



## **SHIRE OF BODDINGTON**

*'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'*

## **COUNCIL MINUTES**

**17 JULY 2007**

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**Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chamber on Tuesday 17th July 2007 commencing at 4.05pm.**

**1. DECLARATION OF OPENING**

The Shire President, Cr Flaherty, declared the meeting open at 4.05pm.

**2. ATTENDANCE**

Cr E Flaherty	Town Ward	President
Cr PR Carrotts	Rural Ward	Deputy President
Cr EK Hoek	Town Ward	
Cr GJ Day	Town Ward	
Cr DN Veitch	Rural Ward	
Cr RA Kelsall	Rural Ward	
Mr SW Patten	Town Ward	
Mr P Bradbrook	Chief Executive Officer	
Mr A Cook	Director of Finance/DCEO	
Mrs T Columb	Records Manager	
Mr P Haas	Principal Environmental Health Officer / Building Surveyor	
Mr R Belton	Town Planning Consultant (4.05pm – 5.03pm & 6.23pm – 7.04pm)	
Mr Greg Donhardt	Works Supervisor (5.30pm – 6.40pm & 6.50pm – 7.04pm)	

**APOLOGIES - nil**

**VISITORS**

Mr Bob Dainton	Newmont Mining Corporation
Mr Arron Minchin	Peel Development Commission
Mr Greg Robertson	Peel Development Commission
Mr Jim Nelson	Rail Presentation

**3. DISCLOSURE OF FINANCIAL INTEREST –**

Cr. Flaherty	Item 8.1.3	(Proximity Interest)
Cr. Flaherty	Item 8.5.8	(Financial Interest)
Cr. Carrotts	Item 8.1.2	(Financial Interest)
Cr. Carrotts	Item 8.1.3	(Financial Interest)
Cr. Carrotts	Item 8.5.8	(Proximity Interest)

**4. PUBLIC QUESTION TIME**

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Mr Dainton informed Council that Newmont had now confirmed that trucks carrying copper concentrate from the Gold Mine would be traveling through the town site to the chosen destination, the Bunbury Port, via Dwellingup, Waroona, Harvey, etc., rather than traveling to the Kwinana Port. There would be some 20 Pocket Road Train movements per day. A public meeting was being held that evening to inform the community and he apologized for the meeting having been arranged on the night of Council. A workshop would be scheduled with the Boddington community in order to mitigate the impact on the community.

There were suggestions from Councillors that the road through Hedges Gold Mine or the route along Old Soldiers Road, Palmer Road and Robins Road to the Pinjarra-Williams Road were options that should be considered, rather than traveling along the main street of Boddington.

Mr Minchin informed Council of the Peel Development Commission's progress with relation to the Boddington Gold Mine Expansion. The Commission had employed Mr David Gray as a Development Facilitator to assist developers with planning applications. He indicated that their estimates suggested there would be 400 new residences within Boddington and surrounds by 2008. The Commission was disappointed with the process for obtaining funds from the Social Infrastructure Package and had applied to Treasury to have the funds released into its care, for distribution as required.

Applications for the Regional Development Scheme close in September. The Commission would be holding a workshop in Boddington on 27<sup>th</sup> July to inform the community of how the scheme works.

Mr Nelson advised that funds remaining for the Boddington-Tullis railway project would be used to create an access way from the town to the bridge, clear the railway line and to create a picnic area at Tullis. The track would comprise of gravel and natural earth. He appreciated Council indicating it would give consideration to coordinating the project.

The WA Rail Heritage Foundation had been working with Worsley Ltd on a Deed of Consent to allow some development at Tullis Bridge. The agreement includes passive recreation, such as walkways and equestrian trails.

## 6. CONFIRMATION OF MINUTES

### 6.1 ORDINARY MEETING OF COUNCIL HELD 3<sup>rd</sup> JULY 2007

Council Resolution                      199/07                      Moved      Cr Carrots

That the minutes of the Ordinary Meeting of Council held on 3rd July 2007 be confirmed as a true record of proceedings.

Seconded                      Cr Veitch                      Carried      7/0

## 7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION - nil

## 8. REPORTS OF OFFICERS/COMMITTEES/COUNCILLORS

Cr Veitch reported that he attended the Peel Workshop Development Action Strategy Committee meeting.

