Manager - Wheatbelt Region
19 January 2015

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 655 19000 Fax: (08) 655 19001 corporate@planning.wa.gov.au www.planning.wa.gov.au
ABN 79 051 750 680
wa.gov.au

BW & AM SAUNDERS & CO

RURAL CONTRACTORS

PHONE # (08) 9881 2545
 FAX # (08) 9881 2465
 MOBILE # 0428 421 720

PO BOX 290
 NARROGIN 6312
 WESTERN AUSTRALIA

ABN: 73 059 312 630

CHIEF EXECUTIVE OFFICER	SHIRE OF CUBALLING
MR GARRY SHERRY	
RE PROPOSED LANDFILL FACILITY	19 JAN 2015
BW & AM SAUNDERS & CO ARE ADJOINING NEIGHBOURS ON THE SOUTHERN AND EASTERN SIDES OF LOT 23 (3118) WANDERING — NARROGIN ROAD CUBALLING.	
"NO" WE DON'T WANT A RUBBISH LANDFILL FACILITY IN THIS AREA. — SOLE REASON ONLY WE HAVE A FOOD SUPPLY SET UP (NAMELY AN EGG PRODUCING FARM) APPROX 1 KM TO THE WEST OF LOT 23.	
APART FROM THIS WE FULLY REALIZE WE MUST HAVE THIS SORT OF FACILITY AND FULLY REALIZE SUITABLE LAND OR SITES ARE VERY LIMITED	
EVERY DAY RUBBISH DISPOSAL IS VERY IMPORTANT AND THE SUPPLY OF EVERY DAY QUALITY FOOD IS OF MORE IMPORTANCE WE TRUST YOUR DECISION WOULD BE IN THE BEST INTEREST OF HEALTHY FOOD	
YOURS FAITHFULLY, <div style="display: flex; justify-content: space-around;"> <div> BW Amel Garry Sherry J. Sandy </div> <div> BARRY. Anne. Tim </div> </div>	
12-01-2015	

PO Box 386

NARROGIN 6312

19 JAN 2015

15.1.15

CEO
SHIRE OF CUBALLING

Dear Gary

Regarding the Proposed Landfill Facility on Wandering Road, we would like to lodge our concern regarding the proximity to a number of residential dwellings. There are a number of homes within a few kilometres of the intended landfill site and we feel that could be an impact on the ability of those residents to continue to enjoy their current pollution-free environment.

We do acknowledge the need for new Landfill sites to cope with the escalating waste disposal issues that accompany our consumerist, affluent, modern lifestyle. Despite the supposed rigorous investigation and search for appropriate, geologically stable locations, we do question whether the distance from existing homes was taken sufficiently into account before the site was deemed suitable. Surely the landscape in the Shire of Cuballing would yield other, more remote places that would have a similar soil and drainage structure and be further from any existing settlements.

Please consider alternative locations, as we feel that the objections from those ratepayers who are directly affected by this Proposal are genuinely justified.

As the lodgement period for comment occurs during the summer vacation, it is clear that some residents are away on holidays and unable to respond in a timely manner, so we request that the deadline of 22.1.15 be extended until school resumes and local people have returned to their regular routines.

Thank you for the opportunity to comment on this issue. We appreciate that the Council has the best interests of its' ratepayers at the forefront of its' deliberations.

Yours sincerely

Lyn and John Chadwick

per Lyn Chadwick



Government of Western Australia
Department of Water



looking after all our water needs

29 JAN 2015

Your ref: TP2
Our ref: RF3746
SRS: 38250
Enquiries: Brett Dunn

Shire of Cuballing
PO Box 13
CUBALLING WA 6311

21 January 2015

Attention: Gary Sherry

Dear Gary

**PROPOSED LANDFILL FACILITY – PORTION OF 23 WANDERING-
NARROGIN ROAD, CUBALLING**

Thank you for the referral received with your correspondence dated 2 December 2014, regarding a planning application for a landfill facility at the abovementioned property. The Department of Water has reviewed the application and wishes to provide the following advice.

The operation will require regulatory approval from the Department of Environment and Regulation under the *Environmental Protection Act 1986*.

To ensure protection of the states groundwater resources the Department recommends the following design criteria for the operation, consistent with *Water Quality Protection Note 111: Landfills for disposal of putrescible materials (DoW, 2009)*

- A minimum vertical separation distance of two metres for loam soils and three metres for granular soils to the maximum groundwater table is recommended. In order to avoid leachate contamination, preference should be given to sites that reduce the risk of groundwater pollution by providing a natural attenuation layer beneath the liner (sub base) for contaminants that may leach through the liner;
- The landfill should be constructed in a pit where the sides are graded at or less than the natural angle of repose for surrounding soils;
- The base of the pit should not contain organic matter e.g. peat, root matter and similar waste material at a depth of at least two metres below the finished base;

Kwinana Peel Region
107 Breakwater Parade Mandurah Ocean Marina Mandurah Western Australia 6210
PO Box 332 Mandurah Western Australia 6210
Telephone (08) 9550 4222 Facsimile (08) 9581 4560
www.water.wa.gov.au

XD7AWL005

- The base of the pit should consist of either undisturbed soils or have soils compacted and conditioned where necessary to provide a base with a tested uniform bearing capacity;
- The pit shall be fully contained with a low permeability liner (either engineered soil or synthetic);
- A leachate recovery system should be installed immediately above the base of the liner; and
- Drainage diversion channels sufficient to prevent pit flooding during significant storm events;

If you wish to discuss the above or require further information please contact the undersigned on (08) 9550 4202.

Yours sincerely



Brett Dunn
Program Manager – Urban Water Management
Peel Region

Gary Sherry Chief Executive Officer Shire of Cuballing

Re: Planning Application- Proposed Landfill Facility-Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing

21 January 2014

Dear Gary

☞ Please accept my previous emails to you as part of this submission.

It has been an extremely bad time for us in so many ways to have to bring our attention in such a short time space to this distressing issue to us.

As a consequence I can only put together a quick submission, my previous draft was somehow deleted when my previous computer crashed and needed replacing.

☞ We believe the process has been extremely unfair particularly since the MOU was signed by the parties on the 11 June 2013. The First we ever heard of the proposal was your letter we received on the 4th December 2014 and dated 2nd December 2014.

☞ Imagine if the situation was reversed and we had dealt with government in this way it would not be acceptable even with our vast tax payer resources it uses to deal with us.

☞ Being the family most severely adversely impacted by the proposed dump site we feel we should have been notified as is stated as soon as practical after the signing of the consenting parties of the MOU. This was not done.

☞ We will ask the minister to review the procedure for fairness and openness and publicly state that this is the appropriate way to deal with the most severely adversely impacted persons.

☞ The Tip, Entrance and Gravel Entry Road run along our long front boundary are directly opposite our front gate.

☞ Our Shed and Water tank are the closest structures and our Proposed House Site

- close to shed and water tank and even closer to and over looking the Dump Site.
- ⌘ Our House Site is much closer than the Proponents who will be compensated. They will not have the Tip on their road or all the trucks running past their home as we will who are not compensated.
 - ⌘ Our 3 school age children will need to wait to catch and alight the school bus directly in front of the Dump. This is dangerous and unhealthy. An unfair impost on them.
 - ⌘ Their School Bus Stop will be synonymous with Opposite the Dump which will adversely affect their health, safety and feelings. Note none of this will apply to the Proponents.
 - ⌘ There are vast areas where a Tip could be located well away from any residences and certainly away from front gate and driveways to homes. If you think this is not a problem ask any of the proponents and signatories to have it in front of their homes. Some may even have vast tracts of land where a Tip would not be anywhere near their home where a Tip would be much less intrusive.
 - ⌘ Our Peaceful Life Amenity will be destroyed as our long front boundary is along Nebrikinning Road. We bought the property with the rural outlook in mind and not to be opposite and overlooking a Dump.
 - ⌘ Nebrikinning Road is a gravel road which has in the past coped with the infrequent traffic. Since roadworks started on the Wandering Narrogin Road, Nebrikinning Road has deteriorated to corrugations quickly with the sudden increase in heavy traffic.
 - ⌘ Intersection of Nebrikinning Road with Wandering Narrogin Road is a potentially much more dangerous as the line of site towards Wandering is short when you stop at the intersection, which will occur much more frequently with rubbish trucks from many shires using it.
 - ⌘ Worse still if the road is not upgraded to sealed the dust will impair view in any direction and especially severe for the School Bus and children waiting and travelling along the road. Even if Nebrikinning Road were to be sealed (it is dangerous to leave gravel spilling out onto Wandering Narrogin Road) the increase in heavy traffic is hazardous with lack of line of sight length particularly for a slow moving school bus.
 - ⌘ We purposely chose to live away from a Dump Site in Town as to be a distance to the fruit fly problem associated with Fruit being put into household bins. Our plants we have trialled have done well away from town and we propose to extend to other plants which require a good separation from Dumps where fruit fly and flies breed.
 - ⌘ Also the production will suffer from being on Nebrikinning Road frontage. Traffic dust smells associated with Dumps would severely impact our produce and marketing which we were to aim at gourmet outlets. Our Product will also suffer a negative image severely impacting viability. In Short our business would be likely destroyed with the combined impacts of a Tip on our Front Door.
 - ⌘ As our peaceful life amenity, home site and rural business would be virtually ruined. The compensation that would be needed to start over again on another property would need to factor in plunge in property value, capital gains tax and other tax implications, removal expenses, buying and selling fees, machinery removal or sale of and repurchase, pay someone else to do the work to establish again(I am at the stage of life where I can not do The things I used to and anything I can do takes so much longer) and many more things that would involve a much greater expense in money and time than staying where we are. Children may need to be relocated to other schools depending on where we could relocate to.
 - ⌘ In short we would lose all that we have planned for and could not afford to start again.

I ask is this a fair and reasonable outcome that any of the proponents would be prepared to endure given there is plenty of land where the impact would not be so devastating.

- ✎ I ask the process be reviewed and restarted and if it can not then to be reviewed by the minister concerned and by public opinion as to whether this is fair and reasonable considering all the circumstances and implications.
- ✎ Main Roads would need to carry out extensive road works on Wandering Narrogin Road and intersecting with Nebrikinning Road which will destroy much more of the little vegetation that at present remains to maintain a safe standard for heavy trucks. This will be more necessary if heavy trucks and the school buses share the road at same times.
- ✎ Nebrikinning Road would need to be sealed to make it safe particularly to avoid School Bus using it over bad corrugations and dust smell noise and danger for school children waiting and alighting school bus in front of Tip.
- ✎ Entrance to Tip would need to be sealed to prevent dust from blowing onto Nebrikinning Road and our home and obstructing vision of traffic and stifling our children waiting for the school bus. Need to be appropriate shelter away from road for children to wait away from road.
- ✎ All these measures will require a removal of much remnant vegetation, necessary to provide shelter to crops and stock and be preserving of the natural environment.
- ✎ As I said it is a very bad time for us and my draft was lost so this hurried re scripting is all I can send at the moment.
- ✎

Thank you for your time and I look forward to a more favourable and suitable outcome to this situation.

Peter Vukomanovic

-----Original Message-----

From: Angela Fowler [mailto:congeling@bigpond.com]

Sent: Thursday, 22 January 2015 7:08 PM

To: enquiries@cuballing.wa.gov.au

Subject: Planning Application - Proposed Landfill Facility - Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing

Dear Sir,

Thank you for your letter dated 2nd December 2014 regarding the Proposed Landfill in Cuballing at Lot 23 (3118) Wandering Narrogin Road, Cuballing.

Ben and I vehemently object to this proposal - knowing of the egg production farm less than one kilometre away. We farming adjacent to the proposal which could bring many problems - traffic congestion, water table pollution, land prices affected etc etc.

Williams, Narrogin and Cuballing are all prime agricultural areas - lets keep it clean for the future of food production.

We look forward to your Public Meeting on Tuesday 3rd at 6.30 pm.

Yours faithfully,
Ben & Angela Fowler



Government of Western Australia
Department of Mines and Petroleum

Your ref: TP2
Our ref: A2288/201401
Enquiries: Elias Peiris - Ph 08 9222 3533 Fax 08 9222 3633
Email: elias.peiris@dmp.wa.gov.au

Mr Gary Sherry
Chief Executive Officer
Shire of Cuballing
P O Box 13
Cuballing WA 6311

Dear Mr Sherry

**PLANNING APPLICATION - PROPOSED LANDFILL FACILITY - PORTION OF
LOT 23 (3118) WANDERING NARROGIN ROAD, CUBALLING**

Thank you for your letter dated 2 December 2014 inviting comments on the
above Planning Application.

The Geological Survey of Western Australia (GSWA) after assessing this
Planning Application on behalf of the Department of Mines and Petroleum
(DMP) with respect to access to mineral and petroleum resources, geothermal
energy and basic raw materials has no comment to make.

If you have any queries, please contact Elias Peiris on 08 9222 3533 or
Elias.Peiris@dmp.wa.gov.au.

Yours sincerely

Rick Rogerson
Executive Director
GEOLOGICAL SURVEY OF WESTERN AUSTRALIA

23 January 2015

004517.elias.peiris -
Release Classification: -

Mineral House 100 Plain Street East Perth Western Australia 6004
Telephone +61 8 9222 3333 Facsimile +61 8 9222 3862
www.dmp.wa.gov.au
www.wa.gov.au
ABN 69 410 335 356

----- Original Message -----

From:

pritcharddettmann@westnet.com.au

To:

enquiries@cubaalling.wa.gov.au, "brent" <brent@farmanco.com.au>

Sent:

Wed, 28 Jan 2015 14:32:13 +0800

Subject:

land fill facility

Garry

Although this is late we would not be happy in any way regarding this proposal. We would be extremely concerned regarding contamination of the limited surface water and ground water within the area. The area that this is proposed for is full of varying soil types that will leach and repel water at the top of a large catchment area.

We would also be concerned regarding other element of this proposal regarding dust, health impacts to both us and our animals, and odour.

This will also devalue our land for any small holding opportunities that may occur in the future 1 year or 60 years in both the Narrogin council area and the Cuballing area.

We would object

Please keep me informed

Regards

Grant Pritchard

Date : 12th Jan 2015

2 FEB 2015

To : The Chief Executive Officer,

Gary Sherry,

PO Box 13, CUBALLING WA 6311, AUSTRALIA.

Dear Sir,

PROPOSED LANDFILL FACILITY - PORTION OF LOT 23 (3118)
WANDERING NARROGIN ROAD, CUBALLING

Thank you for your recent letter dated 2nd November 2014 concerning the above mentioned captioned.

I strongly voice my objection to the proposed landfill facility at area within the shire of Cuballing.

The reasons are not limited to the followings:

- i.) The putrescibles can create a very bad smell to the surrounding areas, attracting unwanted birds, dust, flies & other insects, fires, litter, as well as surface and ground water contamination by leachate.
- ii.) High frequency of heavy trucks & related equipments going through this surrounding roads, etc.

I will always look forward for any further update from your office in the near future.

Yours Faithfully,



KIE YIK WONG

(69, Jalan Tun Abang Haji Openg, Sibul, Sarawak 96000, Malaysia)



Government of Western Australia
Department of Parks and Wildlife
WHEATBELT REGION

2A782308

Your ref: TP2
Our ref: 2014/002117
Enquiries: Mike Fitzgerald
Phone: (08) 9881 9223
Email: mike.fitzgerald@dpaw.wa.gov.au

Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

Attention: Gary Sherry

Planning Application – Proposed Landfill Facility – Wandering-Narrogin Road, Cuballing

The Department of Parks and Wildlife recognises the strategic importance of this initiative and the potential benefits it will provide to the communities located in nine Local Government Authority areas. We also note the steps already taken to minimise potential environmental impacts, by proposing to site the landfill facility on already cleared land.

The proposal does, however, raise several concerns:

ISSUES OF CONCERN

1. Feral animals

Feral animals, such as foxes and cats, are already present across the Wheatbelt landscape. One of the Department's concerns is that the proposed landfill facility may contribute to a localised but significant increase in feral animal numbers through the unintended provision of secure feeding, shelter and breeding sites.

If feral fox and cat numbers did increase, they would then have potential to disperse into nearby bushland and conservation reserves in greater numbers than control measures can currently deal with. The specific impacts we are most concerned about include:

- Predation of Threatened Species.

Within 10 kilometres of the proposed landfill site there are known populations and recent records for six mammals (Numbat, Brush-tailed Bettong, Red-tailed Phascogale, Bilby, Chuditch and Heath Mouse) and three threatened birds (Carnaby's Cockatoo, Baudin's Cockatoo and Forest Red-tailed Cockatoo) which are listed as threatened under both the Western Australian Wildlife Conservation Act (WCA) and the Federal Environmental Protection and Biodiversity Conservation Act (EPBC). Carpet Python, which are Specially Protected under the WCA, also occurs in this area.

Great Southern District – Department of Parks & Wildlife
PO Box 100 / Hough Street, Narrogin, Western Australia 6312
Phone: (08) 9881 9200 Fax (08) 9881 1645
www.dpaw.wa.gov.au

Several of these species occur in Dryandra Woodlands where the Department is implementing the *Western Shield* feral animal control program. However, several species are also recorded from conservation reserves and other areas of remnant vegetation outside this feral animal control area.

Such an increase in the feral predator population is likely to see significant impacts to threatened species occurring outside the *Western Shield* area and an increasing pressure on the limited *Western Shield* resources assigned to Dryandra Woodlands.

- Alteration of the Ecology of Conservation Reserves

An increase in feral predators is also likely to further reduce other native animal populations in bushland. This would have a deleterious impact on the ecology of those areas which form part of Western Australia's conservation reserves system.

The conservation reserves occurring within 10 kilometres of the proposed landfill site include:

- Bradford Nature Reserve 14300 (95.1011 hectares);
- Fourteen Mile Brook Nature Reserve 21830 (44.7658 hectares);
- Minning Nature Reserve 1864 (52.1654 hectares);
- Nature Reserve 15925 (87.7355 hectares);
- Rosedale Nature Reserve 20802 (133.921 hectares); and
- Dryandra Woodlands (Lol Gray and Montague State Forests, 23859 hectares)

2. Problem native fauna

The species of most concern is the Australian Raven. Adolescent birds can form large flocks which dominate an area in order to secure adequate food resources. These flocks are likely to be attracted to landfill facilities which offer readily available food.

One of the Department's concerns is that the Australian Raven also predated the eggs and young of a range of native bird species. Consequently, large flocks exploiting a landfill site have potential to also adversely impact bird breeding in the local area. This can include impacts to:

- Breeding amongst the threatened bird species, such as Carnaby's Cockatoo, Baudin's Cockatoo and Forest Red-tailed Cockatoo, and
- Populations of other bird species which contribute to the ecology of local conservation reserves.

3. Degradation of adjacent remnant vegetation

The proposed landfill facilities are to be sited on already cleared land. However we note that there are locally significant stands of remnant vegetation in close proximity.

These areas of remnant vegetation may be of value to the facility manager in terms of visual screening. Additionally, the habitat the remnant vegetation provides to native plants and animals, may play an important role in the ecology of the local area.

However, these attributes could well be under threat from issues arising from the management of the landfill facility, including:

- Feral animals and problem native animals;
- Weeds and other introduced plants;
- Litter;
- Increased fire frequency;
- Pollutants; and
- Hydrological changes.

COMMENTS AND ADVICE

We note that the current planning application is one of three sequential approval processes that the proponent must address in order to operate the proposed landfill facility. The advice the Department provides herein is therefore likely to be applicable to all three approval processes.

The facility manager must develop and be able to implement:

1. An effective animal control strategy. This should be aimed at reducing adverse impacts to threatened species, nearby conservation reserves and remnant vegetation adjoining the facility, arising from feral foxes, feral cats, native Australian Ravens and any other feral or problem native animals which may source food, shelter or breeding sites at the facility.
2. An effective remnant vegetation conservation strategy. This should be aimed at reducing the adverse impacts arising from the facility's operation on adjoining and nearby remnant vegetation and should specifically address:
 - Feral animals and problem native animals;
 - Weeds and other introduced plants;
 - Litter;
 - Fire frequency;
 - Pollutants; and
 - Hydrological changes.

Please contact Mike Fitzgerald on (08) 9881 9223 if you require clarification or further information.

Yours sincerely



Greg Durell
WHEATBELT A/REGIONAL MANAGER

21 January 2015

06 FEB 2015

DELYS PRITCHARD

Ph. 08 98811639.

"JULIA RANGE"

PRITCHARD ROAD (PO BOX 40 NARROGIN)
NARROGIN 6312

4th February 2015.

W V G Councils (Cuballing)

Jean Lwin

I would like to register my absolute and strong disapproval of the proposed "Skebrikinning Road Waste Facility".

One would have imagined that broader consultation with neighbouring land owners be a more appropriate way to have dealt with this matter prior to the planning application.

Even though the Narrogin Voluntary Group of Councils (WVGC) dismisses many of the concerns of privately owned farming property families, these problems are real in the present and long term.

- eg. 1. Juvallation of land
 2. Contamination of ground water (we use bore and wells)
 3. Fire risk from self-emburster.
 4. Proximity to our farming land, water sources and home.
 5. Ongoing problems with
1. Vermin
 2. Weed (Wind assist)
 3. Feral animals
 4. Increased fuel rates for road maintenance and preparatory costs

D.M. RITCHARD

Page 2.

No.

6. Leaking of fuel?

It is well documented a farmer has in recent times failed for removal of fuel on his own property. Salt in this area is a problem.

7. Proximity to the "tree corridor" to the scho friendly, Jayandra Forest - put in by local farmers.

8. Close proximity to the local food industry of the "Upper Great Southern Egg Facility".

In your print-out of "Frequently Asked Questions" it is noted throughout that terms eg. 'little likelihood', 'minimised', 'prevent the risk' are in no way an absolute.

One would question the Shire of Cuballing in the push for this site, when a decision "to decline both due to community input and relevant criteria set by the Shire's Shire Council" to abandon any facility in Wagin and surrounds being used for such a proposal.

Quote "These attributes will ensure that there will be no social impacts on the local community or any particular individuals and that the FACILITY PROVIDES GREAT BENEFITS TO THE WIDER COMMUNITY".

This leads to me that communities having rejected this proposal in their areas are reaping the benefits!

I will be pleased to receive your comments
Sincerely Delys M. Ritchard

Submission

I am writing to raise my objections to the "proposed Nebrikinning Road Waste Facility"

I believe that on a Shire basis we should be responsible for our own rubbish. I do not believe that we should be responsible for receiving rubbish from 6 other shires.

This is said to be the last chance for the WVGC to find a suitable site. This is NOT a good enough reason to accept that this proposal is the correct solution. Already other Councils in this group have either rejected sites in their Shires or withdrawn from the group.

The rubbish collection for this proposed tip revolves around compactor trucks, picking up household rubbish bins. This collection system is NOT IN LINE with Cuballing, which has no house hold collection.

I gather that the future needs for rubbish disposal from Cuballing are not as urgent as for some other Councils involved. I consider the WGVC should be looking at other options – for example using the Perth Waste Site.

Under this proposal the Cuballing tip would still be a "transfer station". I can see little benefit for Cuballing in changing to this system. It is basically having an extra tip in Cuballing with the added problems of extra management.

Dryandra Country.

At the meeting, in reply to the question of an increase cat population from another rubbish tip, Mr Lindsay Stephens answered, "That is a management issue", with the inference that this tip would be different.

Dr Jeff Short on behalf of South West Catchment Council (SWCC) trapped cats at 9 Shire rubbish tips in June 2013. These Shires included Cuballing, Town of Narrogin, Wagin and Wickepin. The numbers removed were 31 in Narrogin, 25 in Wagin and 15 – 16 in Cuballing Wickepin and Dumbleyung over 8 nights trapping. Are all these tips poorly managed?

The extensive work done by many would be put at risk of failing with the introduction of another tip close to Dryandra. Part of this effort is the Numbat Breeding programme at the Perth Zoo and relocating them to Dryandra. Surely anything that could contribute to the extinction of our State and Shire emblem is a risk to high to pay.

The Waste Dump will be surrounded by fence but rubbish may be delivered 6 days between the hours of 6.30am and 5pm, but not Sundays and public holidays (as per Cuby Calling) , or is it 5 days a week as per Frequently Asked Questions, making secure entry and adequate coverage very questionable.

The recent bush fires are a reminder of the Brookton / Pingelly fire which started in a tip. I can see real fire management problems with regards to this site, including a lack of water. The prevailing winds for the Brookton / Pingelly fire were that "hot north westerly" which puts the Town of Narrogin in a direct line from the proposed site.

A lot of emphasis has been put on a "modern well managed site". Even with the best of intentions there can be no guarantee that everything will go according to plan.

The price is too high to pay – it is not worth the risk.

I am proud to live in Dryandra Country, I would not be proud to live in the Shire of Crapalling.

Grant Alcock

98 836 022

Submission of opposition to the new refuse site.

I was disappointed to receive the leaflet advising of this new site in the mail.

After going onto the website I noticed that date that the first offer to buy was 11th June 2013, and thought – OH, NO, THE CUBALLING SHIRE HAS LEARNT NOTHING FROM THE AMALGAMATION DEBARCLE. Why has it taken so long for this matter to be brought to rate payers' attention?

Your letter is dated 2nd December 2014 and submissions close on 22nd January 2015. Great timing, especially with people thinking about harvesting, Christmas, New Year, holidays and any other major event in their lives.

I have spent many, many hours, trying to find out information from your web page with very little success. However, I did have much more success with other Shires' web pages. From these I have discovered

1. Narrogin Shire - That a large landfill facility has been under consideration for 6 years.
2. Wandering Shire - \$5,000 a year from each council to keep group going. And in March, the Wandering Shire withdrew from the group after each Shire was asked to contribute \$80,000 towards the project. And that they (Wandering Shire) are looking at using the Perth Waste site. (Very sensible I think, and I wonder why we aren't doing likewise).
3. Narrogin Town, Wagin, Williams, Wickepin and Narrogin Shire all mention the \$80,000 so would I be correct in saying that Cuballing will be contributing \$80,000? (since I started this submission I have discovered that Cuballing will be contributing \$80,000.00)
 - I commenced this submission for the January deadline, and I found some information very hard to obtain, However our CEO has answered some for me. Thank you Gary.

Questions I would like answered are

1. When people applied for a house building permits in the close proximity, did they get notified in writing or verbally of this proposed rubbish tip, either by yourselves or the Narrogin Shire? Our CEO has since advised me that even though a motion was passed at council requesting these land owner be notified, this did not happen.
2. What precautions will you take when rubbish is tipped from trucks into the tip so that it does not blow all around the district? You cannot stop the wind. Can you guarantee that by compressing household rubbish it will not be free to blow in the breeze?
3. Will all the Shires deliver rubbish on the same day or will we as rate payer need to have someone there each day to take delivery of other Shires waste?
4. How often will the rubbish be covered with gravel and by what depth will it be covered. Cats, foxes and dogs love tips and the latter two are great at digging up rubbish. Mice and rats, no doubt you could say the cats will feed on these.
5. Will there be a 6 foot fence around the tip, and will this fence be buried to stop animals digging under? I have read it will be "secure, farm style fencing" does this just mean ringlock?

Page 2

6. How will the fire risk be handled? If there is a fire truck on hand at the tip at all times in summer and autumn, who will man the truck? Where will the water to fight a fire come from for there is no mains water available nearby? Surely the nearby farmers will not be expected to supply the water.

7. Will the other Shires contribute towards the fire unit costs (if one is there) and will all the locals be responsible for trying to control any fire, or will other Shires immediately send units when a fire is advised?
8. How much time has the Cuballing Shire spent debating this proposed site? I note from your Council minutes 18th April 2013 ref 9.2.74 Cr Hawksley declared an interest and left the room at 4.38pm. Moved Cr Haslam seconded Cr Conley – 1 The President and CEO be authorised to sign MOU etc and 2 Budget provision for etc. Carried absolute Majority 5/0. Cr Hawksley returned to chambers 4.45pm, that is 7 minutes later. That is not much time for a full debate.
9. My main concern however, is – How do you intend to protect the fauna from cats and foxes, that come for a feast at the tip.
10. The fence – will it be buried, and to what depth to stop feral animals digging under.

My thoughts.

1. Red tailed phascogales. SWCC contacted Dr Jeff Short regarding feral cats and the final report was printed June 2013 – project #SUS2.ECO.03.010. Control of feral cats at Shire rubbish tips to assist with protection of the red-tailed phascogale. The report was written by Dr Jeff Short, Leon Rakai and John Ingram. The Shires involved in this were Cuballing, Dudinin, Dumbleyung, Harrismith, Kulin, Town of Narrogin Tincurrin, Wagin and Wickepin. Have any Councillors read this report?
2. Numbats. We are known as Dryandra Country, and some of us paid \$250 for radio collars to be fitted onto numbats for we are greatly concerned about our Shires emblem. That will probably be a waste now as we will be breeding more cats nearby, after all it will be a much larger tip and we will still have our present transfer tip.
3. Curlews. We had curlews nesting in our paddock, right next to the fence in Knight's Lane near the north- west corner of location number 7594, next to another Dryandra block. Ground nesting birds do not need any more cats or foxes.
4. Is there really only this site in all these Shires? Maybe not, for no one wants it in their back yard. No one will "rock the boat" in fear that it may "come to a place near them", so, Cuballing can have it. The smallest Shire can have all the rubbish from all the larger Shires. Lucky us, being honoured with storing the rubbish from other Shires, are they going to pay us for storing their rubbish, and if so how much per annum.
5. How many other Shires' had a suitable site, or two? But THEIR ratepayers DID NOT want a tip, a large tip, storing waste from 6 other Shires, so why should we store their rubbish?
6. Why aren't we all using the Perth Waste site? I am told it is huge and Perth will never fill it. No I am not in favour of this rubbish tip, and I feel very sorry for those who will be living close by and I think if all Councillors asked themselves – Would they like the tip close to their home, and

Page 3

HOW WOULD THEY FEEL WHEN THEY BUILT A NEW HOME AND THEN, HERE IS A TIP FOR YOUR NEIGHBOUR? WITH NO-ONE BOTHERING TO EVEN ADVISE THEM A TIP WAS COMING. – I wonder what COUNCILLORS answer / thoughts would be.

And ask the question – WHEN WE LOSE MORE BIRDS, INSECTS AND SMALL CREATURES WILL THE COUNCILLORS ACKNOWLEDGE – YES IT WAS THEIR DECISION TO PUT A TIP SO CLOSE TO OUR WONDERFUL DRYANDRA, AND THEREFORE THE LOSS LAYS AT THEIR FEET.

Should anyone care about our Dryandra Woodlands enough, go and read the signs near the totem pole at the Old Dam site. It was unveiled October 2008 in recognition of Vincent Serventy. Part of this reads " In 1970 a company owned by media tycoon Rupert Murdoch bought land which included Dryandra Woodland, planning to mine it for bauxite. Vincent wrote to Mr Murdoch and enclosed a book he had just written, Dryandra – The Story of an Australian Forest. After reading it

Murdoch agreed that mining this forest would destroy a place of great value and as managing director he instructed the company to relinquish any mining claims.”

