

Shire of Narrogin

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER 43 FEDERAL STREET, NARROGIN, ON THURSDAY, 18th JUNE 2015; COMMENCING AT 9.30 A.M.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The President, Cr Richard Chadwick, welcomed all Councillors and visitors to the meeting.

2. ATTENDANCE APOLOGIES AND LEAVE OF ABSENCE GRANTED

Councillors	Cr R.E. Chadwick (President) Cr A.G. Borthwick (Deputy President) Cr B.G. Hardie Cr G.D. Ballard Cr T.R. Wiese Cr K.M. Quartermaine Cr J.M. Sieber
Chief Executive Officer	Mr G.R. McKeown
Apologies	Nil
Visitors	Ross Martin Coral Mahony Sam Foster Mark Russell Cathy Morey Filipa Walmsley Peter Vukomanovic (from 9.50AM) Gary Rasmussen – Works Manager (from 10.15AM)

3. PUBLIC QUESTION TIME

The Chief Executive Officer indicated that Mr Ross Martin had requested time at this Meeting to make a presentation to Council on the options proposed for the construction of the northern section of the Narrogin Link Road. He also mentioned that Mrs Coral Mahony may also wish to address the Council on the same matter.

The Chief Executive Officer went on to advise that Ms Filipa Walmsley would like the opportunity to ask questions in regard to the proposed Regional Waste Facility.

The President invited Ross Martin to address the Council and indicated the time period available in public question time.

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Mr Ross Martin went through a prepared presentation which had been printed for Elected Members. He raised issues concerning crash statistics, road design, high drug use by drivers, future land use and soil geology in support of his view that the new road should follow the originally proposed alignment on the west side of the Callan Way development.

Mrs Coral Mahony then addressed the meeting and raised the issue of the safety for vehicles using the current entrances. She highlighted the number of school buses using this section of the Great Southern Highway and the bus stop near O'Rourke's driveway. She asked for information on the estimate of costs for the proposed options and if landowners impacted by land acquisition are compensated if their ability to develop their land is affected.

Mr Sam Foster, Main Roads, indicated that in the Multi Criteria Assessment prepared for the options, safety was a consideration. Also that compensation is paid to landowners who have land acquired for the road. He went on to advise that modification to the vertical alignment of the existing road is under consideration to address the issues of the crest, north of the Callan Way intersection. The corners that are proposed in Option B where the new road will join the Great Southern Highway and the town boundary will act as a physical measure to slow vehicles as they approach Narrogin.

ROSS MARTIN AND CORAL MAHONY LEFT THE MEETING AT 9.50AM

PETER VUKOMANOVIC ATTENDED THE MEETING AT 9.50AM

The President invited Ms Filipa Walmsley to address her questions to the meeting.

Ms Filipa Walmsley mentioned she had written to the 17 residents in the Shire of Narrogin that had been advised of the Regional Waste Facility development application. She indicated that said had contacted the Executive Officer of the Great Southern Regional Waste Group to obtain information on the likely running costs of the proposed regional waste facility and the history of the group in investigating other sites. She requested that the Shire of Narrogin's Elected Member representative attend future meetings of the group. She concluded by asking what the Shire's position would be if the development approval is not granted by the Shire of Cuballing.

The President responded to the final question indicating that any decision post the development approval process would be made by the Council in consultation with the other members of the group.

The President invited Mr Peter Vukomanovic to address his questions to the meeting.

Mr Peter Vukomanovic tabled a number of questions and then asked why the owners of previous sites under consideration by the group chose not to continue with the process.

The President indicated the owners did not give reasons for their decision. The Chief Executive Officer commented that there had been one site considered in the Shire of Narrogin and another site in the Shire of Wagin. The owner of the land in the Shire of Narrogin did not give a reason for his decision not to proceed to the stage of entering into an MOU with the group.

PETER VUKOMANOVIC, FILIPA WALMSLEY, SAM FOSTER, MARK RUSSELL
AND CATHY MOREY LEFT THE MEETING AT 10.00AM.

The Chief Executive Officer provided detail of the questions tabled by Mr Vukomanovic at the May 2015 Council Meeting and the responses to be made to those questions as follows:

Questions Tabled by Peter Vukomanovic at Narrogin Shire Council Meeting Thursday 21 May 2015

Questions regarding the Proposal for a Regional Refuse Site.

We were urged by the Shire of Cuballing to direct the following question to the Shire of Narrogin

Q1. As it has always been our intention to build a house on our block, and 2015 was to be the year we commenced preparations either for a transportable or built onsite house, which we now are informed would be directly opposite our front gate and Regional Dump sites overlooking our homesite and we overlooking the future proposed stages of a Regional Rubbish Dump, what advice can the Shire offer to mitigate the affects of living opposite this Regional Dump which Nobody wants at their front gate directly opposite their house?

