

10. OFFICERS' REPORTS

10.1. CHIEF EXECUTIVE OFFICER

10.1.1 BANNING THE USE OF RAW POULTRY MANURE IN IRRIGATED HORTICULTURE WITHIN THE SHIRE OF GINGIN IN ORDER TO CONTROL THE DETRIMENTAL EFFECT OF STABLE FLIES

LOCATION: SHIRE OF GINGIN
FILE: HLT/10
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PRIOR TO DELIBERATION ON THIS ITEM THE SHIRE PRESIDENT ALERTED COUNCILLORS TO CORRESPONDENCE RECEIVED FROM THE MINISTER FOR AGRICULTURE AND FORESTRY, KIM CHANCE MLA AND THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR HEALTH, REGARDING THIS MATTER. A COPY OF THE CORRESPONDENCE WAS PROVIDED TO EACH COUNCILLOR AND IS ATTACHED AS APPENDICES 1 AND 2 RESPECTIVELY.

BACKGROUND

Council, at its Forum of 5 July 2005, considered a comprehensive Discussion Paper prepared in respect to the potential banning of the use of raw poultry manure in Irrigated Horticulture within the Shire of Gingin, in order to control the detrimental effect of Stable Flies. As a consequence of Council's Forum discussions the following Forum Outcome materialised:

"That Council reactivate its endeavours to have a total ban on the use of raw poultry manure in Irrigated Horticulture introduced within the Shire of Gingin."

In accordance with Council's Forum protocols this Outcome is now presented for formal Council consideration.

COMMENT

The Stable Fly problem first became evident in the Shire of Gingin in 1992, in a Rural Residential area adjacent to a large market garden using significant quantities of raw poultry manure. The problem subsequently spread to other areas of the Shire, with the result that livestock were being severely affected by 1994.

Following unsuccessful efforts to gain State Government funding for research into the Stable Fly issue, the Shire of Gingin employed Dr Ian Dadour, entomologist with Agriculture Western Australia, to investigate and report to Council. The results of Dr Dadour's investigation demonstrated extensive Stable Fly breeding in poultry manure heaps, in sidebanding of manure, and in vegetable waste produced by market gardens.

Based on the results of Dr Dadour's report, an extensive lobbying campaign was mounted by the community, Council and other affected Local Authorities, seeking the State's

assistance. At the same time, the Shire of Gingin was instrumental in forming a committee consisting of representatives from affected industry and the community, with a view to finding solutions to the problem (this group was disbanded when the Minister for Primary Industry announced the establishment of the Stable Fly Management Steering Group).

On 27 November 1995, a meeting was held at Local Government House to discuss the link between the Stable Fly breeding cycle and the use of raw poultry manure for irrigated horticulture. Present at this meeting were representatives from the Shire of Serpentine-Jarrahdale, the Shire of Swan, the City of Wanneroo, the Town of Kwinana, the Shire of Chittering, the Shire of Gingin and the Western Australian Municipal Association. As a result of these discussions, it was resolved to seek an urgent meeting with the then Premier, the Hon R F Court MLA, and the then Minister for Primary Industry, the Hon M G House MLA.

The formation of the Stable Fly Management Steering Group was announced by the Minister for Primary Industry in August 1996, with the inaugural meeting taking place on 8 October 1996. Foundation members were representatives from the City of Wanneroo, the Town of Kwinana, the Shire of Gingin, the horticulture and livestock industries, Agriculture Western Australia, the Health Department of Western Australia and the Department of Environmental Protection. Representatives of the poultry industry and the Ministry for Planning were not involved at this first meeting, but were co-opted at a later date. The Committee was instituted for a term of three years, with Mr Colin Philpott appointed as independent Chairman.

A budget of \$300,000.00 was allocated to fund research, which was undertaken by Dr David Cook (Entomologist) and his team. Sub-committees were subsequently formed to research all aspects of Stable Fly breeding in relation to horticulture, poultry and livestock activities, and other associated industries. Trials were conducted on compost, raw poultry manure and conditioned manure in conjunction with extensive consultation with interest groups, wide-ranging media coverage, publication by the Health Department of Western Australia of "The Biter" newsletter, and formulation and distribution to horticulturists of Best Management Practices.

After two and a half years of research, the Stable Fly Management Steering Group's report was accepted and supported in full by the Minister for Primary Industry in August 1998. A précis of the report's findings and recommendations is as follows:

Key Findings

- ◆ The use of poultry litter in horticulture, principally vegetable, turf and strawberry production, is a major source of Stable Fly breeding. The application of Best Management Crop Production Practices for using poultry manure will not reduce Stable Fly breeding to acceptable levels.
- ◆ Trapping of adult flies emerging from preplant applications of poultry litter showed that on average over 200,000 Stable Flies and 1.5 million house flies are being produced per hectare. Sideband applications of poultry litter to established crops produce over 45,000 Stable Flies and 500,000 house flies per hectare.