I was present at the unveiling, along with representatives of the local Nyoongar community, the Conservation Commission DEC, Murdoch University staff, Janet Holmes a` Court, Naturalist Club, Bush Rangers from Northam District High School and interested locals. To hear the speakers was a great experience. A five year scholarship, The Vincent Serventy Memorial Scholarship, was awarded to a student to work in the field of environmental education or nature conservation

I do sincerely hope that the next time a big issue comes to the Cuballing Shire the rate payers are fully advised early in the negotiations and we do not have another amalgamation / rubbish tip debacle.

I hope we don't end up known as “Dryandra Country, home of the Equestrian Centre and the Big Tip” But then, should we use the word Dryandra at all, seem we care so little about it?

I look out my window today, the smoke is so thick, and we can't do anything about that. We cannot save the fauna that is/has been destroyed as the fires take all in front of them. Hopefully the flora will eventually be restored. But we can try, and learn like Rupert Murdoch, to do everything in our power to save the fauna and flora in our beautiful area.

I urge you to rethink and reject this proposal, for Dryandra is just too precious.

Fran Alcock
98 836 022



CEO - Cuballing Shire

From: Lyn Carroll <carroll_lyn@yahoo.com.au>
Sent: Saturday, 7 February 2015 1:28 PM
To: ceo@cuballing.wa.gov.au; mjmconley@westnet.com.au;
 lintonparkfarms@bigpond.com; gunnastay@bordnet.com.au;
 l.bradford@esat.net.au; t.w.dowling@bigpond.com; haslams1@bordnet.com.au
Cc: terry.waldron@mp.wa.gov.au
Subject: Rejection of Regional Waste Disposal Site at Lot 23 Nebrikinning Road, Cuballing
Attachments: Nebrikinning Road Waste Facility (1).docx; Cuballing Numbat Emblem.jpg

To: Gary Sherry and All Cuballing Shire Councillors

Re: Nebrikinning Road Waste Facility

The public meeting last Tuesday night (3/2) confirmed my suspicion that Council seemed determined to ram through the building of a waste facility along Nebrikinning Road.

"Let me add my voice to the ground-swell of indignant ratepayers.

My concern, as stated Tuesday night, is for the remnant native animals that call Dryandra Woodland home. A waste facility with a 7,000 tonne capacity per year placed on the doorstep of Dryandra Woodland and other Department of Parks and Wildlife's conservation assets defies belief. The Shire of Cuballing's tip can hardly be called 'best practice' with feral cats regularly seen skulking around the putrescibles, which begs the question, "How will a facility that takes in all seven Shires' putrids be managed?"

Feral cats and foxes continue to predate our native animals, including the numbat which is not only the Shire of Cuballing's emblem but is also the native fauna emblem of our state of Western Australian.

Dryandra Woodland is a prized pearl of natural wonder in a sea of cleared farming land and the majority of the Woodland is within the Shire of Cuballing - my Shire, your Shire. Councillors, don't you prize the Woodland and all the unique natural, native life that exists within and want to protect it? Or is it a case of 'I can't rate it, therefore, it is useless and of no concern?'

And now to the human cost. It seems that the poultry and sheep farmers and families living nearby are expendable, too. Lack of consultation and a shrugging of the shoulders that lifestyle and land values will suffer appeared to be brushed aside with an all too familiar attitude of 'she'll be right, mate, it's not me that's being affected.' The country lifestyle that enticed us all to call Cuballing home will undoubtedly be eroded with the rumblings of heavily putrid-laden trucks passing from Shires to the east, north and south, through the middle of town and swamping out the call of birds and leaving a trail of noxious fumes.

What about the contamination of ground water, streams, bores? The hydrogeology undertaken is barely minimal and does not alleviate the very real concerns of leaching into, and contaminating, this life-giving resource.

Then there's the stink! Borne on gusty winds the putrid smell will permeate every home in every direction for miles around. How far away is the 'proposed' facility from the Cuballing townsite? In the "Frequently Asked Questions" it states, 'Lot 23 is approximately 7 km east of the Cuballing townsite' which is obviously a 'typo' (like others that were pointed out at the public meeting). Given that Cuballing townsite is close, according to the crow, we ratepayers will be smelling the stink from seven Shire's 7,000 tonne putrescibles for the next sixty years. That is totally unacceptable.

I am, sadly, under no illusions about the management of the Nebrikinning Road Waste Facility - the management will be minimal, under-resourced, out of sight - out of mind, with costs to ratepayers blowing out.

Finally, I am confident a positive alternative solution can be found in consultation with the other six Shires and to that end I would like to offer a couple of sensible alternative suggestions:

1. At the meeting it was stated that the Cuballing and Popanyinning tips had some years of life left - Popo had up to 20 years (that takes it to 2035), Cuballing a few years less (perhaps 2030). Given that Stage 1 of the proposed facility only has a 7 year life span (that takes it to 2022), before it needs to move to Stage 2 to 6 where, let me remind you, funds will need to be found to cover the cost to prepare and line the site with suitable impermeable and expensive material, why not use that time for the qualified, experienced and successful consultant, Lindsay Stephens, to search more diligently for a suitable location that is acceptable and that positively addresses all areas of concern?

2. Explore the possibility of joining with Perth Waste Disposal, a state of the art facility already built, is relatively nearby and within our region. The argument that it is too far away doesn't wash with me especially when city dwellers are having their putrescents/rubbish carted from Perth to that facility, a distance of near 200kms! I feel sure most, if not all, ratepayers would pay for the extra transport cost in favour of bearing the cost of building and then maintaining a flawed and unwanted facility on the proposed land near Dryandra Woodland within our Shire.

So many unhappy ratepayers voicing their objections will surely ring loud and clear of the duty Councillors have in representing the wishes of the people and will convince them, and the CEO (the ratepayer's paid employee), to reconsider their eagerness to sign-off on the above proposal.

I urge you to reject the proposal.

Lynette Carroll
Cuballing Shire Ratepayer
185 Campbell Street
carroll_lyn@yahoo.com.au

PS. Please place my name and the above email address on your list of contacts.

10 FEB 2015

Nebrikinning Road Waste Facility

Mr. Gary Sherry
CEO Shire Cuballing
CUBALLING

We would like to say thank you for the Public Meeting on Tuesday night for the WVGC.

There are a few things that we would like to ask from the Cuballing Shire and the Wagin Group of Councils.

How many years does the Cuballing and Popanyinning tips current have before they no longer are able to be used? What is the time frame for the other Shire tips that are involved?

Is there going to be "Recycling" available with this new facility?

As stated at the meeting it appears that two land owners have below ground water supplies will these bores be tested regularly and do they have to be licensed?

Will there be a road counter placed on Nebrikinning Road? Stated at the meeting a large number of trucks (road trains) use this road during harvest plus vehicles to the egg farm.

We are in favour of this Waste Facility going ahead but feel the Public Meeting just glazed over a major part which is "Recycling". Recycling is a major concern in our community as you no doubt can see by how full the recycle bin is at our local tips. If it was explained how this could work with the new facility more of the community would be in favour.

Could the "recycling" be worked in with the trucks that bring household waste, this is then sorted, plastics etc taken out goes to stage 2 for example from there put into shipping containers with which the contents have been sold and off they go. Hence creating employment with an income for the WVGC.

Thank you Gary for taking the time to read this, we request this letter remain anonymous.

[REDACTED]
Cuballing Town Residence
4th February 2015
Per: [REDACTED]

Colin, Jenny, Chad and Sarah Hawksley
PO Box 44
NARROGIN WA 6312

10 February 2015

Shire of Cuballing
PO Box 13
CUBALLING WA 6311

Attention: Mr Gary Sherry –
Chief Executive Officer, Cuballing

ceo@cuballing.wa.gov.au
Confirmation by Hand Delivery

And copied by email to:

CR Mark Conley – Shire President
CR Roger Newman – Deputy Shire President
CR Tim Haslam
CR Scott Ballantyne
CR Eliza Dowling
CR Dawson Bradford

mjmconley@westnet.com.au
lintonparkfarms@bigpond.com
haslams1@bournet.com.au
gunnastay@bournet.com.au
t.w.dowling@bigpond.com
lbradford@esat.net.au

Dear All

APPLICATION FOR PLANNING APPROVAL – PROPOSED REGIONAL WASTE DISPOSAL FACILITY (“the Facility”)

PORTION LOT 23 (No 3118) WANDERING – NARROGIN ROAD, CUBALLING (“the Site”)

For the below reasons, we strongly object to the application submitted by Urban and Rural Perspectives (“URP”) on behalf of Peter and Heather Dowdell and the Wagin Voluntary Group of Councils (which includes the Shire of Cuballing (“the Shire”)) (“the WVGC”) (together “the Applicant”) seeking planning approval for the establishment of the Facility on the Site (“the Application”) and submit that the Shire has no power to approve the Application or, alternatively, would be acting unreasonably (and therefore unlawfully) in approving the Application.

In summary, the Application must be rejected because:

1. the proposed Facility is not permissible in the “general agricultural” zone in accordance with clauses 4.3.1 or 4.4.2(c) of the Shire’s Town Planning Scheme No. 2 (“the Cuballing TPS”) and, accordingly, the Shire has no power to approve the Application (and, should it do so, a writ of certiorari would be issued by the Supreme Court to quash the unlawful approval);
2. the grant of a planning approval for the Facility would be an irrational decision in contravention of proper and orderly planning and no reasonable council could make a

Z:\Julie\01\150115 Clean.docx

decision to approve the Facility at its current location;

3. the Facility is likely to adversely impact the amenity of the locality and its proposed operation would expose the WVGC and all council participants, including the Shire, to the risk of a substantial damages liability under the tort of nuisance; and
4. the information submitted by the Applicant in support of the Application (given it seeks approval for all stages of the Facility) is woefully inadequate and the Shire does not therefore have sufficient information, acting reasonably as it is legally obliged to act, to approve the Application (the onus of satisfying the Shire that approval should be granted resides with the Applicant).

For all of the above reasons, the Application to construct the proposed Facility at the Site must be rejected. Furthermore, we do not support the establishment of a Facility at any other location in the Shire: the Applicant has not demonstrated any benefits which will flow to the Shire as a result of the construction of the Facility, and the Shire should not agree to becoming the dumping ground for other Shires' rubbish and other toxic material.

Detailed reasons for our objection follow:-

THE ZONING OF THE SITE IS INCONSISTENT WITH THE PROPOSED USE.

1. The Site is in an area zoned "general agricultural".
2. The zoning table at clause 4.3.2 of the Cuballing TPS sets out the land uses which are permitted in the "general agricultural" zone.
3. The zoning table does not include a specific land use for a waste disposal facility / landfill. However, the table does include land uses, described in broad general terms, for "industry-general" and "industry-light". Both of these broadly defined uses are not permitted in the "general agricultural" zone. The characterisation of the purpose of a development must be done in a common sense and practicable way (*Chanwell Pty Ltd v. Strathfield Council* (2007) 151 LGERA 114).
4. By item 2 of schedule 1 of the Cuballing TPS, "industry-general" means an industry other than a cottage, extractive, light, mining, rural or service industry, and the term "industry" means premises used for the manufacture, dismantling, *processing*, assembly, *treating*, testing, servicing, maintenance or repairing of goods, products, articles, *materials or substances* (our emphasis added) and includes premises on the same land used for the storage of goods, the work of administration or accounting, the selling of goods by wholesale or retail or the provision of amenities for employees, incidental to any of those industrial operations. A regional waste disposal facility is clearly an industrial operation which involves processing and treating materials and substances. The Facility therefore falls within the type, class or genus of activity of "industry-general". More precisely, for reasons explained in paragraph 7 below, the Facility can be reasonably determined as falling within the type, class or genus of activity of "industry-general". Accordingly, the Facility cannot be lawfully approved.
5. It appears that, because of the prohibition of the "industry – general" and "industry light" uses in the "general agricultural" zone under the Cuballing TPS, UPR submit

(at paragraph 20 of the Application) that the Facility should be approved under clause 4.4.2 of the Cuballing's TPS. The Application does not contain any submissions as to why the Facility should not be classified as "industry-general". That is not surprising because the applicability of the "industry-general" use could not be cogently disputed. Ignoring an obvious fatal defect in an application does not cause the defect to cease to exist – it just shows it cannot be answered.

6. If contrary to our above contentions the Facility is neither "industry-general" nor "industry-light", it is accepted that clause 4.4.2 of the TPS will apply (however, for the reasons set out below, this will provide no assistance to the Applicant). Clause 4.4.2 provides as follows:

"If a person proposes to carry out on land any use that is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."

7. In the first place, the underlined words in clause 4.4.2 show that, before the clause applies, consideration must be given to whether the use can be reasonably determined as falling within the type, class or genus of activity of any other use activity. Again, the Application ignores this obvious requirement, which is fatal to the lawfulness of the Application.
8. Alternatively, if clause 4.4.2 is applicable despite those underlined words, UPR submit, at paragraph 20 of the Application, that "given the nature, scale and intent of the proposed development and use of Lot 23, it is contended that it **may be** consistent with the objectives of the land's current "general agricultural" zoning classification and should therefore be advertised for public comment in accordance with the procedures prescribed in clause 9.4 of TPS No. 2" (our emphasis added). However, that contention is inconsistent with a recent determination of the Wheatbelt Joint Development Assessment Panel ("DAP").
9. Importantly, on 14 April 2014, DAP (which is comprised of specialist town planners and local representation) resolved to reject an application by SITA Australia to operate a landfill facility on land which was located 20km west of the York town site and towards the western edge of the Shire of York. DAP's reasons are attached hereto and marked "A". The York landfill facility was submitted for approval under clause 3.2.4(c) of the York Town Planning Scheme (No. 2) ("York TPS") on the basis that the zoning table in the York TPS did not specify a use of "waste disposal" or "landfill".

10. Clause 3.2.4(c) of the York TPS is substantially the same as clause 4.4.2(c) of the Cuballing TPS and provides that the local government may upon an application under that section determine, inter alia, "that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted".
11. DAP listed 16 reasons for their decision to reject the Application. Of particular importance was DAP's determination that the proposed landfill was not permitted in the "general agricultural" zone as the proposal was not consistent with the objectives and purposes of that zone in accordance with clause 3.2.4(c) of the York TPS.
12. The objectives of the "general agricultural" zone are set out in clause 4.2(b) of the Cuballing TPS, and include, amongst others:
 - 12.1. to preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
 - 12.2. to ensure the preservation of the rural character and rural appearance of land within the zone;
 - 12.3. to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity;
 - 12.4. to preserve and protect the natural undeveloped land areas throughout the zone.

The proposed Facility is not consistent with any of these purposes or uses.

13. Further, the Shire's Local Planning Strategy (21 December 2004) ("Local Planning Strategy") is required to be taken into consideration by the Council when making planning decisions. Clause 3.2 of the Local Planning Strategy provides that the Shire's objectives (specifically in relation to planning issues) are, inter alia, maintaining a distinctively rural character and lifestyle identity, promotion of ecotourism based activities, particularly the Dryandra Reserve and management of environmental issues to ensure the sustainability of the agricultural industry, and promotion of value-adding industries to the primary produce and protection of prime agricultural land for agricultural pursuits. Again, the proposed Facility does not meet any of these objectives. Clause 3.3 of the Local Planning Strategy also notes that Council must recognise the fire risks of any subdivision or development in its determination of such an application. Please see paragraphs 36-37 for further information on the fire risks associated with the Facility. Clause 5.2.5 of the Local Planning Strategy also provides that inappropriate development in or near areas of productive soils which may result in the loss of productive land are to be prevented.
14. There are no appreciable differences between the proposed York landfill facility rejected by DAP and the proposed Facility the subject of this Application. In point of fact, in all likelihood, the York landfill facility would have had less of an impact on local amenity and the environment than the Facility for the following reasons:
 - 14.1. the York landfill included a buffer of 600m which was contained wholly

- within the selected site;
- 14.2. the closest residence was located 1.9km to the north-east of the selected site, with the next closest residence being located 2.4km away; and
 - 14.3. comprehensive reports had been undertaken, including detailed odour modelling, a comprehensive noise assessment and a detailed traffic impact assessment (none of which have been undertaken here).
15. In addition to reason 1 of DAP's reasons, reasons numbered 2 to 16 equally justify (and in fact require) the rejection of this Application in this instance. In particular, DAP found that:
- 15.1. the York landfill facility presented an unacceptable risk to the environment and natural resources (this was despite the presence of the comprehensive reports referred to above);
 - 15.2. the York landfill facility was likely to adversely impact the amenity of the locality;
 - 15.3. the York landfill facility was likely to affect the amenity, health and convenience of the scheme area and its residents;
 - 15.4. the York landfill facility did not preserve or enhance the environment and natural resources;
 - 15.5. the York landfill facility was not consistent with the principles of sustainable development, which is inconsistent with State Planning Policy No. 1 – State Planning Framework Policy;
 - 15.6. the York landfill facility is ad hoc and is not considered proper and orderly planning.
 - 15.7. the York landfill facility will adversely impact the environment and the rural nature of the locality, which is inconsistent with the aims and objectives of the York Community Strategic Plan;
 - 15.8. there was substantial community opposition to the proposal; and
 - 15.9. the applicant failed to demonstrate an adequate sustainable water supply required for environmental management, firefighting and potable purposes.
16. Given DAP is a panel which includes specialist town planners (unlike the Council of the Shire), it would be entirely unreasonable for the Council to make a decision directly contrary to a decision of DAP. A local government is required to act reasonably (*Minister for Immigration and Citizenship v Li* (2013) 249 CLR 332) (French CJ citing Kitto J in *R v Anderson; Ex parte Ipec-Air Pty Ltd* (1965) 113 CLR 177, stated that “a discretion allowed by statute to the holder of an office is intended to be exercised according to the rules of reason and justice, not according to private opinion; according to law, and not humour, and within those limits within which an

honest man, competent to discharge the duties of his office, ought to confine himself"). A decision made for a purpose not authorised by statute, or by reference to considerations irrelevant to the statutory purpose or beyond its scope, or in disregard of mandatory relevant considerations, is beyond power. Despite the Application having been prepared after this decision by DAP, it makes no reference to that decision. Again, the reason is obvious – no attempt is made in the Application to deal with its flaws and deficiencies.

17. It should also be noted that DAP rejected the application for the York Facility notwithstanding the presence of the following factors (the absence of these factors in this case makes a finding which is inconsistent with the DAP decision even more unreasonable):

- 17.1. the closest land use in the York TPS was "industry – noxious" (defined in the York TPS as an industry which is subject to licensing as "prescribed premises" under the *Environmental Protection Act 1986* (as amended)). The zoning table in the York TPS indicated that "industry-noxious" was an "SA" use within the "general agricultural" zone, meaning a use which is not permitted unless the local government has exercised its discretion and has granted planning consent after giving special notice in accordance with clause 7.2. As noted above, in the Cuballing TPS, the closest land use is "industry-general" and it is absolutely prohibited (as distinct to being an "A" use, which is equivalent to an "SA" use in the York Scheme).

- 17.2. Under the York TPS, the purpose and objectives of the "general agricultural" zone included the consideration of non-rural uses where they could be shown to be a benefit to the district and not detrimental to the natural resources of the environment (as noted in DAP's reasons, the applicant in that instance failed to demonstrate that that this would be the case). Unlike the York TPS, under the Cuballing TPS, the purposes and objectives of the "general agricultural" zone do not contemplate any non-rural uses whatsoever (other than the extraction of basic raw materials, which is not being considered here).

NOT ORDERLY AND PROPER PLANNING

18. Further to paragraphs 1 to 17 above, the Application, if granted, would clearly result in an ad hoc decision which is inconsistent with proper and orderly planning.

19. The requirement that the Shire have due regard to orderly and proper planning principles is imposed by clause 10.2 of the Cuballing TPS. In addition, this clause 10.2 requires that the Shire, in considering an application for planning approval, have due regard to such of the following matters as are in the opinion of the Shire relevant to the use or development the subject of the application:

- 19.1. the compatibility of a use or development with its setting;

- 19.2. any social issues that may have an affect on the amenity of the locality;

- 19.3. the likely affect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

- 19.4. bush fire risk;
 - 19.5. the preservation of the amenity of the locality;
 - 19.6. the relationship of the proposal to development on adjoining land or on other land in the locality, including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
 - 19.7. whether the proposed means of access to and egress from the site are adequate;
 - 19.8. the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and
 - 19.9. whether the proposal is likely to cause soil erosion or land degradation.
- 20. The establishment of an industrial operation in what is otherwise a rural and residential area of the Shire (and in a zone which prohibits both “industry – general” and “industry – light”) clearly does not meet the objectives of orderly and proper planning. Indeed, to approve on an ad hoc basis such an industrial operation would be the antithesis of orderly and proper planning.
 - 21. Orderly and proper planning would require that, if the Facility is to be located in the Shire (which we do not support), it should be located in those zones (or at least next to those zones) which are designated for industrial use in the Cuballing TPS. For example, the Shire’s Local Planning Strategy (Amendment) (December 2008) (“Planning Strategy Amendment”) provides for the creation of a rural industry precinct adjacent to the highway at Yornaning with supporting industry located in the former Yornaning town site. If the Facility is to be located in the Shire, it should therefore be located in that precinct (it is not an answer that no landowners in this area will sell land to the Shire for use for the Facility as the Shire has the ability to compulsorily acquire appropriate land – see paragraph 49 below).
 - 22. The current site is entirely inappropriate for the establishment of the Facility. The proposed Site is located in close proximity to 11 residences. In addition, a further residence is intended to be constructed to replace the shed located on the land which is on the opposite side of Nebrikkining Road to the Facility (the construction of a residence on this land is permitted under the Shire of Narrogin Town Planning Scheme and it does not therefore require planning approval – see item 29 of the zoning table in this TPS). Appendix 6 to the Application indicates that at least three of these residences are within 400-900m although a further five residences are located at a not significantly greater distance. The area in which the Facility is proposed to be located is, outside of the town sites of Cuballing, Popanyinning and Yornaning, one of the most densely populated areas of the Shire. Hence, the last sentence of paragraph 20 above is reasonable and accurate and not in any sense an overstatement.
 - 23. Further, none of the additional factors set out in paragraph 19 above support the grant of this Application (and the reasons of DAP in the case of the York landfill proposal

require the rejection of this Application).

BUFFER DISTANCES

24. The Application contends that the Facility will satisfy the generic separation distances prescribed in Appendix 1 of the Environmental Protection Authority's ("EPA") Guidance Statement No. 3 (Separation Distances between Industrial and Sensitive Land Uses). The generic buffer distances are 500m for sensitive uses (subdivisions), 150m for single residences and an internal buffer of 35m from boundaries.
25. These are minimum buffer requirements. In the case of new sites, it is submitted that (consistently with current best practice) the minimum buffer in this case must be at least 500m (i.e. EPA's buffer for sensitive uses). It is apparent from Appendix 6 of the Application that at least one future residence (see paragraph 22 above) will be located less than 400m from the proposed site (in addition an operating poultry farm on our land is located 465m² away from the boundary to the Site). This is clearly unacceptable and should result in the rejection of the Application.
26. In terms of current best practice, the Shire should take note of the following:
 - 26.1. As noted above, the York landfill facility provided for a buffer of 600m which was contained wholly within the site (planning approval for this facility was nevertheless still rejected by DAP, including, because it would adversely impact the amenity of the locality).
 - 26.2. In a report which was prepared by the Environmental Protection Authority ("EPA") in March 1991 in relation to a proposed waste disposal site at Narngulu (Shire of Greenough and City of Geraldton), the EPA endorsed the proponent's commitment to put in place a 1,000m buffer zone in which residential development will not take place. The EPA stated, in this report, that it considered "it is essential that this commitment is implemented to ensure that the site can remain operational with minimal impacts on the public". In that case, the nearest residence was more than 1km from the site and the nearest industrial site was approximately 600m away. In that report, the EPA noted that the Victorian Environmental Protection Authority recommends minimum buffer zones of 200m and 500m in urban and non-urban zones respectively for putrescible landfill sites.
 - 26.3. The South Australian EPA (in an information sheet headed "Landfill Gas and Development Near Landfills – Advice of Planning Authorities and Developers" issued February 2012) has stated that, in the absence of site specific risk information an effective control area is a 500m buffer between developments and landfills measured from the outer boundary of the area containing waste or licensed to contain waste (i.e. that may contain waste in the future) and that it will require through licensing all new landfills to maintain a 500m buffer under the control of the licensee (so that development cannot occur in the buffer zone). The South Australian EPA has indicated that landfill gas is known to move from landfills to adjacent areas and that this movement is unpredictable and dependant upon the nature of the landfill and on local geology. Factors that increase this risk are size and age of landfill, construction standards, type of landfill (e.g. putrescible waste) and distance to

landfill. The South Australian EPA noted in this document that both Victoria and Tasmania specify buffer distances from putrescible waste landfills of 500m for the purposes of protecting residents from landfill gas.

Accordingly, there is no basis for concluding that the current buffer requirements are adequate. The Shire, if it were to approve the current Application, would clearly be acting outside of current best practice and imposing unacceptable amenity impacts on its residents, without any justification for doing so. In short, the decision would not be rational, in the legal sense referred to in paragraph 16 above.

27. It is clear from the site layout diagram which is attached as Appendix A to the Application, that the on-site buffer for Stage 1 is only 100m² at the western edge of the proposed Site, and that the on-site buffer for Stage 2 is only 50 m² at the northern edge of the Site boundary, 100m² at the eastern Site boundary and 150m² at the western Site boundary. As noted from the above decisions, in the case of new sites, the buffer should be located entirely onsite to ensure it is able to be enforced. . By way of example, under the Cuballing TPS, up to two houses per property can be constructed in the “general agricultural” zone for residential premises (under the land use table in the Cuballing TPS, a residential building is a permitted use; see also clauses 5.11.1 and 8.2(b)). Accordingly, all adjoining landowners currently have the entitlement, under the Cuballing TPS, to construct a residence in close proximity to the Facility. Any such application would be consistent with the Cuballing TPS and the Shire would have no basis to refuse the same. Thus, the only way the Shire could prevent the erection of a residence within the area the Applicant is relying on for its buffer separations (and ensure the off-site buffer remains in place) is if it amends the Cuballing TPS to limit the uses to which the land in the off-site buffer zone is able to be put (and pay compensation as referred to below).
28. Accordingly, in the WAPC State Industrial Buffer Policy (Statement of Planning Policy No. 41), the WAPC have indicated that, once a buffer area is defined, steps should be taken to ensure it is effective. The WAPC notes that this can be done by:
 - 28.1. the application of planning mechanisms to prevent incompatible land uses being developed within the buffer area (this would involve an amendment to the TPS);
 - 28.2. the purchase of the off site buffer area by the developer (this option will not be entertained by adjoining landowners);
 - 28.3. reserving the buffer area for a public purpose (this will require compensation to be paid to the landowner whose land is reserved).

In this policy the WAPC also state that, as a guiding principle (see paragraph 2(4)), it is essential that once an off site buffer area is defined, it must be recognised in a town planning scheme. Accordingly, before the Application could be entertained, in order to ensure any off-site buffer could be enforced, the Cuballing TPS would need to be amended to impose restrictions on the use and development permitted within the off-site buffer or to reserve the off-site buffer zone for a public purpose (options 28.1 and 28.2 above). A person whose land or property is injuriously affected by the making or amendment of a town planning scheme is entitled to claim compensation under

s173 of the *Planning and Development Act 2005*. The Shire should note carefully that affected persons may bring such an application should the Shire seek to amend the Cuballing TPS to enforce any off-site buffer. This right of compensation ensures the impact of any off-site buffer is not solely borne by (innocent) adjoining landowners. As there has been no amendment to the Cuballing TPS, the suggested off-site buffer cannot be taken into consideration in determining whether appropriate buffers have been provided. Thus, even putting aside current best practice, there is a failure to satisfy the generic buffers set out in Guidance Statement No. 3 (the only enforceable buffer is the internal one of, in at least one location, not more than 50 m²). To allow the Applicant to rely upon off-site buffers which neither it (nor the Shire) can enforce is inconsistent with WAPC policy. The Shire does not have any justification for proceeding in this manner, particularly given it would result in the economic impact/burden of the buffer being borne by the (off-site) adjoining landowners (and not the Applicant). Any steps by the Shire to amend its TPS (which would involve mandatory advertisement, review by the WAPC and Ministerial approval) will also be strongly objected to as, amongst other things, such a step would be inconsistent with the overriding objective of the TPS, which is to protect quality agricultural soils from non-agricultural purposes.

29. For all of these reasons, it is entirely inappropriate (and represents an unreasonable restriction on the rights of adjoining landowners) to allow an off-site buffer in this case. The WVAG should only proceed with a Facility at a location where it is able to acquire sufficient land so that it can provide, entirely on site and under its control, a minimum 500m buffer requirement.
30. The Application should therefore be rejected on the additional basis that it provides for inadequate buffers.

SUBDIVISION OF THE SITE FROM LOT 23

31. The Site on which the Facility is to be located is to be subdivided from a larger block of land. As noted in paragraph 12.3 above, clause 4.2(b) of the Cuballing TPS provides that there is a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of **general farming activities** (our emphasis added).
32. Further, as is noted in the Shire's Planning Strategy Amendment "currently Town Planning Scheme No. 2 consistently with WAPC Rural Policy No. 3.4 prevents subdivision in both the Cuballing and Popanyinning town sites as well as the rural areas of the Shire except in exceptional circumstances".
33. Accordingly, the Shire should not approve (or support the grant of approval for) any application which is lodged by the Applicant for subdivisional approval, as the grant of that approval would be entirely inconsistent with the Shire's existing policy. The Shire has consistently enforced these policies to prevent broad acre farming land being subdivided to create, for example, hobby farms. It would be entirely unreasonable for the Shire to do for its own benefit what it has not permitted other residents of the Shire to do. Furthermore, it is particularly important (as a matter of orderly and proper planning and to preserve confidence in the Shire's processes) that the Shire does not act inconsistently with its own planning schemes and policies when

considering an application in which it is interested.

ODOURS

34. No detailed odour modelling appears to have been undertaken. In this regard, when organic material in a landfill breaks down it generates biogas often referred to as landfill gas, which is very pungent. It typically consists of 45-60% methane, 40-60% carbon dioxide and traces of other organic compounds. The Department of Environment Regulation's criterion for acceptable odour impacts is 2.05 OU (odour units) sustained over a one hour period. Absent such modelling, the Shire will be exposing local residents to a risk of unacceptable odour impacts and loss of amenity, including potentially serious impacts to their health.
35. All local farmers have observed the large distances which inversion can cause airborne particles (particularly from crop dusters) to travel: no modelling of the effects of inversion, having regard to the local weather conditions, appears to have been undertaken.

