



**PUBLIC MINUTES FOR THE
CONFIDENTIAL SPECIAL MEETING OF COUNCIL
WEDNESDAY, 8 AUGUST 2012**

**Council Chambers
6177 Great Northern Highway
Bindoon**

**COMMENCEMENT: 4:40 PM
CLOSURE: 5:12 PM**

These minutes will be confirmed at the Ordinary meeting of council scheduled for **Wednesday, 15 August 2012**.

SIGNED BY

Person presiding at the meeting at which minutes were confirmed

DATE

Disclaimer

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a council decision. No person should rely on the decisions made by council until formal advice of the council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the council meeting.

Agendas and minutes are available on the Shire's website www.chittering.wa.gov.au

TABLE OF CONTENTS

| | | |
|-----------|--|----------|
| 1. | DECLARATION OF OPENING OF MEETING | 1 |
| 2. | ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE | 1 |
| | 2.1 Attendance | 1 |
| | 2.2 Apologies..... | 1 |
| | 2.3 Approved leave of absence | 1 |
| 3. | DISCLOSURE OF INTEREST | 1 |
| 4. | PURPOSE OF MEETING | 2 |
| | 4.1 Temporary Extractive Industry License – Lot 7 (RN 75) Toy Road, Bindoon* | 2 |
| 5. | CLOSURE | 4 |

* indicates separate attachments



1. DECLARATION OF OPENING OF MEETING

Cr Alex Douglas declared the meeting open at 4:40 PM

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following members were in attendance:

Cr Alex Douglas Shire President
Cr Doreen Mackie
Cr Robert Hawes
Cr Barni Norton
Cr Don Gibson
Cr Michelle Rossouw

The following staff were in attendance:

Mr Gary Tuffin Chief Executive Officer
Mr Brendan Jeans Senior Planner
Mrs Natasha Mossman Minute Secretary

There were no members of the general public in attendance

2.2 Apologies

Mr Azhar Awang Executive Manager Development Services

2.3 Approved leave of absence

Council has previously approved Leave of Absence for Cr Clarke for the period inclusive of 31 May 2012 until 23 August 2012.

3. DISCLOSURE OF INTEREST

Nil



4. PURPOSE OF MEETING

OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 010812

Moved Cr Hawes / Seconded Cr Mackie

That Council move into a confidential session to discuss this item under the terms of the *Local Government Act 1995, Section 5.23* as the matter relates to a current SAT mediation item.

The motion was put and declared CARRIED 6/0
4:41 PM

4.1 Temporary Extractive Industry License – Lot 7 (RN 75) Toy Road, Bindoon*

| | |
|---------------------|---|
| Applicant | Jonathon Dwyer |
| File ref | A1289 |
| Prepared by | Azhar Awang, Executive Manager Development Services |
| Supervised by | Gary Tuffin, Chief Executive Officer |
| Voting requirements | Simple majority |
| Documents tabled | Main Roads WA letter |
| Attachments | 1. Application form 2. Site plan |

COUNCIL RESOLUTION - 020812

Moved Cr Rossouw / Seconded Cr Mackie

That an Excavation Licence is granted pursuant to the Shire of Chittering's *By- Law relating to Extractive Industries 1994* for an Extractive Industry (Gravel) at Lot 7 (RN 75) Toy Road, Bindoon (Land), subject to the following conditions:

1. The Excavation Licence holder is Mr Jonathon Dwyer (Licensee).
2. This Excavation Licence operates from 9 August 2012 until the earlier of
 - (a) 30 October 2012; or
 - (b) the date upon which another excavation licence for an Extractive Industry (Gravel) on the Land is granted.
3. Excavation may only take place within the open ground which exists as at the date of this Excavation Licence. The existing open ground is identified in the attached plan (attachment 2).
4. No excavated materials shall leave the Land until the Applicant has upgraded the access to the Land from Great Northern Highway in accordance with a plan approved by Main Roads WA. The completion of the upgrading is to be demonstrated by the Applicant by the provision of a written confirmation by Main Roads WA.
5. The Extractive Industry must at all times must be carried out in accordance with the Excavation-Rehabilitation Management Plan by Landform Research dated March 2012, unless inconsistent with these conditions.
6. The Extractive Industry must comply with the Fire Management Plan dated 4 November 2007.



7. The Extractive Industry must not commence unless adequate liability insurance is in place. A Certificate of Currency for the public liability insurance is to be provided to the Shire prior to any excavation commencing.
8. Before the commencement of any excavation the Licensee must mark out with metal stakes the boundary of the excavation area previously approved by Council.
9. The Licensee must maintain an on-site register of:
 - (a) complaints received; and
 - (b) management actions carried out to address any complaints or contingencies the subject of the Excavation-Rehabilitation Management Plan, and make available the register to the Shire upon request.
10. All stormwater shall be retained on-site and no discharge of pit water shall occur without prior approval from the Chief Executive Officer.
11. No fuel shall be stored on-site without the approval of Council.
12. No visible dust shall be discharged beyond the property boundary.
13. The operations shall comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* with respect to noise.
14. The equipment and machinery used for excavation purposes shall be limited to:
 - (i) 1 x 'Surface miner';
 - (ii) water tanker(s) as required for dust suppression;
 - (iii) 1 x loader;
 - (iv) 1 x mobile screening plant;
 - (v) 1 x mobile crushing plant;
 - (vi) 1 x bulldozer,unless otherwise approved by Council.
15. No truck is permitted to enter the property for carting purposes unless fitted with an appropriate cover to prevent dust or loss of material and none shall exit without the cover in use.
16. The hours of operation are limited to:
 - (i) Monday to Friday 0700 hours to 1800 hours;
 - (ii) Saturday 0730 hours to 1700 hours.No operation may take place on Sundays or public holidays.
17. Where practicable all static and other equipment such as portable crushers and screening plant are to be located on the floor of the quarry to provide visual and acoustic screening.
18. Rehabilitation of each pit shall include surface water control measures on all pit faces to prevent gully erosion, and final batters to be graded to provide safe entry and exit slopes; should access to any standing water within the pit be required or accidentally occur.
19. Materials imported for rehabilitation or other purposes shall be certified free of dieback and other plant diseases.
20. A breach of any condition of this Excavation Licence will result in it being suspended.

The substantive motion was put and declared CARRIED 5/1

5:11 PM



PROCEDURAL MOTION / COUNCIL RESOLUTION - 030812

Moved Cr Mackie / Seconded Cr Norton

That the meeting comes out from behind closed doors.

**The motion was put and declared CARRIED 6/0
5:12 PM**

5. CLOSURE

Cr Alex Douglas declared the meeting closed 5:12 PM