### 8.1 *Town Planning Consultant's Report*

<b>8.1.1                      Planning Fees Western Australian Planning Commission Planning Bulletin 84</b>
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Location:                      n/a  
Applicant:                      Council  
File Ref. No:                      10.10.2  
Disclosure of interest:                      nil  
Date:                      10.07.07  
Author:                      R.J. Belton

#### Summary

The Western Australian Planning Commission has forwarded a revised Fee Schedule for charging of Planning Fees. It is recommended Council adopt the new fee schedule.

## Background

The Western Australian Planning Commission has issued a Bulletin updating the maximum fee Local Governments can charge for Planning Services and Assessment.

The Schedules fall into 3 categories.

1. General Planning Services (Development applications, subdivision, clearance and zoning certificates etc)
2. Scheme Amendments
3. Structure Plans

## Comment

The fee schedules were introduced to give a degree of similarity to the varying fee scales charged by Local Government throughout the State.

The latest schedule allows Council to charge a penalty fee for considering retrospective 'applications' for developments that have been illegally commenced or completed.

## Consultation - nil

## Options

There is no compunction or obligation to charge fees – a number of smaller Councils do not charge fees in an endeavour to encourage development.

- Adopt Schedule
- Adopt Schedule with variations
- Not adopt Schedule

## Statutory Environment

There is no requirement under the Planning and Development (Local Government Planning Fees) Regulations 2000 for Council to adopt these latest fees. It is however Council's policy to consider all proposed fee increases.

## Policy Implications

The object of charging for Planning Services is to pass on the cost of any rezoning, development or subdivision approvals to the beneficiaries of such action rather than accept it as a cost for the ratepayers at large.

## Financial Implications

As above

## Economic Implications – nil

## Social Implications

Whilst some of the fees might seem higher, they will discourage frivolous applications and possibly encourage applicants to lodge better prepared proposals.



Policy Implications

Council requires all Development Applications in the Light Industrial Area to be presented to full Council.

Financial Implications - nil

Economic Implications - nil

Social Implications - nil

Environmental Considerations

Building is at rear of complex away from the street view. No landscaping required.

Strategic Implications - nil

**OFFICER RECOMMENDATION – ITEM 8.1.2**

**Council Resolution 201/07 Moved Cr Veitch**

**That the proposed workshop on Lot 8 Farmers Avenue be approved subject to:**

- 1. Lodgement of building plans to satisfaction of Principal Environmental Health Officer / Building Surveyor.**
- 2. Building being set back 3m from side and rear boundaries of Lot 8.**
- 3. Payment of prescribed Application Fee.**

**Seconded Cr Day Carried 6/0**

Cr Flaherty left the Chambers at 4.47pm having declared an interest in item 8.1.3.

**Council Resolution 202/07 Moved Cr Kelsall**

**That Cr Veitch act as chairperson for item 8.1.3 in the absence of the Shire President and the Deputy Shire President.**

**Seconded Cr Hoek Carried 5/0**

**8.1.3 Rezoning Various properties Crossman Road/Ranford**

Location: Crossman Road/Ranford  
Applicant: Council  
File Ref. No: 10.10.4.17  
Disclosure of interest: nil  
Date: 11.07.07  
Author: R.J. Belton

Summary

In order for a rezoning of the 'Rural Residential' land south of Crossman Road included in the original 'Lovat' subdivision to proceed, it will be necessary for Council to implement a contributory Development Scheme. It is recommended that a costing exercise be undertaken to establish whether such an exercise is feasible and viable.

## Background

Council resolved at its meeting of 5<sup>th</sup> June 2007 to investigate the possibility of rezoning an area along Crossman Road and portion of Ranford to “R5” (plan attached). To this end the Water Corporation were contacted regarding a scheme water supply. Their reply (attached) basically states that subject to detailed engineering design, the locality referred to could be serviced by a scheme supply provided the mains were upgraded. They clearly state (and confirmed by telephone) that the cost would have to be carried by the “developer”.

## Comment

- There is no ‘developer’ as such – in fact there would be 30 owners involved and the only way the project could proceed would be by way of a contributory scheme facilitated and ‘hosted’ by the Shire at the expense of the beneficiaries.
- There are a number of these types of schemes in place and the Western Australian Planning Commission has prepared Planning Bulletins setting out guidelines as to how they are to be prepared and implemented.
- Council has applied this principle in the development of the ‘viticulture’ estate off Days Road which required the developer to contribute on a “per lot” basis for the upgrading of Days Road.

## Consultation

Discussions with Water Corporation confirmed that the 4km mains upgrade referred to in their correspondence would need to be funded by the “developers”.