FIRE

36. The WVGC acknowledge, at paragraph 5.3 of the document titled "Proposed Nebrikinning Road Waste Facility, Frequently Asked Questions" ("FAQ Document"), that landfill fires can be a **"common occurrence"** at waste management facilities, and that they **"are difficult to extinguish"**. Despite acknowledging this risk, all the WVGC has said in the FAQ Document is that they **"will aim to prevent"** such fires. In the application for a Department of Environment Regulation works approval ("DER Application"), the WVGC suggests that rural firebreaks will be maintained and water in a dam will be available for fire fighting (given the Facility will not be manned full time, any fire which starts in summer will likely break the boundary of the Site before any WVGC employee has even arrived at the Site to access this water supply); further there is no evidence as to the quantity of the water which is likely to be available in this dam during peak fire season. Given the risk posed by landfill gas, this is not satisfactory from a planning point of view, nor does it satisfy the Shire's legal duty of care to prevent escape of fire as referred to below. Also, we understand that the very large water storage tanks which are located at the Equestrian centre in the Shire were required (at least in part) to ensure adequate on-site water to fight any fire starting on those premises: the safeguards proposed by the Applicant appear woefully inadequate in comparison thereto, despite the fire risk being significantly higher.
37. The location of the Facility amongst high quality agricultural land increases the loss and damage which will arise if any such fire starts (it will also make any fire particularly difficult to contain, especially in summer when the surrounding areas are in full crop): these damages will be substantial, and should a fire start at the Facility the WVGC (and Shire) will be subjected to a substantial damages claim, for both negligence and nuisance. In that regard, escape of fire requires the Shire to take steps to ensure it does not happen – i.e. there is a non-delegable duty of care: *Burnie Port Authority v. General Jones Pty Ltd* (1994) 179 CLR 520.
38. The risk of fire strongly weighs against the location of the Facility close to prime

agricultural land (which would provide an increased source of fuel for the fire), particularly given the Site is proximate to the Dryandra Forest.

DAMAGES CLAIM FROM ACTIONABLE NUISANCE

39. If it approves the Application, the Shire (as a member of the WVGC) will expose itself to a potential claim in nuisance.
40. If any smell, noise or fire (amongst other things) migrates from the Site and directly or indirectly causes a physical injury to an adjoining landowner, or a substantial interference with an adjoining landowner's enjoyment with, or their rights over, their land, the WVGC will commit the tort or nuisance and be liable to that adjoining landowner for damages. The risk of such a claim (and the WVGC's exposure to damages) is substantially increased by virtue of the Facility being in close proximity to 11 residences (as it increases the number of adjoining owners against whom the tort will be committed).
41. The primary risk of nuisance associated with the Facility is the migration of odours from the site, including landfill gas from decaying waste. Smell has long been recognised as a nuisance. In order to establish a nuisance, injury to health need not be proved; it is sufficient if the defendant's activities impinge on the senses (as smoke, fumes, smells and odours do). A nuisance can satisfy the test that it be a "substantial interference" even though only temporary in duration (*Andreae v. Selfridge & Co Limited* (1937) 3 All ER 255; *Wherry v. KB Hutchison Pty Ltd* (1987) Aust Tort Reports 80-107). Relevantly, in *Alridge v. Van Patter* (1952) 4 DLR 93 at 107-109, a single emission from the defendant's land gave rise to liability in nuisance as its occurrence was known by them to be probable. Thus, a nuisance will be created by the Facility even if odours only migrate from the Site to adjoining residences on infrequent occasions (and even if the odours only last for a short duration). In written responses to issues raised in relation to the Narngulu waste site, the proponent acknowledged (in a response attached to the EPA assessment) that, notwithstanding a proposed buffer zone of 1,000m, they expected that a resident located north-west of the landfill may experience the chance of some odour four times during the year. If that eventuality were to transpire in this instance, this will amount to a nuisance and substantial damages may be recovered.
42. Further, under the tort of nuisance, it does not matter whether the defendant is exercising and taking proper care; a nuisance can arise even if the activity may not be unreasonable. Accordingly, it is not a defence in nuisance that the defendant is merely making a reasonable use of his or her own property. In this regard, the rationale behind the tort of nuisance is that even if a landowner's activities have a higher degree of social utility to the public at large, should they cause undue disturbance to an adjoining landowner, the adjoining landowner is not obliged to bear the whole of the social cost and the cost is spread amongst the public who reap the benefits by way of the defendant's liability in damages (or the cost of compliance with an injunction) being passed on to the public in the form of higher charges for the defendant's services.
43. Under the tort of nuisance, an adjoining landowner is entitled to recover the damage to their land and whatever loss results to them as a natural and foreseeable

consequence of the wrongful act of the defendant.

44. In addition to the potential loss which will be suffered by all occupants of those residences which are located in close proximity to the proposed Facility, we operate a commercial egg farm on land which is to the west of the Facility (involving production, grading, packaging and transportation activities). Eggs are particularly porous. Egg shells are made almost entirely of calcium carbonate (CaCO₃ crystals). This is a semi-permeable membrane through which air and moisture can pass. In view of this, eggs at the farm are tested twice a year to ensure no odours are permeating the shell. If any odours permeate the egg shells, the eggs will become unsaleable. Further, the routes for disease and pathogen transmission in birds include air (through aerosols and dust), feral animals and contaminated water supplies: *National Farm Biosecurity Manual – Poultry Production, First Edition – June 2009* (published by the Commonwealth Department of Agriculture, Fisheries and Forestry, Animal Health Australia and the Poultry Industry). This is of particular concern given the Site will accept sewerage and bio solids: the Applicant acknowledges in the DER Application that this form of waste carried a risk of pathogens (page 44). An employee or contractor of the Department of Agriculture also orally informed us some time ago that airborne pathogens can travel up to 3 kms. If the chickens are infected by disease, this could cause the loss of the entire flock. If either of the eventualities listed in this paragraph occurs, the tort of nuisance will clearly have been committed and:
 - 44.1. an injunction will be immediately sought restraining the ongoing operation of the Facility (unless and until all odours from it can be contained within the site) (if such an injunction is obtained and the odours cannot be contained the WVGC will be required to close the Facility and will have wasted the funds used to acquire the land and construct the Facility); and
 - 44.2. in addition or in lieu of an injunction, damages will be sought against WVGC for:
 - 44.2.1. the market value of any contaminated eggs which we are unable to sell or diseased chickens we are required to replace;
 - 44.2.2. if any contaminated eggs are sold and the consumer recovers from us any loss or damage which they suffer or incur (including for personal illness), the amount recovered from us by such consumer; and
 - 44.2.3. the costs of relocating the egg farm infrastructure to another area on our farm which is outside of the potential reach of the odours (it is anticipated that the cost to relocate this infrastructure would be in the vicinity of \$2.6 million, which does not include the loss of trade during the period of closure and relocation, which would also be claimed).
45. The WVGC (and their insurers who should obviously be informed of the major legal liability risks outlined in this letter) must take into account their potential exposure to a claim for damages for nuisance when making a decision as to whether the Facility should be operated from the Site, and the Shire (being a member of the WVAG) and the Shire's insurers should also take this risk into account in determining whether to

approve the Application. Neither the WVGC nor the Shire will have any defence to the claim in nuisance: a public body, even if acting in the execution of a public trust and for the public benefit, does not have a defence unless an act is authorised by legislation and is done without negligence (in which case, there is a defence provided the injury suffered is the inevitable result of the act). If the terms of the legislation under which an act is done are permissive and it is left to the discretion of the person in power to determine whether the power is exercised or not, the inference is that the power should be exercised without interference with private rights and does not confer a licence to commit nuisance in any place selected for that purpose. No legislation expressly confers power on the WVGC or the Shire to operate a waste disposal facility at the Site, and this defence will not therefore be available to the Shire. Neither will it be a defence to an action for nuisance that:

- 45.1. the carrying on of the business or trade which creates the nuisance benefits the public or that the benefit to the public outweighs the detriment to the plaintiff (for example, see *Field v. South Australian Soccer Association (Inc)* (1953) SASR 224); or
 - 45.2. the WVGC is doing and is still trying to do everything possible to prevent or minimise the nuisance (see for example *Fenier v. Domachuk* (1994) 35 NSWLR 485).
46. The Shire is, by this letter, given clear notice of our intention to claim damages should any odours (or fire) which emanate from the Facility and cause physical injury to our land or a substantial interference with our enjoyment of, or our rights over, our land (whether as an impingement on the senses, or damages to a pre-existing use on adjoining land). The Shire should likewise expect a claim from other adjoining landowners should such an occurrence arise. To ensure that other members of the WVAG are aware of this risk, a copy of this objection should also be provided to them. As mentioned above, the insurers of WVGC and the Shire should therefore be notified of this substantial risk before it is undertaken.
47. In this case, should any odours migrate from the Facility to adjoining properties, the culpable behaviour of the WVGC and the Shire is exacerbated by the fact that the Shire has been aware of the proposal for some time and failed to disclose the existence of it:
- 47.1. despite the Council first having entered into an MOU to acquire the relevant land in or around June 2013; and
 - 47.2. despite having resolved at a meeting of the Council held on 21 August 2014 to immediately notify adjoining landowners of this proposal (this notification was only provided by a letter dated 2 December 2014 (received by us on 5 December 2014)); and
 - 47.3. despite us having submitted an application to construct a new residence on the adjoining land in or around April 2014.

Had we been notified of the proposal being seriously considered by the Shire, we would have elected to construct our new residence on land located significantly

further away from the Site. Instead, because of an apparent decision to conceal that the proposal was being seriously considered, we have constructed a residence in close proximity to the site of the proposed Facility. Further, we are aware of another adjoining landowner who has foreshadowed with the Shire of Narrogin that he intends to apply for planning approval to construct a residence approximately 400m² from the facility (see paragraph 22 above); again, we understand from speaking to that resident that he was not informed of the existence of this matter until very recently. As the construction of a residence on this land is permitted under the Narrogin Town Planning Scheme, he will be entitled to construct his house despite this residence being within 400m of the Facility.

LOCATION OF THE FACILITY

48. As noted in paragraph 22 above, the Facility is located in a highly populated area of the Shire in close proximity to 11 residences. The assertion by the WVAG in the FAQ Document (at paragraphs 2.4 and 3.4) that the Site is isolated and remote is inaccurate and misleading. The error in that assertion increases substantially the risks that the grant of a planning approval to operate the Facility will cause a loss of amenity to adjoining landowners and give rise to an actionable claim by them against the WVGC, including the Shire, for nuisance.
49. The onus of establishing the suitability of the proposed development rests solely with the Applicant. In considering an application for planning approval, the question is whether the subject site is appropriate for the use to which it is proposed to be put. Thus, the WVGC's submission that they have been unable to locate (or consider it will be difficult to locate) alternative land on which to locate the Facility (see paragraph 2.4 of the FAQ document) is irrelevant. If land on which the Facility could be constructed as part of orderly and proper planning cannot be acquired through a negotiated sale with the owner of that land, the WVAG (or Shire) would have the power to compulsorily acquire such land in the exercise of the powers conferred on it by *Planning and Development Act 2005*.
50. By way of example, clause 11.1.1(b) of the Cuballing TPS recognises that the Shire, in implementing the local planning scheme, has the power to acquire any land or buildings within the scheme area under the provisions of the scheme or the *Planning and Development Act 2005*. In this regard, by s.191 of the *Planning and Development Act 2005*, a local government responsible for the enforcement of the observance of a local planning scheme may, for the purpose of that planning scheme and with the consent of the Governor, take compulsorily under and subject to Part 9 of the *Land Administration Act 1997*, any land comprised in the scheme, and whether situate within or without the boundaries of the district of the local government.
51. Of particular note, in the FAQ document, the WVGC acknowledge that, following information that the Shire of Wagin received from a local landowner regarding potential sites at Wedgecarrup and Minding, those possible sites were investigated and the decision taken:

"TO DECLINE BOTH DUE TO COMMUNITY INPUT AND RELEVANT CRITERIA SET BY THE WAGIN SHIRE COUNCIL"

52. It is clear that the Councillors of the Shire of Cuballing are being asked to submit its residents to amenity impacts to which the Shire of Wagin was not prepared to submit its own residents. This is entirely unsatisfactory. Should the Application be approved, it would represent an unprecedented low point in the quality of representation of its residents by the Shire.

TRAFFIC

53. In addition to the risks of odour migrating from the Site, increased traffic will be associated with the Facility. No traffic assessment study has been undertaken as to whether the existing roads are capable of supporting the increased traffic.
54. It is clear from the FAQ Document (at paragraph 6.6) that the WVAG does not propose to upgrade Nebrikinning Road. The FAQ Document suggests that the Facility will only generate approximately 10 trucks per week (in contrast the DER Application suggests there will be 2-4 trucks per day, so up to 20 trucks per week), which the Application suggests is not dissimilar in amount to the traffic currently generated by the use of the Site as a gravel pit. This assertion is not correct: current usage by trucks entering the Site to take gravel is not this frequent. Nebrikinning Road is a gravel road. It is also a school bus route. Increasing the traffic on this road without the road surface being improved will substantially increase the risk of an accident occurring on that road (with potentially serious consequences). It would therefore be entirely inappropriate for the Shire to approve this Application without a formal traffic study being undertaken to determine whether this proposal would require the road to be upgraded (and, if required, who would bear the costs of this upgrade: these costs should not be borne by the ratepayers of the Shire).

NO APPRECIABLE BENEFIT TO THE SHIRE

55. The Facility will involve waste being dumped in the Shire which is generated from not just within the Shire but from within six other surrounding shires. The Shire has a population of approximately 890, with the result that (comparatively) minimal rubbish which is dumped at the Facility will be generated from within the Shire.
56. The Shire markets itself as the home to the Dryandra State Forest, and promotes ecotourism. The establishment of a Facility which will result in the Shire becoming the dumping ground for the rubbish of six other shires (where its own rubbish needs are minimal) is clearly at odds with this positioning (and will potentially damage the attractiveness of the Shire as an ecotourism destination). Indeed, the accurate description "Cuballing, the regional rubbish tip" should be expected to end the Shire's ecotourism aspirations.
57. Further, it has been conceded that the two tips which are currently located in the Shire have a life of 20 and 25 years respectively: any assertion that these existing rubbish tips are inadequate for the Shire's current or future needs is therefore clearly incorrect. At least one of the existing rubbish facilities in the Shire will also need to be retained (given the Shire does not operate a kerbside waste service, at least one of these facilities must remain open to the public, as otherwise they will have no where to dispose of their waste) and become a transfer station. This will effectively result in at least two rubbish tips being located in Cuballing, servicing a population of only 890

people. The FAQ Document is extremely unclear on this point – at paragraph 6.7 the WVGC indicate that there will be savings associated with the closure of all existing local tips, but at paragraph 7.1 the WVGC states that all existing household waste not collected as part of a rubbish collection will continue to go to the respective Shires' waste disposal facilities or transfer stations: given the Facility will not be open to the public the existing tips must remain open, otherwise ratepayers of all Shires in the WVAG who do not have a weekly rubbish collection will have nowhere to deposit their waste.

58. Further, no figures have been provided as to alternative options – e.g. waste being transferred to Perth Waste. For example, what would be the cost to Cuballing of using Perth Waste – how often would it be required to deliver waste to that site (e.g. once or twice per week)?
59. Further, no evidence whatsoever has been provided to indicate how the proposed Facility will benefit the Shire, or as to the financial cost to the Shire (and its residents, who ultimately bear the cost of rubbish collection through rates) of using and running the Facility. Even assuming the figures which are provided at paragraph 3 of section 7.4 of the FAQ Document as to the costs of the works associated with constructing the transfer stations in each Shire are correct, very little of this work will take place in Cuballing (Cuballing only has one tip that would need to be converted to a transfer station). The egg farm also employs 2 part time employees, five days a week (given it is clear from the DER Application that the workforce at the Facility will be minimal (see page 47), the egg farm's contribution to local employment (which is put at risk by the Facility) exceeds that of the proposed Facility
60. It is clear from the MOU that the Shire is paying \$375,000.00 for the land, which is a substantial premium to current market values. It would further appear that each of the 7 member councils of the WVGC have set aside the sum of \$80,000.00 for the establishment of the Facility (giving a total of \$560,000). It also appears from the FAQ Document that the annual operating costs of the Facility will be in the vicinity of \$0.8 million, although there has been no disclosure as to how this amount will be funded or as the likely quantum of the environmental clean up costs which will be incurred during the life of and at the closure of the Facility. Without this information, it is impossible for Council (and for the Shire's residents) to consider the cost to the Shire (including any impact on rates) of the proposal and the need for it. In this regard, no evidence has been provided to Shire residents as to the possible impact on rates, bearing in mind the Shire will be operating at least two facilities, at least one of the existing facilities () and the Facility.
61. It is clear from the minutes of meeting of the Shire on 21 August 2014, that, at that time, the economic implications of the Facility had not been explored. It is entirely inappropriate to approve the Application in view of that admission.
62. Further, whilst not directly relevant to the issue of whether planning approval is granted, the Shire should insist upon a valuation of the Site: the Shire should not be paying greater than market value. As noted above, the Shire has power to compulsorily acquire land and it is entirely inappropriate (and a waste of residents' rates) for a local government to pay substantially in excess of market value to acquire land for use for Shire purposes.

63. Thus, despite the assertion in the Application that the Shire should have regard to the need and demand for the Facility, no such need or demand has been established, certainly not with respect to the Shire, of which there are less than 1,000 residents.

WATER IMPACTS

64. The groundwater report prepared by Groundwater Consulting Services Pty Ltd which is attached to the Application asserts, in part 5, that there is no current use of groundwater on the Site or nearby and there are no groundwater receptors. This is clearly incorrect. We are aware of 3 groundwater wells on properties which adjoin the Site. These groundwater monitoring wells are used for drinking water for the chickens at the egg farm, the fogging system (to regulate the temperature of the egg shed) and general purposes. All of these groundwater wells are located on the farm "Murrin Murrin" (located to the west of the Site). A plaque installed as part of the Narrogin Heritage Trail at the entrance to this farm (see the photo which is attached hereto and marked "B") makes it clear that this farm was settled because of its excellent supply of fresh water and that the well at the spring was "seemingly inexhaustible". Further, the Applicant itself has proposed that it will source water from a bore site (DER Application, page 47). In addition, the 14 Mile Brook is also located in close proximity to the Site (see the map which is attached hereto and marked "C"): this brook and the depressions and other creek lines near the Site ultimately run through the Dryandra Forest.
65. The groundwater report suggests that leachate will not permeate through the base of the trenches into the groundwater. Even if this is correct (which given the omissions identified in paragraph 64 above, is not accepted), if any of the methods proposed in the DER Report for preventing stormwater or surface water run off are unsuccessful, there is a real risk that run-off will impact nearby water sources. Relevantly, any rain water that comes into contact with any waste material which is deposited in the trenches will become contaminated by the putrescible waste (the Application also acknowledges that a class II putrescible landfill includes certain contaminated solid waste, including asbestos) and landfill gas, and could contaminate nearby land and water sources (through run off). The surrounding area that would receive this run off is high quality agricultural land. Furthermore, this run off risks contaminating the existing ground water wells and the 14 Mile Brook. Very limited groundwater testing has been undertaken (only 2 groundwater wells have been dug). Any contamination of the surrounding land, groundwater or river system from run off will have disastrous consequences, both for Dryandra Forest and for the continued use of the adjoining properties for agricultural purposes (contrary to the planning objectives set out in Cuballing Shire's TPS – see paragraph 12 above). Furthermore, some of the existing groundwater wells are used in the egg facility referred to in paragraph 44 above and will exacerbate the risks of the eggs becoming contaminated. In view of the water sources referred to in paragraph 64, the Site is clearly not an appropriate location for the Facility.
66. In fact, the groundwater report specifically acknowledges that at the southern end of cell 1 the low permeability layer is expected to be thinner and may be intersected by the base of the excavation (clearly, if this occurred, groundwater would be impacted). Given the inadequacy of the existing groundwater tests which have been undertaken,

and the absence of a detailed stormwater and surface water run off plan for all stages of the Facility, the Shire must reject this Application.

67. To the extent any contamination is caused or contributed by the Facility, the WVGC (and Shire) will be liable under the *Contaminated Sites Act 2003* for the remediation of that contamination, which could have large financial implications (which have not been costed). Again, that is a serious financial risk which should be notified to the Shire's and WVGC's insurers before it is undertaken.
68. Further, there is no evidence as to whether any water will be required for the purposes of the ongoing operations of the Facility and if so how that water source will be obtained (the Site is not connected to scheme water and dam water does not provide a reliable constant water supply).

OTHER IMPACTS ON THE NATURAL ENVIRONMENT

69. In addition to the risks associated with contamination of other water supplies and groundwater (through run off of water which has come into contact with putrescible waste at the Facility), odours (from the putrescible waste and landfill gas) and potential fire risk, no evidence has been provided as to how WVGC will prevent feral animals (including foxes and rabbits) from disturbing the rubbish or how they will control feral animals breeding at the Facility (unless security fencing is also buried beneath the ground it will not be sufficient to prevent some feral animals from accessing the Site). The increase in the population of feral animals is a particular concern given the location of the Dryandra National Forest and the importance of this Forest to the Shire's strategic direction. Again, a decision to risk such an increase in the feral animal population is radically inconsistent with the Shire's ecotourism aspiration.
70. Further, no evidence has been adduced as to how WVGA will reduce potential litter consequences – e.g. debris blowing from the site.

INADEQUATE INFORMATION TO APPROVE THE PROPOSAL

71. The Applicant is seeking approval for all of Stages 1 to 6 (see paragraph 1.6 of the FAQ Document).
72. As noted on numerous occasions in this submission, none of the following reports have been obtained or submitted by the Applicant in their Application:
 - 72.1. plans and specifications for any infrastructure to be constructed as part of all stages of the Facility (bearing in mind the Application seeks approval for all such Stages), including:
 - 72.1.1. the method of construction of the pits;
 - 72.1.2. the location and size of any weighbridges (assuming the ongoing operational cost of the Facility are to be shared between the shire members of the WVGC depending on their usage, if weighbridges are not to be installed, how will this be assessed?);

- 72.1.3. the location of any toilets or other staff amenities to be constructed (if the Facility is to generate any employment, these facilities will need to be provided);
- 72.2. odour modelling;
- 72.3. traffic analysis;
- 72.4. operational management of all stages of the Facility (for example, as to how landfill gas caused by waste degeneration in the landfill will be managed to reduce greenhouse gas impacts and associated odours, what proposed operational practices will be introduced to reduce odours, wind blown litter, pests and fire, how leachates are intended to be dealt with). A plan of management is often critical to the decision of whether a development application should be approved or refused – see *Renaldo Plus 3 Pty Ltd v. Hurstville City Council* (2005) NSW LEC 315 (at 53 to 55).
73. Generally, to limit the development of odour and litter problems, management practices at landfills require daily covering of the refuse. No undertaking has been provided that this will be done.
74. In order for the Council to fully consider the likely impacts of the Facility, the plans referred to in paragraph 72 above need to be made available for scrutiny both by the council and for public comment.
75. By clause 9.2 of the Cuballing TPS, unless the local government waives any particular requirement, every application for planning approval is to be accompanied by, inter alia, the existing and proposed use of the site including proposed hours of operation, the buildings and structures to be erected on the site, any specialist studies that local government may require the applicant to undertake in support of the application, such as traffic, heritage, environmental, engineering or urban design studies. In this case, particularly given the Shire has an interest in the outcome of this application (as a member of the WVGC), it is not appropriate for Councillors to waive the requirements set out in clause 9.2.
76. The WVAG have admitted in the FAQ document that:
- 76.1. the design of Stages 2 – 6 of the Facility has not been finalised, and is not expected to be finalised for a further 5 years (see for example, paragraphs 3.2, 3.5 and 4.1) (as such, no decision has been made, for example, as to whether landfill gas management systems will be available and whether the cells will be lined –these are important decisions, the outcome of which will impact seriously on the potential impacts that the Facility may have); and
- 76.2. at this point in time, a Department of Environment Regulation (“DER”) works approval and licence is only being applied for in connection with Stage 1 (paragraph 1.6);
- 76.3. the management strategies for waste disposal require further development

(paragraph 1.6).

77. Without the information referred to in paragraph 72 above and particularly having regard to the information set out in paragraph 76, the Shire must refuse to approve the Application as it will be impossible for it to conclude that the Facility will be able to be operated in a manner which will not impact on adjoining owners' amenity.
78. Further, any decision by the Shire to approve the Application given it seeks planning approval for Stages 2-6 would also clearly amount to an unlawful attempt by the Shire to fetter its discretion (where a decision-maker is empowered to exercise a discretion, 'there is a duty under the statute to exercise a free and unhindered discretion ... the point is that the legislature intends the discretion to be exercised on the basis of a **proper understanding** of what is required by the statute, and that the repository of the discretion is not to be held to a decision which mistakes or forecloses that understanding: *Minister for Immigration and Ethnic Affairs v Kurtovic* (1990) 21 FCR 193; 92 ALR 93 at 111). The current Shire Councillors (or some of them) may not be Councillors at the time the design for Stages 2-6 is finalised and the WVGC submits a works approval and licence to DER for those stages: that is the point in time when planning and development approval should be considered for Stages 2-6, not now. By issuing a planning approval now, the current Councillors will be removing the Shire's ability to consider the appropriateness of the said design and respond to, and address issues arising out of that design.
79. Further, the issue of a planning approval for Stages 2-6 at this time would be unlawful because inconsistent with the provisions of the *Environmental Protection Act 1986* ("EPA Act") that enable the EPA to assess a proposal likely (if implemented) to have a significant effect on the environment or a proposal of a prescribed class (a "significant proposal"). By:
 - 79.1. s.38(5) of the EPA Act, as soon as a decision making authority has notice of a proposal that appears to be a significant proposal it is to refer that proposal to the EPA; and
 - 79.2. by s.41(2) of the EPA Act a decision maker that has referred a proposal to the EPA under or in compliance with a requirement made under s.38 of the EPA Act shall not make any decision that could have the effect of causing or allowing the proposal to be implemented until it is informed that the EPA is not going to assess the proposal or is given an authority in writing by the Minister permitting such a decision to be made.
80. The WVGC have acknowledged, in paragraph 3.19 of the FAQ Document, that DER may refer the proposal to the EPA for assessment when an application is made for a works approval and licence for Stages 2-6.
81. Despite the limited information which has been given to the Shire about Stages 2-6, it should nevertheless refer the proposal to grant approval for Stages 1-6 to the EPA in compliance with its obligations under s.38(5). Clearly, given the dearth of information currently available as to the design and operation and consequential amenity impacts of Stages 2-6, the EPA will have insufficient information to determine whether an assessment of Stage 2 is required: in view of this, the Shire may

well commit an offence if it issues a planning approval for Stages 2-6 which causes or allows the proposal to proceed.

PERSONAL LIABILITY OF COUNCILLORS

82. In light of all of the matters referred to above, if Councillors cause the Facility to be approved by the Shire, they will, in our opinion, personally commit the tort of misfeasance in public office because:
 - 82.1. the approval they cause to issue in performing their public duties will be invalid because beyond power and liable to be set aside;
 - 82.2. Councillors will have actual knowledge that the approval is beyond power or, alternatively, have acted with reckless indifference to the possibility that their actions are beyond power and to the possibility that they will cause or are likely to cause injury; and
 - 82.3. we (and others) will suffer major losses as a result of the Councillors' conduct.
83. The elements of the tort referred to in paragraph 82 are summarised in the Supreme Court of WA judgment in *Neilson v. City of Swan (No. 6)* [2013] WASC 53 at [188]-[190] per Allanson J.
84. Councillors who commit the tort of misfeasance in public office do not enjoy the immunity from liability conferred on Councillors for most of their activities by s.9.56 of the *Local Government Act 1995* because their conduct is not done "in good faith" within the meaning of that section. Councillors are therefore personally liable for such conduct and, unless they hold personal insurance for such wilful or reckless conduct in bad faith (which would be highly unlikely), not insured against the liability.
85. Councillors would disregard the risk of such personal liability and approve the Application at their own peril.

CONCLUSION

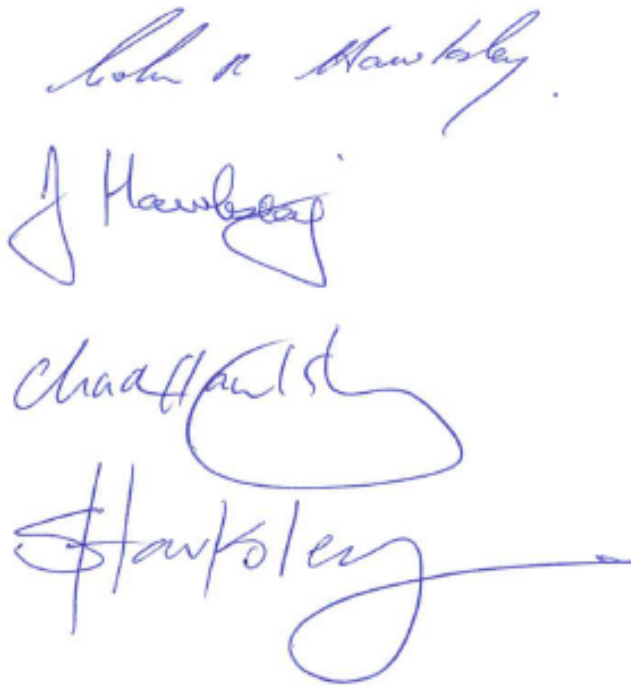
86. For all of the above reasons, the Shire must refuse the Application as:
 - 86.1. it is inconsistent with the current zoning and cannot lawfully be approved; and
 - 86.2. no reasonable council could make a decision to grant planning approval for the Facility. Where an application for planning approval is so unreasonable that no reasonable local council could make it, it can be set aside by the Supreme Court: *Li's case (as above)*.
87. The fact that the present councillors have previously unanimously voted in support of membership of the WVAG and the preliminary proposal to establish the Facility at the Site (at a Shire meeting held on 21 August 2014) must not influence the Councillors' decision as to how they vote on this Application and they must exercise their discretion in a reasonable and rational manner consistently with *Li's case* (refer

paragraph 16 above).

88. We request that you publish this objection on the Shire's website, so that ratepayers are able to view all information provided to the Shire in relation to the Application and the Facility (and not merely that information which supports the creation of the Facility).

Yours faithfully

Colin Hawksley, Jenny Hawksley, Chad Hawksley & Sarah Hawksley



“A”

DAP Reasons dated 14 April 2014

Z:\Julie\01\150115 Clean.docx



Minutes of the Wheatbelt Joint Development Assessment Panel

Meeting Date and Time: Monday 14 April, 2014; 1.00pm
Meeting Number: WJDAP/3
Meeting Venue: Shire of York
Town Hall
81 Avon Terrace
York WA 6302

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Robert Fenn (Deputy Presiding Member)
Mr Terrence Tyzack (Specialist Member)
Cr Mark Duperouzel (Local Government Member, Shire of York)
Cr Matthew Reid (Local Government Member, Shire of York)

Officers in attendance

Mr Craig Shepherd (Development Assessment Panels)
Ms Jacky Jurmann (Shire of York)
Mr Eugene Ferraro (representing the Shire of York)

Local Government Minute Secretary

Helen D'Arcy-Walker (Shire of York)

Applicant and Submitters

Mr Peter McGowan
Mr Nial Stock (SITA)
Mr Larry Smith (Larry Smith Planning)
Mr Bruce Bowman (Bowman & Associates)
Mr Brian Hartley (Shawmac)
Mr Michael Voros (Herbert Smith Freehills)
Mr Denis Hill (Avon Valley Residents Association Inc.)

