

**MINUTES
18 SEPTEMBER 2019
ORDINARY MEETING OF COUNCIL**

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Alan Smith, declared the meeting opened at 6.12pm.

2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr AL Smith	Shire President
Cr GM Collins	Deputy Shire President
Cr SR Crosby	Member
Cr JN Germain	Member
Cr BC Bames	Member
Cr KR Stephens	Member
Cr TD Borgward	Member
Cr KV Johnston	Member

Staff

RJ Miller	Chief Executive Officer
M Bames	Deputy Chief Executive Officer
GD Mathewson	Works Manager

Members of the Public

Nil

Apologies

Nil

3 DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
Nil
- **Proximity Interest:**
Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

Nil

6.1 Ordinary Meeting of Council held on Wednesday 21 August, 2019

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 August, in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

1920/067 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr GM Collins

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 21 August, 2019 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 8/0
By Simple Majority**

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9 OFFICERS REPORTS**9.1.1 MONTHLY FINANCIAL REPORTS TO 31 AUGUST 2019**

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ul style="list-style-type: none"> • Monthly Financial Reports to 31 July 2019 (including Statement of Financial Activities, Notes 3-11) • Monthly Financial Reports to 31 August 2019 (including Statement of Financial Activities, Notes 3-11)

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 31 July 2019; and
- Monthly Financial Reports to 31 August 2019

1920/068 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr KV Johnston

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 31 July 2019; and
- Monthly Financial Reports to 31 August 2019

**CARRIED 8/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 31 AUGUST 2019

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A
ATTACHMENTS:	Schedule of Accounts submitted 21 August 2019

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council endorse the payments from the Municipal Fund and Trust Fund:

Municipal Fund	\$404,535.70
Trust Fund	\$0.00
Direct Debits	<u>\$118,892.15</u>
TOTAL	\$523,427.85

1920/069 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr SR Crosby

That Council endorse the payments from the Municipal Fund and Trust Fund:

Municipal Fund	\$404,535.70
Trust Fund	\$0.00
Direct Debits	<u>\$118,892.15</u>
TOTAL	\$523,427.85

**CARRIED 8/0
By Simple Majority**

9.1.3 CHANGE TO RATE IN DOLLAR

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.3.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council are to consider adjusting the rate in the dollar and to re-strike the rates for the 2019/20 financial (current) year due to a system error in the initial raising of the rates.

BACKGROUND

In accordance with section 6.32 of the Local Government Act Council are to impose rates, expressed as rates in the dollar, by absolute majority. Council adopted the following resolution at the Ordinary Meeting of Council held 23 July 2019:

1920/060 - COUNCIL RESOLUTION

MOVED Cr SR Crosby / Cr JN Germain

RECOMMENDATION 2 – GENERAL AND MINIMUM RATES

That the following General Rates for 2019/20 be adopted in accordance with the requirements of Section 6.32 of the Local Government Act 1995:

Rates	Cents in \$	Minimum Rate
<i>Unimproved Valuations (Rural/Mining)</i>	<i>0.010841</i>	<i>\$505.00</i>
<i>Gross Rental Valuations (Townsites)</i>	<i>0.105300</i>	<i>\$505.00</i>

Discount

No early settlement discount or rates incentive prizes to be offered in the 2019/20 Budget.

**CARRIED 8/0
By Absolute Majority**

Since adoption, the rates have been raised and sent out in accordance with Council resolution. It has now been discovered that the new Unimproved Values (UV) had not updated at the rates modelling stage and in fact the 2% yield increase on 18/19 rates has been calculated using the old UV's.

COMMENT

GRV (town) rates will not be affected nor the mining tenements. Some properties will receive a refund and others a charge, this will depend on whether the VGO increased or decreased the UV's for the 2019/20 financial year.

The new UV's have been modelled with a new rate in the dollar to match the 2% yield increase on 18/19 rates. The newly calculated rate in the dollar is \$0.0103496. Once considered by Council, rates will be adjusted and new notices sent out to ratepayers along with an explanation letter.