- ◆ Another significant source of Stable Fly breeding is associated with crop waste management. Stable Flies breed in crop waste either remaining in the paddock, fed out to livestock, or buried in pits. Although significant, this is a less frequent source of Stable Fly breeding.
- ◆ Fly breeding from crop wastes can be effectively controlled with widespread industry adoption of the following practices:

Crop wastes/residue must be finely broken down (mulching/high speed rotary cultivation) and incorporated into the soil as soon as possible after either harvesting is complete or the crop has been abandoned.

- ◆ This is the responsibility of all growers including turf producers, regardless of whether they use poultry manure or not.
- ◆ Stable Fly breeding can also be associated with livestock industries (usually with intensive animal production), which includes horses, dairy production and cattle feedlotting. However, the level of this breeding is relatively minor.
- ◆ Extremely high levels of house fly breeding were associated with poultry manure use, which has implications for human and livestock health. House fly breeding will be dealt with by the same practices which manage Stable Flies.

Recommendations

- ◆ That the application of raw poultry manure to land for either crop production or for any other purpose be banned after 31 December 1999, or earlier. After that date, only poultry manure that has been treated to prevent it breeding flies can be applied to land in Western Australia.
- ◆ That, in relation to horticultural and turf crop wastes, these industries be required to formally adopt the practices as defined in the "Best Crop Production Practices for Managing Fly Breeding and for Using Manure" either by 31 December 1999 or earlier.

Following the initial work undertaken by Dr Dadour, Council accepted his findings which confirmed that raw poultry manure was a pre-disposing factor in the Stable Fly breeding cycle.

In June 1995, Council endeavoured to initiate an amendment to its Town Planning Scheme Number Eight banning the use of raw poultry manure in horticultural applications. Unfortunately, the Minister for Planning refused to grant consent for the Amendment to be advertised, and consequently the Amendment lapsed.

The Shire remained actively involved in the Stable Fly Management Steering Group and endeavoured to control stable fly breeding through the imposition of conditions on Irrigated Horticulture Development approvals. Unfortunately, several of the Irrigated Horticulture proponents appealed the "no use of raw poultry manure" condition, and were successful. Council met with the then Minister for Planning in an endeavour to gain his support for

Council's position in relation to the banning of the use of raw poultry manure in Irrigated Horticulture. Unfortunately, the efforts of Council in this regard were largely unproductive.

At its Ordinary Meeting on Tuesday, 6 July 1999, Council received a report from its then representative on the Stable Fly Management Steering Group, Councillor Sally Grant, which, in part, read as follows:

"Mr Colin Philpott, Chairman of the Stable Fly Management Steering Group (SFMSG), reported on discussions with Mr Monty House, Minister for Agriculture. The Minister advised that he has not forwarded the necessary Ministerial from his office to the Ministers for Health and Planning to enable the recommendations contained in the SFMSG Report to be progressed. This report and its recommendations were accepted and supported in full by the Minister in August 1998. Mr House accepted full responsibility for the inaction, and advised that he would not proceed with the necessary legislation to ban the use of raw poultry manure until alternatives for disposal were in place."

Members of the Committee expressed considerable concern over the delay in the implementation of the Report's recommendations. It was agreed by the meeting that a Memorandum of Understanding (MOU) be sought between the Ministers of Agriculture, Health, Planning and Local Government to progress the necessary legislation/other in order that the recommendations from the SFMSG may be carried out. This MOU is to be co-ordinated by the Chairman, Colin Philpott and the Project Manager, Bob Paulin and is expected to be in place by the next meeting of the SFMSG on 31 August 1999."

After considering this report, Council resolved as follows:

"RESOLUTION – Moved Councillor Moller that:

- 1. Council seek a meeting with the Minister for Primary Industry, the Hon M G House MLA, to discuss the progression of the recommendations contained within the SFMSG Report.*
- 2. Council forward copies of its correspondence dated 24 May 1999 and addressed to the Chairman of the Stable Fly Steering Group Committee to the Premier and the Ministers for the Environment, Planning, Health and Primary Industry.*
- 3. The Avon Midland Ward of the Country Shire Councils' Association and the Western Australian Municipal Association be requested to elicit support from Local Governments experiencing Stable Fly problems, for the purpose of developing a Model Local Law preventing the use of poultry manure in agricultural applications.*

CARRIED UNANIMOUSLY"

In accordance with the above Resolution the Shire of Gingin sought assistance from the Avon Midland Ward of the Country Shire Councils' Association in eliciting support from other local governments experiencing stable fly problems, with a view to developing a Model Local Law which would prevent the use of poultry manure in agricultural applications. The following motion was submitted to the 101st Conference of the Avon Midland Ward of the then Country Shire Council's Association:

“MOTION – That the Avon Midland Ward of the Country Shire Councils’ Association seek support from Local Governments experiencing either social, financial or environmental problems arising from Stable Fly infestations with a view to developing a Model Local Law, through the Western Australian Municipal Association’s Local Laws WA, preventing the use of poultry manure in agricultural applications.”