Members of the Public

Mr Colin Cable (Talbot Land Management Ass Inc.)
Ms Lynley Bashford (Talbot Land Management Ass Inc.)
Ms Kay Davies
Ms Robyn Davies

David Gray, Presiding Member, Wheatbelt JDAP

Page 1

**1. Declaration of Opening**

The Presiding Member, Mr David Gray declared the meeting open at 1.00pm on 14th April, 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Wheatbelt JDAP Meeting No. 2 held on 4 July, 2013 were noted by JDAP members.

5. Disclosure of interests

Member/Officer	Report Item	Nature of Interest
Mr David Gray	8.1	Impartiality

Mr Gray acted for the Shire of York and prepared the Shire's Local Planning Scheme No.2 which was gazetted on 17 May 1996 which is the scheme under which the application will be determined. He has also provided ad-hoc planning advice to the Shire until 2000. He has not acted for the shire since that time.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Deputy Presiding Member determined that the Presiding Member's declaration of an impartiality interest was not sufficient to preclude the Presiding Member from participating in the meeting.

Cr Mark Duperouzel stated that under Clause 2.4.9 of the DAP Code of Conduct, he had participated in the prior Council decision in accordance with his functions as a member of a local government. However, under clause 2.1.2 of the DAP Code of Conduct, he acknowledged that he was not bound by any previous decision or resolution of the local government, and undertook to exercise

David Gray, Presiding Member, Wheatbelt JDAP



independent judgement in relation to any DAP application before him, which he would consider on its planning merits.

Cr Matthew Reid stated that under Clause 2.4.9 of the DAP Code of Conduct, he had participated in the prior Council decision in accordance with his functions as a member of a local government. However, under clause 2.1.2 of the DAP Code of Conduct, he acknowledged that he was not bound by any previous decision or resolution of the local government, and undertook to exercise independent judgement in relation to any DAP application before him, which he would consider on its planning merits.

The Presiding Member determined that the declarations of an impartiality interest from the members listed above, was not sufficient to preclude those members from participating in the meeting.

In accordance with Section 2.4.6 of the Code of Conduct 2011, DAP members participated in a site visit for the application at Item No. 8.1 prior to the DAP Meeting.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

- 7.1 Mr Denis Hill (Avon Valley Residents Association Inc.) addressed the DAP against the application at Item No. 8.1.
- 7.2 Mr Peter McGowan (presenting for SITA) addressed the DAP for the application at Item No. 8.1.
- 7.3 Ms Jacky Jurmann (Shire of York) addressed the DAP against the application at Item No. 8.1.
- 7.4 Mr Eugene Ferraro (representing the Shire of York) addressed the DAP against the application at Item No. 8.1.

8. Form 1 - Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans
- Application Details: Construction and use of Allawuna Farm for the purposes of a Class II landfill.
- Applicant: SITA Australia Pty Ltd
- Owner: Robert Henry Chester
- Responsible authority: Shire of York
- Report date: 27 March 2014
- DoP File No: DP/14/00039

David Gray, Presiding Member, Wheatbelt JDAP



Presiding Member advised the JDAP Members that three (3) options are available:

- (a) Determine that the use is consistent with the zone objectives and its options are then to approve the application with conditions or alternatively to refuse the application with reasons.*
- (b) To defer the application for clarification and additional information on issues such as ground levels and management by the Local Government.*
- (c) Determine that the use is inconsistent with the zone objectives and is therefore refused.*

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Matthew Reid

Seconded by: Mr Robert Fenn

That the Wheatbelt Joint Development Assessment Panel resolves to:

Refuse DAP Application reference DP/14/00039 and accompanying plans ALLA-WA-01 to ALLA-WA-11 (Revision B) dated 9 November 2012 (inclusive) in accordance with Clause 8.6 of the Shire of York Town Planning Scheme No. 2, for the following reasons:

Reasons

1. The proposed landfill is not permitted in the General Agriculture zone given that the proposal is not consistent with the objectives and purpose of the zone in accordance with Clause 3.2.4(c) of the York Town Planning Scheme No. 2.
2. The proposed landfill does not ensure the continuation, retention or expansion of broad-hectare agriculture as the principal land use in the district, which is inconsistent with the objectives and purpose of the General Agriculture zone as outlined in Clause 4.15.1(a) of the York Town Planning Scheme No. 2.
3. The applicant has failed to demonstrate that the proposed landfill will be of benefit to the district, which is inconsistent with Clause 4.15.1(b) of the York Town Planning Scheme No. 2.
4. The proposal presents an unacceptable risk to the environment and natural resources, which is inconsistent with Clauses 1.7(f) and 4.15.1(b) of the York Town Planning Scheme No. 2.
5. The proposal is likely to adversely impact the amenity of the locality, which is inconsistent with Clause 4.15.1(d) of the York Town Planning Scheme No. 2.

David Gray, Presiding Member, Wheatbelt JDAP

Page 4



6. The proposed landfill is likely to affect the amenity, health and convenience of the Scheme Area and residents, which is inconsistent with the objective (b) (Clause 1.7) of the York Town Planning Scheme No. 2.
7. The proposed landfill may impact sustainable agricultural production and does not preserve or enhance the environment and natural resources, which is inconsistent with Sections 2.4.1 and 2.4.4 of the York Local Planning Strategy.
8. The proposed landfill is not consistent with the principles of sustainable development, which is inconsistent with State Planning Policy No. 1 – State Planning Framework Policy.
9. The proposed landfill is ad hoc and based on the economic needs of the applicant, which is inconsistent with State Planning Policy No. 1 – State Planning Framework.
10. The proposed landfill is not sustainable development and presents an unacceptable risk to the environment and future generations, which is inconsistent with the 'precautionary principle' and therefore State Planning Policy No. 1 – State Planning Framework.
11. The proposed landfill reduces land for primary production, is not supportive of primary production, does not value add to primary production and is inconsistent with the zone objectives, which is inconsistent with State Planning Policy No. 2.5 – Land Use Planning in Rural Areas.
12. The applicant has failed to quantify that the proposal will grow economic base or actively support local businesses and service provision, which is inconsistent with the York Community Strategic Plan.
13. The proposed landfill will adversely impact the environment and the rural nature of the locality, which is inconsistent with the aims and objectives of the York Community Strategic Plan.
14. There is substantial community opposition to the proposal.
15. The applicant has failed to demonstrate an adequate sustainable water supply required for environmental management, fire fighting and potable purposes.
16. The proposed landfill is ad-hoc and is not considered proper and orderly planning.

AMENDING MOTION 1**Moved by:** Cr Matthew Reid**Seconded by:** Mr Terry Tyzack

That the preamble/introduction be deleted and replaced with the following:

David Gray, Presiding Member, Wheatbelt JDAP



"The Wheatbelt Joint Development Assessment Panel resolves to:

- A. Determine the landfill proposed site on Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans is not consistent with the objectives of the general agriculture zone under the Shire of York Town Planning Scheme No. 2."

REASON: To provide clarity and certainty to the preamble.

The Motion was put and CARRIED 3/2

For: Mr David Gray, Cr Matthew Reid, Mr Terry Tyzack
Against: Mr Robert Fenn, Cr Mark Duperouzel

AMENDING MOTION 2

Moved by: Cr Matthew Reid

Seconded by: Mr Terry Tyzack

That Reason 1 be deleted and replaced with the following and remaining reasons be renumbered accordingly:

- "B. The proposed landfill is not permitted given that it is not consistent with the objectives of the zone in accordance with clause 3.2.4(c) of the York Local Town Planning Scheme No. 2."

The Motion was put and CARRIED 3/2

For: Mr David Gray, Cr Matthew Reid, Mr Terry Tyzack
Against: Mr Robert Fenn, Cr Mark Duperouzel

REASON: To provide clarity and certainty to the preamble.

AMENDING MOTION 3

Moved by: Cr Matthew Reid

Seconded by: Mr Terry Tyzack

That Reason 14 be deleted and replaced with the following:

"The Shire received extensive and substantial community opposition to the proposal during the advertising stages under the Shire of York Town Planning Scheme No. 2."

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and certainty to the reason.

AMENDING MOTION 4

Moved by: Cr Matthew Reid

Seconded by: Mr Terry Tyzack

That Reason 16 be deleted and replaced with the following:

David Gray, Presiding Member, Wheatbelt JDAP

Page 6



"The proposed landfill is not considered to constitute proper and orderly planning."

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and certainty to the reason.

PRIMARY MOTION (AS AMENDED)

The Wheatbelt Joint Development Assessment Panel resolves to:

- A. Determine the landfill proposed site on Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans is not consistent with the objectives of the general agriculture zone under the Shire of York Town Planning Scheme No. 2.
- B. The proposed landfill is not permitted given that it is not consistent with the objectives of the zone in accordance with clause 3.2.4(c) of the York Local Town Planning Scheme No. 2.

REASONS:

1. The proposed landfill does not ensure the continuation, retention or expansion of broad-hectare agriculture as the principal land use in the district, which is inconsistent with the objectives and purpose of the General Agriculture zone as outlined in Clause 4.15.1(a) of the York Town Planning Scheme No. 2.
2. The applicant has failed to demonstrate that the proposed landfill will be of benefit to the district, which is inconsistent with Clause 4.15.1(b) of the York Town Planning Scheme No. 2.
3. The proposal presents an unacceptable risk to the environment and natural resources, which is inconsistent with Clauses 1.7(f) and 4.15.1(b) of the York Town Planning Scheme No. 2.
4. The proposal is likely to adversely impact the amenity of the locality, which is inconsistent with Clause 4.15.1(d) of the York Town Planning Scheme No. 2.
5. The proposed landfill is likely to affect the amenity, health and convenience of the Scheme Area and residents, which is inconsistent with the objective (b) (Clause 1.7) of the York Town Planning Scheme No. 2.
6. The proposed landfill may impact sustainable agricultural production and does not preserve or enhance the environment and natural resources, which is inconsistent with Sections 2.4.1 and 2.4.4 of the York Local Planning Strategy.

David Gray, Presiding Member, Wheatbelt JDAP



7. The proposed landfill is not consistent with the principles of sustainable development, which is inconsistent with State Planning Policy No. 1 – State Planning Framework Policy.
8. The proposed landfill is ad hoc and based on the economic needs of the applicant, which is inconsistent with State Planning Policy No. 1 – State Planning Framework.
9. The proposed landfill is not sustainable development and presents an unacceptable risk to the environment and future generations, which is inconsistent with the 'precautionary principle' and therefore State Planning Policy No. 1 – State Planning Framework.
10. The proposed landfill reduces land for primary production, is not supportive of primary production, does not value add to primary production and is inconsistent with the zone objectives, which is inconsistent with State Planning Policy No. 2.5 – Land Use Planning in Rural Areas.
11. The applicant has failed to quantify that the proposal will grow economic base or actively support local businesses and service provision, which is inconsistent with the York Community Strategic Plan.
12. The proposed landfill will adversely impact the environment and the rural nature of the locality, which is inconsistent with the aims and objectives of the York Community Strategic Plan.
13. The Shire received extensive and substantial community opposition to the proposal during the advertising stages under the Shire of York Town Planning Scheme No. 2.
14. The applicant has failed to demonstrate an adequate sustainable water supply required for environmental management, fire fighting and potable purposes.
15. The proposed landfill is not considered to constitute proper and orderly planning.

The Primary Motion (as amended) was put and CARRIED 3/2.

For: Mr David Gray, Cr Matthew Reid & Mr Terry Tyzack
Against: Mr Robert Fenn & Cr Mark Duperouzel

9. **Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval**

Nil

10. **Appeals to the State Administrative Tribunal**

Nil

David Gray, Presiding Member, Wheatbelt JDAP



11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 1.40pm.

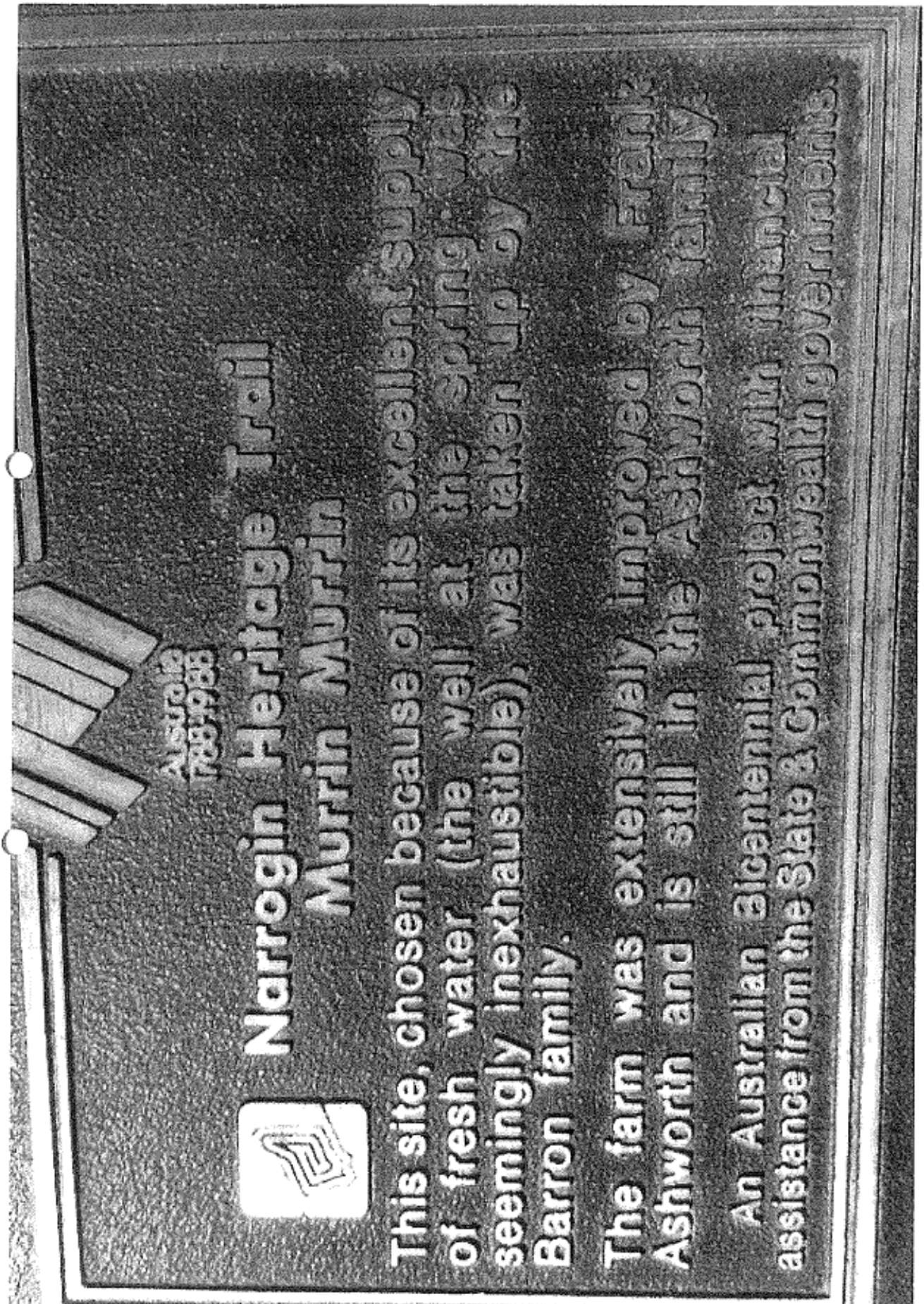
A handwritten signature in black ink, appearing to read 'David Gray', with a horizontal line underneath.

David Gray, Presiding Member, Wheatbelt JDAP

Page 9

“B” Murrin Murrin Plaque

Z:\Unfiled\Unfiled\01150115 Clean.docx



“C” Map of 14 Mile Brook

Z:\Jolie\tr\01\150115 Clean.docx



Shire of Cuballing
Watts Street
Cuballing WA 6312
09 February 2015

Attn:
Garry Sherry (CEO)
Councillors

Subject:
Shire of Cuballing
Managed Waste Disposal Site
Nebrekking Rd
Cuballing.

As interested parties of the above site we would like to make comment to dispel rumours that appear to be circulating within the community.

- On offering our land to the Cuballing Shire for the purpose of a future Managed Waste Disposal Site we had put a great deal of thought into not only our own property but the impact such a site would have of our neighbours and the community as a whole.
- We believe the Shire of Cuballing and its councillors should to be proactive in the promotion of the site and it would be hoped that each party has read and understands the reports that have been put forward from the professional entities employed to provide them. There has been a sizeable amount of money spent on research, and reports tabled to suggest the site is appropriate for such a program with no future harm to flora, fauna, waterways and impact on our neighbours.
- The false rumours and scare mongering that is out in the community should be dealt with in a timely manner as the average rate payer is being bombarded with trumped up nonsense instead of looking toward the benefits, i.e. future employment opportunities, and the possibility of a future recycling facility in the second stage of the development, all of which help to keep our shire financially viable for the future.
- Cats and Vermin!!!! We like most farms have the odd feral cat or fox, we have also a population of carpet pythons that we have endeavoured to nurture, and therefore there are no surviving kittens.
- Water source: In 2007 we employed a water diviner to divine our property for fresh water and a map has been provided the Shire of Cuballing. In 2014 a second survey was carried out to substantiate the water divining of 2007. An updated map is available to note the small changes.
- Topography and Geology: Geological maps that we have seen suggest that the sub soils are suitable. We are not experts but common sense would suggest that if and only if any escape of contamination was to occur it would fall to the east. Before that occurs the observation test holes would tell the tale of any problems.
- Visuals: The site is mainly secluded because of its location and natural flora which shields it from passing traffic.

- Traffic. While there will be extra traffic on the Nebrikkinning Road maybe and extra five trucks a week, our observation would suggest there are far more vehicles travelling to and from the egg farm on a regular basis.
- Inconvenience: There has been a need to close and lock gates in Nebrikkinning Road because of uninvited visitors taking liberty to drive in and around our property.
There have been signs, chains and padlock's removed for what reason one could only wonder.
We have had internal gates driven through and broken open by vehicles causing a threat to our valued sheep stud.
- Lastly: We would like to compliment Garry and his works staff for their help and assistance during this time. It has been very inconvenient for staff having to close and lock gates and to keep our security. Thank you.

Kind Regards,
Heather and Peter Dowdell

PO Box 1058
NARROGIN WA 6312

18th February 2015

Shire of Cuballing
Watts Street
CUBALLING WA 6312

For the attention of Garry Sherry and Councilors

Subject: Shire of Cuballing Managed Waste Disposal Site Nebrikinning Road Cuballing

Further to our letter of 9th February 2015 we wish to add the following comments.

- It would appear that a major detractor to the proposed Managed Waste Disposal Site is the Upper Great Southern Egg Farm in Nebrikinning Road which has concerns regarding the effect of contaminants on their business.
- The proposed site of 65ha has been surveyed to two metre falls, a map of which is on the Shire of Cuballing web site. Stage one site evaluation has a fall to the North East, Stage 2 has a North, North East fall. If water is to contaminate the egg farm water would have to flow uphill, but best practice adhered to by the Shire in site planning, there will be no contaminated water no bacterial invasion and no dust pollution.
- We are of the understanding that discussion relating to a Managed Waste Disposal Site was first undertaken at meetings of the Shire Council as far back as October 2012 and April 2013 without any opposition from sitting Councilors who have a commercial interest in the region. Now, in February 2015, it is 'the day of the long knives'.

There will always be emotional rhetoric emanating from the ill-informed, however and in conclusion, it remains that the facts generated by the appropriate authorities endorsed the viability of the chosen site as suitable for the proposed Shire of Cuballing Managed Waste Disposal Site.


Heather Dowdell


Peter Dowdell

From: Yvette Adams [mailto:rugzak2899@hotmail.com]
Sent: Tuesday, 10 February 2015 10:33 PM
To: enquiries@cuballing.wa.gov.au
Subject: Proposed Landfill in Cuballing

Dear Gary Sherry,

Please do NOT proceed with the landfilling, as precious habitat will again be lost for our numbat and other extraordinary WA animals. I am a committee member of Project Numbat Incorporated in Perth, please find us online "Project Numbat Incorporated".

We are working hard to prevent the numbat from extinction, and our dream is to connect several numbat habitats back together so the little striped ant eater will be able to mate.

Please do not hesitate to give me ring, I am very happy to explain or please let me know if there is any other way I can assist you with the decision not to proceed.

Thanks so much in advance!

Yours sincerely,

Yvette Adams
Committee member Project Numbat Incorporated
mobile: 04 12 17 24 34

From: Dr. Jakob [mailto:uj@secure-epost.de]
Sent: Wednesday, 11 February 2015 12:25 AM
To: enquiries@cuballing.wa.gov.au
Cc: Minister.Jacob@dpc.wa.gov.au
Subject: Concern about waste facility near Dryandra
Importance: High

Dear Minister Jacob,

Dear Responsables for development of the Cuballing Shire,

May I introduce myself as a scientist AND a regular tourist from Germany with a strong affection to West Australia, especially the South West. I lived and assisted in field work in this area many years ago. Since then, I am in regular contact with local people there and try to keep up with rare mammal projects and their protection.

It has come to my attention that Cuballing Shire intends to build a huge waste and garbage facility close to Dryandra Woodland, last refuge for the very rare and endangered Western Australian Emblem Animal, the NUMBAT.

Having worked as a field assistant at C.A.L.M with Tony Friend, the most knowledgable expert on Numbats, and having done research work on Numbats and the very rare Phascogales (Dr. Susan Rhind) I cannot believe that field work over decades and the serious effort of saving one of the rarest mammals on Earth could be at risk because of a dumping area close to this very very rare and special woodland type, best known as Dryandra.

For me as a scientist, it is obvious that creating a dumping area that size will lead to a direct threat to Dryandra Flora & Fauna. Consequences are clear: Garbage and waste attracts rats, foxes, cats, even scavengers like raven and so on. Increased traffic, especially heavy trucks, will definitively have a negative impact on the surroundings. It will be contra productive in that way, as the Western Shield – aside from a famous, international well known baiting regime - tries to promote a network between farmers surrounding Dryandra Woodland to protect more of the forest, patches of native bushland and trees and understorey type Numbats, Phascogales, Antechinus, Woylies, Quolls, Bettongs and many more native species depend upon to survive.

West Australia will loose a lot of its reputation, if this area, highlighted in many nature guides, is going to endanger and loose animals which we NEVER WILL BE ABLE TO GET BACK. Extinction is a one way street.

I strongly ask you to take care about what is left and help the Numbats to survive. They need every single tree and will not be able to stand more cats, foxes, disturbances, traffic, streets. For any plans, I beg you urgently, involve conservationists and local people from Dryandra. There are many knowledgable people who might know a compromise or help with finding another location for garbage problems.

(In Germany, we suffer so much from severe garbage problems, because we are a small country. The only way – which is the only one on the long run – is to avoid garbage. Nothing else will help in the future, land is not endless).

The (South) West of Australia is one of the finest places on Earth. Please don't see my comments in any way as an offense but Dryandra and Surrounding are my second home, if for now only mentally.

Thank you for your time and taking my points into consideration.

Sincerely,

Dr. Ulrike Jakob

Dr. rer. nat. Ulrike M. Jakob

ORNITEACH

Rehstr. 5

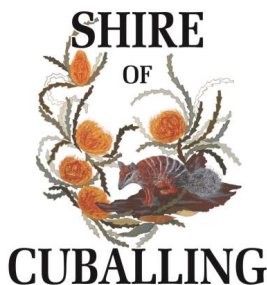
D-45259 Essen

Germany

From: CEO - Cuballing Shire [mailto:ceo@cuballing.wa.gov.au]
Sent: Wednesday, 11 February 2015 11:37 AM
To: SCN-Nicole Gould
Subject: FW: letter to the minister

FYI

Gary Sherry
Chief Executive Officer



Shire of Cuballing
PO Box 13
Cuballing WA 6311

08 9883 6031
0427 836 031

From: john & lisa [mailto:ldwv@westnet.com.au]
Sent: Wednesday, 11 February 2015 10:15 AM
To: ceo@cuballing.wa.gov.au
Subject: Fw: letter to the minister

Dear Sir

I feel that it is important to write to you on behalf of a unique Western Australian, the Numbat. I assume you know that our little State Fauna Emblem is facing some tough times, the latest estimates suggest there could be as few as 50 individuals left in the Dryandra Woodland which is located near Narrogin, the species last stronghold. The remaining few populations are scattered in small pockets around the south west of the state.

It has come to my attention, that Cuballing Shire intend to put a 7,000 tonne per year waste facility right next to Dryandra Woodland!!! The amount of feral animals (cats, rats, mice and foxes) that WILL be attracted to surrounding area could possibly decimate the local wildlife in a relatively short space of time.

Back in the late seventy's and early eighty's Numbat numbers were very low and in 1982 they were declared the most endangered mammal on the planet. During these days many Numbats were taken by foxes. Due to some hard work by the Department of Conservation and Land Management (now known as Department of Parks and Wildlife) and the proper funding, a strict baiting regime was set up (known as Western Shield) and their numbers rebounded for a short period in the middle of the last decade. Now numbers are on the decline again, along with a few other small mammals that inhabit the same area.

Dryandra is a small and fragmented reserve that sits among a sea of agricultural land, if this facility goes ahead at this location it could spell disaster for this fragile eco system, at present Feral Cats account for 62% of all Numbat and Woylie (another small mammal that inhabits the same area) predation, this facility will only increase the population of ferals in the area. It will also benefit a few native predators such as the Australian Raven which in unnatural numbers could have an

effect on the populations of the small birds in the Woodland. This area is also home to the Chuditch and the endangered Red Tailed Phascogale.

At some stage this development is going to have to get State Government Environmental Approval. To put such a fragile population of several endangered species under this kind of pressure is just absurd and this idea should not be entertained at the proposed site.

We do not want to end up the second Australian State to have an extinct Fauna emblem. I hope that we can all see sense and help prevent our grand children only knowing these animals through photos the same way we grew up only looking at pictures of Tassie Tigers.

Thank you for taking the time to read this.

Regards
John Lawson
Lions Dryandra Village

From: Angela Fowler [<mailto:congeling@bigpond.com>]

Sent: Tuesday, 10 February 2015 10:35 PM

To: ceo@cuballing.wa.gov.au

Subject: RE: Planning Application - Proposed Landfill Facility - Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing

Dear Gary,

Regarding: Proposed Landfill Facility - Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing.

Following the meeting at the Cuballing Hall on Tuesday 3rd February. We state that we vehemently oppose the above Proposal in Cuballing Shire going ahead.

As I stated before the above meeting, Ben and I vehemently object to this proposal - knowing of the egg production farm less than one kilometre away.

We are farming adjacent to the proposal which could bring many problems - traffic congestion, water table pollution, land prices being affected, pollution, fumes and smell for surrounding farms etc etc.....

Williams, Narrogin and Cuballing are all prime agricultural areas - lets keep it clean for the future of food production.

Yours sincerely,
Ben and Angela Fowler

Shire of Cuballing

From: CEO - Cuballing Shire <ceo@cuballing.wa.gov.au>
Sent: Thursday, 5 February 2015 2:41 PM
To: Joy Meharry
Subject: FW: proposed landfill facility

Hi Joy

This is the email I sent Friday afternoon.

Updating on that email, we have received comment from DPaW.

The total cost to the Shire of developing this proposal since 2007 has been \$15,500. To 31st January \$302,200.65 has been expended by all the Shires, with the majority of this being funded by grant.

Gary Sherry
Chief Executive Officer



Shire of Cuballing
PO Box 13
Cuballing WA 6311

08 9883 6031
0427 836 031

From: CEO - Cuballing Shire [mailto:ceo@cuballing.wa.gov.au]
Sent: Friday, 30 January 2015 6:32 PM
To: 'Eagle Vision'
Subject: RE: proposed landfill facility

Hi Ian and Joy

Some quick answers attached. There is considerably more information available on our website at <http://www.cuballing.wa.gov.au/>

How far away from the site is the Dryandra Woodlands? Over 6km's I estimate. I don't have an exact figure.

Does the Dept. of Parks & Wildlife know of the facility, if so what is their reaction? Yes they are aware. We have not received an comment from them though. Dept of Water, Dept of Planning, Main Roads and other agencies have also been notified.

How far away from the site are intensive farming enterprises: chicken farm and piggery? 750 metres from the chicken farm. Shown on the map on the website.

What management plans have been put in place to control vermin and feral animals? No plans in place at this time. We could ask for plans as part of a conditional approval of the proposal. This matter is normally considered by the Dept of Environment Regulation.

Is there a separate vermin and feral animal control plan? No plans in place at this time. We could ask for a plan as part of a conditional approval of the proposal. This matter is normally considered by the Dept of Environment Regulation.

Is there a Plan B to mitigate introduced diseases to the intensive farms around the facility? No plans in place at this time. We could ask for such a plan as part of a conditional approval of the proposal. This matter is normally considered by the Dept of Environment Regulation.

On which particular days was the water testing done for each bore? A hydrology report was included with the planning application. This is available on our website. I haven't checked the date.

Is there a section in the plan that indicates natural water ways in the area and the natural movement of water through the soil or above ground towards these creeks, rivers etc.? A hydrology report was included with the planning application. This is available on our website. I haven't checked for waterways yet. This matter is normally considered by the Dept of Environment Regulation.

How many times per year is the soil, water and air expected to be monitored and how will these tests be made public? This type of assessment/monitoring is normally part of the Works Approval done through the Department of Environment regulation. This proposal needs the Department of Environment's approval as well as Planning Approval of the Shire.

Is there data available from existing waste facilities that will show which chemicals are usually emitted into the air, soil and water and an indication of their toxicity? There may be but we don't have it. This type of information would be held by the Department of Environment regulation who licence every Waste Disposal site in the state.

What has been the total cost of proposing and introducing the facility to date, since its inception? I am not aware of any real cost to the Shire to this point in time. The process has been grant funded.

What has been each council's contribution each year to the facility since its proposal some ten years ago? I am not aware of any real cost to the Shire to this point in time other than staff time. I believe that the process has been largely grant funded.

What is the expected costs of each council's contribution each year, say for the next five years? I don't have that information at hand. Given that something like 11 landfills will close I would have thought that operational costs would be similar to the current costs. The Council's will need to purchase the land and we have budgeted \$80,000 for this cost this year. The cost of establishing Transfer stations is grant fund assisted and we have budgeted \$40,000 to do that this year. To date none of those capital funds have been expended.

Is there a breakdown of costs to date and expected costs for say: management, maintenance, vehicles and machinery plus their maintenance; monitoring for each council? I don't have that information at hand. Again any cost will be countered by cost savings from other facilities.

I am happy to answer further queries where I can.

Have a good weekend.

Gary Sherry
Chief Executive Officer



Shire of Cuballing
PO Box 13
Cuballing WA 6311

08 9883 6031
0427 836 031

From: Eagle Vision [<mailto:ianjoy@bordnet.com.au>]
Sent: Friday, 30 January 2015 6:05 PM
To: Eva Haydon
Subject: proposed landfill facility

Hello Gary,

I am interested in attending the public meeting next Tuesday, but have a couple of questions that I would appreciate if you could find an answer for:

How far away from the site is the Dryandra Woodlands?