Q2. What are our setback restrictions on building on our block?

Q3. What are the consequences on setbacks and ensuring buffer distances are respected, given the Wagin Group Regional Landfill Draft Works Application of Jan 2015 Part 2, Map Fig 2 showing Potential Landfill Area on south side of hill with slope and aspect facing directly into our front yard and even closer to our homesite?

Q4. This option would breach the setbacks stated for the Dump Site. How could we ever be confident this would not happen, given we **never** expected a Regional Dump Site at our front gate when we purchased our property, and we **never** expected that our own Shire would **never** advise us ?

Q5. Do the Narrogin Shire Councillors and President have complete confidence in the Cuballing Shire given they are unable to locate the diagram to which I refer, despite having significant public funded resources to which I am not privileged to avail?

Q6. Do the Narrogin Shire Councillors and President care what is happening to our family's health and wellbeing?

Q7. I have already consulted with a medical doctor who understands why I am not sleeping well, feeling tired and mentally drained, which he attributes to the energy expended by having this Regional Dump Proposal consuming my energy. What resources can the Shire provide to the most severely impacted family by this Proposal?

Q8. What help and assurances can the Shire give my 5 year old son who keeps asking to move to the farm house without a Regional Refuse Dump in front of his house, at his front gate, the front gate of Regional Refuse Dump being opposite each other, and at his school bus stop? It is affecting him badly as this is always his thoughts to live in his house at the farm.

Q9. Are the Shire President or the Shire Councillors willing to have this Regional Rubbish Dump at your front gate outside your family residence? What would be your objection?

Q9. What Duty of Care do the President and Councillors accept for their most severely negatively impacted residents?

Q10. As I understand it landholders have a duty of disclosure to any buyer to inform them of **any** event that **may** adversely affect a property they are selling.

Where is the **Duty of Disclosure** of Shire of Narrogin to it's own residents to inform of any event that **may** adversely us?

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Q11. Would not common decency of Council to inform of any event that **may** adversely affect it's residents require a **disclosure** to us of it's enthusiastic support for a Regional Rubbish Dump at our front gate?

Q16. Why are we having to do all the hard work of dragging information out of our paid government officials when it would seem appropriate Narrogin Shire Council should be supporting us, it's adversely affected residents, with all the resources and support it can muster?

Q17. As we need to URGENTLY complete a business proposal in the next week in which our farm block is an integral part of the deal and requires that our farm NOT be opposite a Regional Rubbish Dump what level of compensation will the Narrogin Shire provide if the Dump Proposal goes ahead and we are required to breach the agreement? Will the Shire cover the total costs of this?

Q18. As this deal provides a substantially increased income for years to come and we need this income to make progress as a family will the Shire guarantee us against any losses should we be successful with this deal and then incur a huge expense in relocation?

Q19. If we make no effort to complete this deal due to either the certainty of the Regional Refuse Site going ahead or the uncertainty of the Site going ahead will the Shire likewise fully compensate us for our losses?

Q20. As we had no reasonable expectation when we bought this property that a Regional Rubbish Dump would ever be proposed here, or enthusiastically supported by the Narrogin Shire and no expectation that the Shire would not ever notify us, is it not totally reasonable the Shire compensate us for our losses?

Q21. As the Shire of Narrogin is delaying and preventing us from using our land for the purposes for which we purchased it and this is causing us loss of business, health and suffering family, what recompense does the Shire propose in the interim?

Q22. When your appointed group leader Lindsay Stephens at the public meeting in the Cuballing Agricultural Hall said we might want to sell up and get out before the Regional Rubbish Tip becomes visible and he was paid to represent your position, and you being government officials with large land holdings are lined up against us, a small recent landholder in the area, how were to not feel like we are being bullied and run off our property?

Q23. Do you agree with Mr Ipp of ICAC who said that diminishing political accountability is corrosive to democracy? I believe democracy is fragile and actions of governments at any level, with scant regard for the most vulnerable citizens contributes to a dangerous decline of society.

Q24. Do you feel it is fair that a few citizens who were not privy to the interest and subsequent enthusiastic support of the Shire President and Shire Councillors in placing the Regional Refuse Dump at our front gate, are asked to bear a greivous burden for the benefit of others, especially seeing no notification, advice or assistance has ever been offered by them?

Q25. As in the future we may want to build a second house on the farm(as has occurred on other farms) will the Proposed Regional Dump prevent us from this option due to it being inside DER Residential buffer zone?

Q26. Our neighbour has indicated he would like the option of subdividing his land at the back of us (given the life of proposed Dump is 60-70years and agriculture may change its dynamics), there

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could be 6 homes on our side of road even though these would still be relatively large acreages, but possibly prevented because they would be within the present DER Residential Buffer. What level of compensation are we to receive now as this restricts opportunities forever and the property value will drastically decline with the event of a Regional Dump?

