



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

MINUTES

For the

SPECIAL MEETING OF COUNCIL

Held at

6PM, TUESDAY 5 DECEMBER 2017

Shire of Boddington Council Chambers
Bannister Road Boddington

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1. DECLARATION OF OPENING:

Martin Glynn, Shire President declared the meeting open at 6:01pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr M. Glynn	Shire President
Cr D Smart	Shire Deputy President
Cr J Hoffman	
Cr S Manez	
Cr R McSwain	
Cr G Ventris	
Mr C Littlemore	Chief Executive Officer (minute taker)
Mr G Bartle	Director of Corporate & Community Services
Mr P Haas	Principal Environmental Health Officer/Building
Mr P Langan	Manager Works & Services
Mr J Rendell	Manager Financial Services
Mr S Thompson	Consultant Town Planner

10 Visitors

2.1.2 Apologies

Cr McGrath

2.1.3 Leave of Absence

3. DISCLOSURE OF INTEREST:

Nil.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Dr C Erasmus:	What criteria were used to select the site?
Shire President:	Directed question to Steve Thompson.
Steve Thompson:	Perth Waste applied due diligence; it is mostly outside the Serpentine Dam Catchment; the balance in the Murray Catchment which is not a drinking water catchment.
Dr C Erasmus:	What will the future value of my property be and how will it be affected?
Shire President:	There is a Scope of Works around the Planning Application.
Toni Collins:	How many direct jobs in Boddington are there?
Shire President:	Staff are recruited through normal processes. Currently, there are approximately 6 local people employed.
Toni Collins:	What does 'support other jobs' mean?
Shire President:	As Suez grows, there may be opportunities for other businesses in that area - this means a lot of different things to different people. Local Shires through the HWEDA body are keen to see further business development that can provide employment in the longer term.
Toni Collins:	Will this assist in spending money locally?
Shire President:	It is hoped that money would be spent locally; use contractors in the local area. This would help the local economy to grow.
Toni Collins:	Is there an agreement in place, specifying they must utilise a quota of local residents?
Shire President:	No. This is unrealistic.
Toni Collins:	Will there be a compensation plan for residents if there are any ill-effects on property prices?
Shire President:	Only Suez can answer that.
Toni Collins:	Will the waste be monitored?
Shire President:	Directed question to Steve Thompson
Steve Thompson:	Rubbish will be contained on the site – it is fenced. The Shire would be there as required.
Toni Collins:	How will Dust Control be monitored?
Shire President:	Guidelines and monitoring will be implemented by the Dept of Environment.
Helen Wessels:	Discussed buffer zone from tip. We live 10 kms south of the dump. If the development moves closer, it will affect the water. What is the Shire gaining from this development such as rates/income?
Shire President:	It is important to develop and grow industries other than the two mines in the Albany Highway corridor. Yes, there are challenges. The lifecycle of the Gold mine is 10-20 years will

start downscaling. It is important to encourage local businesses in a responsible manner.

Helen Wessels:
Shire President: Will extra rates be obtained?
This is a possibility. Developing the Albany Hwy corridor is an important focus.

Toni Collins:
Shire President: What industry would want to go to a Waste Site?
Directed question to Steve Thompson.
Steve Thompson: It could be used for Agribusiness, such as feedlots; there is access to the highway for these industries that need space.

Donna Marwick:
Shire President: Regarding the proposed Gravel Pit. We live close to the gravel pit. Are councillors planning on doing a site visit to see the direct impact, especially of the winds?
There is no plan to do a site visit. Councillors may consider doing this.

Donna Marwick:
Shire President: There are no trees there. Are there plans for replanting?
Directed question to Steve Thompson.
Steve Thompson: There is no condition for re-planting. The pit approval is only for 5 years so no vegetation would grow in that timeframe. Management techniques such as wetting down could be utilised.

Donna Marwick:
Shire President: Is there a way to minimise the dust arising from the pit itself?
A condition of the approval that dust pollution should be minimized to the satisfaction of the local government. The proponent has to comply to that condition. The proponent must operate in a manner that does not have a negative impact on you. If the item is approved, we hope you will maintain open communication with the Shire so we can do our best to address concerns.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:

Nil

6. CONFIRMATION OF MINUTES:

Nil.