Does the Dept. of Parks & Wildlife know of the facility, if so what is their reaction?

How far away from the site are intensive farming enterprises: chicken farm and piggery?

What management plans have been put in place to control vermin and feral animals?

Is there a separate vermin and feral animal control plan?

Is there a Plan B to mitigate introduced diseases to the intensive farms around the facility?

On which particular days was the water testing done for each bore?

Is there a section in the plan that indicates natural water ways in the area and the natural movement of water through the soil or above ground towards these creeks, rivers etc.?

How many times per year is the soil, water and air expected to be monitored and how will these tests be made public?

Is there data available from existing waste facilities that will show which chemicals are usually emitted into the air, soil and water and an indication of their toxicity?

What has been the total cost of proposing and introducing the facility to date, since its inception?

What has been each council's contribution each year to the facility since its proposal some ten years ago?

What is the expected costs of each council's contribution each year, say for the next five years?

Is there a breakdown of costs to date and expected costs for say: management, maintenance, vehicles and machinery plus their maintenance; monitoring for each council?

Regards

Ian Edwards and Joy Meharry

Eagle Vision

PO Box 21 Popanyinning WA 6309

Phone: 08 98875217

Email: ianjoy@bordnet.com.au

*This email is confidential and may only be read, copied and used by the intended recipient.
You should take full responsibility for virus checking*

**Submission for Planning Application to use portion of Lot 123 (No3118)
Wandering-Narrogin Road as a regional rubbish tip**

Submitted by: Joy Meharry 655 Popanyinning West Rd Popanyinning 6309 on 11th February 2015

I do believe that the proposal has serious faults, and as shown at the meeting held 3rd February it does have not the support of residents therefore should not be supported by Cuballing council. At that public meeting it was revealed that despite the site being selected approximately 2 years ago, none of the neighbours had been approached to see how a rubbish site would impact on their business or lifestyle. It was also made clear that the maps used from Landgate were several years old, and the proponent had not recorded any additional houses, building structures or changes in land use. Some of the accompanying information attached to the proposal had been superseded this was not stated.

The proposal did not acknowledge that the Dryandra Woodland is some 6km from the site, this is further away than, I am lead to believe, the existing site at Cuballing, but still does not take into consideration the impact on the woodlands. The woodlands also house a threatened species animal sanctuary Barnia Mia that houses bilbies, boodies, quenda, woylies, marl plus many more marsupials and these are the animals tourists and locals want to see when they take the evening tours. Not only does the woodlands hold an animal sanctuary in which threatened animals are released as part of a breeding programme, but it is considered a biodiversity "hotspot" of world significant with over 850 flora species plus reptiles, birds and insects. (Source: Dryandra Woodlands brochure from Dept Parks & Wildlife)

The proposal has not taken into account the impact of feral animals, rodents or insects that could impact on the woodland, the animal sanctuary or any of the neighbours. A management plan has not been put in place. There does not appear to be any indication of what that plan should incorporate other than a fence.

Questions asked about the water testing and water ways could not be answered: On what days was the water tested and how many times? Where are the natural water ways on the maps in the area, the natural movement of water through the soil or above ground towards these creeks, rivers and dams?

Questions asked about which chemicals existing landfill operations emitted to air, soil and water, with an indication of their toxicity could not be answered. I would hope that this information is considered useful and should be accessible to residents. The proposal does not indicate who will be responsible for testing, how often testing is to be done and who will have access to the data.

Costings for the proposal does not appear to have been done nor who is responsible for which part. It was indicated at the meeting that several types of machinery would have to be purchased, the road intersection of Nebriking Road with Narrogin-Wandering Road may have to be re-aligned, but no indication of how any assets are to be financed. Contributions from each council in the group for asset purchases, maintenance and general running of the facility has not been costed or explained.

**Submission for Planning Application to use portion of Lot 123 (No3118)
Wandering-Narrogin Road as a regional rubbish tip**

Submitted by: Joy Meharry 655 Popanyinning West Rd Popanyinning 6309 on 11th February 2015

It is also of a concern of what the future holds for the rubbish facility. Would it accept say sewage spoil or bio/medical waste from another council for a considerable financial contribution?

So what of the future? It is accepted that a new rubbish facility is needed and should be sort, but what type?

Is it possible to use another method other than landfill? Has landfill had its day?

Could a methane capture process be utilised? This could also include say litter waste from intensive animal industries close by and use the electricity as an incentive to get other industries to the area or feed back into the grid? These options may not be feasible now, however any future benefits should not be under estimated or dismissed without research further afield.

To summarise: the proposal is faulty because of the insufficient scope of research undertaken as shown by the inability to answer questions raised prior and at the public meeting; the scope of the proposal does not take into consideration the locality of the facility; the proponent has not made any effort to meet with neighbours and understand the impact of the facility; it does not have any management plans or costings of running and maintaining the facility.

A better method of disposing of rubbish within the shire is a priority, it is hoped that council can go back and find a more effective method that will bring benefits to our community.

*See attachment email for questions raised prior to public meeting and answers given to be part of this submission.

From: Eagle Vision [<mailto:ianjoy@bordnet.com.au>]
Sent: Friday, 30 January 2015 6:05 PM
To: Eva Haydon
Subject: proposed landfill facility

Hello Gary,

I am interested in attending the public meeting next Tuesday, but have a couple of questions that I would appreciate if you could find an answer for:

How far away from the site is the Dryandra Woodlands?
Does the Dept. of Parks & Wildlife know of the facility, if so what is their reaction?
How far away from the site are intensive farming enterprises: chicken farm and piggery?
What management plans have been put in place to control vermin and feral animals?
Is there a separate vermin and feral animal control plan?
Is there a Plan B to mitigate introduced diseases to the intensive farms around the facility?
On which particular days was the water testing done for each bore?
Is there a section in the plan that indicates natural water ways in the area and the natural movement of water through the soil or above ground towards these creeks, rivers etc.?
How many times per year is the soil, water and air expected to be monitored and how will these tests be made public?
Is there data available from existing waste facilities that will show which chemicals are usually emitted into the air, soil and water and an indication of their toxicity?
What has been the total cost of proposing and introducing the facility to date, since its inception?
What has been each council's contribution each year to the facility since its proposal some ten years ago?
What is the expected costs of each council's contribution each year, say for the next five years?
Is there a breakdown of costs to date and expected costs for say: management, maintenance, vehicles and machinery plus their maintenance; monitoring for each council?

Regards

*Ian Edwards and Joy Meharry
Eagle Vision
PO Box 21 Popanyinning WA 6309
Phone: 08 98875217
Email: ianjoy@bordnet.com.au*

*This email is confidential and may only be read, copied and used by the intended recipient.
You should take full responsibility for virus checking*

CEO - Cuballing Shire

From: Eagle Vision <ianjoy@bordernet.com.au>
Sent: Wednesday, 11 February 2015 1:21 PM
To: Gary Sherry
Subject: Submission for Rubbish Facility
Attachments: FW: proposed landfill facility (473 KB); Rubbish Facility Submission.docx

Hello Gary,

Thanks again for the opportunity council has offered residents to comment on the proposed facility.

I am sure you are aware that I have my concerns, particularly when it was raised at the meeting that none of the neighbours had been aware of the facility and had made business plans without this knowledge. It is also unfortunate that you and the councillors will now have to deal with this unsatisfactory proposal.

Let me end on a positive note, by reiterating as in my submission, that other opportunities are available and will be feasible.

Bye for now

Regards

Ian Edwards and Joy Meharry

Eagle Vision

PO Box 21 Popanyinning WA 6309

Phone: 08 98875217

Email: ianjoy@bordernet.com.au

This email is confidential and may only be read, copied and used by the intended recipient.

You should take full responsibility for virus checking

From: Renee Bauhofer [mailto:reenebauhofer@hotmail.com]
Sent: Thursday, 12 February 2015 5:54 PM
To: enquiries@cuballing.wa.gov.au
Subject: Objection to Proposed Landfill Facility Portion of Lot 23 (3118)

To whom it may concern,

I am writing to express my concern about the Proposed Landfill Facility Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing. This site is alarmingly close to Dryandra Woodland, home to the last stronghold of the endangered numbat and other vulnerable native species.

Despite the reassurances offered by the published documentation, I fear that there is a strong likelihood that there will be a significant increase in the number of introduced predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

The numbat, Western Australia's Mammal Emblem, has had significant population and range reductions in the past few decades due to human disturbance, and largely due to predation by introduced predators and habitat loss. Numbats are the only species remaining of their genus, and are thought by some taxonomists to be the closest living relative of the Tasmanian Tiger, making them a unique and valuable. With a worldwide population estimate of less than 1000, any disturbance to their habitat, especially one that may increase numbers of predators to the area, should be of great concern to all West Australians. The loss of the species would mean the loss of a whole taxonomic lineage. I would like to see an alternate site used for this landfill facility, or huge measures taken to ensure that cat and fox numbers do not increase in the area.

I believe that the numbat is a hugely important species and more needs to be done to conserve the species, and prevent further population reductions.

Yours sincerely,

Renee Bauhofer

-----Original Message-----

From: emma-clare bussell [mailto:ecebussell@hotmail.com]

Sent: Thursday, 12 February 2015 5:54 PM

To: enquiries@cuballing.wa.gov.au

Subject: Dryandra

Hi there

I heard there is a waste dump site to be located alarmingly close to the endangered Numbat sanctuary at Dryandra. I would ask this site is reconsidered given that predatory animals will be attracted to the dump site such as foxes and cats, which have a disastrous impact on native wildlife. Please locate this waste site somewhere else.

With warm regards

Emma

Sent from my iPhone=

From: Glenn A Albrecht [mailto:glenn.a.albrecht@gmail.com]
Sent: Friday, 13 February 2015 5:18 AM
To: enquiries@cuballing.wa.gov.au
Subject: Numbats

Please do all in your power to protect the numbats and their habitat in your shire. I think the critics of the waste dump proposal are correct ... it will be detrimental to the long term survival of the State mammal emblem of WA, an animal that is already endangered. A numbat sanctuary will help this marsupial and bring tourists and money. A dump will bring vermin, cats, foxes and disease.

Regards,

Dr Glenn A Albrecht
Phone: 0407209464
Email: glenn.a.albrecht@gmail.com

From: Sam Bishopp [mailto:sambob_@hotmail.com]
Sent: Friday, 13 February 2015 8:12 AM
To: enquiries@cuballing.wa.gov.au
Subject: No rubbish tip next to Dryandra Woodland

Attention: Gary Sherry, CEO Shire of Cuballing

Dear Gary

I have become aware of the application to develop a landfill facility on a portion of Lot 23 (3118) on the Wandering Narrogin Road, Cuballing.

I wanted to write to you as I do not agree with this application considering the immediate proximity to the Dryandra Woodland.

This waste dump facility is expected to have an operating life of around 60 years. Despite the reassurances offered by the published documentation, there is a strong likelihood that there will be a significant increase in the number of feral predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

It would be a travesty to put further pressure on the limited populations of wildlife that the Dryandra Woodland currently supports. The proposed waste facility is highly likely to attract feral predators which will certainly result in increased pressure on the local native wildlife, including the Endangered Numbat. With less than 1000 individual numbats considered to remain in the wild, the last thing this species needs is for more predators to be attracted to the area.

It is extremely disappointing to think there is such little recognition for our local native fauna, not to mention our State fauna emblem.

Therefore, I urge you to reconsider this application with this information in mind and I strongly recommend a different location that will not draw feral predators towards the Dryandra Woodland.

Kind regards
Sam

From: Claire McKinnon [mailto:clairemckinnon@hotmail.com]
Sent: Thursday, 12 February 2015 5:33 PM
To: enquiries@cuballing.wa.gov.au
Subject: Planning Application - Proposed Landfill Facility Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing

I urge you to reconsider the development and location of this proposed landfill site at Cuballing. The location of the proposed site is far too close to Dryandra Woodland which is important habitat for the endangered numbat and many other native species as well as important ecosystems that support this wildlife.

Despite the reassurances offered by the published documentation, there is a strong likelihood that there will be a significant increase in the number of feral animals attracted to the proposed waste site and the surrounding area, which means an increase in predators to the native animals in the region. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

Additionally, time should be taken to develop a more sustainable option for the waste rather than further diminishing important woodland.

Sincerely,
Claire McKinnon
4 Nicholls Pl, Padbury WA 6025
0417339931

Shire of Cuballing

From: CEO - Cuballing Shire <ceo@cuballing.wa.gov.au>
Sent: Thursday, 12 February 2015 6:44 PM
To: SCN-Nicole Gould
Subject: FW: comments regarding proposed waste disposal site

Gary Sherry
Chief Executive Officer



Shire of Cuballing
PO Box 13
Cuballing WA 6311

08 9883 6031
0427 836 031

From: Christine Eales [<mailto:Christine.Eales@ymca.org.au>]
Sent: Thursday, 12 February 2015 4:45 PM
To: CEO - Cuballing Shire
Cc: dorset@wn.com.au; chriscoach1@hotmail.com
Subject: comments regarding proposed waste disposal site

Dear Gary

Further tho the community meeting regarding the proposed waste facility site in the Shire of Cuballing, I would like to put forward my comments.

We (Steve and Chris Eales) are not supportive of the proposed facility as:

- There is no indication of income generation
- No indication of increased employment opportunities
- Potential increase of vermin and in particular feral cats, rodents, foxes which will be detrimental to the fauna and environment
- Potential loss of livelihood for primary producers located in the vicinity
- The other shires who are going to use the facility as their waste site already have waste disposal facilities that function for their localities and the majority have a larger population than Cuballing shire.
- Unnecessary duplication of services ie: existing waste sites becoming transfer stations

Feel free to call to discuss if you need any further information
Kind regards

Chris Eales
YMCA Narrogin
PO Box 522 Narrogin 6312
Ph (08)9881 4788

From: Bronwen O'Sullivan [<mailto:bronwen@lbh.net.au>]
Sent: Thursday, 12 February 2015 7:19 PM
To: CEO - Cuballing Shire
Subject: Re: Submissions

Yes, sorry.mti, eg got away from me and I wanted to make sure you received it before the close of business today. It is on behalf of Bill O'Neill and myself.

I imagine you have had a few.

Bronwen

Sent from my iPad

On 12 Feb 2015, at 6:46 pm, CEO - Cuballing Shire <ceo@cuballing.wa.gov.au> wrote:

Good afternoon Bronwen

Just checking, this is your submission?

Gary Sherry

Chief Executive Officer

<image003.jpg> Shire of Cuballing
PO Box 13
Cuballing WA 6311

08 9883 6031
0427 836 031

SUBMISSIONS TO CUBALLING SHIRE REGARDING WASTE FACILITY PROPOSAL

In relation to the proposed waste facility the following needs to be considered:

1. What measures have been put in place with respect to properties that are in the immediate vicinity of the proposed site. A comment was made at the public meeting that there is a 400m buffer zone between the facility and any residences, however it became apparent that the 400m buffer zone is only 200m of the site and includes 200m of the neighbour's own land. The neighbour's land should not be taken into account when a buffer zone is being calculated. When calculating the "buffer zone" the neighbours were not consulted and likewise as when they purchased their land, they were not advised that there could be such a site nearby. As it was not yet being considered.
2. The placing of the site will affect many lifestyle blocks which are in close vicinity. These will be immediately devalued due to the perception (whether it be right or wrong) that living close to a waste disposal facility will have noise, odour and rodent nuisances. The fact that the site has been proposed has more than likely already devalued their property. This may well lead to legal action against the Shire of Cuballing when these residents attempt to claim compensation for loss of value.
3. Very little information has been provided regarding the frequency and capacity of trucks which will travel along the road to the facility. Some estimates were given however consideration should be made for limits to be placed now on the frequency and capacity of these trucks. Further, if the site proceeds, then contribution should be made by the owner and operator with respect to the upgrading of the roads which are used by the trucks bringing waste to the facility. This is not a cost rate payers should bear.
4. There appears to be little information with respect to what water ways exist and whether or not these will be affected by the waste disposal facility. A detailed report from the Environmental Protection Authority should be sought and closely scrutinised, given what has occurred previously in relation to feed lots etc. where Environmental Protection Authority permission was given and then later withdrawn. Following the receipt of this report, the report should be circulated to all residents and rate payers for their comment.
5. There needs to be further investigation with respect to the effect of the proposed facility and its proximity to the chicken and egg farm. The Health Department needs to be consulted in relation to any effect that the proximity may have on this small business. The Shire should be encouraging and assisting small business within its boundaries. This business is regulated by many Government Departments and it would be a great loss to the Shire if the proposed facility impacted on it being able to operate.
6. If the facility proceeds, limits should be placed on the amount of waste which the facility receives each year. During the public meeting, the amount received was initially stated to be 5000 tonne and then increased to 7000 tonne. Once the facility is in place, if no limit is placed on the amount of waste that can be received each year then all calculations and predictions with respect to buffer zones, noise, odour, rodent nuisances etc. will be void.

7. Consideration should be given by the Shire with respect to the use of the Perth waste site north of North Bannister. Other Shires that found that this it is more economical to use this site rather than to establish a new site.
8. It appears that this site has been considered for some time and yet rate payers were only recently consulted. Further, the information was disseminated in December which is traditionally an extremely busy time for residents with submissions initially proposed in January. While it is not always possible, consideration should be given with respect to the timing of the dissemination of the information so that all residents can be heard, not simply those who are not away on summer holidays or involved in either harvest or Christmas activities. Also up to date information should be given to all residents, not out of date agreements, when the up to date agreements are readily available by the Shire.
9. It was stated that Government Departments have all been notified. If they were notified at the same time as rate payers, it would have been in December. There was also a comment that there have been little if any responses from these Government Departments. Given the time of year that the notices were sent to the Government Departments, the Government Departments need to again be contacted and their comments sought. The fact that there has not been a response from the Government Departments cannot be seen as their acceptance and approval of the proposal. There would be a considerable waste of money if the site proceeded on this basis and then once the site has been completed a Government Department then objected.

In summary, an Environmental Protection Authority report should be obtained and this available for review by residence and rate payers of the Shire of Cuballing. Other Government Authorities should be contacted (if they haven't already) and if no response has been received from them a response should be solicited. All of this information is necessary so that consideration can be given not only by those who will be affected but also by councillors.

Shire of Cuballing

From: Lexy Smoker <lexysmoker@hotmail.com>
Sent: Thursday, 12 February 2015 12:15 PM
To: enquiries@cuballing.wa.gov.au
Subject: Proposed waste dump at Cuballing

To Whom it may concern,

I have recently been informed that there is a proposal to build a waste dump at Cuballing, which is near Dryandra Woodlands. I have serious concerns regarding the impact this dump will have on the vulnerable numbat community and also other native species. Apart from the toxicity risk posed by the waste itself, i'm also concerned about the feral cat and foxes that will be attracted to the area and the risk these animals pose to the native fauna.

Waste dumps are a primitive form of waste disposal which impact the environment for generations to come. This proposal should NOT go ahead and time should be taken to plan a sustainable, environmentally sound plan for waste in the area.

Kind regards
 Alexis Smoker
 Perth

Sent from my Samsung Galaxy smartphone.

Shire of Cuballing

From: Rick Playle <coradine@treko.net.au>
Sent: Thursday, 12 February 2015 1:30 PM
To: enquiries@cuballing.wa.gov.au
Subject: Proposed Landfill Facility Portion of Lot 23 (3118) Wandering Narrogin Road

Cuballing shire and Council Members

I As an avid wildlife photographer here by wish to inform you of my disapproval of this facility my reasons are the fact that , a strong likelihood that there will be a significant increase in the number of predators (cats and foxes) attracted to the proposed waste site and the surrounding area. this has a direct effect on the surrounding remnant pockets of bushland also. as the number of increases in these predators we will also see increases in Rodents and Ravens populations which are sure to effect the surrounding reserves such as, Fourteen Mile Brook Reserve, and also the Dryandra Woodlands Blocks that are not that far away. these are delicate reserves and need to be securely protected which I don't think any consideration had been give in this proposal, Dryandra is a woodland that many tourists and overseas visitors visit, to add to the stress on this eco system is senseless , you risk loosing so much, I ask you kindly to please re evaluate this proposal in the interests of conservation of the Dryandra Blocks and other remanent pockets of bushland surrounding this area

Your Sincerely

Rick Playle

-----Original Message-----

From: dennis ferrell [mailto:denking42@gmail.com]

Sent: Wednesday, 11 February 2015 7:53 PM

To: Gary Sherry

Subject: A circulated Letter/per mail box

Hi Gary, I don't know if you have seen the letter circulated by NAG.

I put my opinions to them.

--

to NAG

My NAME IS Dennis Ferrell. I live at Lot 1 Brundell St Cuballing. A cyclone fence separates my property from the Cuballing tip. I have lived at this location for 13 years.

I would like to tell you of my opinion of the Shire's idea of using this as a transfer station to a new site at Nebrikinning Road. Since the tip upgrade a couple of years ago they have used it as a transfer station in part only, with the recycling receptacles being transported to Wickepin in the first instance then Narrogin when the recycling was started there. So as Nebrikinning Rd is no further from the present site and less than the distance to Wickepin or Narrogin no extra transport cost should be involved. The recycling will be carried out at the new site.

As for our offspring having to pay any thing other than natural rating increases we are burdened with now it is irrelevant to use this fact as an argument.

As for firefighting gear we should always have this in place at any time and rural location. Irrelevant as an added cost to landholders.

The style of runoff in this type of country is a watershed on the hard pan approximately 2ft underground. From my extensive experience in water conservation and management no adverse effect will be generated as the water passage through the ground has a cleansing effect removing pollutants.

I am sure Chicken farm emissions, and dead sheep left laying in paddocks, and toxic chemical sprays used in the grain production is far more of a concern than ventilated moisture removing oxidants from a refuse site.

There has been a feral cat eradication program at the current site that was the only feral animals we ever encountered due to the tip.

There is feral animals attracted to poultry far more than rubbish tips. C.A..L M or whatever they call themselves now should and do have eradication programs in place to protect Dryandra from feral animals.

To say this decision is rushed into by the shire is not correct as they have been contemplating this decision for a few years now and it was started under the administration of Peter Naylor, who instigated the tip upgrade when he was CEO. I know this for fact because he consulted with me as being the nearest property owner .

The current tip will not last for 15-20 years at the current operation but with transfer relief it will have extended operation.

You may well ask why I counter all your arguments. I have had extensive experience in all phases of rubbish tip landfill reclamations. Also , extensive experience in re afforestation of reclaimed sites in many areas of Western Australia. From the deep South to the far North.

Your argument and opposition allegedly smacks of resistance for resistance sake with no expertise to substantiate same. Plus the newsletter, with it's sarcastic overtones could be seen as offensive to some folk. Stirring up a storm for no other reason than self interest.

Yours sincerely, Dennis K Ferrell.

CG & HB Hanson
635 Springhill Road,
Minigin WA 6312

Thursday, 12 February 2015

CEO
Shire of Cuballing,
PO Box 13,
Cuballing WA 6311

**RE: PROPOSED LANDFILL FACILITY – PORTION OF LOT 3(3118) WANDERING
NARROGIN ROAD, CUBALLING**

We write to you as concerned landholders and residents of the Narrogin Shire and wider community regarding the proposed Nebrikinning Road Refuse Site.

We are small landholders and our property is situated within less than a two kilometre proximity of the proposed waste site. We have immediate opposition to this proposition on a number of levels.

Firstly, in the handout recently circulated as a discussion paper of Frequently asked questions , Figure 3 aerial photograph of where dwellings are situated, completely overlooks the inclusion of our dwelling as a populated site. Whilst this area is zoned agricultural, we feel that in comparison to many other potential sites, our area in fact would be one of the most densely populated areas.

This has obvious and substantial negative impacts on all landholders within this area in regards to both personal and business aspects. Currently there have been no positive opportunities or outcomes presented or that can be for-seen should this project be approved.

Currently the Cuballing and Popanyinning refuse sites have projected existing life-spans of 15-20 years. We feel that far more extensive research, environmental risk assessments and community consultation is required before a decision to proceed is approved.

We question the ideology to situate a waste disposal site so close to the environmentally sensitive and strong tourist attractions of the Narrogin Heritage Trail and Dryandra

Woodlands. Precious bandicoots have recently been released into this area. This has been a painstaking breeding programme undertaken by the Perth Zoo, and such populations would be at risk.

Have all indigenous anthropological assessments been completed in this area to rule out the existence of any culturally sensitive sites, if so, is this report available to the general public?

The general consensus of all residents opposed to this project, share our concerns with regards to issues such as:

- Aesthetically unattractive
- Devalue land prices
- Noise from compaction and vibration
- Dust and odour pollution and contaminants exposure to area
- Increased risk of water borne diseases from Leachate tailing ponds and dams
- Traffic risks on a very dangerous corner
- Risk to native fauna by increasing vermin and feral animals fossicking through waste site

Whilst the paper circulated aims to diffuse concerns, we feel that the exploration of all negative aspects has been somewhat superficial and really does not provide adequate measures to combat and mitigate the risks and effects the development of this refuse site will introduce.

From these points alone we wish to convey our strong objection to this project and expect that further risk assessment and community consultation will continue, and more transparency of the findings be open for public comment.

We do not support the continuation and approval of this project. All efforts to bring the cessation of this project from going ahead will be undertaken by us and the wider community as a conglomerate.

Chris and Holli Hanson

Shire of Cuballing

From: Monique (Bsn WS) <bsn@dbctalkabouttaste.com.au>
Sent: Thursday, 12 February 2015 12:40 PM
To: enquiries@cuballing.wa.gov.au
Subject: Submission Lot 23 Wandering Narrogin Rd

To the Shire of Cuballing WA

Letter against proposed waste facility at Lot 23 Wandering Narrogin Road

Please consider this as my submission.

My name is Monique Helm and I feel that it is important to write to you on behalf of a unique Western Australian, the Numbat. I assume you know with recent media appearances that our little State Fauna Emblem is facing some tough times, the latest estimates suggest there could be as few as 50 individuals left in the Dryandra Woodland which is located near Narrogin, the species last stronghold. The remaining few populations are scattered in small pockets around the south west of the state.

It has come to our attention that you Cuballing Shire intend to put a 7,000 tonne per year waste facility right next to Dryandra Woodland!!! The amount of feral animals (cats, rats, mice and foxes) that WILL be attracted to surrounding area could possibly decimate the local wildlife in a relatively short space of time.

Back in the late seventy's and early eighty's Numbat numbers were very low and in 1982 they were declared the most endangered mammal on the planet. During these days many Numbat were taken by foxes. Due to some hard work by the Department of Conservation and Land Management (now known as Department of Parks and Wildlife) and the proper funding, a strict baiting regime was set up (known as Western Shield) and their numbers rebounded for a short period in the middle of the last decade. Now numbers seem to be on the decline again along with a few other small mammals that inhabit the same area.

Dryandra is a small and fragmented reserve that sits among a sea of agricultural land, if this facility goes ahead at this location it could spell disaster for this fragile eco system, at present Feral Cats account for 60% of all Numbat and Woylie (another small mammal that inhabits the same area) predation, this facility will only increase the population of ferals in the area. It will also benefit a few native predators such as the Australian Raven which in unnatural numbers could have an effect on the populations of the small birds in the Woodland. This area is also home to the Chudich and the endangered Red Tailed Phascogale, two animals that have a low tolerance to 1080 based baits that are used for feral control.

We strongly urge you to reconsider the proposal before it gets any further along. To put such a fragile population of several endangered species under this kind of pressure is just absurd and this idea should not be entertained at the proposed site.

We do not want to end up the second Australian State to have an extinct Fauna emblem. We hope that you want to jump on board with the Numbat Task Force and help prevent our grand children only knowing these animals through photos the same way we grew up only looking at pictures of Tassie Tigers.

1

Thank you for taking the time to read this.

Monique Helm

Shire of Cuballing

From: Carol Moore <wonnaminta@esat.net.au>
Sent: Thursday, 12 February 2015 12:35 PM
To: enquiries@cuballing.wa.gov.au
Cc: wonnaminta@esat.net.au
Subject: re the Proposed Regional Rubbish Tip

Shire of Cuballing

Sirs,

We wish to lodge our objections to the proposed Regional Rubbish Tip being built at the Nebrikinning Road site because in it's elevated location there will be water run-off and seepage flowing into the upper reaches of Palmer Creek which runs throughout the length of our property. Who can tell just what contaminants will be in that water? All of the water we use for drinking, washing, cooking etc comes from a bore sited not far from the bank of Palmer Creek.

We also question the need to put a Regional Rubbish Tip in our Shire when that Shire has no Rubbish Removal Service for the benefit of Ratepayers who don't live in the townsite of Cuballing. Who gave the Shire permission to import rubbish from other towns to the detriment of our own clean environment. This will make our own efforts of continuing to care for our land and water supplies seem futile. Why spoil our clean green environment with other peoples rubbish?

We trust that our views will be taken into account when a final decision is made.

Tony and Carol Moore, Wonnaminta, 14 Mile Brook Road, Contine.

Shire of Cuballing

From: Bruce Dixon <brucewdixon@bigpond.com>
Sent: Thursday, 12 February 2015 10:32 AM
To: enquiries@cuballing.wa.gov.au
Cc: NAG@westnet.com.au
Subject: Landfill

CEO Cuballing Shire,
Sir,

I am writing to show my extreme concern in regards to the establishment of the proposed Regional Landfill Facility, (rubbish tip).

It WILL have many environmental and social problems.

Some may not show up immediately of course but, in my opinion, they will occur.

There WILL be airborne pollution and rainfall runoff. The site is relatively high in the landscape so water will escape, and the wind does blow.

There WILL be contamination of groundwater.

There WILL be an increase in feral pests particularly cats.

There WILL be increased, and ongoing costs to the Cuballing ratepayers, and that WON'T be of benefit to them.

There WILL be a dramatic fall in land values for the unfortunate land owners in the vicinity of the site.

Will they get a reduction in their rates to compensate for this? Why should they be made to suffer from the hazards of living and working next to a rubbish tip?

No matter what guidelines are in place, history shows that breaches of environmental guidelines occur regularly. Once the site is in operation it really is TOO LATE to correct any serious breaches.

The damage is done.

Quite simply, DON'T ALLOW IT to go ahead.

Use the already established one at North Bannister.

Yours sincerely,

Bruce Dixon

Ratepayer

Member of the Australian Public

Shire of Cuballing

From: Julie Guelfi <jguelfi175@gmail.com>
Sent: Thursday, 12 February 2015 9:57 AM
To: enquiries@cuballing.wa.gov.au; Minister.Jacob@dpc.wa.gov.au
Subject: RE:Planning Application - Proposed Landfill Facility Portion of Lot 23 (3118)
Wandering Narrogin Road, Cuballing

Dear Minister Jacob and Cuballing Shire Council members,

We wish to add our submission to the above Planning Applications

We wish to express our concern and opposition to the proposed waste facility on the edge of the Dryandra Woodland.

This is such a sensitive area for our Numbat, which is our state emblem, and to place such a facility would place further pressure on an already endangered species as well as many other of our native wildlife. This is a completely silly idea that we feel is not well thought out to the long term impact on the Dryandra Forrest.