Q27. As we all rely on ground water and roof runoff into tanks can the Shire President and Shire Councillors guarantee that no contamination from the Proposed Dump will ever find its way into the water supplies of residents? Would as a start, the enthusiastic proponents of the shire, not being subject to the adverse affects of their proposal, be prepared to put say a million dollars combined of their own money and encourage other enthusiastic supporters from the other participating shires to do the same for the compensation and protection of water, health and land resources of land holders nearby the Proposed Dump? We all know that after a disastrous event it is always too late to remedy, so could these funds be given to an independent umpire to distribute to nearby landholders before the Proposed Dump starts any operation?

Q28. I feel an insurance scheme like this is justified given the serious consequences of contamination **have** occurred in other locations, and particularly with this site being an unlined, unmanned and an elevated Regional Dump Site. Do you agree?

Q29. We have protected and preserved the environment on our farm with the aim of flora and fauna preservation and enhancement. We particularly all looked forward to enhance this aspect by living on the property and ensuring its progress. As I see landholders destroy and clear their remnant native bush especially through the use of fire, do you not feel it is imperative to encourage those few residents who are willing to forgo some profit and preserve and enhance what precious little that remains seeing it diminishes in my area each year?

Q30. With such an obviously controversial **Site Proposal** why was there not a commitment by Shire of Narrogin to keep affected property owners informed?

Q31. I believe this duty of care and disclosure to its own residents should have been shown from the beginning **before** vast sums of Public Funds was expended, to allow input by ratepayers. Do you agree?

Q32. Where you aware that if this Proposal goes ahead it will be sandwiched between four properties and another just a few metres over the road on a 45 degree angle?

I have many more concerns for the environment, care of farmland, my familys and other familys health, the consequences of what I believe are bad decisions on democracy, yet I leave you with just a portion.

I realise how valuable our time is to each of us.
Thank you for your time.

Peter Vukomanovic

The following responses to the questions were drafted by the Chief Executive Officer and endorsed by Council:

Question 1: The Environmental Protection Authority (EPA) provides advice to proponents, responsible authorities, stakeholders and the public about the minimum requirements for environmental management of industry. This includes the minimum setback distances between industry and sensitive land uses. The current development application before the Shire of Cuballing outlines separation distances that satisfy the minimum requirements.

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Further, it is proposed that screen vegetation be planted along the boundary of Nebrikinning Road which will mitigate the visual effects of living opposite a refuse site.

Question 2: 20m from all boundaries on your block.

Question 3: The current proposal before the Shire of Cuballing does not include a potential future landfill area and only relates to the stages identified in the development application. If approval is granted for the waste site to proceed it will have to comply with conditions imposed by the Department of Environmental Regulation (DER). This will include compliance through a works approval for establishment of the facility and licensing obligations for ongoing operation of the site.

Question 4: Please refer to the answer to Question 3.

Question 5: The Shire of Narrogin understands the complexity of this development application and is confident that the Shire of Cuballing will consider it thoroughly and make a decision with all the relevant information.

Question 6: The Elected Members are aware of your concerns about this proposal and do care about the wellbeing of you and your family, as it does for all residents of the Shire. Underlying this is an obligation on Elected Members to fulfil the duties of their office for the people in the district according to the best of their judgement and ability.

Question 7: The Shire of Narrogin is part of a group of local governments that are working to improve the management of waste for their communities. The development application before the Shire of Cuballing identifies compliance with current development standards and recommended separation distances to minimise any potential impact on neighbours. The proposal for a vegetation screen to be planted along Nebrikinning Road will improve the amenity.

Question 8: Please refer to Question 7. Please also note that residents in other areas, including the Town of Narrogin, do reside in close proximity to waste sites that have been operating for many years. With appropriate management and compliance to conditions these facilities generate few complaints.

Question 9: Individuals will make their own determination of what they will accept or object to.

Question 9: If this development has planning and environmental approval, and operates within the conditions set down by the approving authorities, then the operator is meeting its obligations.

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Question 10: The Shire of Narrogin is not the seller of land. Please refer to the answer given in Question 11 that expands on the notice to residents.

Question 11: Until it could be determined that the proposed site on Nebrikinning Road would meet the permeability requirements it was not known if the project would proceed to the development application stage. Once this was confirmed and the Great Southern Regional Waste Group lodged the development application, the Shire of Narrogin considered it best that the Shire of Cuballing undertake the community consultation and receive all submissions from the public.

The Shire of Narrogin does support a regional approach to waste management because of the wider benefits that will be gained by sharing resources and meeting current environmental standards.

Question 16: The Shire of Narrogin is willing to provide any information that is available to the public.

Question 17: Response given in letter dated 4th June 2015.

Question 18: Please refer to the answer given in response to Question 17 in the letter dated 4th June 2015.