Where there is a credit from the new calculations, ratepayers will be offered a refund or credit. If there is a debit, ratepayers will be issued an interim rate notice and will be given a minimum of 35 days to pay the amount before penalty interest will commence. The due date for these adjustments will be Friday 8 November 2019.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

There is no policy in relation to this matter.

FINANCIAL IMPLICATIONS

There will be no material variance to the total rates revenue adopted as part of the 2019/20 Budget.

STRATEGIC IMPLICATIONS

The Shire of Kent Community Strategic Plan identifies a number of key objectives and strategies based upon a sustainable future.

The 2019/20 Budget as presented is in keeping with Council's Strategic direction.

Community Strategic Plan 2017-2027

- Economic Objective - Support growth and progress, locally and regionally.
- Social Objective – To provide community facilities and promote social interaction.
- Environment Objective – Conserve, protect and enhance our natural and built environment.

Civic Leadership – Continually enhance the Shire's organisational capacity to service the needs of our community.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the following UV General Rates for 2019/20 be adjusted and adopted in accordance with the requirements of Section 6.32 of the Local Government Act 1995:

	Cents in \$	Minimum Rate
Unimproved Valuations (Rural/Mining)	0.0103496	\$505.00

Where there is a credit from the new calculations, ratepayers will be offered a refund or credit. If there is a debit, ratepayers will be issued an interim rate notice and will be given a minimum of 35 days to pay the amount before penalty interest will commence. The due date for these adjustments will be Friday 8 November 2019.

1920/070 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr SR Crosby / Cr BC Bamess

That the following UV General Rates for 2019/20 be adjusted and adopted in accordance with the requirements of Section 6.32 of the Local Government Act 1995:

	Cents in \$	Minimum Rate
Unimproved Valuations (Rural/Mining)	0.0103496	\$505.00

Where there is a credit from the new calculations, ratepayers will be offered a refund or credit. If there is a debit, ratepayers will be issued an interim rate notice and will be given a minimum of 35 days to pay the amount before penalty interest will commence. The due date for these adjustments will be Friday 8 November 2019.

**CARRIED 8/0
By Absolute Majority**

9.1.4 STATUS OF COUNCIL DECISIONS – AUGUST 2019

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Rick Miller – Chief Executive Officer
REPORTING OFFICER:	Rick Miller – Chief Executive Officer
FILE NO:	041.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Council Resolution Register

PURPOSE

To inform Council of the actions taken in relation to Council decisions.

BACKGROUND

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

COMMENT

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

STATUTORY IMPLICATIONS

Local Government Act (1995), Section 5.41

The CEO's functions are to:-

c) Cause Council decisions to be implemented

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Community Strategic Plan 2017-2027**

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Council Resolutions Register for the month of August 2019.

1920/071 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr TD Borgward / Cr KV Johnston

That Council receive the Council Resolutions Register for the month of August 2019.

**CARRIED 8/0
By Simple Majority**

9.1.5 ORDINARY CITIZEN TRANSACTIONS

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Executive Support/Project Officer
REPORTING OFFICER:	Michelle Bames – Deputy Chief Executive Officer
FILE NO:	041.3.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil

PURPOSE

Council are required to adopt a resolution that will eliminate certain Ordinary Citizen Transactions (OCT's) from the requirement to report Related Party Disclosures quarterly.

BACKGROUND

The scope of *AASB 124 Related Party Disclosures* was extended in July 2015 to include application by not-for-profit entities, including local governments. The effective date this applied to local governments was 1 July 2016 with the first disclosures being made in the financial statements ending 30 June 2017.

The objective of the standard is to ensure that financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Kent must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

COMMENT

Since the extension of the scope Council have been provided with a Related Party Disclosure forms which are being completed on a quarterly basis.