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT
DISCUSSION:

Nil.

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

8.1.1	Development Application for Footprint Expansion – Class II & III Waste Disposal Facility (Landfill) and Associated Facilities and Infrastructure – North Bannister
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Location:	Lot 2 on Plan 2767 Albany Highway, North Bannister
Applicant:	Larry Smith Planning
File Ref. No:	A1673
Disclosure of Interest:	Nil
Date:	29 November 2017
Author:	Steve Thompson
Attachments:	See attached Responsible Authority Report with associated attachments

Summary

The Shire of Boddington recommends to the Mid-West/Wheatbelt Joint Development Assessment Panel that it approve the Development Application, to extend the landfill footprint along with associated facilities and infrastructure, subject to conditions and advice outlined in the Responsible Authority Report.

Background

A Development Application to extend the landfill footprint of the existing North Bannister Resource Recovery Park is attached. Given the value of the development, the Development Application will be determined by the Mid-West/Wheatbelt Joint Development Assessment Panel (JDAP).

The Council has the opportunity to provide its views to the JDAP.

Comment

It is recommended that Council advise JDAP that it approve the Development Application subject to conditions and advice outlined in the Responsible Authority Report.

Strategic Implications

See attached Responsible Authority Report.

Statutory Environment

See attached Responsible Authority Report.

Policy Implications

There are no planning policy implications at this stage.

Financial Implications

Nil. The applicant has paid the required Development Application fee.

Economic Implications

The landfill facility provides direct jobs, support other jobs and can assist to increase monies spent locally.

Social Implications

Two objections have been received from local residents.

Environmental Considerations

See attached Responsible Authority Report.

Consultation

See attached Responsible Authority Report.

Options

The Council can:

1. advise JDAP to approve the Development Application with no conditions;
2. advise JDAP to approve the Development Application with additional or modified conditions than set out in the Responsible Authority Report;
3. advise JDAP to approve the Development Application as set out in the Responsible Authority Report; or
4. advise JDAP to refuse the Development Application (giving reasons).

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION – 8.1.1

COUNCIL RESOLUTION

150/17

Moved: Cr Hoffman

The motion has been lost due to:

1. Concern over environment and monitoring impacts (air and water)
2. Lack of employment opportunities.
3. Potential impact on those who live in close proximity.
3. No benefit to the local community (i.e. rates)

Seconded:

Cr Smart

Lost:

2/4

8.1.2	Development Application for Industry – Extractive (Gravel Pit): Lot 7 Harvey-Quindanning road, Lower Hotham
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Location:	Lot 7 on Plan 14884 (No. 5954) Harvey-Quindanning Road, Lower Hotham
Applicant:	Russell Reynolds
File Ref. No:	A1751
Disclosure of Interest:	Nil
Date:	29 November 2017
Author:	Steve Thompson
Attachments:	8.1.2A Location plan 8.1.2B Details originally submitted by applicant 8.1.2C Submissions 8.1.2D Applicant response to submissions, updated site plan, photos

Summary

A Development Application seeking approval for an industry – extractive use (gravel pit) at Lot 7 (No. 5954) Harvey-Quindanning Road, Lower Hotham is recommended for conditional approval for a five year period.

Background

The applicant seeks development approval for an industry - extractive use (gravel pit) on the site shown in Attachment 8.1.2A. Details originally submitted by the applicant are set out in Attachment 8.1.2B. The application seeks approval to extract gravel for an area of approximately 3 hectares to an average depth of 1.5 metres. The approval is sought for a 5 year period.

The property is 92.2 hectares in area, is largely cleared with remaining vegetation focused near waterways. The site contains minor waterways and drainage lines which flow into the Hotham River. There is a dwelling, sheds and various dams.

Advertising the Development Application

The Shire administration invited public comment on the Development Application for a 6 week period through writing to adjoining/nearby landowners, community groups, other stakeholders and wide ranging State Government agencies and having details on the Shire website.