Question 19: Please refer to the answer given in response to Question 17 in the letter dated 4th June 2015.

Question 20: Please refer to the answer given in response to Question 17 in the letter dated 4th June 2015.

Question 21: It is not clear how you are being prevented from using your land. It is zoned for 'Farming' in the Town Planning Scheme No.2 and activities that are permitted in that zone can be undertaken.

Question 22: Mr Stephens was present at that public meeting to provide advice on the technical aspects of the proposed development. Without a transcript of the meeting it is not possible to respond to your assertion about what Mr Stephens said and the context in which it was said. The Elected Members have the responsibility to make decisions on behalf of the community and they will do so with their best judgement and ability.

Question 23: The Elected Members of a local government are closest to the people and are arguably more politically accountable than other levels of government.

Question 24: This has been answered in other responses.

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Question 25: The EPA's recommended buffer distance from a single residence is 150m. The majority of your property is outside this buffer. Please be aware that approval to build a second dwelling on your property requires development approval from the local government. Previous requests for multiple dwellings on one lot have had to meet the requirements of planning legislation.

Question 26: The land in your area is zoned 'Farming' in the Shire's Town Planning Scheme. It cannot be assumed that rezoning and subdivision would be supported by the local government or the state government agency that assesses such applications.

Question 27: A waste facility is required to adhere to environmental conditions, which includes monitoring of ground water and management of surface water.

Question 28: Please refer to Question 27.

Question 29: The Shire of Narrogin has actively supported landholders willing to undertake revegetation on their properties. For over 25 years the Shire has worked alongside the Narrogin Land Conservation District Committee on projects that have seen large areas replanted with native vegetation.

Question 30: Please refer to Question 11.

Question 31: The Great Southern Regional Waste Group has considered a site that was offered for sale and investigated its capacity to accommodate a waste facility. The process being undertaken now is to consider if it is suitable from a planning perspective, which includes public consultation. If there are reasons why it should not be approved on planning grounds then the application will be refused.

Question 32: Previous comment has been provided on the recommended separation distances. The detail of the properties that surround the proposed site are identified in the development application.

The Chief Executive Officer further advised that a separate response was provided to Question 17 on the 4th June 2015. That response included the following information:

I refer to your attendance for Public Question Time at the Council Meeting held on Thursday, 21st May 2015.

During Public Question Time you tabled a number of questions and asked for an immediate response to one of those questions, being:

"Q17.As we need to URGENTLY complete a business proposal in the next week in which our farm block is an integral part of the deal and requires that our farm NOT be opposite a Regional Rubbish Dump what level of compensation will the Narrogin Shire provide if the Dump Proposal goes ahead and we are required to breach the agreement? Will the Shire cover the total costs of this?"

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At the meeting you were not able to provide further detail of the business proposal as it was commercial in confidence. However, you did indicate that the proposed activity was not likely to require development approval. I trust I have correctly interpreted the comments you made to the Council.

As you know the Shire of Narrogin is a member of a group of local governments that came together to develop a regional approach to waste management. The group originally adopted the name "Wagin Voluntary Group of Councils" as the Shire of Wagin initiated the first discussions. However, the group has changed its name to the "Great Southern Regional Waste Group" to better reflect the regional approach to this initiative. Please note that documents may refer to the different names, but it is the same group of local governments.

Your specific question goes to the rights and obligations of a landowner. At this time the group has submitted a development application to the appropriate planning authority, being the Shire of Cuballing. By following the processes contained in its planning legislation, the Shire of Cuballing will ultimately approve or reject the application.

Similarly, the group has to obtain environmental approval from the responsible state government agency.

If, at the end of that process, the group has planning and environmental approval then it will have the right to carry on the activity within the parameters set down by the approving authorities. This is the same for any landowner who has the necessary approval in place to undertake an activity on their property. Subject to them meeting their obligations under the approval granted, the landowner has the right to carry on the activity and the question of compensation to others parties should not come into consideration.

I do not believe a local government has any obligation to compensate a property owner for the existence of an approved activity that may be on a neighbouring property.

As you are not in a position to release more information about the business proposal and how it is dependent on whether your property is, or is not, adjacent to a waste facility, my response to your question is limited to the information that is available.

The Chief Executive Officer provided detail of the questions tabled by Mr Shepherd at the May 2015 Council Meeting and the responses to be made to those questions as follows:

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As we can't ask questions of the Wagin Voluntary Group of Councils(WVGC), we are directing these questions to you as our representatives.

Q1) Why were the Narrogin Shire Landowners/Rate payers adjacent to and in the vicinity of the proposed regional tip site on Nebrikinning Road not advised as soon as the decision was made to actively consider the site (portion of lot 23, Lot 23,Wandering–Narrogin Road, Cuballing) instead of finding out in mid-December 2014?