Discussions with the Western Australian Planning Commission identified that the Health Department and the Department of Conservation may be concerned about such a large area being developed without a mains sewerage system.

## Options

- Not proceed with Amendment
- Prepare costing feasibility of a contributory scheme

## Statutory Environment

The Western Australian Planning Commission has produced a ‘template’ for a contributory development scheme, and the Planning and Development Act makes provision for this approach.

## Policy Implications

- The Western Australian Planning Commission is expressing concern at the number of Amendments Council is sending through. They have suggested an “omnibus” approach.
- Each of the 30 landowners would have to contribute on a “yield benefit” basis.
- Health Department and the Department of Conservation may object to the number of unsewered residences this rezoning could create.

### Financial Implications

This could get complicated with the possibility of pre-funding having to be organised and, given the varying lengths of time it may take for the area to be developed, calculating the changing service contributory charges.

### Economic Implications

As above

### Social Implications

The advantage of the system is that it would give the small landholder a chance to undertake a modest yet viable project.

### Environmental Considerations

There could be up to 13 new intersections onto Crossman Road.

### Strategic Implications

The rezoning could produce up to 125-130 lots at the "R5" density.

OFFICER RECOMMENDATION – ITEM 8.1.3
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That Council

1. undertakes a servicing costing feasibility report on the preparation of a Development Scheme for "R5" zoning over the original 'Lovat' subdivision south of Crossman Road.
2. appoints Consultants to undertake this preliminary feasibility study.

**Council Resolution 203/07**

**Moved Cr Day**

**That Council**

1. **undertakes a servicing costing feasibility report on the preparation of a Development Scheme for "R5" zoning over the original 'Lovat' subdivision south of Crossman Road.**
2. **appoints Consultants to undertake this preliminary feasibility study.**
3. **subject to funding being sourced from the Social Infrastructure package provided by State Government.**

**Seconded**

**Cr Kelsall**

**Carried 4/1**

Reason for Difference between Recommendation and Resolution: To determine the source of funds for the expenditure.

Cr Flaherty and Cr Carrotts returned to the Council Chamber at 5.03pm

**8.2.1 Boddington Drainage Tender – Acceptance of Tender**

Location: Boddington Town Centre – Four Sites  
Applicant: Consultant Engineer  
File Ref. No: 12.7.5  
Disclosure of interest: Nil  
Date: 03.07.07  
Author: J Bayley

Summary

Tenders were recently called for the installation of various piped drainage works within the Boddington Town Centre. The tender closed on Friday 29 June 2007. Details of the tenders received are contained within this report.

Background

1. On 4 July 2006, a report was presented to Council showing the extent of existing piped drainage within the town centre. The Consultant Engineer was authorised to prepare a drainage strategy to identify drainage requirements and priorities for future development in the Boddington town area.
2. On 5 December 2006, a set of comprehensive plans showing details of proposed new drainage was presented. Accompanying these plans were a detailed costing analysis of the various sections of drainage. Emanating from this report, Council resolved the following:

**Council Resolution No. 393/06 Moved Cr Hoek**

**That Council:**

- i) **endorses the new drainage plans and cost estimates for the Boddington Townsite, prepared by Council's Consultant Engineer, and they be used as a guide for future drainage works, and**
- ii) **imposes a drainage headwork charge of \$2,000 per lot for new subdivisions occurring within the Boddington townsite's future urban development and the West Australian Planning Commission be requested to apply this levy as a condition of subdivision when approving applications.**
- iii) **the principle be incorporated with Local Planning Strategy Section 4.7 and the Western Australian Planning Commission be advised accordingly.**

**Seconded Cr Kelsall Carried 7/0**

3. On 11<sup>th</sup> December 2006 a Special Meeting of the Boddington Shire Council was held resulting in:

**Resolution No. 403/06 Moved Cr Day**

- 5.1.1. **That Council determines that the installation of drainage directly related to urban development attributable to the Gold Mine Expansion project is endorsed as the immediate priority.**
- 5.1.2. **That Council identifies the drainage it considers essential to allow the anticipated urban development to proceed and requests its Consultant Engineer to prepare specifications to enable tenders to be invited.**
- 5.1.3. **That the following drainage sections, as designed by the Consultant Engineer, be considered essential for immediate installation and tenders be invited and processed in accordance with Local Government Tender Regulations:**

- **Forrest Street Drain** (estimate \$408,307)
- **George Street Drain** (estimate \$210,208)
- **Hill Street Drain** (estimate \$113,043)
- **Pollard Street Drain** (estimate \$ 88,085) (\$819,643)

**Seconded**                      **Cr Kelsall**                      **Carried**      **7/0**

Comment

Tender documents were prepared and following advice from the Department that funding from the Government for the drainage works had been approved, tenders were advertised. The tender closed on 29 June 2007 and tenders were received from six tenderers, one of which (Landline Enterprises) was not received until 2 July 2007.