The Shire received 12 submissions on the Development Application and these are provided in Attachment 8.1.2C. 4 submissions raised no objection, 5 submissions provided advice or raised issues and 3 submissions objected to the application. The main issues and objections raised in the submissions relate to:

- impacts on human health particularly dust and noise;
- impacts on quality of life including matters relating to Mr and Mrs Marwick's son;
- impact on livestock health;
- environmental impacts particularly waterways along with weed management;
- traffic impacts including the number of trucks, safety with school buses and the use of Boundary Road;
- visual impacts;
- bushfire risks;
- impacts on property values;

- there is a nearby gravel pit on Lower Hotham Road; and
- the gravel pit previously operated without Shire development (planning) approval.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the submissions, the applicant has provided a letter, an updated site plan and some photographs (see Attachment 8.1.2D). **The revised site plan replaces the original site plan. The revised site plan, set out in Attachment 8.1.2D, is the plan being assessed in this report by the Shire administration and the Council.**

Planning context

The site is zoned "Rural" in the *Shire of Boddington Local Planning Scheme No. 2 (LPS2)* and the proposed use is described as "Industry- Extractive" which is a "SA" use in the Rural Zone (means that the use is not permitted unless the Council has granted development approval after advertising the application for comment). "Industry – Extractive" is defined in LPS2 as –

"Industry - Extractive: - means an industry which involves:

- a. the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted, or on land adjacent thereto, and the storage of such materials or products;
- b. the production of salt by the evaporation of salt water."

The site is located within the Lower Valley Precinct of the *Shire of Boddington Local Planning Strategy (LPS)* and is classified as "Rural". Landscape and natural resource management considerations are set out for this precinct. The LPS provides guidance relating to managing bauxite resources but limited guidance for basic raw materials such as extracting gravel resources. Page 14 of the LPS states "There are scattered occurrences of basic raw materials suitable for road construction purposes in the Shire. This can lead to pressure for access to Crown Reserves for extraction purposes."

The Shire has no guidelines or local laws on extractive industries. There are however various Council policies that relate to the application including *07.8 Rehabilitation of Gravel Pits*, *10.5 Permits for Heavy Vehicles*, *Local Planning Policy No. 5 - Developer and Subdivider Contributions* and *Local Planning Policy No. 9 Car Parking and Vehicular Access*.

There are various planning policies and environmental documents relevant to the application including the draft *Shire of Boddington Local Planning Scheme No. 3*, draft *Shire of Boddington Local Planning Strategy*, Western Australian Planning Commission (WAPC) *State Planning Policy 4.1 State Industrial Buffer Policy*, WAPC *Basic Raw Materials Applicants' Manual* Environmental Protection Authority (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* recommends a generic buffer distance for sand/limestone extraction (where there are no grinding or milling works) of 300 – 500 metres from "sensitive" uses (e.g. dwellings) depending on the size of the operation.

Comment

A) Overview

It is recommended that Council approve the Development Application subject to conditions. This follows assessment against LPS2, the LPS, relevant State Government documents, considering the views of the submitters and other available information. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- no blasting is proposed;
- there are suitable buffers to off-site dwellings which comply with EPA setback requirements;
- the revised proposal, with no access to and from the pit onto Boundary Road, is supported given it will lessen dust impacts and enhance safety for motorists;
- the proposed access from the site onto the Harvey-Quindanning Road has appropriate vehicular sight distances;
- the pit is only likely to be used infrequently, most likely on a 2 year cycle, associated with the sealing of the Harvey-Quindanning Road;
- mining is a well-established use in the area;
- the area is and will remain rural for the long-term - there are no proposals for the site or area to be changed to rural smallholding or rural residential;
- appropriate gravel resources are critical to the district and will support the sealing of the Harvey-Quindanning Road;
- State Government agencies raise no objection to the application – including relating to environmental impact and water quality; and
- bauxite resources appear not to be impacted - no objection was raised by the Department of Mines, Industry Regulation and Safety and no response was received from the Department of Jobs, Tourism, Science and Innovation, Worsley or Alcoa.