To Quote from Lindsay Stephens your WVGC consultant/adviser

"The choice of the site was very constrained as other sites were selected and even drilled, but had to be abandoned following sustained community pressure on the individual landholders involved.

Each time a site was found the adjoining and nearby landholders, in summary thought a regional landfill was a good idea, but would not accept it in their location/shire.

This site chosen has been found to be highly suitable for the proposed landfill and meets all Government Guidelines.

The Local Governments involved are highly respectable and caring representatives of their community and strive very hard to protect all aspects of the community and the wider factors such as lifestyle, biodiversity, conservation, water resources. The selection of Lot 23 represents near seven years of work and compromise to find a suitable regional landfill site."

Q2) Was this not a systematic approach by members of the Wagin Voluntary Group of Councils (WVGC) to deceive the landowners by keeping the proposed regional tip secret until the last possible moment when they were obliged to have a consultation period which just happened coincide with the busy Christmas period in December 2014?

Q3) What experience and Qualifications does Lindsay Stephens have in the design site selection of landfill sites?

Q3a) How was Lindsay Stephens engaged to consult on the landfill and design. Is he on the WA Local Govt Association list of preferred suppliers for services list or was it put to an open tender process?

Q3b) How much is Lindsay Stephens being paid and who holds the funds as we cannot find any record of a legal registered entity called either the "Wagin Voluntary Group of Councils" (for which in the application before Cuballing Shire didn't even have a legal MOU) or "Great Southern Regional Waste Group"?

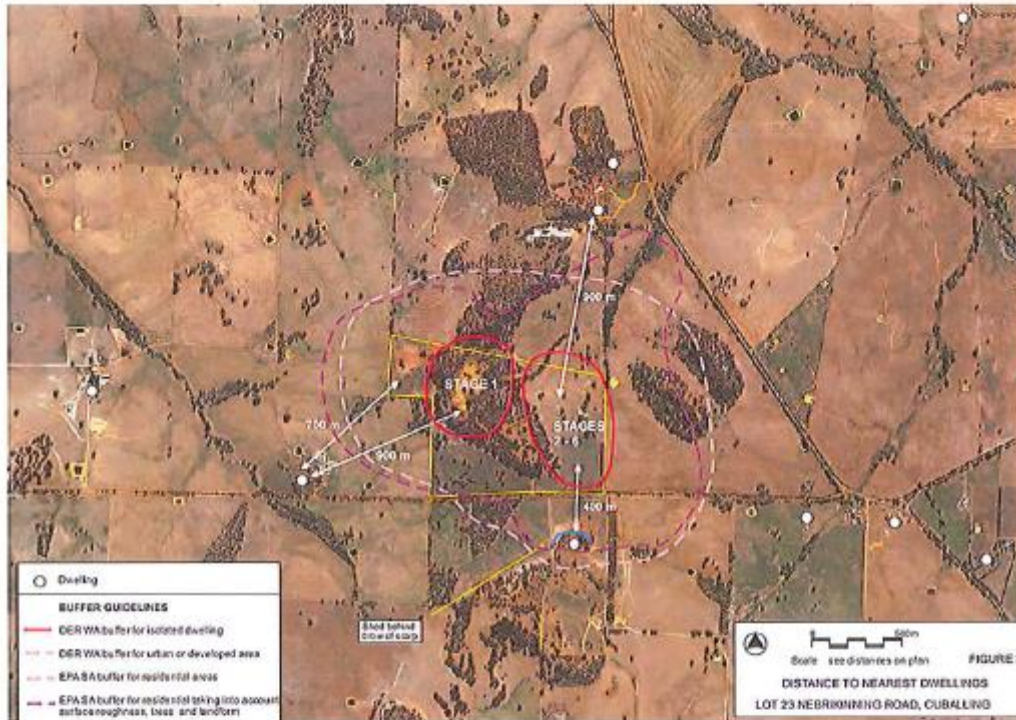
Q4) Why can't Lindsay Stephens agree with himself on which stages and what order they are going to progress in?

Letter to Office of Appeals Convenor..

Two separate envelopes / cells are proposed to accommodate the new regional 'Waste Disposal Facility' which will 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

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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 6 of the facility and will comprise a total area of approximately 3.6 hectares



Extract from Works approval application 2015 to Shire of Cuballing

Please find attached Photographs:

- 1) Enlargement of Stages 1 & 2 of proposed tip site
- 2) Benderring regional waste facility upon which the WVGC is to be modelled
- 3)to6) Normal summer storm damage on Nebrikinning Road in 2012 and 2013 with jus 40mm and 21mm respective. Just imagine what a 1 in 100 24hour storm event would do?

Robert Shepherd
3383 Wandering-Narrogin rd, Minigin, WA 6312
PO Box 1154, Narrogin, WA 6312
Ph: 0427 471 097

The following responses to the questions were drafted by the Chief Executive Officer and endorsed by Council:

I refer to your attendance for Public Question Time at the Council Meeting held on Thursday, 21st May 2015.