We spend a lot of time in the region and have recently started to make inquiries about purchase of land in the area. To think that a facility like this would place so many of our native animals in further danger by encouraging feral animals to the area.

We envisaged that we would purchase land in order to rehabilitate the land and wild life and then to find out that there could be consideration of this proposal just horrifies us.

Please do not approve this proposal.

Regards

Phil & Julie Guelfi
2 Linwood Close, Tapping WA 6065
0447388994

12 FEB 2015

'The Hundred Acres'
3383 Wandering Narrogin Rd
(PO Box 1154)
Narrogin WA 6312

10 February 2015

Mr Gary Sherry
Chief Executive Officer
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

**Re: PLANNING APPLICATION – PROPOSED LANDFILL FACILITY – PORTION OF LOT 23 (3118)
WANDERING NARROGIN ROAD, CUBALLING**

Dear Gary

We live at 'The Hundred Acres' at 3383 Wandering Narrogin Road in the Shire of Narrogin and we purchased this property in late 2008 with a view to living a rural life in quiet and peaceful surroundings. We have a four year old daughter Clancy who has recently commenced Kindergarten at Narrogin Primary School and will be travelling on the Congelin school bus in the near future. We are both in employment in Narrogin, Robert is Plant Manager at Hillside Abattoirs and Filipa is a registered nurse at Narrogin Hospital. Currently we fatten lambs which are then sold to Hillside Abattoirs for chilled export and we have recently spent considerable time and effort setting up an aquaponic system so that we can raise our own table fish and vegetables and herbs.

We would like to provide comment on two aspects of the above planning application, firstly our disappointment and utter disbelief at the handling of the notification of the project and secondly to our concern that the proposed landfill facility will mean the destruction of our way of life and our neighbours.

In December 2014 we received our first ever correspondence from the Shire of Cuballing and until we opened the envelope we thought we were being invited to the Cuballing Christmas Tree! Imagine our alarm when we did open that envelope and the ramifications unfolded before us. We feel that December is an inappropriate month to have first made affected landowners and residents aware of the proposal due to pending holidays, extra activities that families are participating in due to Christmas and then working towards a new school year etc. After such a lengthy period that the Wagin Voluntary Group of Councils (WVGC) have been investigating the proposed site, it beggars belief that the very individuals affected by the proposed facility were informed so late in the process and have been given limited time to clarify or check many of the omissions and errors in the proposal. Why would the WVGC even consider the Nebrikinning site which is situated in the middle of the most densely populated area between Narrogin and Wandering?

We contacted a Town of Narrogin Councillor to ask about how we could go about protesting the proposal only to be told *"There's no point it's a done deal"*.

We are thankful that the Shire of Cuballing realised the error of its ways and extended the comment period and participated in a public meeting which only further highlighted the holes in the proposal that we are to comment on. Not only were we provided with planning documents with outdated aerial photos but the proposed yearly receivable tonnage amount proposed at 'no more than 5000 tonnes' suddenly increased by 40% at the public meeting to 7000 tonnes (even though the notification sign placed in front of the proposed site still reads 5000 tonnes) and the types of waste to be received at the site vary from document to letter to map to memorandum of understanding! The memorandum of understanding referred to in the planning application had well and truly

Shepherd family - Public Comments - Planning Application – Proposed Landfill Facility at 3118 Wandering-Narrogin Road, Cuballing

Page 1 of 4

expired by the time it was supplied to us and signed after the date referred to in the planning application (under clause 19 of Appendix 1 – Mutual obligations of both parties – “this MOU is of no legal effect and cannot achieve legal status unless it is executed by all parties by 11 May 2013.” The MOU was actually signed on 11 June 2013.)

We can assure the Shire of Cuballing that should this proposal be accepted and the regional landfill facility goes ahead we will not be as tardy in alerting them and every other relevant statutory body of any breaches such as dust, noxious odours, litter blown from the site, presence of feral pests etc. and will demand regular monitoring of ground water quality.

Our concerns with the content of the planning application are as follows:

1. As per point 15 of the Proposal “it is estimated the facility will not receive more than 5,000 tonnes of waste per year...” What does the Shire of Cuballing propose to do should the proposed facility receive more than this amount and what transparency will there be for concerned residents to check on amounts of waste received and any associated increased heavy vehicle movements?
2. As per Shire of Cuballing Town Planning Scheme No 2, Lot 23 is classified as general agriculture and we believe in no way can you declare that a regional landfill facility is consistent with your own objectives for land use where words used are such as ‘preserve’, ‘productive’, ‘sustainable’, ‘environmentally and socially acceptable’, ‘preservation of the rural character and rural appearance’, ‘protect’. “There are no specific standards that apply to the development of a ‘regional waste disposal facility’ on land classified ‘general agriculture’ zone.” The proposed “screen vegetation” in point 27 is laughable unless the vegetation was planted some five years ago or more and has been watered regularly as it is evident by the extensive tree and bush belts on our own property established by previous owners that it takes considerable time for plants to achieve enough maturity to be considered screening quality. Mr Lindsay Stephens when questioned on this point at the public meeting stated that “if the site of the tip offends you sell up and move out within the five years before stage 2 is developed.” We feel this was particularly unhelpful and unprofessional.
3. Point 24 – Upgrade to Nebrikinning Road. We feel that the intersection of Nebrikinning Road and Wandering Narrogin Road is dangerous with the possibility of increased heavy vehicle traffic exacerbating the issue as acknowledged by the Shire of Cuballing representatives at the Public meeting on 5 February 2015. A significant road realignment, land acquisition and bridge remediation would need to be carried out at a prohibitive cost.
4. Buffer zones – We feel that utilising buffer distances quoted for industrial land when the proposed facility is in a general agriculture zone is misleading and the use of adjoining landowners own land as part of these buffers is totally unreasonable and unconscionable.
5. Memorandum of Understanding – point 12 of the obligations of WVGC – “will initiate the public consultation process on the proposal as soon as practicable following the signing of the MOU by all the parties;” We feel entitled to know exactly what has caused such a considerable amount of time to pass before the public consultation process was commenced in December 2014. The most damning indictment for the Shire of Cuballing was the granting of building approval for two new homes along Wandering Narrogin Road, one recently constructed and another in the process of being built opposite the proposed tip site that will house three generations of one family including four school aged children. For these ratepayers to have not been informed at the time of their building approval applications of the possibility of the regional landfill facility being contemplated and possibly approved is

such an injustice that we wonder how any responsible Shire of Cuballing official can rest easily at night.

6. The MOU we were supplied with as part of the proposal states that approximately 75 hectares of land was to be purchased from the current landowners which on other documents/maps etc. is down to 65 hectares of land – is the 10 hectare deficit due to budgetary constraints?
7. As we live in an area not serviced by mains water supply and we and all surrounding landowners rely on ground, surface and rain water collection, we are extremely concerned at the possibility of contamination from surface water runoff or leachates and seepage and any airborne contaminants from this proposed elevated site. Although the water report makes reference to water storage for a 1% (1 in 100 year) 24 hour storm event with construction of dams and catchment ponds, no consideration has been given to climate variability and the significant increase of severe abnormal weather events. It's laughable that in such an event, the writer of the report (FAQ 3.8) proposes that "water in an overflow situation will be pumped out of the catchment ponds, back up onto the landfill which is capable of soaking it up". This solution is absurd as shuffling deck chairs on the Titanic, your still going to drown!

We have a 'winter' creek that dissects our property that contains natural vegetation and plentiful frogs and other small aquatic creatures. We rely on two dams (one of which is spring fed) for stock water and these contain yabbies. We also have a bore for household and livestock use and use rainwater for drinking. To read on pg. 7 of Groundwater Consulting Services Pty Ltd.'s water report "potential pathway for movement of any leachate generated by the landfill" and on pg. 3 "seasonal and ephemeral boggy areas on the site indicate variable subsurface flow and drainage conditions, likely related to variations in the soil profile" does not allay our fears.

8. We are extremely concerned that vegetation and fauna on the proposed site has not been properly surveyed and feel that areas of "remnant vegetation", as mentioned in point 9 of the proposal, need preservation considering our proximity to Dryandra Woodlands as this site could form a link in a wildlife corridor and could shelter rare plants that the environmental consultant missed in his untimely survey in December 2012.
9. As stated previously, our current peaceful lifestyle will be irrevocably altered by any increase in heavy vehicle traffic along Wandering Narrogin Road and if there is any odour or dust emission from the proposed site. Clearly, our property will also be severely devalued. We have been planning on renovating our home, creating work for local builders but we will need to reconsider this in light of this proposal. We are concerned about any contaminants that could endanger our lamb enterprise and worry that our aquaponic system that we thought would encourage our daughter to eat healthily could in fact be harmful to us. Currently we do spend time protecting our flock from fly infestation and feel this will surely increase due to the proximity of the proposed tip.
10. Gas emissions from the landfill and the management thereof do not seem to be part of the original planning document.

11. An obvious significant increase of fire risk concerns us as this site will be unmanned and we question what fire management practices the Shire of Cuballing will demand to protect our properties from fire and smoke.
12. Can the Shire of Cuballing insist that the applicants guarantee that surrounding farmland will not be contaminated by any weeds/seeds/bulbs that are placed in the landfill.
13. What will the Shire of Cuballing insist for the site rehabilitation plan when current best practice calls for after care of 30 years post closure of site to receivables. Will funding of this rehabilitation and after care fall back on WVGC ratepayers as the tip will no longer be generating income.
14. Whilst it would appear that this proposed site is only meant to receive putrescibles and no green waste, it would seem from other reports and maps that areas are still marked for asbestos, medical waste and septage. All the assurances in the world from the Shire of Cuballing now seem to be so much vapour so we strongly oppose to the dumping of anything other than putrescible waste at this proposed site!
15. Lastly, the disregard for one of our state's most significant conservation areas, the Dryandra Woodland with this proposed site on one of the major routes welcoming visitors to Dryandra (Wandering Narrogin Road) and when feral pests including cats, foxes and ravens have such a devastating effect on small mammal populations and small birds endemic to this area it would be the ultimate folly for the Shire of Cuballing to introduce a regional landfill facility to this area.

We have chosen to live in one of the loveliest locations with many of our visitors commenting on the glorious view from our kitchen window, the enviable sunrises and sunsets, the clear star laden night time skies, plentiful native trees, a multitude of bird and insect life and the benefits of a rural lifestyle close to the town sites of Cuballing and Narrogin. The proposed regional landfill facility threatens our lifestyle and subsequently any contribution we make to our community and we urge the Shire of Cuballing and its councillors to take time in contemplating what it would mean to any of them to have a regional landfill facility near their homes.

We are not against the WVGC seeking a regional solution for the disposal of waste, but common sense must prevail. Why is the WVGC so determined to push Nebrikinning site, which was not their preferred location, when the existing tips in Cuballing, Popanyinning and Narrogin have life expectancies of at least 15 – 20 years?

We need to consider other more appropriate options such as the **Perth Waste facility at North Bannister** or another flatter site within the boundaries of WVGC that is not surrounded by residences and intensive agricultural premises and can have a substantial bund built around it to entrap any pollutants and inundation due to adverse weather events.

Please consider this our submission.

Yours sincerely



Filipa, Robert and Clancy Shepherd

Shire of Cuballing

From: Lucy Kelleher <lucykelleher@hotmail.com>
Sent: Thursday, 12 February 2015 3:57 PM
To: enquiries@cuballing.wa.gov.au
Subject: Attention: Gary Sherry, CEO Shire of Cuballing

Hi Gary

I have become aware of the application to develop a landfill facility on a portion of Lot 23 (3118) on the Wandering Narrogin Road, Cuballing.

I wanted to write to you as I do not agree with this application considering the immediate proximity to the Dryandra Woodland.

This waste dump facility is expected to have an operating life of around 60 years. Despite the reassurances offered by the published documentation, there is a strong likelihood that there will be a significant increase in the number of feral predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

It would be a travesty to put further pressure on the limited populations of wildlife that the Dryandra Woodland currently supports. The proposed waste facility is highly likely to attract feral predators which will certainly result in increased pressure on the local native wildlife, including the Endangered Numbat. With less than 1000 individual numbats considered to remain in the wild, the last thing this species needs is for more predators to be attracted to the area.

It is extremely disappointing to think there is such little recognition for our local native fauna, not to mention our State fauna emblem.

Therefore, I urge you to reconsider this application with this information in mind and I strongly recommend a different location that will not draw feral predators towards the Dryandra Woodland.

Thank you for your time.

Shire of Cuballing

From: melrose30 <melrose30@hotmail.co.uk>
Sent: Thursday, 12 February 2015 3:54 PM
To: enquiries@cuballing.wa.gov.au

Council members.

I am emailing in support of the concerns raised by Robert Mclean and the Numbat Task Force. I am also gravely concerned for our numbats survival if the planned waste facility goes ahead. Please reconsider.

Melinda Nani.

Sent from my Samsung GALAXY S5 on the Telstra mobile network

Sent from my Samsung GALAXY S5 on the Telstra mobile network

Shire of Cuballing

From: Josephine Tuohy <josephine.t.tuohy@gmail.com>
Sent: Thursday, 12 February 2015 3:46 PM
To: enquiries@cuballing.wa.gov.au
Subject: Landfill

Attention: Gary Sherry, CEO Shire of Cuballing

Hi Gary

I have become aware of the application to develop a landfill facility on a portion of Lot 23 (3118) on the Wandering Narrogin Road, Cuballing.

I wanted to write to you as I do not agree with this application considering the immediate proximity to the Dryandra Woodland.

This waste dump facility is expected to have an operating life of around 60 years. Despite the reassurances offered by the published documentation, there is a strong likelihood that there will be a significant increase in the number of feral predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

It would be a travesty to put further pressure on the limited populations of wildlife that the Dryandra Woodland currently supports. The proposed waste facility is highly likely to attract feral predators which will certainly result in increased pressure on the local native wildlife, including the Endangered Numbat. With less than 1000 individual numbats considered to remain in the wild, the last thing this species needs is for more predators to be attracted to the area.

It is extremely disappointing to think there is such little recognition for our local native fauna, not to mention our State fauna emblem.

Therefore, I urge you to reconsider this application with this information in mind and I strongly recommend a different location that will not draw feral predators towards the Dryandra Woodland.

1

Thank you for your time.

Jo Tuohy

Shire of Cuballing

From: David Thompson <david.stuart.thompson@gmail.com>
Sent: Thursday, 12 February 2015 3:39 PM
To: enquiries@cuballing.wa.gov.au
Subject: Landfill

Attention: Gary Sherry, CEO Shire of Cuballing

Hi Gary

I have become aware of the application to develop a landfill facility on a portion of Lot 23 (3118) on the Wandering Narrogin Road, Cuballing.

I wanted to write to you as I do not agree with this application considering the immediate proximity to the Dryandra Woodland.

This waste dump facility is expected to have an operating life of around 60 years. Despite the reassurances offered by the published documentation, there is a strong likelihood that there will be a significant increase in the number of feral predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

It would be a travesty to put further pressure on the limited populations of wildlife that the Dryandra Woodland currently supports. The proposed waste facility is highly likely to attract feral predators which will certainly result in increased pressure on the local native wildlife, including the Endangered Numbat. With less than 1000 individual numbats considered to remain in the wild, the last thing this species needs is for more predators to be attracted to the area.

It is extremely disappointing to think there is such little recognition for our local native fauna, not to mention our State fauna emblem.

Therefore, I urge you to reconsider this application with this information in mind and I strongly recommend a different location that will not draw feral predators towards the Dryandra Woodland.

Thank you for reading.

David Thompson - environmental scientist

Shire of Cuballing

From: Bridget Watkins <bridget.watkins@hotmail.com>
Sent: Thursday, 12 February 2015 3:17 PM
To: enquiries@cuballing.wa.gov.au
Subject: Proposed Waste Facility - Lot 23, Wandering Narrogin Road

Attention: Gary Sherry, CEO Shire of Cuballing

Hi Gary

I have become aware of the application to develop a landfill facility on a portion of Lot 23 (3118) on the Wandering Narrogin Road, Cuballing.

I wanted to write to you as I do not agree with this application considering the immediate proximity to the Dryandra Woodland.

- ✓ This waste dump facility is expected to have an operating life of around 60 years. Despite the reassurances offered by the published documentation, there is a strong likelihood that there will be a significant increase in the number of feral predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined and has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which has not yet been adequately addressed.

It would be a travesty to put further pressure on the limited populations of wildlife that the Dryandra Woodland currently supports. The proposed waste facility is highly likely to attract feral predators which will certainly result in increased pressure on the local native wildlife, including the Endangered Numbat. With less than 1000 individual numbats considered to remain in the wild, the last thing this species needs is for more predators to be attracted to the area.

I grew up in Arthur River and went to school in Wagin. One of our school camps was to the Dryandra Woodland and, although I was only 9 years old at the time, I will never forget seeing all the species of native fauna naturally existing in the wild. I would like to think the local Shire would appreciate and promote this amazing opportunity which it can continue to provide to the local schools. Not to mention, to people from all over Australia who are aware of Dryandra Woodland as the habitat supporting one of the last remaining populations of this iconic native animal in the wild.

It is extremely disappointing to think there is such little recognition for our local native fauna, not to mention our State fauna emblem.

Therefore, I urge you to reconsider this application with this information in mind and I strongly recommend a different location that will not draw feral predators towards the Dryandra Woodland.

Thank you for your time.

Bridget Watkins

Shire of Cuballing

From: peter stewart & helen knewstub <petel@westnet.com.au>
Sent: Thursday, 12 February 2015 3:02 PM
To: enquiries@cuballing.wa.gov.au
Subject: RE: proposed waste dump development site at Cuballing.

RE: proposed waste dump development site at Cuballing.

Dear Cuballing Shire,

As a wild life lover, I was alarmed to hear of your proposal to develop a waste dump site so close to habitats of endangered numbats and other native species.

There are many countries whom are now using waste for a number of purposes including; making quality compost; or burning it to create electricity. Landfill operations have so many potential risks and impacts on the environment and I urge you to consider better, more sustainable solutions for waste management.

I live in Albany (we stay in Wandering (Dryandra Woodland) occasionally to camp. We are near to the Albany town landfill site and I am very aware of the impacts on wildlife that the tip has created. There are numerous noxious animals using the landfill site as a feedlot, including feral cats, and foxes. In the Cuballing Shire, an increased population of noxious animals will represents a major threat to populations of Numbats and other local fauna.

I am not satisfied that the measures outlined in your proposal will protect the numbat population. Numbats are our WA state emblem. They deserve to be protected. Your proposed landfill site represents a major threat to native fauna and must be reconsidered.

Kind Regards,

Helen Knewstub,

Albany WA

Shire of Cuballing

From: Manfred Werner <mannywerner@hotmail.com>
Sent: Thursday, 12 February 2015 2:51 PM
To: enquiries@cuballing.wa.gov.au
Subject: Proposed Waste Facility

To whom it may concern,

I belong to the online group; "Dryandra Woodland - A South West Australia Safari (including Boyagin and Tutanning)" and follow the excellent work done by the Numbat Task Force at Dryandra in Numbat conservation, (and other species).

Apparently the location of this proposed waste facility will place enormous pressure on the Numbat population of Dryandra through increased predation by feral cats attracted to the site. I join the Conservation Council of Western Australia in imploring you to please reconsider. Given the Numbat is already under significant pressure and that it appears on your Council logo as well as being the West Australian faunal emblem, this would appear to be sheer madness. I may live in Queensland, but I am Aussie and will stick up for that wonderful little Aussie, the Numbat. Please do not do this. Imagine no more Numbats! Thankyou for your consideration.

Yours in common sense

Manny Werner

Shire of Cuballing

From: Jacqui Williams <jacwil2014@gmail.com>
Sent: Thursday, 12 February 2015 2:18 PM
To: enquiries@cuballing.wa.gov.au
Subject: Waste site proposal

To whom it may concern

I recently heard of this proposal and am distressed at the impact that it will have on the nearby Dryandra Woodlands. In particular the affect that refuse will have on an increase in population of feral cats and foxes which in turn will have disastrous consequences for the fragile numbat population. Further thought and investigation needs to be given to this plan before the site goes ahead. It is an unacceptable act if it will have any adverse affect on the Numbat or other animal population in this area.

As a concerned citizen and frequent observer of this beautiful woodland I strongly denounce any tip or waste site to be placed so close to an area that holds such important West Australian treasures.

Do not use this area as a tip!

Yours sincerely
Jacqui Williams
Sent from my iPad=

From: Colin Ferrell [mailto:colinferrell1@bigpond.com]
Sent: Thursday, 12 February 2015 1:40 PM
To: enquiries@cuballing.wa.gov.au; NAG@westnet.com.au
Subject: Re: Proposed regional landfill facility, Nebrikinning Road Cuballing.

The CEO Cuballing Shire,
Cuballing Western Australia, W.A. 6311

Dear sir,

I would like to express my concern with regard to the proposed Landfill Facility.

I would have liked to have been notified about this proposal earlier.

I am concerned about the impact on the surrounding land holders large and small.

Particularly worried about ground water contamination for these land owners.

Also the Feral Animal impact on the Dryandra Woodlands Reserve.

Something that effects me directly, I live at lot 2 Brundell Street , Cuballing, one block away from the current waste disposal tip. When I purchased this land some thirteen years ago I was informed the tip had a twenty year life, I accepted that quite happily. However now the site will be made into a transfer station and obviously will continue as such well past the twenty year life. We have a cat trap that was used only a number of weeks ago to catch a Feral Cat that took up residence under my house. Although this is not as frequent event *as it used to be*, it is an indication that you can't eliminate this problem entirely.

I would like the Shire to reject this application and pursue other more suitable sites that will have a lesser impact on the enviroment and nearby land holders.

Regards,

Colin R Ferrell

(no relation to the Feral Animal population at the current Cuballing Waste Disposal Site)

Shire of Cuballing

From: robertmclean_2@bigpond.com
Sent: Wednesday, 11 February 2015 5:49 PM
To: enquiries@cuballing.wa.gov.au
Subject: Submission Lot 23 Wandering Narrogin Rd

To the Shire of Cuballing WA
 Letter against proposed waste facility at Lot 23 Wandering Narrogin Road
 Please consider this as my submission.

My name is Robert McLean. I hang out with a few blokes (Sean Van Alphen, John Lawson and Matt Willet) that feel it is important to write to you on behalf of a unique Western Australian, the Numbat. I assume you know with recent media appearances that our little State Fauna Emblem is facing some tough times, the latest estimates suggest there could be as few as 50 individuals left in the Dryandra Woodland which is located near Narrogin, the species last stronghold. The remaining few populations are scattered in small pockets around the south west of the state.

It has come to our attention that you Cuballing Shire intend to put a 7,000 tonne per year waste facility right next to Dryandra Woodland!!! The amount of feral animals (cats, rats, mice and foxes) that WILL be attracted to surrounding area could possibly decimate the local wildlife in a relatively short space of time.

Back in the late seventy's and early eighty's Numbat numbers were very low and in 1982 they were declared the most endangered mammal on the planet. During these days many Numbat were taken by foxes. Due to some hard work by the Department of Conservation and Land Management (now known as Department of Parks and Wildlife) and the proper funding, a strict baiting regime was set up (known as Western Shield) and their numbers rebounded for a short period in the middle of the last decade. Now numbers seem to be on the decline again along with a few other small mammals that inhabit the same area.

Dryandra is a small and fragmented reserve that sits among a sea of agricultural land, if this facility goes ahead at this location it could spell disaster for this fragile eco system, at present Feral Cats account for 60% of all Numbat and Woylie (another small mammal that inhabits the same area) predation, this facility will only increase the population of ferals in the area. It will also benefit a few native predators such as the Australian Raven which in unnatural numbers could have an effect on the populations of the small birds in the Woodland. This area is also home to the Chudich and the endangered Red Tailed Phascogale, two animals that have a low tolerance to 1080 based baits that are used for feral control.

We strongly urge you to reconsider the proposal before it gets any further along. To put such a fragile population of several endangered species under this kind of pressure is just absurd and this idea should not be entertained at the proposed site.

We do not want to end up the second Australian State to have an extinct Fauna emblem. We hope that you want to jump on board with the Numbat Task Force and help prevent our grand children only knowing these animals through photos the same way we grew up only looking at pictures of Tassie Tigers.

Thank you for taking the time to read this.

Robert McLean

On behalf of the Numbat Task Force (<https://www.facebook.com/numbatTF>)
robertmclean_2@bigpond.com

Shire of Cuballing

From: Piers Verstegen <Piers.Verstegen@ccwa.org.au>
Sent: Wednesday, 11 February 2015 5:57 PM
To: enquiries@cuballing.wa.gov.au
Cc: Helen Bryant; robertmclean_2@bigpond.com
Subject: Proposed waste facility - unacceptable impact on endangered native wildlife

Importance: High

For the attention of:

Gary Sherry, Chief Executive Officer

AND

Shire President and Councillors

Shire of Cuballing

Re. proposed waste facility at Lot 23 Wandering Narrogin Road

The Conservation Council of WA is Western Australia's peak independent environment group, representing nearly 100 community organisations and tens of thousands of individual supporters throughout the State.

I am writing to express the Council's serious concerns regarding the impact of the proposed waste dump development site at Cuballing, alarmingly close to Dryandra Woodland, home to the last stronghold of the endangered numbat and other vulnerable native species.

Despite the reassurances offered by the proponents' documentation, there is a strong likelihood that there will be a significant increase in the number of predators (cats and foxes) attracted to the proposed waste site and the surrounding area. This impact cannot be controlled by the measures outlined by the proponent. This has the potential to have a catastrophic effect on the numbat population and other native species in the area, an issue which is not adequately addressed by the proponent.

I note that the Shire and proponent believe that the environmental impacts and risks of this proposal can be adequately managed by the Department of Environmental Regulation. We do not agree. The DER is charged with controlling pollution, not the protection of wildlife, which is the responsibility of the EPA and Department of Parks and Wildlife. The project should be referred to DPAW and the EPA for full environmental impact assessment, including the impacts of the proposal on native wildlife due to increased predation by feral animals attracted to the waste dump.

This proposal should not be approved by the Shire in this location.

We fully support the concerns raised by local groups and individuals, including Robert McLean and the Numbat Task Force.

Thank you for your consideration of this submission.

Piers Verstegen
Director

Peter and Alison Lacey
64 Felspar St
Narrogin WA 6312
Lot 7 Springhill Rd, Cuballing WA

10th February 2015

CHIEF EXECUTIVE OFFICER
SHIRE OF CUBALLING
Gary Sherry

**RE: PLANNING APPLICATION – PROPOSED LANDFILL FACILITY – PORTION OF LOT 23 (3118)
WANDERING NARROGIN ROAD, CUBALLING**

Thank you for the opportunity to comment on the waste facility. Firstly let us state that there are several things about this facility that we agree with as well as a number of issues that concerned us.

We believe that taking waste from several shires to a high-quality waste facility is a much more effective way of managing waste than having tips located at each townsite and also believe waste facilities in rural areas should not be located in remnant vegetation but rather open paddocks surrounded by revegetation.

However these sites must be fit for purpose, some of our concerns about the proposed site include:

- Its proximity to Dryandra woodland. Dryandra woodland contains a range of threatened fauna highly vulnerable to predation by feral cats and foxes, including Chuditch, Woylies, Numbats, Red Tailed Phascogales and Malleefowl. In fact Dryandra woodland is considered so ecologically important that the current State Government made a pre-election promise to protect fauna at Dryandra woodland from predation. Declining populations of Numbats and Woylies have been directly linked to the number of feral cats and foxes in the area and are in danger of becoming locally extinct, very small population increases in feral animals can have significant impacts on the population viability of native mammals with a weight range of between 35grams and 5.5 kilograms (CWR). Waste facilities are well known for attracting and harbouring feral cats and foxes and the proposed waste facility site is well within the distance that cats and foxes will travel while hunting.
- The 2 meter fence with locked gates mentioned under feral animal control, will not prevent cats and foxes from accessing the facility (cats and foxes will scale and dig under a standard 2 meter fence). 1080 fox baits have proven to be ineffective at controlling feral cats and the effectiveness of baits in this situation (where baits may be taken by non-target species such as rodents, birds, lizards and insects) is unknown.
- The above point also holds true for remnant vegetation on our property which adjoins Rosedale nature reserve. We already have significant problems with cats and foxes, cameras used to detect wildlife regularly show a variety of cats (some with collars) as well as foxes on our property and occasions of predation on native fauna. (Note, the current Cuballing waste facility is located in an area of unallocated crown land that also adjoins Rosedale nature reserve, 16 cats were trapped at this site in 2013 which is a significant number and cat activity declined for a period after the trapping).
- The visual impact of the waste facility on our property. The preferred house site on our property overlooks the proposed waste facility; planting trees around the proposed waste

facility will help manage the visual impact to bypassing traffic; however the proposed waste facility site will still remain visible from our property, even with trees planted around it.

- Odour, although it is expected that the odour from this facility will be minimal there are many examples where waste facilities have found it difficult to manage odour problems and the prevailing winds in the evening are likely to carry any odours to the Cuballing townsite.
- The issues in previous years around the odour resulting from the Narrogin beef feedlot is an example where odour management failed and impacted on the Narrogin townsite. Distances and wind directions are similar when considering the waste facility and Cuballing townsite.
- Increased traffic hazard, access to this site is located on a tight sweeping bend which will become an increased risk to passing traffic with the increased truck use.
- Surface and groundwater risk –
 - Although soil and groundwater investigations were undertaken at the site and a range of precautionary measures included in the proposal there is still a potential risk associated with this site. Firstly lateritic soils such as those found around the gravel pit are often underlain by leaky aquifers, even though drilling may not identify this, and fericrete/ironstone, coffee rock and granitic barriers can all cause hillside seepage. This could be a particular issue where pits are not lined as is suggested for stage 1 and potentially for other stages.
 - There is also a seasonal creek line associated with the site. Although measures to overcome these potential risks have been outlined they will only be effective if properly installed and managed.

Although I understand the difficulties that the shires have had in attempting to find a suitable site for a new waste facility it is our opinion that this proposed site is not fit for the proposed purpose of a waste facility. Other options would be:

- Continue the search for a more appropriate site.
- Investigate the opportunity to utilise the waste facility at North Bannister.

Yours sincerely

Peter and Alison Lacey

Shire of Cuballing

From: Alex <alex1@wn.com.au>
Sent: Wednesday, 11 February 2015 8:11 PM
To: enquiries@cuballing.wa.gov.au
Subject: Refuse site submission

Thanks for the public meeting , but it seems to have raised more questions

Alex Richardson

Submission of opposition to the new refuse site <?xml:namespace prefix = "o" ns = "urn:schemas-microsoft-com:office:office" />

I am raising concerns and opposition in regards to the new refuse site on several basis points.

Firstly the concerns to myself as a ratepayer of the shire, is the cost that the new refuse site will be an impost to the town ratepayers with no costs shown in any documents as far as I have been informed. Will this mean that to dump rubbish at the current refuse site, and will this mean that the town ratepayer will need a rubbish collection service. Will this only impact the town ratepayer or will the rural sites be able to dump their rubbish on the farm? The rubbish collection service has been defeated at least three times over the last few years due mainly to the cost impact to town ratepayers and I am sure the sentiment to the service is at the same level when defeated or seen as a service not worthy of the cost.