Ordinary Citizen Transactions (OCT's) are those that an ordinary citizen would undertake with Council. They are transactions that occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. If Council can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public, and that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Staff are required to put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, the following are OCT's and therefore no disclosure in the quarterly *Related Party Disclosures – Declaration* form will be required.

- Paying rates
- Fines and other Fees and Charges
- Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.

STATUTORY IMPLICATIONS

Local Government Act (1995)
Local Government (Financial Management) Regulations 1996
AASB 124 Related Party Disclosures

POLICY IMPLICATIONS

Council can consider adopting a policy in relation to Related Party Disclosures.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Declare that in its opinion, based on the facts and circumstances, the following Ordinary Citizen Transactions (OCT's) that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures - Declaration* form will be required.

- Paying rates
- Fines and other Fees and Charges
- Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.

1920/072 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr SR Crosby / Cr KV Johnston

That Council:

Declare that in its opinion, based on the facts and circumstances, the following Ordinary Citizen Transactions (OCT's) that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures - Declaration* form will be required.

- Paying rates
- Fines and other Fees and Charges
- Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.

CARRIED 8/0
By Simple Majority

9.1.6 LOT 1794 NEEDILUP NORTH ROAD, PINGRUP – EXTRACTIVE INDUSTRY LICENCE

PROPOSED MEETING DATE: PROPONENT: LOCATION: AUTHOR: REPORTING OFFICER: FILE NO: ASSESSMENT NO: ATTACHMENTS:	18 September 2019 Gavin Davis Lot 1794 Needilup North Road, Pingrup Vincent Jenkins – Principal Planning Officer (Plantagenet) Rick Miller – Chief Executive Officer 133.1.1 n/a Location Plan Extractive Licence Area Plan Location Map – Flora and Fauna Details
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PURPOSE

The purpose of this report is to consider an application for extractive industry licence pursuant to the Shire of Kent Extractive Industries Local Law 2011 at Lot 1794 Needilup North Road, Pingrup.

BACKGROUND

Shire records show the registered owner of Lot 1794 Needilup North Road, Pingrup is GJ Davis.

On 26 July 2019, the Council received an application for extractive industry licence for the extraction of clay material at Lot 1794 Needilup North Road, Pingrup.

Clause 2.2 of the Shire of Kent Extractive Industries Local Law 2011 requires (unless otherwise approved) the proponent to advertise the application for licence by sending registered mail notices advising adjoining landowners of the extractive industry proposal. Adjoining landowners are required to comment to the Council within 21 days of service of the registered mail notices. Registered mail notices are also required to be sent to various agencies within 500m of the application site that may affect the licence application. The proponent is further

required to send copies of the registered mail notices to the Council's Chief Executive Officer, place a notice of the licence application in a local newspaper and place a notice on site.

The proponent has provided confirmation that the proposal was advertised for public comment involving registered mail notices to adjoining landowners and the placement of a notice on site. The proposal was advertised for public comment for the minimum 21-day period ending on 17 August 2019. The Council's Chief Executive Office has waived the requirement for a notice to be placed in the newspaper circulating in the area.

The Council has also referred the proposal to the Department of Water and Environment Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Primary Industries and Regional Development (DPIRD) for comment. These referrals included the minimum 21-day period ending on 9 September 2019. Submissions have been received from the DBCA and the DWER. No submissions have been received from adjoining or nearby neighbours or the DPIRD.

A concern raised by the DBCA included the potential occurrence of critically endangered native vegetation within or adjacent to the proposed extraction area. The potential occurrence of critically endangered native vegetation will require assessment by the Federal Department of Environment and Energy. A further concern raised by the DBCA included the location of a priority flora 3 record (*lechenaultia acutiloba*) within the northeast corner of the Cairlocup Nature Reserve located to the south of the application site. The DWER response included that they had no official interest in the proposal and had no comment to provide.

COMMENT

Lot 1794 Needilup North Road is 1,148.0ha in area and is currently being used for agricultural purposes. Existing development on the lot consists of a clay access track and a clay extraction site of 50m x 100m.