The following table shows the financial details of the tenders. Only one tenderer (Vasse Civil) supplied a list of referees and a detailed synopsis of previous experience, although Ultimate Drainage presented sketchy details in these areas.

Following a telephone call, BC Coastal supplied a company profile including a list of recent projects and referees. This document is attached to this report. Two referees were contacted, namely Mr C Pippin and Mr S Gomme. Both of these gentlemen fully supported BC Coastal.

As can be seen from the above table, BC Coastal have tendered not only for the total but also for the separate components of the drainage project. The price that they have supplied for the total project has been discounted to those figures shown, on the proviso that the total project is awarded to them.

Statutory Environment

It is the responsibility of the Local Authority to regulate the disposal of stormwater within its municipality.

Policy Implications - nil

Financial Implications

Funding from the State Government has been approved for the four projects totalling \$819,643 excluding GST (901,607.30 including GST).

Economic Implications - nil

Social Implications - nil

Environmental Considerations

A new piped drainage system would assist in reducing the likelihood of flooding within the Town Centre.

Strategic Implications

Every effort is being made to encourage subdivision and development in Boddington. The new drainage will provide a drainage outlet for several impending subdivisions and provide evidence of Council's willingness to support development within the town.

Council Resolution No. 204/07 Moved Cr Veitch

1. That Council awards the tender for the construction of the drainage referred to as the Boddington Drainage Scheme comprising of:
  - Forrest Street Drain,
  - George Street Drain,
  - Hill Street Drain,
  - Pollard Street Drainto BC Coastal of Lot 66 Maxted Street, Bunbury, for the sum of \$587,981 including GST.
2. That the Chief Executive Officer be delegated the authority to negotiate and possibly approve variations to the tendered amount of \$587,981 including GST, after first obtaining verification from Council's Consultant Engineer that the variations are justified.

Seconded Cr Kelsall Carried 7/0

8.3 *Principal Environmental Health Officer/Building Surveyor's Report*

**8.3.1 Refuse Collection Mistletoe View, Crossman**

Location: Mistletoe View & Pardalote Heights Crossman  
Applicant:  
File Ref. No: 10.8.1.2  
Disclosure of interest: Nil  
Date: 09.07.07  
Author: Peter Haas PEHO/BS

Summary

To gain Council's approval to offer its refuse collection service to ratepayers located in Mistletoe View and Pardalote Heights, Crossman.

Background

Request from residents in Mistletoe View and Pardalote Heights have been received for Council to provide the 240 litre bin refuse service to this area. The Senior Finance Officer corresponded with the contractor and the residents of the area to ascertain if a service could be offered and who would require the service. The area is outside the prescribed area under Section 112A of the Health Act 1911 and as a consequence there is no compulsion for Council to remove rubbish via its 240 litre bin service.

The Senior Finance Officer has contacted residents in Mistletoe View and Pardalote Heights and has received 9 positive responses out of the 18 lots located in these roads. It should be noted that one of the lots has not been developed.

Comment

The Senior Finance Officer has contacted the contractor Avon waste regarding the provision of a 240 litre bin rubbish collection service and their response is attached. It appears that to provide this service to the 9 people who want it will cost \$22.53 per week which is \$1171.56 per year. It should be noted that the current

charge is \$180.00 per year for rubbish collection. Because of the location the refuse collected is disposed of at the Wandering Tip, as is all refuse collected along Crossman Road from Ranford to the highway and the Shire of Wandering has indicated that they may charge for disposal of the waste collected.

As this area falls outside the collection area designated under Section 112A of the Health Act 1911 the rubbish collection will be on an as requested basis. It is expected that once the rubbish truck commences servicing the area the rest of the ratepayers that said they did not want a collection will come on board.

I would therefore recommend that Council offers a rubbish collection service to Mistletoe View and Pardalote Heights and formally writes to these ratepayers making the offer outlining the cost of the service and obtains a response in writing before commencing the service.