Secondly is the current life of the refuse site as I understand from the public meeting held it was stated the current life span to the current site is about twenty years, so why has the urgency with this project when technology is changing so in time a better solution may be found in a few years into the future?

Thirdly, the site has been in the same place for at least 40 years or longer going back to the "night cart times", so is the site unable to cater to the needs of the shire in the current location, with no cost to subsidize other shires who have not provided for their residents?

Has the current site been chosen for reason than no other landholders were willing to have the refuse site so close to their own residence? The location that has been identified for all surrounding shires is in a corridor of timber that joins to a larger corridor, where animals and birds use this to breed and move safely through. I have been to the site over the years and in my belief it is one of the only places I have seen jarrah trees growing so well, and the most south eastern point in the state where they are growing. Is it really worth the need to destroy this area of trees on a small property. Would it not be more of an advantage to use cleared property, or consider using the facility at North Bannister which will not require any set up costs and a small impact to the adjoining landholders.

Being a wildlife timber corridor, what would be the impact on the wildlife, if a fire were to escape into the Dryandra A class reserve? Also would the cost to implement a fire response, be to all ratepayers of the Cuballing Shire or would this cost be shared with the other shires within the group using the site?

In the case of vapours of chemicals being emitted or contamination to the ground water within the proximity to the egg farm being so close to the site since the public meeting other farmers close to the site are reliant on the underground water in the area, will this litigation be detrimental to the ratepayers of the Shire of Cuballing, or shared to the other shires dumping waste at the site?

My belief is that the property where the site for the new refuse site is, has already been purchased and the date of the land transfer has nearly been completed. If there is significant opposition to the new refuse site, what would happen to the property?

I strongly believe most rate payers have not been fully informed by the staff and councillors of the Shire of Cuballing, where we take pride in living in this clean environment. The public meeting to myself and others I have talked with it appears that more questions were raised with the spokesman for the Wagin group of councils. The document was not finished yet we were told to consult this which was going to be changed so was not a factual in many aspects of the submission.

Please feel free to contact myself

Alex Richardson

Shire of Cuballing

From: Mike Bryant <mikebryant23@yahoo.co.uk>
Sent: Wednesday, 11 February 2015 9:42 PM
To: enquiries@cuballing.wa.gov.au
Cc: Steve.Irons.MP@aph.gov.au; john.mcgrath@mp.wa.gov.au;
terry.waldron@mp.wa.gov.au
Subject: Submission regarding proposed Nebrikinning Road Waste Facility, Lot 23 (3118)
Wandering Narrogin Road

Dear Sirs

I am writing to register my objection to the proposed landfill site in this location.

I came to hear about the proposal through personal connections in Perth, and note that the deadline for representations is Thursday February 12th. Frankly, I'm horrified as a West Australian resident, voter and taxpayer that this location has proceeded this far without concerns being raised.

My objection is based on the close proximity of the development to the Dryandra woodland, the largest remaining area of natural vegetation in the region which is home to critically endangered species including one of the last remaining wild numbat populations on the planet.

I can see no reference in the application to consultation with the WA State Department of Parks and Wildlife, which has responsibility for safeguarding this vital State, national and global asset. If the application intends to imply that the tendency of a landfill site to increase the frequency of feral predators could be dealt with by measures such as fencing, I cannot agree. The application states that there would be no impact on endangered species at the site, but I can see no evidence that the impact of a likely increase of foxes and other predators on nearby wildlife has been considered at all.

I call the Shire's attention to Vincent Serventy's 'Dryandra, the Story of an Australian Forest', named as one of the hundred greatest Australian books, and to the success up until now of the West Australian community in preserving this vital ecosystem for future generations.

I would also cite the significantly negative impact on tourism and the reputation of the State and Commonwealth, were it to become known in the international community that the future of Dryandra had been compromised by a local planning decision by the Shire. I trust you are aware that Barna Mia, within the Dryandra woodland, is the only place in Western Australia where the endangered species which are a key factor in drawing visitors to the State can easily be seen in the wild.

I am copying Steve Irons and John McGrath as my Federal and State representatives and Terry Waldron as the State representative for the region in question and call on Steve Irons and John McGrath to take any steps they can to investigate and pursue this matter and to communicate with the relevant Government departments.

Please acknowledge that you have received my communication within the stated period for responses to the application.

Yours

Mike Bryant

12 FEB 2015

11 February 2015

Chief Executive Officer & Shire Councillors
Shire of Cuballing
PO Box 13
CUBALLING WA 6311

Tim & Pauline Short
PO Box 7
CUBALLING WA 6311
Phone: 9883 6042

Dear Gary/Shire Councillors

Please find enclosed our submission against the Proposed Landfill Facility – Portion of Lot 23 (3118) Wandering Narrogin Road, Cuballing.

We would like to see the continued use of the current refuse sites in Cuballing and in Popanyinning along with the investigation into improvements in recycling technology to be pursued with a sense of urgency.

We are pleading with you to consider this proposal with the utmost care as the ramifications if the facility is given approval by you are very long term for generations to come.

Please could you add our contact email address to your list of those that wish to be informed as to the progress of this application? Our email address is meander305@gmail.com

Yours faithfully



Tim Short



Pauline Short

Enc

Written submission
Cuballing Brochure
Popanyinning Brochure
Barna Mia Brochures x 6
Project Numbat Brochure

Improving recycling at the current refuse sites in Cuballing Shire

President of the Cuballing Shire Council Mark Conley stated at the Public meeting when asked by Chad Hawksley that the present refuse site in the township of Cuballing had a life remaining of 20 years and the Popanyinning refuse site more than 20 years with the present level of recycling. We believe we should continue to use these sites and look more closely at the recycling technology used in Europe to extend the life of these sites even further.

After seeing the responses at the Public Meeting we feel sure that the people of the Cuballing Shire care enough about this issue to take on recycling at a personal level to a much higher degree than they did before. We all have an obligation wherever we live to clean up our own mess and not leave it for future generations and the quicker we explore improved recycling methods the better.

In Conclusion

In closing, positive improvements are evident in our townships of Cuballing and Popanyinning and throughout the shire. People have come to our shire to enjoy the lifestyle that is currently here with the thought that things could only improve for them and their families. Some of these have built their homes close to the proposed Landfill Facility in the picturesque surroundings creating a small hamlet. How nice it is to see these as you drive along the Wandering Narrogin Road, sending out a positive message to all that drive by, that Cuballing Shire really is a growing community.

Why would we place this at risk at all even if the "experts" presently try to convince us that the site will be well managed once up and running and out of our control? We think even small risks are not worth taking.

We urge all Shire Councillors to consider carefully the impact their vote will have on the lives of the people in the Shire of Cuballing as a whole, along with those that are closest to this proposed Landfill Facility, both now and well into the future.

Shire Councillors (elected by the people) with a sense of concern, pride and a willingness to contribute to make a positive difference to their local community usually remain in the district along with their families (sometimes for generations), please we urge you make your legacy a positive one. You have one chance to get this right for the whole of the Shire of Cuballing, **PLEASE VOTE NO** to the Landfill Facility.

Submission Against The Proposed Landfill Facility

Wandering Narrogin Road, Cuballing

Cuballing Dryandra Country

Forty years ago Cuballing Township was not the appealing place that it is today and the population is proof of this. "Cuballing Dryandra Country" (the title of the brochure enclosed) is the way we promote ourselves to the world, what a privilege we have to be able to do this. Unfortunately we may be about to put a spanner in the works and affiliate the name Cuballing with a Landfill Facility ("super dump"). Northam was discussed as a prospective location for a "super dump" and how that association has stuck. The flow on effects of the perception people have of Cuballing Shire could be detrimental to the whole shire not just those adjoining the proposed Landfill Facility ("super dump").

Proximity to Dryandra

A few years back National Geographic magazine featured an article about Dryandra Woodland and the Numbat population; it was an eye opener to us that Dryandra was recognised worldwide as a unique habitat for many of our flora and fauna. We are sure if National Geographic googled up a Landfill Facility close to Dryandra they would be horrified. We believe that the wider community would see our role in the Cuballing Shire as custodians of this worldwide jewel and expect us to continue to fulfil this obligation.

What is stated now may not be in the future

At the Public Meeting held in the Cuballing Agricultural Hall on Tuesday 3 February 2015 (which we attended) Lindsay Stephens contradicted himself on the tonnages to be carted there, the distance shires would be travelling to use the facility, whether he researched the site from both flora and fauna perspectives. The point we are making that things have already changed before approval is given. How much more will they change if approval is given and we lose control?

Other Shires what can they do?

Other shires namely Narrogin and Wagin (who also had from a geological and environmental perspective suitable sites in their shires) seemingly do not want it in their backyard, it is their right to choose this course of action as it should be our right in the Shire of Cuballing to also choose our course of action without pressure from the shires in the Wagin Group of Councils. Perhaps some of the shires should be considering using the already established North Bannister Facility.

11 FEB 2015

Dear Gary

I Attended the meeting on the 3RD of February 2015
 Regarding the Waste Management site
 I Found it was handled Very poorly, and Felt we were not
 being taken seriously, there were to many Contradictions
 and Comments that made me doubt what was right.
 as you know the hall was packed, all of those people
 were strongly Against the proposed Waste Management
 site, only one saw both sides, one of those sides
 were Effects of devaluation as it happend in her area
 we would have quiet a big loss, and may seek Advise
 Our Block is a Fence line from lot 23 the site.
 we also have surrounding farm land, and would also
 be Affected in some way.

My other Concerns are POTENTIAL CONTAMINATION

I have a piece out of results

The Clayey sand layer at the base of the weathering Profile
 above Fresh rock is relatively permable due to low clay
 content and represents a Zone in which ground Water
 Movement Can Occur, the Aquifer Materials extend
 Upslope above the local Water table and Represents
 A POTENTIAL PATHWAY FOR Movement of any LEACHATE
 GENERATED BY LANDFILL. Monitoring of ground WATER
 "IF REQUIRED" NOT good enough. what about Areas
 that dont have Aquifers, there could be potential
 Contaminates Also. I feel there are to many risks.
 if any Leaching of potential Contaminants it may get into our
 Underground Water, Creeks and Dams, and into the soil
 if this happens, this will also Affect stock

our land would be poisoned, this beautiful farmland is of historical significance it is Approx 120 years old and known as Nebricking Farm we want our Farm preserved other concerns Risk to our health

Feral Cats, Foxes, Flies Sheep would get fly blown more frequently crows with lambs, Rats and Mice the stink and the dust and Rubbish everywhere,

Also once people know it is not managed they will come out and throw rubbish over the fence if not, onto the ground what other things will they bring out contaminated waste, it has happened and if there Enclined to do this they may also take a good look around the Area, and possibly trespass

you say Lot 23 was the PREFERRED SITE

I would like to know other sites that were looked at

AREA AND HA at each SITE. I'm NOT ON THE INTERNET AT THIS STAGE

WHAT ARE THE E.P.A GUIDE LINES

HOW CAN YOU ESTIMATE 5,000 TONNES PER YEAR

I ALSO HEARD 7,000 WHICH ONE IS IT!

Where is green WASTE going

I Object Strongly TO THE WASTE SITE MANAGEMENT PROPOSAL

WAGIN DID NOT WANT IT WE DO NOT WANT IT!

J. Pitt
Nebricking Farm
P/O Box 53
Narrogin
W.A 6312

11 FEB 2015

ON & JF FRANCIS
T/A C & N FRANCIS
PO Box 6
POPANYINNING WA 6309
Telephone 08 98875056
ABN 85 919 719 934

7 February 2015

Shire of Cuballing
PO Box 13
Cuballing WA 6311

Re: Proposed Landfill Facility

Dear Sir

We have grave concerns regarding the proposed landfill site.

It is very unprofessional of the Shire that it has not consulted with the immediate neighbours of the proposed site before progressing to this stage.

It is unjust that the neighbours of the proposed site will have to endure the smell, increase fly problem, increase traffic and also the increase of menacing vermin animals' i.e. wild cats, foxes and maybe even wild pigs. As there is an intensive farm complex in close proximity, adding to the fly problem will be unhealthy.

There must be better, smarter and more efficient way to dispose of the garbage.

Will the Cuballing Shire be responsible for all the garbage from the other Shires involved?

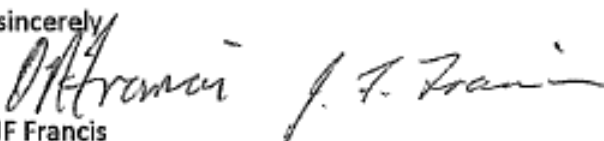
If so, then let the Shire of Cuballing become smart, as it always has been, and be at the forefront of this proposal by being first to putting forward a plan to install a compacting plant at a central location i.e. Yornanning or suitable site, purchasing a road-train or semi-trailer suitable to transport the garbage, contracting the garbage transportation of all the Shires to the recently opened landfill site at North Bannister. Let it be a plan looking to the future and be planned correctly the first time.

If the Shire is unable to afford to purchase the complete transporting unit then purchase just the trailer and contract any one of the many prime movers that are owned in the Shire.

We hope that these concerns and ideas will be considered and the out-come will be favourable to all rate- payers of the Shire.

Yours sincerely

ON & JF Francis



11 FEB 2015

Arthur Thompson
Post Office Box 89
Cuballing W.A. 6311
Email ajcouice@hotmail.com

To
The CEO and councillors
Shire of Cuballing

Dear All

Re the proposal to permit a waste disposal to be put on Nebrikinning Road.

It is with short sightedness that the Shire would even consider this.

How is it to be funded.

Where are the environmental studies.

What are the management strategies

The intersection is the most dangerous on the Wandering Narrogin Road.

The MoU is full of un answered questions.

This is already a fragile environment and putting a rubbish tip there is going to be a breeding ground for feral animals.

There has been any thought as to how it will effect other business in the area.

It will contaminate the under ground water ways.

To put this there would be a disaster waiting to happen.

I can see the need to look at waste disposal. But there are other places it to put this is the wrong place.

Lets not make a mistake now and then find out later that it can not be fixed.

In this proposal there are too many things that dont have answers.

Kind regards
Arthur



9 FEB 15

12 FEB 2015

To The President, Councillors, CEO of the Shire Of Cuballing

I am sending this letter to you with concerns over the proposed Regional Landfill Facility to be built on Nebrikinning Road Cuballing.

- My first concern is the roads on both sides of Nebrikinning Road being the Narrogin/Wandering road Narrogin/ Congelin road these are all school bus routes.
- The next issues are these road are going to have more traffic than normal on them and I feel that they will break down quickly.
- Also which way is the Williams trucks coming from as if they are coming Congelin/Williams road its gravel and this breaks up with just local traffic. Also the Clayton Road is used by buses and also the ambulance route to the airstrip , if they come that way then will they come up Bradford Exchange this is a shocking road under normal traffic without having trucks running up and down here.
- Have the fire hazards been looked into.
- The environmental impact it is going to have on the underground water the soil and also the impact that it will have on the farm that surround this area on it stock, the impact on intensive farming especially the egg farm I don't think this has been even looked at and what about air, water and soil contamination.
- If we don't have enough problems with feral and vermin animals we will have more and those houses that are close to this site are going to end up with more rats and mice and cats in their properties which can and will impact on their lives.
- The spread of disease caused by these animals will impact on the farms and also the people in these areas .
- Then you have the Dryandra Woodlands only down the road the impact of feral animals may cause huge problems to their breeding programmes there and also the animals that have been released back into the wild.
- The other thing was the disrespect shown to the residents, landowners, ratepayers that live in this area this seems to been a hush, hush project

that no one seemed to know about or only found out a couple of weeks before the closed time that submissions need to be put forward. Not one Councillor or President or CEO had approached any of the people living out in this area of Nebrikinning to speak to us about the proposal of this Regional Landfill Facility.

I do hope that this is investigated better as at the meeting my feelings were that questions weren't answered properly and that the impact on the farming areas and small home lots have not been looked at, and what is the value of land going to be in these areas.

Jenni Brown

CEO - Cuballing Shire

From: Paice, Sheldon <Sheldon.Paice@health.wa.gov.au>
Sent: Wednesday, 11 February 2015 9:30 AM
To: ceo@cuballing.wa.gov.au
Cc: 'cpaice@bigpond.net.au'; 'cathyanddoug@bigpond.com.au'
Subject: Submission opposing planning approval for Regional Waste Site
Attachments: Submission opposing planning approval for Regional Waste Site.pdf

Dear Gary,

Please find attached our submission opposing planning approval for Regional Waste Site, can you please confirm receipt of our submission.

I would also like to receive the terms of reference or strategic intent of the Wagin Voluntary group of councils. The only information I can see provided outlines that the group want to establish a regional site but no information from the group has been provided about what that site is designed to achieve.

Thank you
Sheldon Paice
Mobile 0497100725
E Mail: sheldon.paice@health.wa.gov.au

Shire of Cuballing
PO Box 13
CUBALLING WA 6311

Attention: Mr Gary Sherry - Chief Executive Officer, Cuballing
CR Mark Conley – Shire President, Cuballing
CR Roger Newman – Deputy Shire President, Cuballing
CR Tim Haslam
CR Scott Ballantyne
CR Eliza Dowling
CR Dawson Bradford
Steve Friend – Wagin Voluntary Group of Councils, Shire of Wagin

Dear All

RE: APPLICATION FOR PLANNING APPROVAL – PROPOSED REGIONAL WASTE DISPOSAL FACILITY.

The land owners of 3265 Wandering - Narrogin road in the Shire of the Cuballing strongly object to the above mentioned application which is seeking planning approval for the establishment of a Regional Waste Facility at Lot 23 (No 3118) Wandering – Narrogin road Cuballing and put forward that the Shire would be acting unreasonably and irresponsibly in approving this Application.

Consideration of the Application must be rejected on the following grounds:

1. The proposed landfill is not permitted in the “General Agriculture” zone in accordance with clause 4.4.2(c) of the Shire of Cuballing Town Planning Scheme No.2 and, is not consistent with the objectives and purpose of the area.
2. The proposed landfill ‘does not’ *“preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner”*
3. The proposed landfill ‘does not’ *“ensure the preservation of the rural character and rural appearance of land within the zone”*.
4. The proposed landfill ‘does not’ *“encourage intensive agriculture”* and it is yet to be demonstrated that the proposed landfill site *“will not adversely affect existing agricultural activities”*
5. The proposed landfill ‘does not’ *“protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity”*
6. The proposed landfill ‘does not’ *“preserve and protect the natural undeveloped land areas throughout the zone”*
7. The proposed landfill ‘does not’ *“ensure that natural drainage patterns/catchments throughout the Shire are recognised in land management practices”*

landfill breaks down it generates biogas often referred to as landfill gas, which is very pungent. No evidence has been provided by the applicant as to how this gas will be captured and dissipated and how its emission into the atmosphere will be prevented.

14. The current application for planning approval **'does not'** provided any evidence that the existing rubbish tip in the Shire is inadequate for the Shire's current or future needs. It would also appear that the existing rubbish facility in the Shire of Cuballing will be retained and become a transfer station. This will effectively result in two rubbish tips being located in Cuballing, servicing a population of only 890 people. There appears to be no benefit or cost savings to the residents of the Shire of Cuballing.

The current application for planning approval **needs to include the following** to enable the Shire and rate payers of the Shire of Cuballing to make an informed decision and ensure this is a truly regional and strategic proposal for the benefit of all;

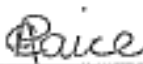
1. **A true and accurate residential impact analysis** including clearly identifying the surrounding properties and businesses. This report needs to clearly identify the financial impact this would have on the effected landowners. The report needs to include a residential impact comparison against other similar proposals to show that this proposal does or does not have a higher residential impact than other facilities.
2. The proposal needs to **clearly identify the type of waste to be disposed of** at that the proposed facility. There current submission and FAQ's contradicts waste types, amounts and the longevity of the facility. It was verbally noted at the community meeting held on the 03/02/2015 that the new MOU and current land owner has excluded the disposal of asbestos materials, contaminated soils medical waste and septage from the proposal. The WVGC needs to clearly identify the regional approach for the disposal of these items and if they are excluded from disposal at the Nebrikinng road site.
3. **Environmental impact and mitigation EPA** strategies need to be clearly identified, including any potential impact on the sensitive Dryandra Woodland area
4. **Traffic management report** including project planning and costing for the upgrade of Wandering – Narrogin road and Nebrikinng Road. This intersection should be identified as a black spot but is yet to be assessed and identified. . The risk to users as school bus route, the risk and cost to rate payers for potential upgrades has not been clearly identified.
5. The current application for planning approval must clearly identify how the site will **manage the risk of fire** and operational requirements with no mains water supply or sustainable water supply for this purpose. Given the high number of unidentified residential properties in the area any risk to land owners property and plant must be considered. As a minimum a sustainable water supply for use of volunteer fire fighters must be installed.
6. The current application for planning approval **must include a detailed odour impact statement** and highlight the risk to surrounding land owners. Without this information an informed decision could not be made.

to ensure their decision and actions are in the best interest of all. This current application does not meet the needs of a regional waste facility, has no future growth opportunities due to the constraints imposed by surrounding properties and adversely affects a larger number of residential and business land owners than were originally identified. These issues combined with the potential risk to the environmentally delicate area of the Dryandra Woodland are all solid grounds to decline this application.

The Shire of York declined a similar proposal in April 2014 as it did not meet the needs of the community, breached the town planning act, was inconsistent in the advice provided, was a potential environmental risk and had the potential to affect the surrounding water supply, I ask you decline this application on similar grounds.

Thank you


Sheldon Paice
9th February 2015
Loc 3267 Wandering Road
Cuballing WA 6311
0497 100 725


Cacindra Paice
9th February 2015
Loc 3267 Wandering Road
Cuballing WA 6311
0417 957 018

Shire of Cuballing

From: chris hall <cehall.99@hotmail.com>
Sent: Monday, 23 February 2015 5:31 PM
To: enquiries@cuballing.wa.gov.au; NAG@westnet.com.au
Subject: Proposed tip site

TO WHOM IT MAY CONCERN

We are concerned ratepayers of the Narrogin Shire that live 6kms out on the Williams Kondinin Road. We are appalled that the Shires can make a decision to have a proposed tip site so close to residential properties and homes near a main artery when there are hundreds and hundreds of hectares in the Cuballing, Narrogin and Wagin Shires that could locate a tip away from closely populated areas.

Just think.....great for Tourism.

Please think about this very sincerely, not only for the next 2 decades but for our children's children in the future.

We have been away and have only just received the brochure. Thank you for reading this.

Chris & Doug Hall

Sent from my iPad=

9.2.155 Proposed Subdivision/Amalgamation – Lots 133, 23 Wickepin Pingelly Road East Pingelly

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 10th March 2014
File Reference: 151081/TP7
Attachment 9.2.155A Location plan
9.2.155B WAPC Application

Summary

A subdivision/amalgamation application for two lots near the Wickepin Pingelly Road East Pingelly to create two reconfigured lots is unconditionally supported.

Background

The Western Australian Planning Commission (WAPC) has referred subdivision/amalgamation application 151081 to the Shire for comment. This referral was only sent to the Shire of Pingelly in the first instance, although part of the properties are in the Shire of Cuballing. The date for submissions has now been extended.

The location of the application site is near the boundary of the Shire of Cuballing and Pingelly and is outlined in Attachment 9.2.155A.

The subdivision/amalgamation application (boundary adjustment) is included in Attachment 9.2.155B. The application site consists of 2 current titles (1026.2279 and 41.2296 hectares in area) and the proposal is to create 2 lots of 482.3175 and 1585.206 hectares.

Lot 133 is located entirely in the Shire of Cuballing and Lot 23 has 96.7135ha, in two separate portions, located in the Shire of Cuballing with the remaining 929.5144ha in the Shire of Pingelly

The site is generally cleared and contains a dwelling and farm buildings in the Shire of Pingelly.

The properties or portion of property in the Shire of Cuballing are zoned “Rural” in the Shire of Cuballing Town Planning Scheme No. 2 (TPS2).

Comment

The boundary adjustment application is supported as it is considered consistent with TPS2 given no additional titles are created.

The Shire of Cuballing Local Planning Strategy (LPS) looks to have Council protect the good agricultural broad acre farming land in the Shire. The LPS states:

Council is particularly aware of the increasing pressure on existing broad acre farming operations to subdivide, and is keen to ensure that this is not done so at the expense of the existing agricultural activities. As a result, there will be a general presumption against subdivision in agricultural areas.

However Council may recommend subdivision approval where:

- The lots have already been physically divided by significant natural or man-made features;
- The lots are required for the establishment of uses ancillary to the rural use of the land; or
- The adjustment of boundaries will not result in the creation of one or more additional lots.

The proposal actually confirms the agricultural use of the properties with proposed new being of significant size.

Of the two new lots created, one lot is entirely east of the Pingelly Wickopin Road and is entirely located in the Shire of Pingelly. The other new lot, has 138.0135ha of the 585.206ha lot in the Shire of Cuballing with the remainder in the Shire of Pingelly.

The Shire of Pingelly raised the suggestion of a local government boundary adjustment given that part of one of the new lots will be located in two Shires. The current application does not require a boundary adjustment to proceed, although it is desirable to not have properties split by local government boundaries.. One of the existing lots is in both Shires and this poses not issues in calculating or valuing this property. A boundary adjustment is not a condition of this application and could be separately considered by the local governments in the future.

Statutory Environment

Planning and Development Act and TPS2

Financial Implications – Nil

Strategic Implications – Nil at this time.

Policy Implications

The application complies with TPS2 and the LPS.

Economic Implications

The application does not create additional lots and seeks to improve the current land usage.

Social Implications – Nil

Environmental Implications

There are minimal environmental considerations for the proposed subdivision/amalgamation. Each of the proposed new lots do contain large amounts similar environmental habitat, whether that be broad acre agriculture or remnant vegetation.

Consultation

The WAPC invites comments from the Shire and other government/servicing agencies at the subdivision stage.

Options

Council can resolve:

1. the Officer's Recommendation;
2. support the boundary adjustment with conditions; or
3. not support the boundary adjustment (giving reasons);

Voting Requirement – Simple Majority

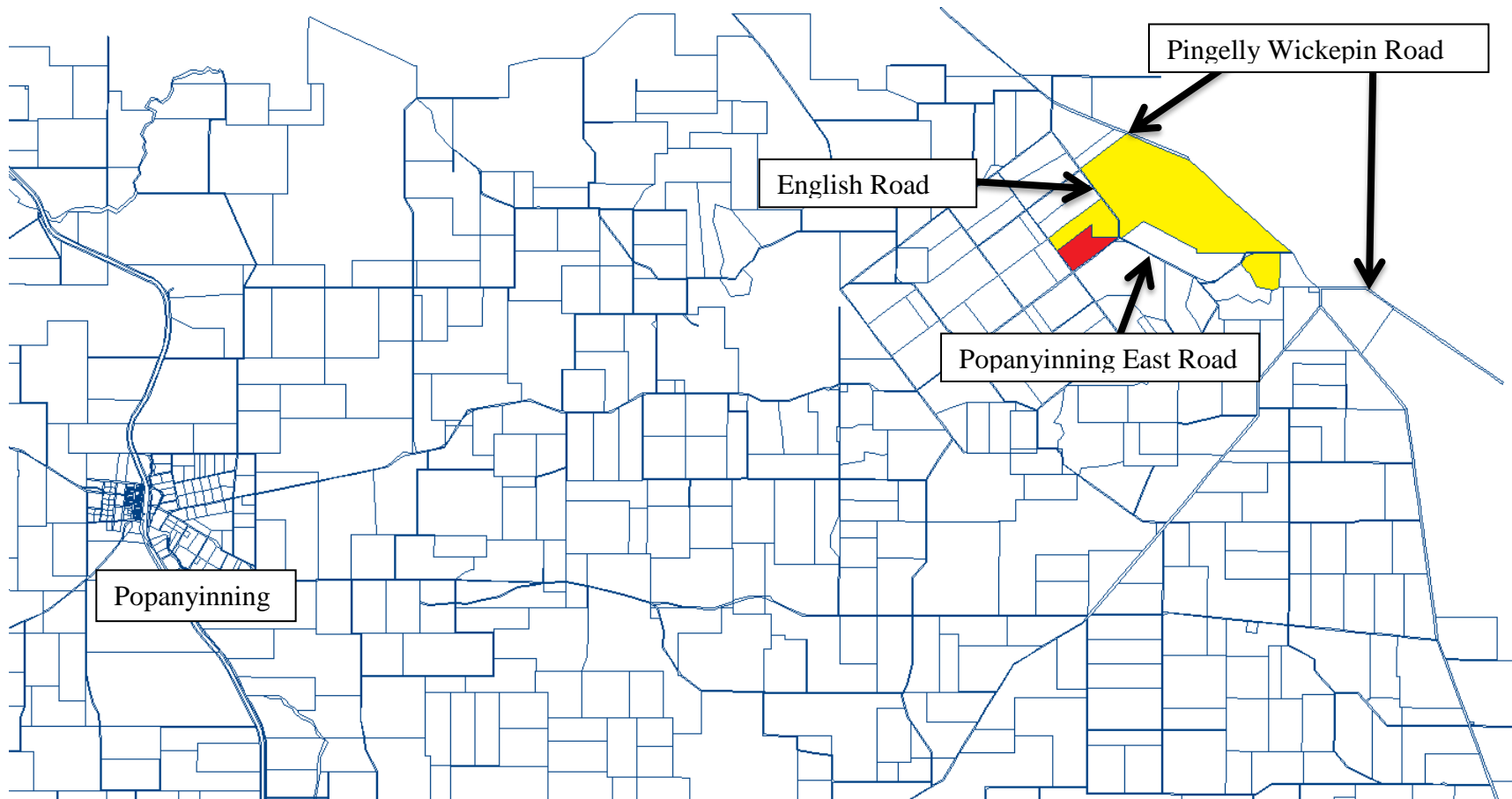
COUNCIL DECISION:

That Council unconditionally support Western Australian Planning Commission application 151081 being the subdivision/amalgamation of Lots 23 and 133 Wickepin Pingelly Road East Pingelly.

Moved Cr Ballantyne

Seconded Cr Dowling

Carried 6/0





Our Ref : 151081
 Previous Ref :
 Your Ref :
 Enquiries : Grady O'Brien (6551 9784)

SHIRE OF PINGELLY	
FILE	A4066
DATE	16 DEC 2014
Officer	AOT
Copy to	

9 December 2014

Chief Executive Officer
 Shire Of Pingelly
 17 Queen Street
 PINGELLY WA 6308

Application No: 151081 - Lot No 133,23 Wickepin-Pingelly Road East Pingelly

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 20th January 2015 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule (October 2012) in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: www.planning.wa.gov.au

Send responses via email to referrals@planning.wa.gov.au. Always quote reference number "151081" when responding.

This proposal has also been referred to the following organisations for their comments:
Water Corporation, Western Power, Department Of Parks And Wildlife, Department Of Mines And Petroleum and LG As Above.