During Public Question Time you tabled a number of questions and asked for a response.

In regard to the questions, Council is able to provide the following:

Question 1: Until it was confirmed that the proposed site on Nebrikinning Road would meet the permeability requirements and other environmental obligations it was not known if the project would proceed to the development application stage. When the proposal reached a stage that it could be seriously considered for development and environmental approval the Shire of Narrogin believed it was best that the Shire of Cuballing undertake the community consultation, so residents did not receive two sets of correspondence. The Shire of Narrogin provided the Shire of Cuballing with contact details of all property owners within a five (5) kilometre radius of the site.

In your letter you have quoted Lindsay Stephens in relation to other sites. I can confirm that one of the sites referred to was in the Shire of Narrogin. It did not reach the development application stage as the landowner chose to withdraw from the project. The landowner did not identify particular reasons for the decision.

There was another site in the Shire of Wagin that was under consideration and the circumstances that led to the landowner withdrawing are best explained by that Shire.

Question 2: The suggestion that the proposed waste site was kept secret is rejected. There have been several references to this site in public documents held by the local government members of the Great Southern Regional Waste Group. The extended consultation period offered by the Shire of Cuballing should have given anyone who wanted to make a submission sufficient time to do so.

Question 3: The Great Southern Regional Waste Group engaged Mr Lindsay Stephens – Landform Research to provide advice on the site selection and attributes necessary to establish a waste site. Mr Stephens has worked on similar projects and holds relevant qualifications.

Question 3a: Mr Stephens – Landform Research is engaged through the Shire of Wagin on behalf of the Great Southern Regional Waste Group. The terms of that engagement were based on completing specific tasks for the Group as it progressed through the investigation stages.

Question 3b: The Shire of Wagin holds funds on behalf of the Great Southern Regional Waste Group. It is best that the question of how much has been paid to Landform Research be directed to the Group.

Question 4: An error in the description is regrettable, however the approach has always been to commence with Stage 1 if development and environmental approval is granted.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

CONFIRMED16th July 2015.....R.E. CHADWICK
PRESIDENT

5. CONFIRMATION OF MINUTES

Moved Cr Quartermaine

Seconded Cr Sieber

The Minutes of the Ordinary Meeting of Council held on the 21st May 2015, be confirmed as a true and correct record.

CARRIED 7/0

MR GARY RASMUSSEN ATTENDED THE MEETING AT 10.15AM

8. REPORTS OF OFFICERS

Works Unit Report

Mr Gary Rasmussen presented his Works Unit Report.

MR GARY RASMUSSEN LEFT THE MEETING AT 11.00AM

6. ANNOUNCEMENTS BY THE PRESIDENT AND COUNCILLORS

Councillors advised of their attendance at the following meetings and functions:

1. Cr Hardie attended the Annual Road Inspection.
2. Cr Borthwick attended a WALGA Central Country Zone Executive Committee Meeting and the Annual Road Inspection.
3. Cr Quartermaine attended the Annual Road Inspection.
4. Cr Wiese attended a Narrogin Cottage Homes Committee Meeting, a Highbury District Community Council Meeting, the Annual Road Inspection, an Aged Care Planning Meeting and a Meeting with the Town of Narrogin and representatives of Narrogin Cottage Homes Inc. to discuss age care housing needs.
5. Cr Ballard attended the Annual Road Inspection.

The President reported on his attendance at the following meetings and functions:

- 1 Attended the Annual Road Inspection.

7. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

8. REPORTS OF OFFICERS (Continued)

Information Report

The Chief Executive Officer presented his Information Report.

LUNCHEON ADJOURNMENT FROM 12.35PM TO 1.25PM

9. MATTERS WHICH REQUIRE DECISIONS

CR CHADWICK DECLARED A PROXIMITY INTEREST IN THE FOLLOWING ITEM AND LEFT THE MEETING AT 1.25PM

The nature of Cr Chadwick's interest relates to being an owner of land that is impacted by the development of the Narrogin Link Road North section.

CR BORTHWICK ASSUMED THE CHAIR

MR SAM FOSTER ATTENDED THE MEETING AT 1.26AM

9. B&TP BUILDING AND TOWN PLANNING

9.B&TP.195 NARROGIN LINK ROAD NORTH – SUPPORT FOR ALTERNATIVE ALIGNMENT OPTION B

Moved Cr Wiese

Seconded Cr Sieber

That Council:

1. Seek comment from the owners of Location 1437, Lots 153, 804 & portion of Lot 805 Great Southern Highway, Hillside on the implications for future development of their land on the basis of Council supporting either the Option A or Option B alignment for the Narrogin Link Road North road extension.
2. Seek comment from an independent planning consultant on the implications for future development of Location 1437, Lots 153, 804 & portion of Lot 805 Great Southern Highway, Hillside on the basis of Council supporting either the Option A or Option B alignment for the Narrogin Link Road North road extension.