#### Consultation

Senior Finance Officer - Stephanie Cornish  
Chief Executive Officer - Peter Bradbrook  
Residents of Mistletoe View & Pardalote Heights, Crossman

#### Options

- Approve rubbish collection and charge ratepayers accordingly
- Not approve rubbish collection

#### Statutory Environment

Section 112A of the Health Act 1911 and the requirements of the contract between Council and Avon Waste

#### Policy Implications - nil

#### Financial Implications

Increased cost and revenue in providing a rubbish collection service

#### Economic Implications

As above

#### Social Implications – nil

#### Environmental Considerations

Disposal of household waste via the rubbish collection service and not on site. Hazard due to waste being left for a period, overcome due to weekly collection.

#### Strategic Implications - nil

OFFICER RECOMMENDATION – ITEM 8.3.1
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**Council Resolution No. 205/07 Moved Cr Patten**

**That Council;**

- 1. Approves the offering of a rubbish collection service to ratepayers located in Pardalote Heights and Mistletoe View, Crossman.**

2. Formally writes to all ratepayers owning property in Pardalote Heights and Mistletoe View offering the service and requesting a formal written response.
3. Commence the service if a minimum of nine (9) ratepayers respond in the affirmative.

Seconded                      Cr Hoek                                      Carried      7/0

8.4      *Director of Finance - Deputy Chief Executive Officer's Report*

<b>8.4.1      Monthly Financial Statements June 2007</b>
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Location:  
 Applicant:                      Shire of Boddington  
 File Ref. No:  
 Disclosure of interest:      Nil  
 Date:                              10.07.07

Summary

The Local Government (Financial Management) Regulations 1996 require the preparation of Monthly Financial Reports in such form as the Local Government considers is appropriate.

Background

In accordance with Council Policy 9.11, Council is to be presented with a Monthly Financial Report including the Operating Statement, Statement of Financial Position for the Year to date together with a Bank Reconciliation Statement as at the end of the period. Also included is the list of payments for the last month of the period.

Comment

The Operating Statement, Statement of Financial Position, Statement of Cash flow, Statement of Financial Activity, Bank Reconciliations and List of Payments are submitted for the month of June 2007.

Statutory Environment - Local Government Financial Management Regulations 1996

Policy Implications - Policy 9.11

<b>OFFICER RECOMMENDATION – ITEM 8.4.1</b>
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**Council Resolution      No. 206/07                                      Moved      Cr Kelsall**

**That:**

- 1)      **The Monthly Financial Statements for the month of June 2007 be received.**
- 2)      **The Bank reconciliations for the month of June 2007 be received.**
- 3)      **The list of Payments for the month of June 2007 be received.**
- 4)      **Council notes additional reconciliations are included for Council's information only.**

Seconded                      Cr Patten                                      Carried      7/0

Mr Donhardt entered the Council Chamber at 5.30pm.

## 8.4.2 Local Organisation Assistance Fund Application – Boddington Golf Club

Location: Boddington  
Applicant: Boddington Golf Club  
File Ref. No: 11.9.6  
Disclosure of interest: Nil  
Date: 17.07.07  
Author: Aaron Cook

### Summary

The Boddington Golf Club has made an application for funding through the Local Organisation Assistance Fund (LOAF).

### Background

The Boddington Golf Club is seeking funding through the LOAF to upgrade the Captain's Room at the Community Club with a render to the walls and a built in desk and carpeting.

### Comment

This application for LOAF assistance is to allow the Boddington Golf Club to refit the Captain's Room at the Community Club through applying a Bondcrete render to the walls to restrict the fretting concrete mortar, new floor coverings and the installation of a fixed desk and draws.

The total funding sought is \$1,000.00 with the Club contributing \$2165.00 to the remainder of the costs, including in kind works of \$590.00.

### Options

- Reject the LOAF application from the Boddington Golf Club.
- Accept the LOAF application from the Boddington Golf Club.

### Policy Implications

Council Policy 9.8 – Local Organisation Assistance Fund

### Financial Implications

\$1,000.00 commitment – LOAF applications are budgeted for each year.

### OFFICER RECOMMENDATION – ITEM 8.4.2.

That Council approves the Local Organisation Assistance Fund application from the Boddington Golf Club for \$1,000.00 plus GST. The Boddington Golf Club is required to provide proof of purchase and to complete the acquittal forms at the completion of the project.