Yours faithfully

Tim Hillyard
 Secretary
 Western Australian Planning Commission

APPLICATION DETAILS

Application Type	Subdivision	Application No	151081
Applicant(s)	P H & K E Gow (Licensed Surveyors)		
Owner(s)	J & J English Nominees Pty Ltd , Jangering Pty Ltd		

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
 Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
 e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
 ABN 35 482 341 493



Locality	Lot No 133,23 Wickepin-Pingelly Road East Pingelly		
Lot No(s).	133,23	Purpose	Rural Agriculture - Boundary Re-Alignment
Location		Local Gov. Zoning	Local Road, General Agriculture, Major Regional Road
Volume/Folio No.	2837/286, 2834/490	Local Government	As Above
Plan/Diagram No.	235012,P075675/23	Tax Sheet	
Centroid Coordinates	mE mN		
Other Factors	THREATENED FAUNA BUFFER, DMP, REMNANT VEGETATION (NLWA)		



Form 1A

Application for Approval of Freehold or Survey Strata Subdivision



Notice to applicants - Consent to the disclosure of Information

In the interests of transparency, the agenda and minutes of meetings of the Western Australian Planning Commission may appear on the PlanningWA Website, which is a website that is available to the public. Accordingly, in signing this form, you acknowledge that except for information about your business, professional, personal or commercial and financial affairs, the information you have provided in support of your application may be placed on the website.

Important information for applicants

- Please read all of this form carefully and consult the application guide and schedule of fees for further information. The application may not be accepted and will be returned to the applicant with the submitted fee if these requirements are incorrect or incomplete.
- The WAPC is responsible for determining applications for freehold and survey strata subdivision under the *Planning and Development Act 2005* and *Strata Title Act 1985*. The information required for an application is authorised by regulation 25 of the Planning and Development Regulations 2009. There are penalties for providing false information.
- Applications for a freehold and survey strata subdivision require a fully completed form 1A with any additional information attached, the correct application fee and multiple copies of a subdivision plan and any supporting documentation (see part 7 of form 1A).
- Subdivision plans must be based on an accurate and up-to-date feature survey (survey of existing physical features and improvements such as driveways, buildings as required by part 7). The additional information requirements, under part 7 item 17, are not required for amalgamation approval.
- The applicant must sign part 1. All landowners or an agent with written authority must sign part 3. Agents must provide written authority from the landowner.
- The application fee must accord with the current schedule of fees.
- Applicants must check that there are no restrictive covenants applying to the land or if there are, attend to the resulting liabilities and obligations. The WAPC is only bound by the terms of restrictive covenants created under statute in favour of a public authority.
- Applicants must state the application type, freehold or survey strata subdivision, on part 5 of form 1A. A separate application is required for each application type, freehold or survey strata subdivision. Application fees for cancelled applications will not be refunded if the application has been referred to external agencies.

1 Applicant

The applicant is the person with whom the WAPC will correspond and, if the application is approved, the person to whom the approval will be sent.

Name / company	PH and KE Gow (Licensed Surveyors)		
Contact person	Peter		
Postal address	PO Box 580		
Town / suburb	Narrogin	Phone number/s	98815140
Postcode	6312	Fax	98815575
		Email	peter-gow@bigpond.com

The form 1A has been completed in full and all relevant information is attached

Current email address required for communicating decisions or other relevant matters

Applicant signature

Print name and position

PETER GOW

Date

7/11/14

(If signing on behalf of a company or agency)

2 Landowners

All the registered proprietors (landowners) as shown on the record of certificate/s of title for the subject lot/s must be provided. A change of name must be supported by relevant documentation such as a transfer of land document that incorporates a lodgement receipt, a company search from the Australian Securities and Investment Commission, a marriage certificate or a change of name certificate. If there are more than two landowners please provide the additional information on a separate page.

Full name			DEPARTMENT of PLANNING 04 DEC 2014
Company / agency (if applicable)	J & J English Nominees Pty Ltd		
ACN/ABN (if applicable)	081242953		
Postal address	P.O. Box 509		
Town / suburb	PINGELLY	Postcode	6308

Full name		
Company / agency (if applicable)	Jangering Pty Ltd	
ACN/ABN (if applicable)	008 816 117	
Postal address	PO Box 509	
Town / suburb	PINGELLY	Postcode

1	DATE	FILE
	- 4 DEC 2014	151007

Version 8.6 (November 2012)

3 Consent to apply

Registered proprietor/s (landowner/s) or the authorised agent's details must be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent. Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name _____

Company / agency (if applicable) J & J English Nominees Pty Ltd

ACN/ABN (if applicable) 081 242 953

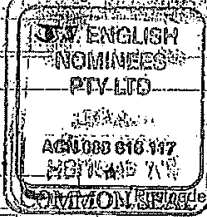
Postal address PO BOX 509

Town / suburb PINGELLY WA 6308

The landowner/s or authorised agent consents to the applicant submitting this application

Signature [Signature] Date 24-11-14

Print name and position (if signing on behalf of a company or agency) JONATHAN BRIAN ENGLISH DIRECTOR



Full name _____

Company / agency (if applicable) Jangerling Pty Ltd

ACN/ABN (if applicable) 008 816 117

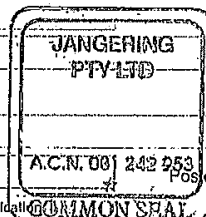
Postal address PO BOX 509

Town / suburb PINGELLY WA 6308

The landowner/s or authorised agent consents to the applicant submitting this application

Signature [Signature] Date 24-11-14

Print name and position (if signing on behalf of a company or agency) JONATHAN BRIAN ENGLISH, DIRECTOR



Please tick 'yes' or 'no' for each statement.

- 1 All registered proprietor/s (landowners) listed on the certificate/s of title have signed the application or an attached letter of consent. ☐ yes ☒ no
- 2 Consent to apply is given on behalf of landowners. ☒ yes ☐ no
 If you indicate 'yes', a letter of consent that is signed by the registered proprietor/s as shown on the certificate/s of title and/or an endorsed power of attorney or other evidence must be provided.
 If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies, company name and ACN/ABN on the form 1A. Appropriate company signatory/ies include one director and the company seal, two directors or one director and one secretary.
 If the subject land is owned by a strata company, part 3 or a letter of consent can be signed by the company secretary or by an elected person of the company providing proof of authority either by letter of delegated authority, signed by all strata owners or minutes showing delegated authority.
- 3 The application is by or on behalf of a prospective purchaser/s under contract of sale or offer and acceptance. ☐ yes ☒ no
 If you indicate 'yes', evidence of landowner's consent must be provided. Relevant evidence may include an express provision of consent by the vendor on the contract of sale or offer and acceptance, a letter of consent from the registered proprietor/s giving prospective purchaser/s consent to lodge the application or copy of the transfer of land document that incorporates a lodgement receipt. Lodgement does not guarantee registration of the document and prospective purchaser/s must notify the WAPC in writing if the document is withdrawn or rejected from registration.
- 4 Consent to apply is given by or on behalf of joint tenant survivors. ☐ yes ☒ no
 If you indicate 'yes', a copy of the death certificate of the deceased landowner must be provided.
- 5 Consent to apply is given by or on behalf of an executor of a deceased estate. ☐ yes ☒ no
 If you indicate 'yes', a copy of the grant of probate or endorsed power of attorney must be provided.
- 6 This application includes land that is owned by or vested in, or held by management order by a government agency or local government. ☐ yes ☒ no
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.
- 7 This application includes Crown land. ☐ yes ☒ no
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.

NOTE!

DEPARTMENT OF PLANNING

DATE 4 DEC 2014 FILE 151081

4 Certificate/s of title

Current copies (issued within the last 6 months) of a record of certificate/s of title for all subject lot/s must be attached to the form. If there are more than two records of title please provide the additional information on a separate page. Duplicate certificate/s of title will not be accepted.

Certificate of title Volume 2837 Folio 286 Diagram/plan/deposit plan no 75675

Lot number and location of subject lot Lot no (whole/part) 23 Location

Reserve no (if applicable)

Street number and name 2658 Wickepin Pingelly Rd

Town / suburb East Pingelly Postcode 6308

Nearest road intersection Popanyinning Rd

Certificate of title Volume 2834 Folio 490 Diagram/plan/deposit plan no 235012

Lot number and location of subject lot Lot no (whole/part) 133 Location

Reserve no (if applicable)

Street number and name Popanyinning Rd

Town / suburb East Popanyinning Postcode 6308

Nearest road intersection English Rd

Current copies of all records of title are attached. ☒ yes

Total number of current lot/s subject of this application 2

5 Summary of the proposal

Please print clearly and tick the appropriate boxes.

1 Application type		or		DEPARTMENT OF PLANNING	
2 Tenure of proposed lot/s		or		DATE FILE	
<input checked="" type="checkbox"/> subdivision	<input type="checkbox"/> amalgamation			- 4 DEC 2014	15 10 8 1
<input checked="" type="checkbox"/> freehold (go to 4)	<input type="checkbox"/> survey strata (go to 3)				
3 Is common property proposed?		<input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
4 Does the subject lot/s contain existing dwellings (ie buildings for residential purposes), outbuildings and/or structures?		<input checked="" type="checkbox"/> yes (go to 5) <input type="checkbox"/> no (go to 6)			
5 Please provide details of dwellings, outbuildings and/or structures		<input checked="" type="checkbox"/> dwellings number of dwellings <u>1</u>			
		<input checked="" type="checkbox"/> all to be retained <input type="checkbox"/> all to be removed <input type="checkbox"/> partially retained/removed (please specify) ...			
and/or		<input checked="" type="checkbox"/> outbuilding/s and/or structures number of outbuildings and/or structures <u>3</u>			
		<input checked="" type="checkbox"/> all to be retained <input type="checkbox"/> all to be removed <input type="checkbox"/> partially retained/removed (please specify) ...			
and/or		<input type="checkbox"/> others (please specify)			
6 Number of proposed lot/s <u>2</u>					
7 Current land use <u>Rural Agriculture</u>					
8 Proposed land use / development <u>Rural Agriculture Boundary Realignment to divide the lot along the</u> (please state the purpose of the subdivision and specify the proposed use of each of the proposed lots) <u>Wickepin Pingelly Rd</u>					
9 Local government where the subject land is located City/Town/Shire of <u>Pingelly and Cuballing</u>					

6 Application fee

The application fees are listed in the schedule of fees which is reviewed annually. Please ensure the fees submitted accord with the current fee schedule. Cheques should be made out to the Western Australian Planning Commission.

The correct application fee determined in accordance with the current schedule of fees is attached. ☒ yes \$ 3044.94

7 Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

General information required for all applications

- Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval. ☒ yes
- Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached as indicated on the following table:

Final no of lots proposed	Copies of subdivision plan and supporting documentation or accompanying information
40 or less	8 paper copies
More than 40	12 paper copies
Large/bulky subdivision reports	1 bound paper copy only and 10 CD copies
- At least four copies of the subdivision plan are A3 or smaller. ☒ yes
- All subdivision plans are capable of being reproduced in black and white format. ☒ yes
- The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000). ☒ yes
- All dimensions on the subdivision plan are in metric standard. ☒ yes
- The north point is shown clearly on the subdivision plan. ☒ yes
- The subdivision plan shows all lots or the whole strata plan (whichever is applicable). ☒ yes
- The subdivision plan shows all existing and proposed lot boundaries. ☒ yes
- The subdivision plan shows all existing and proposed lot dimensions (including lot areas). ☒ yes
- The subdivision plan shows the lot numbers and boundaries of all adjoining lots. ☒ yes
- For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot. ☒ yes
- The subdivision plan shows the name/s of existing road/s. ☒ yes
- The subdivision plan shows the width of proposed road/s. ☒ n/a (no road proposed)
- The subdivision plan shows all buildings and/or improvements which are to be retained (including setbacks) or removed. ☒ yes
- The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams. ☒ yes
- Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas

Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land including:

 - driveways
 - fencing
 - retaining walls
 - kerb lines
 - street trees
 - telecommunication pillars
 - manholes
 - water supply
 - electricity transmission lines and poles
 - bus stops
 - swimming pools
 - sewer, water and electricity connections
 - gully pits
 - pedestrian paths
 - boundary setbacks for dwelling/s to be retained

Access to / from right-of-way or private road

Access is to be provided from an existing right of way or private road. ☐ yes ☒ no

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the *Transfer of Land Act 1893*, an implied easement for access or other arrangement.

Contaminated sites

Information to assist applicants to respond to the following questions is on the Department of Environment and Conservation (DEC) website at www.dec.wa.gov.au/contaminatedsites.

Has the land ever been used for a potentially contaminating activity? Examples include: market garden or intensive agriculture, livestock dip or spray race, service station, fuel or waste oil storage, fill other than certified clean fill, landfill or waste disposal, chemical storage or manufacturing, metal works or scrap metal recovery, motor vehicle workshop, timber mill/preserving, pest control depot, dry cleaning establishment, industrial facility, rifle range, railway yards, port, sewerage treatment facility. Other examples are in the DEC guideline *Potentially Contaminating Activities, Industries and Landuses*. ☐ yes ☒ no

If yes, please attach details of the Activities/uses.

2 Does the land contain any site or sites that have been classified under the *Contaminated Sites Act 2003*? ☐ yes ☒ no

3 Does the land contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*? ☐ yes ☒ no

If you indicated 'yes' to question 2 or 3 you must provide a Basic Summary of Records (BSR). Where a BSR is not available from the public Contaminated Sites Database, the form requesting a BSR from DEC is available from the DEC website at www.dec.wa.gov.au/contaminatedsites or by calling DEC on 1 800 762 982.

If a BSR is not available, a copy of the letter from DEC notifying the applicant that the site or the sites are under assessment must be provided, followed by the BSR when available.

Is a BSR or letter from DEC attached? ☐ yes ☒ no

Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached? ☐ yes ☒ no

Acid sulfate soils

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location? ☐ yes ☒ no

The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available from the Planning WA website: www.planning.wa.gov.au

Submission of application to WAPC through Department of Planning offices

Perth (All posted applications);	Perth (Lodgements in person);	Albany	Mandurah	Bunbury	Geraldton
Locked Bag J747 Perth WA 6000	140 William Street Perth WA 6000 telephone: 955 19000 facsimile: 955 19001 NRS: 13 36 77	178 Stirling Terrace PO Box 1108 Albany WA 6331 telephone: 9982 7339 facsimile: 9841 8304	Shop 2B 11-13 Pinjarra Road Mandurah WA 6210 telephone: 9586 4680 facsimile: 9581 5491	5th Floor Bunbury Tower 81 Victoria Street Bunbury WA 6230 telephone: 9791 0577 facsimile: 9791 0576	65 Chapman Road PO Box 68 Geraldton WA 6531 telephone: 9956 0122 facsimile: 9956 0132

PH and KE GOW (Licensed Surveyors)
PO Box 580 Narrogin WA 6312
98815140 0428250962 fax 98815575

The Secretary
Western Australian Planning Commission
140 William St
PERTH WA 6000

01/12/14

RE: Proposed Subdivision of Lots 23 and 133, Wickepin Pingelly Rd, East
Popanyinning and East Pingelly, Shires of Cuballing and Pingelly

Dear Sir,

I wish to submit the attached application for a subdivision of the above lots on behalf of the land owners.

The proposal is to create 2 lots, by way of a boundary realignment. The proposed Lots A and B will suit the landform as the Wickepin Pingelly Rd is at present an impediment to farm management practices.

The existing house and sheds are to be retained. The application will create no new dwelling entitlements.

I request that the proposed subdivision get approved as submitted.

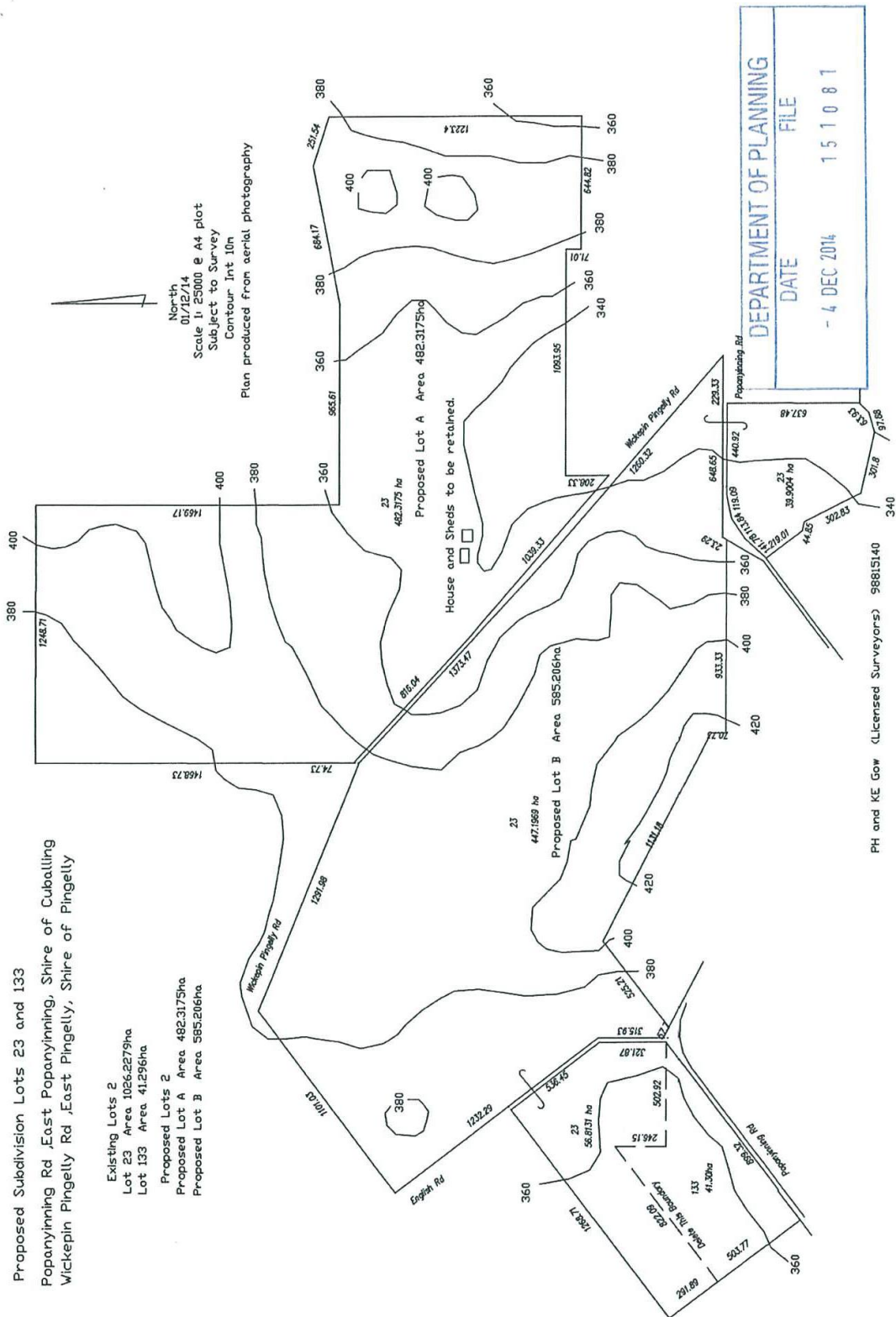
Any questions do not hesitate to contact me.

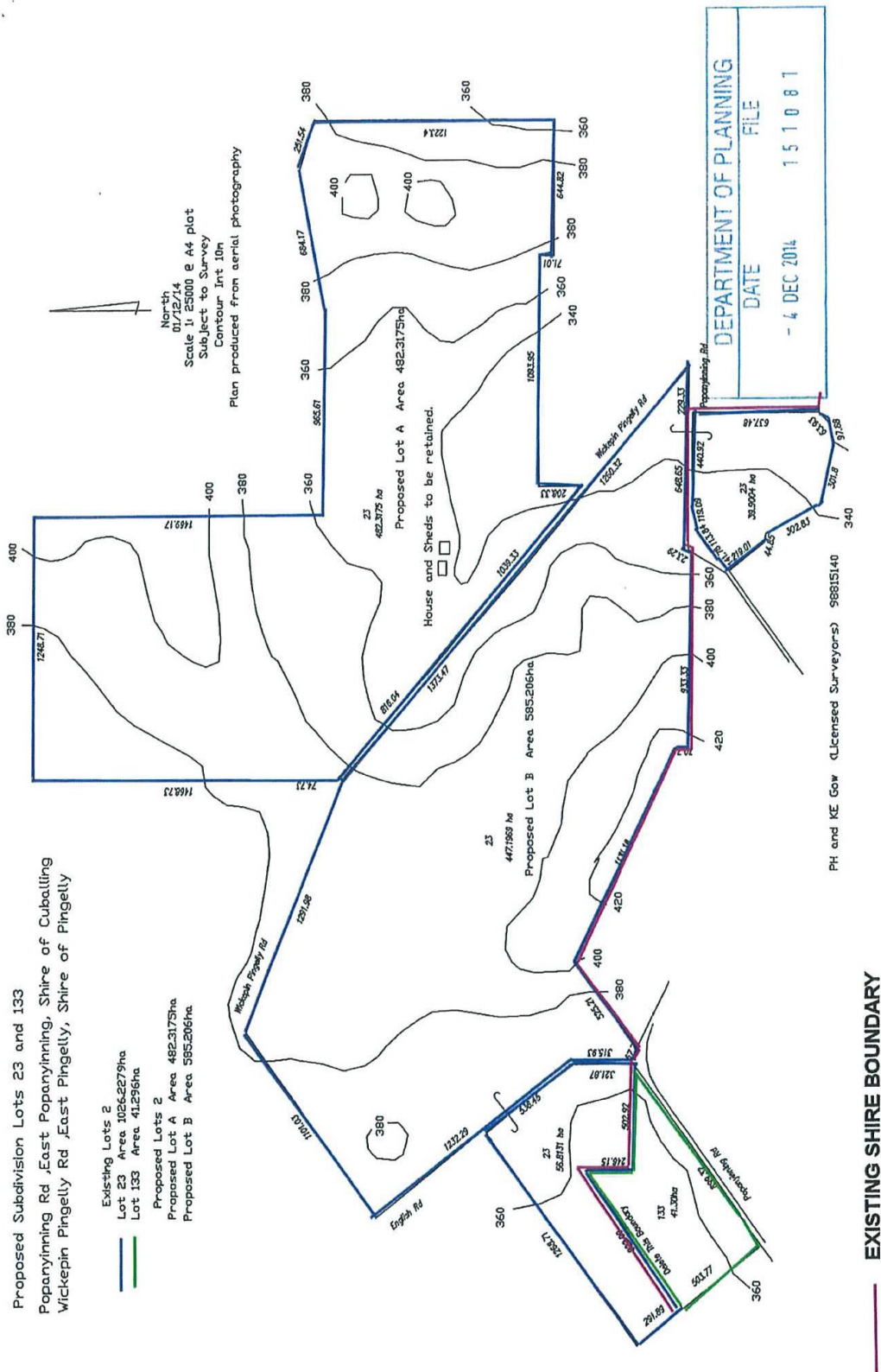
Regards

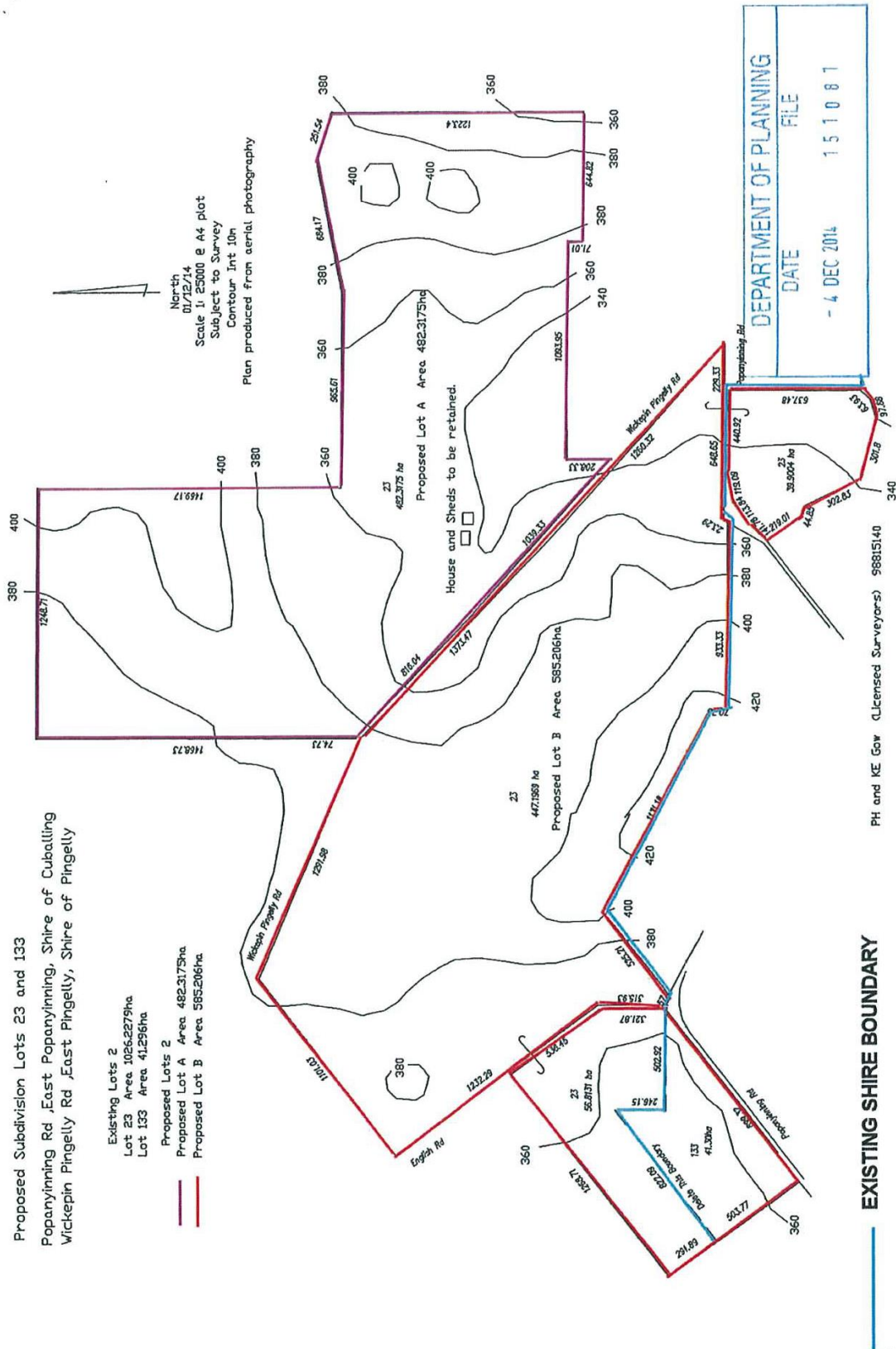
Peter Gow



DEPARTMENT OF PLANNING	
DATE	FILE
- 4 DEC 2014	151081







9.3 REPORTS - WORKS

Nil

9.4 REPORTS - HEALTH AND BUILDING

Nil

10. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. OTHER URGENT BUSINESS

11.1.64 Urgent Business – Purchase of Generator

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 17th March 2015

Summary

Council is to consider reviewing urgent business relating to the purchase of a new generator.

Background – Nil

Comment

Staff are attempting to have the Agenda prepared at least a week before each Council Meeting. In completing this schedule, business of an urgent nature will arise from time to time in particular where commercial activities within the district would be delayed by Council not considering the item.

Statutory Environment

Shire of Cuballing – Standing Orders Local Law 1999 – Section 3.10:
3.10 Urgent Business Approved By the Person Presiding or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

Financial Implications – Nil

Strategic Implications – Nil at this time.

Policy Implications – Nil at this time

Economic Implications – Nil

Social Implications – Nil

Environmental Implications – Nil

Consultation – Nil

Options

Council can resolve:

1. the Officer's Recommendation;
2. to not consider the urgent business.

Voting Requirement – Simple Majority

COUNCIL DECISION:

That Council consider the urgent business relating to the purchase of a generator.

Moved Cr Ballantyne

Seconded Cr Haslam

Carried 6/0

11.2.65 Approval to Purchase a Generator

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 17th March 2015
File Reference: Tenders & Contracts 5

Summary

Council is to consider approval of the expenditure of funds to purchase a new generator following the destruction of the previous generator by fire in February 2015.

Background

Council use this generator for powering the water pump at the Springhill Road dam to fill the dam at the Cuballing Recreation Ground and for powering the Shire Administration Centre at times of power outage to allow staff to continue work.

On 10th February 2015 Council's 22KVA generator that was powering the pump at the Springhill Road dam caught fire and was destroyed. The cause is not precisely determined although it is believed that a fuel leak of some kind is responsible. This incident is not indicative of the brand of generator and the agent who has sold a large number of this model generators, had not heard of another instance of fire.

Council have hired a replacement generator to allow pumping to continue.

Staff claimed the destruction of the generator with Council's property insurance and were paid the sum of \$12,780 (GST Exclusive) on 4th March 2015 to cover the destroyed generator's replacement cost and the cost of hire of a replacement pump in the short term.

Comment

A local government is not permitted to expend money unless the expenditure is:

- Included in annual budget;
- Occurs before the budget is adopted;
- Authorised in advance by resolution or
- Authorised in advance by the Shire President in an emergency.

Therefore because this expenditure was not included in the 2014/15 Council budget, approval to expend funds to purchase a generator is required by Council.

Staff have reviewed quotations from three suppliers. They include:

Supplier	Generator	KVA	Phases	Silenced	Price
E & MJ Rosher	Kubota SQ3200B	20	3	Yes	12,680
Able Sales	LP20P3 - Perkins	20	3	Yes	11,900
Able Sales	LP22X3	22	3	Yes	6,900
Able Sales	LP2513 - Isuzu	25	3	Yes	10,300
Power & Generation JCB	JCB G22Qx	22	3	Yes	16,590

Staff have obtained a number a number of quotations from replacement generators. Staff, in selecting a generator, balanced the amount of KVA produced with the reliability and reduced maintenance of better engine.

Statutory Environment

Local Government Act (1995)

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

Financial Implications

Council has received an unbudgeted insurance payout of \$12,780 (GST Exclusive)

Staff recommend the unbudgeted expenditure of up to \$10,300 (GST Exclusive) to purchase a replacement generator.

Strategic Implications – Nil at this time

Policy Implications – Nil at this time.

Economic Implications – Nil at this time

Social Implications – Nil at this time

Environmental Implications – Nil at this time

Consultation – Nil

Options

Council can resolve:

1. The Officer's Recommendation; or
2. Not purchase a generator at this time and consider the purchase of a suitable generator in Council's 2015/16 Budget.

Voting Requirement – Simple Majority

COUNCIL DECISION:

That Council authorise the expenditure of up to \$10,300 for the purchase of a three phase 25 KVA generator.

Moved Cr Haslam

Seconded Cr Dowling

Carried 6/0

12. NEXT MEETING

Thursday 23rd April 2015 at 3.00pm at the Shire of Cuballing Council Chambers.

13. CLOSURE OF MEETING

There being no further business, the Shire President, Cr Conley, closed the meeting at 5.45pm.