CARRIED 6/0

SAM FOSTER LEFT THE MEETING AT 1.57PM

CR CHADWICK ATTENDED THE MEETING AT 1.58PM AND RESUMED THE CHAIR

9.F FINANCE

9.F.277 FINANCIAL STATEMENT

Moved Cr Hardie

Seconded Cr Borthwick

That Council,

1. Endorse cheques numbered: 21534 to 21545 (inclusive) as paid under delegated authority, totalling \$381,916.12;
2. Approve cheques numbered: 21547 to 21587 (inclusive) as creditors to be paid, totalling \$348,243.56; Endorse electronic transaction payments as paid under delegated authority for other expenses totalling \$6,475.82; Endorse electronic transaction payments for other expenses totalling \$74.55;

3. Endorse electronic transaction payments for salaries and wages expenses totalling \$67,686.47; and
4. Adopt the Financial Statement to the 31st May, 2015 as presented.

CARRIED 7/0

9.A ADMINISTRATION

CR QUARTERMAINE AND CR WIESE DECLARED AN IMPARTIALITY INTEREST IN THE FOLLOWING ITEM

The nature of the interest declared by Cr Quartermaine and Cr Wiese related to being members of the Narrogin Hawks Football Club.

9.A.342 CROPPING OF AIRPORT LAND

Moved Cr Sieber
That Council:

Seconded Cr Ballard

1. Endorse the actions of the Shire Chief Executive Officer in granting the Narrogin Hawks Football Club access to the expanded area of Lot 8 Clayton Road for the purpose of cropping as a fundraiser on the following terms:
 - i. access is granted for the period 28th May 2015 to 30th April 2016;
 - ii. the Club making payment of 20% of the cropping net proceeds; and
2. Mr Bill Moore be advised that his application to lease the land is not supported as negotiation with the Narrogin Hawks Football Club to lease the land was too advanced when his application was received. Also separate provisions apply in legislation where a local government intends to lease land to an individual.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.A.343 GATE PERMIT – PORTERS ROAD

Moved Cr Hardie

Seconded Cr Sieber

Approval is granted for Mr & Mrs Pip and Dani Porter to place gates across Porters Road subject to the following conditions:

1. The location and construction standard of the gate will be to the satisfaction of Council taking into account appropriate signage and safety standards;
2. Approval is granted to the 30th June 2016 and thereafter will be renewed annually;
3. Council reserves the right to withdraw permission for the gate at any time; and
4. The applicant being advised that the placing of a gate does not prevent access by any person to the road reserve.

CARRIED 7/0

9.A.344 LOCAL EMERGENCY MANAGEMENT PROCEDURES

Moved Cr Borthwick

Seconded Cr Quartermaine

That Council:

Approve the attached Local Emergency Management Arrangements for the Shire of Narrogin and Town of Narrogin and endorse the signing of the document by the Chief Executive Officer.

CARRIED 7/0

9.A.345 REPEAL OF LOCAL LAWS

Moved Cr Sieber

Seconded Cr Quartermaine

That Council:

1. approve the *Shire of Narrogin Repeal Local Law 2015*, as contained in the Attachment for the purposes of advertising; and.
2. pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Narrogin Repeal Local Law 2015*, as contained in the Attachment:
 - the purpose of which is to repeal superseded and out of date by-laws, and
 - the effect is to repeal superseded and out of date by-laws.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.A.346 REPEAL OF HEALTH LOCAL LAWS

Moved Cr Quartermaine

Seconded Cr Borthwick

That Council:

1. approve the *Shire of Narrogin Health Repeal Local Law 2015*, as contained in the Attachment for the purposes of advertising.
2. pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the *Shire of Narrogin Health Repeal Local Law 2015*, as contained in the Attachment:
 - the purpose of which is to repeal superseded and out of date by-laws, and
 - the effect is to repeal superseded and out of date by-laws.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.A.347 PROPOSED NEW LOCAL LAWS – TOWN OF NARROGIN

Moved Cr Sieber

Seconded Cr Wiese

That Council seek the endorsement of the Town of Narrogin to participate in the development and approval process for any new or revised local laws that will apply to the whole of the district of the Shire of Narrogin should a merger proceed on the 1st July 2016.

CARRIED 7/0

CR CHADWICK DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEM AND LEFT THE MEETING AT 2.34PM

The nature of Cr Chadwick's interest relates to being a party to the agreement to access water from his property.