It is accordingly recommended that the industry-extractive use is conditionally appropriate for this site. It is suggested that if the operation is suitably managed and development conditions are met, that environmental considerations and site restoration can be appropriately addressed.

While noting the above, there are various issues associated with the industry-extractive use, which should be considered by the Council in determining the Development Application. Some of these issues are outlined below.

B) Drainage and water quality

The gravel pit is near a watercourse. Accordingly, there is a need to minimise or prevent environmental harm through ensuring drainage/run-off is appropriately designed and controlled. This can be achieved through various measures including drainage control and replanting. Some of these matters are proposed to be addressed by the applicant as outlined in Attachment 8.1.2B.

It is recommended, as a condition of the development approval, that the applicant submits an appropriate Drainage Management Plan to the satisfaction of the Shire. This is required to manage stormwater and surface water through effectively removing sediment and minimising turbidity. Amongst matters, there is a need to provide a settling pit/s and bypass drains/earth bunds. The settling pit/s should be designed and maintained to provide

storage for a minimum of two hours' run-off resulting from a 10-year average recurrence interval storm event. Stormwater run-off during high-rainfall events should be minimised by using vegetated or armoured drainage paths and buffers. Over-land stormwater flows from outside the extraction area should be diverted via bypass drains or earth bunds around disturbed surfaces and stockpiles.

All stockpiled materials, including topsoil overburden, awaiting transport or held for rehabilitation should be located upstream in the catchment of turbidity control facilities.

Given the proximity of the watercourse, it is suggested that the applicant prepare a Weed Management Plan.

C) Traffic impacts

As mentioned, the revised plans now propose access to and from the pit via Harvey-Quindanning Road with no access associated with the gravel pit via Boundary Road.

Harvey-Quindanning Road is sealed adjoining the site and there is an existing unsealed crossover. The crossover should be sealed and as necessary upgraded based on Council policy.

It is expected that most traffic associated with the pit will be westwards with the on-going sealing of the Harvey-Quindanning Road.

To minimise the potential for conflict between heavy haulage vehicles and school buses, it is common practice for the extractive industry operators to liaise with school bus operators to commence a dialogue and establish a schedule to avoid potential conflict.

D) Hours of operation

The applicant proposes operating during daylight hours Monday to Saturday. To increase certainty and assist in reducing impact, the suggested hours are between 7.00am – 6.00pm Monday to Saturday. Any work on the site is subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*.

E) On-going management and safety

The applicant and any sub-contractors will need to address on-going management and safety. This includes restricting access to unauthorised persons during the extraction and rehabilitation of the area through fencing, gates and signage.

Strategic Implications

Gravel is an important resource within the district. Should the Council approve the Development Application, the gravel resource should assist in providing a supply of gravel for use within the district which is of importance to the locality and the economy.

Statutory Environment

Planning and Development Act, Environmental Protection Act and LPS2.

Extractive industry operators are bound to comply with various levels of State Government and local government legislation and self-auditing of operations and review of environmental monitoring is paramount.

Policy Implications

There are no planning policy implications at this stage. In time, subject to required need, a Local Planning Policy could be prepared relating to industry extractive uses and accessing basic raw materials.

Financial Implications

The applicant has paid the Development Application fee.

Economic Implications

The gravel pit assists in the development of the district in providing a convenient supply of gravel. Approval of the development will increase certainty for the landowner, operators and the Shire, it provides direct and indirect employment and it can assist to increase monies spent locally.

Social Implications

Three nearby landowners objected to the application and have wide-ranging concerns.

Environmental Considerations

The gravel pit is close to a waterway. Risks can be minimised if the operator complies on an on-going basis with the development conditions and other legislation/regulations. Standard best management practices should be used by the operator such as dust suppression, drainage and rehabilitation.

Consultation

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

Options

The Council can:

1. approve the Development Application with no conditions;
2. approve the Development Application with conditions;
3. refuse the Development Application (giving reasons); or
4. defer and request additional information.