**Council Resolution No. 207/07 Moved Cr Veitch**

**That Council approves the Local Organisation Assistance Fund application from the Boddington Golf Club for \$1,000.00 plus GST, subject to the Golf Club obtaining prior approval from the Boddington Sports and Community Club Inc. The Boddington Golf Club is required to provide proof of purchase and to complete the acquittal forms at the completion of the project.**

**Seconded Cr Kelsall Carried 7/0**

Reason for Difference between Recommendation and Resolution: Council was made aware that the Golf Club had not obtained approval from the Community Club, the principal lessee, before submitting the application and the resolution seeks to rectify this.

#### **8.4.3 Local Organisation Assistance Fund Application – Boddington Bowling Club**

Location: Boddington  
Applicant: Boddington Bowling Club  
File Ref. No: 16.7.3.9  
Disclosure of interest: Nil  
Date: 17.07.07  
Author: Aaron Cook

##### Summary

The Boddington Bowling Club has made an application for funding through the Local Organisation Assistance Fund (LOAF).

##### Background

The Boddington Bowling Club is seeking funding through the LOAF to purchase various items being 14 Bowling Mats, Shade Cloth and Brick Paving.

##### Comment

This application for LOAF assistance is to allow the Boddington Bowling Club to purchase items that are of a capital nature that will assist the club to improve the facilities.

The total funding sought is \$1,000.00 with the Club contributing \$3,635.00 to the remainder of the costs.

##### Options

- Reject the LOAF application from the Boddington Bowling Club.
- Accept the LOAF application from the Boddington Bowling Club.

##### Policy Implications

Council Policy 9.8 – Local Organisation Assistance Fund

##### Financial Implications

\$1,000.00 commitment – LOAF applications are budgeted for each year.

#### **OFFICER RECOMMENDATION – ITEM 8.4.3.**

**Council Resolution No. 208/07 Moved Cr Kelsall**

**That Council approves the Local Organisation Assistance Fund application from the Boddington Bowling Club for \$1,000.00 plus GST. The Boddington Bowling Club is required to provide proof of purchase and to complete the acquittal forms at the completion of the project.**

**Seconded Cr Patten Carried 7/0**



#### 8.4.5 Local Organisation Assistance Fund Application – Boddington Riding Club

Location: Boddington  
Applicant: Boddington Riding Club  
File Ref. No: 11.9.8  
Disclosure of interest: Nil  
Date: 17.07.07  
Author: Aaron Cook

##### Summary

The Boddington Riding Club has made an application for funding through the Local Organisation Assistance Fund (LOAF).

##### Background

The Boddington Riding Club is seeking funding through the LOAF for the purchasing of the materials to construct horse yards and the repair of the boundary fence.

##### Comment

The application for funding is for \$600.00 from the LOAF with \$600.00 cash being committed by the Boddington Riding Club and \$600.00 in labour.

There is a question as to the long term location of the Riding Club, but on discussions with the Club Secretary, Angela Davies, the equipment purchased would be able to be relocated to a new location if required at a later date.

##### Options

- Reject the LOAF application from the Boddington Riding Club.
- Accept the LOAF application from the Boddington Riding Club.

##### Policy Implications

Council Policy 9.8 – Local Organisation Assistance Fund

##### Financial Implications

\$600.00 commitment – LOAF applications are budgeted for each year.

#### OFFICER RECOMMENDATION – ITEM 8.4.5.

**Council Resolution No. 210/07 Moved Cr Hoek**

**That Council approves the Local Organisation Assistance Fund application from the Boddington Riding Club for \$600.00 including GST. The Boddington Riding Club is required to provide proof of purchase and to complete the acquittal forms at the completion of the project.**

**Seconded Cr Veitch Carried 7/0**



**8.5.1 Devx – Easement Documents – Drain Through DA & CA O'Dea's Property**

Location: Lot 134 Mitchell Crescent Boddington  
Applicant: Devx  
File Ref. No: MIT 104  
Disclosure of interest: Nil  
Date: 10.07.07  
Author: Peter Bradbrook

Summary

Council is requested to sign easement documents that provide Council with the right to enter upon easement land on private property, under which piped drainage has been installed.

Background

The developers of the River Road Estate, Devx, have arranged with the owners of Lot 134 Mitchell Crescent for a drainage pipe to be installed from the Mitchell Crescent road verge to a dam towards the rear of their property. Council's Consultant Engineer has been involved in the negotiations and endorses the signing of the document.

The pipes installed are 450mm and the Consultant Engineer assures Council that they will be adequate for the purpose intended. Should the dam fill and overflow the excess water will flow into the creek immediately adjacent the property.