The proposal involves one additional clay extraction area of 4.5ha. The existing extraction area has an area of 0.5ha. The cumulative extraction area will total 6ha (200m x 300m). The clay will be extracted over a period of approximately ten years and made available to contractors for agricultural and urban soil improvement purposes.

It is estimated the clay will be extracted up to a depth of 5m depending on the quality of the material over the extraction site. Extraction will be undertaken with an excavator over a period of up to one week, no more than once a year. The excavated clay material will be stockpiled next to the excavation site and mixed with lime. There will be no overburden clay material given all extracted clay material will be removed from application site. No other processing will be required. Heavy vehicles will enter the excavation site and be loaded from stockpiles by front-end loader. Heavy vehicles movements will be dependent on the demand for clay material but it is expected not to exceed 50 heavy vehicle movements annually. No blasting is proposed as part of site and excavation works.

The proposed extraction site location is setback 750m from Needilup North Road to the east, approximately 760m from the boundary with Cairlocup Nature Reserve to the south, approximately 1,960m from the boundary with Lot 1801 Cowcher Road to the west and approximately 2,230m from the boundary with Lot 1793 Range Road to the north. The extraction site location is not evident from adjoining properties and from Needilup North Road given the extent of the separation distances between the extraction area, adjoining properties and the terrain at the application site.

The majority of noise and dust will be generated by the use of heavy plant and equipment that include excavators, front-end loaders and heavy vehicles. The nearest sensitive land use is a house located approximately 2,000m from the excavation area on adjoining Lot 1798 Needilup North Road to the north-east. This proposal conforms to the minimum 500 -1,000m separation distance requirement for clay extraction industries set in the Environmental Protection Act 1986 (Guidance for the Assessment of Environmental factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005).

The DBCA in their submission advised that a potential Eucalyptus Wheatbelt Woodland occurrence is located within or adjacent to the proposed clay extraction area. The DBCA further advised that this type of Woodland is a designated Threatened Ecological Community (critically endangered) under the Commonwealth Environmental Protection and Biodiversity Conservation Act, 2000. With this in mind, the proponent will need to engage consultants with appropriate skills to prepare a detailed vegetation quality assessment to identify the potential occurrence of critically endangered flora that may impact clay extraction or clay material storage areas. In this instance, the vegetation quality assessment will require consideration by the Federal Department of Environment and Energy for the issue of native vegetation clearing permit.

A further concern raised by the DBCA included the location of a priority flora 3 record (lechenaultia acutiloba) within the northeast corner of the Cairlocup Nature Reserve located to the south of the application site. The lechenaultia acutiloba flora location is approximately 1,700m from the proposed extraction area. Given the 1,700m separation distance, it is unlikely that extraction operations may cause adverse impacts on the lechenaultia acutiloba flora.

The only access from Lot 1794 to Dunnart Road is by an existing crossover.

Subject to appropriate licence approval conditions, the proposal is supported.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Shire of Kent Extractive Industries Local Law 2011

Clause 2.1 - Extractive Industries Prohibited Without Licence of Shire of Kent Extractive Industries Local Law 2011 states:

'A person must not carry on an extractive industry –

(a) unless the person is the holder of a valid and current licence; and

(b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of a licence.'

Environmental Protection Act 1986 – Guidance for the Assessment of Environmental factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005.

Separation Distance Requirements

Industry	Clay extraction or processing	
Description	Mining, extraction or processing of clay	
Department of Water and Environment Regulation Licence or Registration Category	Category 80	
Key Government Agencies for Advice or Approvals	Department of Mines, Industry Regulation and Safety, Department of Water and Environment Regulation and the Department of Biodiversity Conservation and Attractions	
Code of Practice (CoP)/Environmental requirements	Code of Practice – 1991 revised in 1995	
Impacts	Gaseous	No
	Noise	Yes
	Dust	Yes
	Odour	No
	Risk	No
Buffer Distance in metres and Qualifying Notes	500 – 1,000 depending on size and processing	

The key issues for concern for extractive industries are noise and dust with the recommended buffer distance to sensitive land uses (such as houses) being dealt with on a case by case basis, depending on the extent and method of extraction.