CR BORTHWICK ASSUMED THE CHAIR

9.A.348 AGREEMENT TO ACCESS WATER

Moved Cr Quartermaine

Seconded Cr Wiese

That Council:

1. Endorses the agreement reached between the Shire of Narrogin and Richard Chadwick and John Chadwick for ongoing access to water from their property at Lot 25 Great Southern Highway, Narrogin; and
2. Endorses the actions of the Chief Executive Officer in negotiating the agreement.
3. Requests a further clause to be inserted in the agreement that if requested by the Shire of Narrogin the landowners will maintain a stock proof fence around the dam.

CARRIED BY ABSOLUTE MAJORITY 6/0

The motion differed from the recommendation as Council wished to include in the agreement a further obligation on the landowners as mentioned in Point 3 of the recommendation.

CR CHADWICK ATTENDED THE MEETING AT 2.45PM AND RESUMED THE CHAIR

9.A.349 DISABILITY AND ACCESS INCLUSION PLAN

Moved Cr Hardie

Seconded Cr Borthwick

That Council acknowledges a review of the Shire of Narrogin Disability Access and Inclusion Plan has been conducted and that the Plan will be advertised inviting public comment.

CARRIED 7/0

9.A.350 SEED COLLECTION - SHIRE ROADS AND RESERVES

Moved Cr Sieber

Seconded Cr Quartermaine

Greening Australia is granted approval to collect seeds from Shire of Narrogin managed roads and reserves for a period of one year the 1st July, 2015, subject to them complying with requirements of the *Wildlife Conservation Act 1950* and conditions determined under a licence issued by the Department of Parks & Wildlife.

CARRIED 7/0

CR QUARTERMAINE, CR CHADWICK, AND CR WIESE DECLARED A FINANCIAL INTEREST IN THE FOLLOWING ITEM AND LEFT THE MEETING AT 2.53PM

The nature of the interest declared by Councillors Quartermaine, Chadwick and Wiese relates to being growers of Quinoa and potential suppliers of grain to the proposed facility.

CR BORTHWICK ASSUMED THE CHAIR

9.B&TP.196 DEVELOPMENT APPLICATION – LOT 1960 WHINBIN ROCK ROAD, HIGHBURY

Moved Cr Sieber

Seconded Cr Hardie

That Council:

1. Determine by Absolute Majority that the proposed Quinoa Seed Processing Plant (rural - industry) may be consistent with the objectives of the Farming zone and thereafter follow the advertising procedures of sub-clause 6.3 in considering an application for planning approval.
2. Refer the application to nearby and adjacent landowners for a minimum public comment period of 21 days in accordance with Clause 6.3 of the Shire of Narrogin Town Planning Scheme No 2.
3. Subject to no valid objections being submitted during the advertising process delegate to the Chief Executive Officer authority to approve the application for Quinoa Seed Processing Plant (rural - industry) at Lot 1960 Whinbin Rock Road, Highbury, subject to compliance with following standard conditions.
 1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
 2. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.
 3. All buildings the subject of this approval must not be constructed within the standard setback distance in the 'Farming' zone.
 4. Access to the property from Whinbin Rock Road shall be approved and constructed to a standard agreed to by the local government.
 5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to Council, is granted by it in writing.

Advice to Applicant:

1. In accordance with the Building Act 2011 and Building Regulations 2012, a Building Permit application must be submitted to, and approved by the local government prior to any construction or earthworks commencing on site.
2. All buildings and activities on site associated with this approval shall observe compliance with fire protection requirements including the Building Code of Australia and the Bush Fires Act 1954.

CARRIED BY ABSOLUTE MAJORITY 4/0

CR QUARTERMAINE, CR CHADWICK AND CR WIESE RETURNED TO THE MEETING AT 3.04PM

CR CHADWICK RESUMED THE CHAIR

LATE ITEMS

WORKS MANAGER'S SALARY PACKAGE

The Chief Executive Officer indicated that he had conducted an annual performance review of the Works Manager. A part of the process included a review of his salary package and an increase to apply in the next financial year. The agreed movement in his salary matches the percentage increase applying to other employees of the Shire.

The President indicated that it was appropriate to recognise the additional workload placed on the Works Manager in undertaking external contract works.

Moved Cr Hardie

Seconded Cr Wiese

A bonus of \$10,000 be paid to the Works Manager in recognition of his additional responsibility in attracting and completing external contract works for the Shire.

CARRIED 7/0

CR SIEBER LEFT THE MEETING AT 3.17PM

CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

THE CHIEF EXECUTIVE OFFICER LEFT THE MEETING AT 3.18PM

The Council conducted a Performance Review of the Chief Executive Officer.

CR SIEBER ATTENDED THE MEETING AT 3.35PM

THE CHIEF EXECUTIVE OFFICER RETURNED TO THE MEETING AT 3.50 PM

The matters discussed by Council in relation to the performance review were communicated directly to the Chief Executive Officer.

THERE BEING NO FURTHER BUSINESS THE PRESIDENT THANKED COUNCILLORS FOR THEIR ATTENDANCE AND CLOSED THE MEETING AT 3.50 PM