The easement prevents the property owners from building over the pipeline, whilst allowing access by Council if absolutely necessary. The easement through this property was necessary when the developers couldn't reach an agreement with the owners immediately opposite the new road, Littleton Rise.

Comment

Technical details are provided for Council's information, separate to the agenda. The data includes calculations by Council's Consultant Engineer verifying that the 450 mm diameter pipeline is adequate.

Consultation – Mr John Bayly, Consultant Engineer

Options - nil

Statutory Environment

The *Local Government Act 1995* allows Council to require an easement over a drainage pipeline.

Policy Implications - nil

Financial Implications - nil

Economic Implications - nil

Social Implications - nil

Environmental Considerations

The pipeline has been designed to take surface water from Littleton Rise and deposit it in the dam at Lot 134 Mitchell Crescent. This will result in less damage to the road surface and the water being retained for use by the property owners.

Strategic Implications - nil

**Council Resolution No. 212/07 Moved Cr Veitch**

**That Council endorses the signing of the Deed of Easement providing Council with a right to enter Lot 134 Mitchell Crescent for the purpose of maintaining the pipeline running from Mitchell Crescent to the dam at the rear of the property.**

**Seconded Cr Patten Carried 7/0**

**8.5.2 Boddington Arts Council – Reconsideration of Rent**

Location: Arts & Crafts Building – Corner Johnstone Street and Wuraming Avenue  
Applicant: Boddington Arts Council  
File Ref. No: 11.2.1  
Disclosure of interest: Nil  
Date: 10.07.07  
Author: Peter Bradbrook

Summary

The Boddington Arts Council requests reconsideration of Council’s decision to impose a \$600 rent charge for the 2007/2008 financial year, to be reviewed annually thereafter. A copy of the letter from the Arts Council is contained in the agenda.

Background

The following resolution was passed by Council on 19 June 2007:

**That Council agrees to extend the lease of the Boddington Arts Council premises to 31<sup>st</sup> May 2027, and that the Peppercorn lease be removed and a rental charge of \$600.00 per annum for 2007/2008 be instated and reviewed annually thereafter, due to long term costs and continuity with other leases, and that Council’s Building Maintenance Officer inspects the leased premises so that any outstanding maintenance issues can be drawn to the attention of Arts Council members, with a request that any maintenance identified, other than fair wear and tear, is effected as soon as possible.**

The Arts Council letter provides details of the maintenance and repairs they have undertaken at their cost. Unlike the sporting bodies that rely on Council to clean and maintain their facilities the Arts Council clean the premises and maintain the gardens voluntarily.

Comment

In my almost eight years in the position of Chief Executive Officer I can’t recall the Arts Council requesting any maintenance be carried out at the Arts Centre. The premises have been well cared for by the members of the Arts Council. The Arts Council has provided details of their income and expenditure, pointing out that the annual grant of \$3,000, previously received from Country Arts WA, was cancelled in 2002, requiring them to raise additional funds to continue operating – without requesting funds from Council. I don’t remember them even applying for funds from the Local Organisations’ Assistance Fund since 1999.

Consultation – with Mrs Jill Duxbury and Mrs Heather Stevens



That the matter lays on the table until all leases, fees and schedules are reviewed.

Seconded

Cr Patten

Carried 7/0

Reason for Difference between Recommendation and Resolution: Council decided it would not rescind Resolution No. 169/07, and resolved to research all leases, fees and schedules in an effort to standardise leases, etc., as best possible.

Mr Haas left the Council Chambers at 6.00pm and returned at 6.02pm

### **8.5.3 Peel Trails Group Inc. – Membership of Peel Trails Group**

Location: Peel Region  
Applicant: Chairperson Peel Trails Group  
File Ref. No: 6.16.3  
Disclosure of interest: Nil  
Date: 10.07.07  
Author: Peter Bradbrook

#### Summary

The Shire of Boddington is invited to resume membership of the Peel Trails Group, as per the accompanying letter from the Chairperson of the Group.

#### Background

The Shire of Boddington was a member of the Peel Trails Group until a few years ago. Mr Jim Nelson was the shire delegate and also served on the Trails West Committee, established by the Department for Sport & Recreation. This Committee may have been replaced by Trails WA.

The Peel Trails Group assists to establish trails throughout the Region as an attraction for tourists and residents who might like a little physical activity.

#### Comment

Whether Boddington benefits to the extent indicated is debatable. However, because we are the local authority with the lowest population and revenue base in the Region we often obtain more benefits than we would otherwise.