Environmental Protection (Noise) Regulations 1997 – all industries are required to operate in accordance with noise level requirements.

Environmental Protection and Biodiversity Conservation Act 1999 (EPBC) - provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places.

Road Traffic Act 1974

Road Traffic Code 2000 – regulates the erection of traffic-control signals and road signs.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The extractive industry licence application fee of \$739.00 has been paid.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Economic Objective - Support growth and progress, locally and regionally.

Outcome 1.1 Growth in business opportunities

1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business.

Environment Objective - Conserve, protect and enhance our natural and built environment

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council in accordance with the Shire of Kent Extractive Industries Local Law 2011 issue an extractive industry licence at Lot 1794 Needilup North Road, Pingrup subject to:

1. The Department of Environment and Energy providing the required clearances/permit to undertake the extractive industry within or directly adjacent to a designated Threatened Ecological Community prior to any extraction of material occurring.
2. Confirmation being provided to the Chief Executive Officer of required clearances/permit being issued by the Department of Environment and Energy prior to any extraction of material occurring.
3. The extent and location of any amended extractive area being to the satisfaction of the Chief Executive Officer.
4. Development being in accordance with the Extractive Licence Area plan dated 26 July 2019.
5. The extractive industry licence being renewed on or before 30 June each year.
6. The licensee being required to have \$10,000,000.00 public liability insurance which will indemnify the Council from responsibility for damages or claims relating to any of the excavation operations.
7. The hours of operation being from 6:00am to 6:00pm Monday to Friday, 8:30am to 12:30pm on Saturdays and no operations being conducted on Sundays and Public Holidays.

8. A height datum point being established and submitted for approval prior to the commencement of any site or extractive works.
9. No material being excavated below the 5.0m height datum point.
10. Provision of a surveyors certificate every two years prior to the annual renewal fee for that year being payable to certify the quantity of material extracted and that material has not been excavated below the 5.0m height datum point.
11. No blasting operations being permitted.
12. No dewatering of the extraction area shall be permitted without prior approval of the Council.
13. The operator/licensee of the extractive industry shall comply with the requirements of this approval and the Shire of Kent Extractive Industries Local Law 2011.
14. The extractive industry being operated in accordance with the Environmental Protection Authority Environmental Code of Practice for Extractive Industries.

1920/073 - COUNCIL RESOLUTION (Officer Recommendation)
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MOVED Cr SR Crosby / Cr BC Bamess

That Council in accordance with the Shire of Kent Extractive Industries Local Law 2011 issue an extractive industry licence at Lot 1794 Needilup North Road, Pingrup subject to:

1. The Department of Environment and Energy providing the required clearances/permit to undertake the extractive industry within or directly adjacent to a designated Threatened Ecological Community prior to any extraction of material occurring.
2. Confirmation being provided to the Chief Executive Officer of required clearances/permit being issued by the Department of Environment and Energy prior to any extraction of material occurring.
3. The extent and location of any amended extractive area being to the satisfaction of the Chief Executive Officer.
4. Development being in accordance with the Extractive Licence Area plan dated 26 July 2019.
5. The extractive industry licence being renewed on or before 30 June each year.
6. The licensee being required to have \$10,000,000.00 public liability insurance which will indemnify the Council from responsibility for damages or claims relating to any of the excavation operations.
7. The hours of operation being from 6:00am to 6:00pm Monday to Friday, 8:30am to 12:30pm on Saturdays and no operations being conducted on Sundays and Public Holidays.
8. A height datum point being established and submitted for approval prior to the commencement of any site or extractive works.
9. No material being excavated below the 5.0m height datum point.
10. Provision of a surveyors certificate every two years prior to the annual renewal fee for that year being payable to certify the quantity of material extracted and that material has not been excavated below the 5.0m height datum point.
11. No blasting operations being permitted.
12. No dewatering of the extraction area shall be permitted without prior approval of the Council.
13. The operator/licensee of the extractive industry shall comply with the requirements of this approval and the Shire of Kent Extractive Industries Local Law 2011.
14. The extractive industry being operated in accordance with the Environmental Protection Authority Environmental Code of Practice for Extractive Industries.