As a consequence of the Avon Midland Ward deliberations on Council’s draft motion various representations were made by the Avon Midland Ward of the Country Shire Councils’ Association to State Politicians. In correspondence dated 26 November 1999 the Honourable Murray Criddle MLC, Member for Agriculture Region, confirmed as follows in relation to the Stable Fly Management Steering Group’s key findings:

“The seriousness of this problem is appreciated and I am advised by the Hon Minister for Primary Industries, Monty House, that the Legislation necessary to enforce the control of the stable fly through the banning of the use of raw poultry manure is being progressed through Parliament and finalisation should be in three to four months”.

In August 2001 the Department of Health advised Council that State Cabinet had approved the implementation of a strategy aimed to restrict and regulate the handling and use of raw poultry manure in localities that had been effected by stable fly, or had the potential to be effected.

The Draft Regulation which had been produced provided for penalties for non-compliance with the sale, supply, storage or use of poultry manure during prohibited months. The Legislation did not intend a blanket ban on the use of raw poultry manure in irrigated horticulture. In 2001 the Health (Poultry Manure) Regulations, 2001 were promulgated under provisions of the Health Act, 1911 (as amended). The purpose of the Regulations was to assist in the reduction and control of fly breeding, in particular the breeding of stable flies, by regulating “untreated poultry manure” as a “hazardous substance”. The Health (Poultry Manure) Regulations, 2001 were gazetted on 24 August 2001 and came into effect on 1 September 2001.

Unfortunately, the Regulations, although applicable to a number of local government authorities, including the Shire of Gingin, prohibited the storage, supply, sale, transport or use of commercially-derived untreated poultry manure except for the months of May, June, July and August of any year.

As has recently been highlighted by photographic evidence procured by the Shire President, the stable fly scourge continues to pose problems to the livestock industry in the Shire of Gingin.

In preparing the Discussion Paper for Council’s Forum of 5 July 2005 Councillor Aspinall advised that, in his opinion, the Shire of Gingin should again pursue the introduction of a total ban on the use of all poultry manure in irrigated horticulture within the Shire.

He believed it critically important for this matter to be seriously addressed by Council in order to:

- ◆ Improve the quality of life, not only for those residents within close proximity to the offending properties, but also the wider community;

- ♦ Reduce the financial burden placed on livestock farmers due to the constant and increasing occurrence of stable fly bites on livestock, leading to reduced production, and, in some extreme cases, loss of stock; and
- ♦ Eliminate the cost placed on the Shire of Gingin and ratepayers by constantly having to monitor the stable fly situation, including the provision of assistance to market gardeners to resolve the stable fly problems on their properties.

STATUTORY ENVIRONMENT

The Health (Poultry Manure) Regulations, 2001 (as amended) promulgated under the provisions of the Health Act, 1911 (as amended) were gazetted on 24 August 2001 and came into effect on 1 September 2001.

The purpose of the Regulations was to assist in the reduction and control of fly breeding, in particular the breeding of stable flies, by regulating "untreated poultry manure" as a "hazardous substance". The Regulations, unfortunately, although applicable to a number of local authorities, including the Shire of Gingin, only prohibited the storage, supply, sale, transport and use of commercially-derived untreated poultry manure in eight months in any year and specifically excluded the months of May, June, July and August.

With the recent proliferation of stable fly breeding in the Shire of Gingin it is clear that the ability of industry to utilise raw poultry manure for irrigated horticulture purposes during the open months is proving problematic.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Council's 2004/05 Municipal Budget provided an allocation of \$15,000.00 for stable fly management purposes.

Since 1997 the Shire has allocated some \$105,000.00 towards solving the stable fly scourge of which approximately \$90,000.00 has been expended. This expenditure does not include administrative time.

Council's Draft 2005/06 Municipal Budget identifies an allocation \$15,000.00 to the Stable Fly Management Initiatives.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council, having regard for the Consensus Outcome from its Forum of 5 July 2005, reactivate its endeavours to have a total ban on the use of raw poultry manure in irrigated horticulture introduced within the Shire of Gingin.

RESOLUTION 05.0147

Moved Councillor Aspinall that Council, having regard for the Consensus Outcome from its Forum of 5 July 2005, reactivate its endeavours to have a total ban on the use of raw poultry manure in irrigated horticulture introduced within the Shire of Gingin.

CARRIED UNANIMOUSLY