Voting Requirements

Simple Majority

COUNCIL RESOLUTION

151/17

Moved Cr Smart

That Council hold item over to the 19 December Ordinary Meeting

Seconded

Cr Manez

Carried

6/0

8.2 MANAGER FINANCIAL SERVICES:

Nil.

8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/
BUILDING SURVEYOR:

Nil.

8.4 MANAGER WORKS & SERVICES:

Nil.

8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

Nil.

8.6 CHIEF EXECUTIVE OFFICER

8.6.1 Shade Project – Rodeo Grounds

File Ref. No:	ADM
Disclosure of Interest:	Nil
Date:	18 December 2017
Author:	Chris Littlemore CEO
Attachment	Correspondence & Diagram of Shade Sail Coverage

Summary

Council is to consider applying for grant funding for the construction of a shade sails at the Rodeo Grounds.

Background

Council has surveyed spectators who attended this year's rodeo and the overwhelming feedback apart from the very positive comments about the organisation of the event was that shade for spectators is highly desirable.

The federal government Building Better Regions Fund, Infrastructure Projects Stream is a competitive grant program which provides organisations with grants of between \$20,000 to \$10 million to support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.

Applications close 19 December 2017 at 2 PM WST.

Comment

The attached documentation demonstrates an achievable project which would provide removable shade sails over the entire spectator area at the rodeo grounds.

This project would require total cash funding of \$97,800 plus in-kind support from the Council in managing the project.

Proposed cash funding partners who have confirmed their intention to assist are the Boddington Lions Club \$20,000 and Seuz Recycling and Recovery Australia \$10,000. With federal assistance to 50% of this project, Council would need to fund the balance of \$18,900 of the project.

Strategic Implications

Council's Growth Plan is specific in providing for amenities for locals and visitors, with a specific intention to attract more visitors to Boddington.

Policy Implications - Nil

Financial Implications

Funds can be allocated in this year's forthcoming budget review.

Economic Implications

The project location compliments previous development in the vicinity and will have positive economic implications.

Social Implications

The project compliments the existing facilities which have been developed over many years by the Boddington Lions Club and the local community and visitors can expect significant social benefit from this new facility.

Environmental Considerations Nil

Consultation

John Lambrecht CEO, Regional Development Australia Peel Inc.

Options

Council can:

1. adopt the recommendation/s;
2. adopt the recommendation/s with further amendments; or
3. not accept the recommendation/s, giving reasons..

Voting Requirements - Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.6.1

COUNCIL RESOLUTION

152/17

Moved Cr Smart

That Council commit \$18,900 plus necessary in kind support towards a Building Better Regions Fund grant application for the construction of shade sails at the Rodeo Grounds part of Lot 500 on DP 66585.

Seconded

Cr Glynn

Carried

6/0

Nil.

10.1.1 Tender for New Staff Residence

OFFICER'S RECOMMENDATION – ITEM 10.1.1

COUNCIL RESOLUTION 153/17 Moved Cr Manez

That Council receive the Late Item.

Seconded Cr Smart Carried 6/0

The Chief Executive Officer advises that, in accordance with Section 5.23 (2) (c) of the Local Government Act 1995, the meeting is recommended to be closed to the public prior to discussion of the following confidential report regarding a contract proposed to be entered into.

COUNCIL RESOLUTION	154/17	Moved Cr Smart
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That Council close the meeting to members of the public.

Seconded Cr Manez Carried 6/0

The members of the public left the room at 6:50pm.

11. CONFIDENTIAL ITEMS:

11.1.1 Tender for New Staff Residence

OFFICER'S RECOMMENDATION – ITEM 10.1.1

COUNCIL RESOLUTION 156/17 Moved Cr Smart

That the meeting be re-opened to the Public.

Seconded Cr Glynn Carried 6/0

COUNCIL RESOLUTION 157/17 Moved Cr Smart

That Council adopts the confidential schedule of recommendations of the closed committee

Seconded Cr Glynn Carried 6/0

12. CLOSURE OF MEETING:

With no further business to discuss the Shire President, Cr Glynn, closed the meeting at 7:06pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on Tuesday 19 December 2017.

.....
Martin Glynn
(Shire President)