CARRIED 8/0
By Simple Majority

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

Nil

12. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

1920/074 - COUNCIL RESOLUTION (Officer Recommendation
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MOVED Cr SR Crosby / Cr JN Germain

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

**CARRIED 8/0
By Simple Majority**

12.1.1 CONFIDENTIAL – TENDER VP15608-19/20 GRADER REPLACEMENT

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Gary Mathewson – Manager Works
REPORTING OFFICER:	Rick Miller - CEO
FILE NO:	046.1.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Confidential Evaluation Report 2. Grader Specifications 3. Tenderer Pricing Submissions

PURPOSE

For Council to consider tenders for purchase of replacement grader and trade in of councils existing 2009 John Deere 670D Grader KT029

1920/075 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr BC Bamess

That Council:

1. **Accepts the most advantageous tender, that being submitted by Komatsu Australia Pty Ltd , to provide in accordance with tender VP15608 Supply and Delivery of One New Motor Grader and Trade of Councils existing grader (minus Topcon System), for a total payment of \$288,200 inc GST.**
2. **Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for purchase for Tender VP15608 Supply and Delivery of One New Motor Grader and Trade of Councils existing grader.**

**CARRIED 8/0
By Simple Majority**

12.1.2 CONFIDENTIAL – TENDER RFT 01-1920 DESIGN AND CONSTRUCTION OF 4 X RESIDENTIAL DWELLINGS IN THE TOWNS OF PINGRUP AND NYABING

PROPOSED MEETING DATE:	18 September 2019
PROPONENT:	N/A
LOCATION:	Lot 97 Gaby St, Pingrup; Lots 162, 164 & 165 Coates Cl, Nyabing
AUTHOR:	Rick Miller - CEO
REPORTING OFFICER:	Rick Miller - CEO
FILE NO:	046.2.1
ASSESSMENT NO:	N/A
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Confidential Evaluation Report 2. RFT 01-1920 (Specification Section only) 3. Plans for Main Contenders

PURPOSE

For Council to consider tenders for the design and construction of 4 x dwellings to be located within Pingrup and Nyabing

1920/076 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr KV Johnston

That Council:

1. Accepts the most advantageous tender, that being submitted by Pindan Homes Pty Ltd, to provide in accordance with Tender RFT 01-1920 Design and Construction of 4 x Residential Dwellings in the Towns of Pingrup and Nyabing and including Lot 164, Option 2 – Outdoor Kitchen, for a total payment of \$2,021,855.64 inc GST;
2. Authorises the Chief Executive Officer, to liaise with the successful tenderer to achieve design outcomes;
3. Authorises the Chief Executive Officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract for Tender RFT 01-1920 Design and Construction of 4 X Residential Dwelling in The Towns Of Pingrup And Nyabing.
4. Accepts that , should a contract not be formed with Pindan Homes Pty Ltd, then the next most advantageous Tenderer being WA Country Builders Pty Ltd, is accepted and a Contract is to be formed, under the terms and conditions noted in Part 1 above, in accordance with Regulation 20(2) of the Local Government (Functions and General) regulations 1996.

**CARRIED 8/0
By Simple Majority**

1920/077 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr JN Germain / Cr TD Borgward

That Council:

Re-open the meeting to the general public

CARRIED 8/0

13. MEETING CLOSED

There being no further business the Shire President Cr Alan Smith, closed the meeting at 7.02pm.