The trails are not restricted to hikers but may also be developed for horse riders, cyclists and motor cyclists, depending on the demand. Because of the nature of our shire i.e. larger and more diverse than the other four local authorities in the Region, there may even be more opportunities for trails within our shire.

The funding for the fencing along Tullis Bridge was obtained through the Peel Trails Group, while the funding for the Tullis Trail was acquired through Lotterywest.

#### Consultation – with Mr Jim Nelson

#### Options

Council can either renew its membership or opt to 'go it alone' in developing trails.

### Statutory Environment

Council can develop trails for the benefit of its residents and visitors to the shire. The *Local Government Act 1995* permits such action.

### Policy Implications - nil

### Financial Implications

Membership is \$250. We may gain more in return in due course.

### Economic Implications - nil

### Social Implications

Trails provide another avenue for persons seeking an alternative form of physical activity.

### Environmental Considerations

When developing trails it is important not to destroy vegetation unnecessarily so this would need to be closely monitored when proceeding to construct a trail.

### Strategic Implications

Joining the Peel Trails Group Inc. would possibly improve the chances of future funding applications, on behalf of us and the other Peel local authorities, being approved through the unity displayed.

OFFICER RECOMMENDATION – ITEM 8.5.3
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**Council Resolution No. 215/07 Moved Cr Hoek**

**That Council elects to resume membership of the Peel Trails Group for 2007/2008 by including \$250 in the annual budget.**

**Seconded Cr Kelsall Carried 5/2**

<b>8.5.4 WA Local Government Association – Closure of Police Stations/Reduction of Police Personnel</b>
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Location: Western Australia  
Applicant: WA Local Government Association (WALGA)  
File Ref. No: 4.37.1  
Disclosure of interest: Nil  
Date: 11.07.07  
Author: Peter Bradbrook

### Summary

WALGA has distributed a Media Release, a copy of which is attached, criticising the State Government for closing two-man police stations from regional areas. The President of the Association urges all local governments to contact the Minister's office to raise their objections to the cut backs and secretive process adopted by the State Government.



Location: Western Australia  
Applicant: WA Local Government Association Members, Zones & Executive  
File Ref. No:  
Disclosure of interest: Nil  
Date: 11.07.07  
Author: Peter Bradbrook

### Summary

Eight motions have been submitted for consideration, debate and resolution at the Annual General Meeting of the Association scheduled to commence at 1.00pm on Sunday 5<sup>th</sup> August 2007 in the Burswood Resort Convention Centre Theatre. Council needs to decide how its delegates should vote on each issue.

### Background

A copy of the pages in the agenda relating to the matters for decision accompanies the agenda. The motions are repeated below, but without the comment:

#### 2.1 Industry Benchmarking – City of Gosnells

‘That the Western Australian Local Government Association (WALGA) seeks to improve the performance of the local government industry as a whole by lobbying the Minister for Local Government to implement industry wide performance benchmarking’.

#### 2.2 Frequency of Land Valuations by the Valuer General’s Office - Shire of Dardanup

That the WALGA seek a commitment from the Minister for Land Information to review the frequency of land valuations provided by the Valuer General’s Office to standardise the frequency for each local government depending on the rate of development and past experience in the increase in land values.

If the change in timing of valuations is related to resources then request the government increase the funding available to the Valuer General’s Office to provide a more effective service to the community.

#### 2.3 Pre-Selling Vacant Land – Shire of Gingin

That the WALGA make political representation to the State Government expressing concern at the implications arising from developers pre-selling land and seek its assistance in promulgating legislative reform which renders the practice of pre-selling, other than with a fixed contract, unlawful.

#### 2.4 Funding – Volunteer St John’s Ambulance Services – Shire of Perenjori

That the State Minister for Police and Emergency Services; Community Safety be requested to pursue whatever legislative changes are necessary to make funding from the Emergency Services Levy available to fund volunteer St John’s Ambulance Services.

#### 2.5 State Water Reform Agenda – South West Zone

That the WALGA seek a meeting with the Minister for Water Resources to consider the implications of the implementation of the blueprint for water reform on landowners and local government with particular reference to:

- The use of proposed water reform legislation to dictate land use over riding the powers and autonomy of local governments, in particular the quarantine of irrigation land from alternative land uses.
- The cost implications to farmers for administration of the new legislation and subsequent licensing requirements and provision of metering equipment.
- Clarification of how the control of the water use and trading on the land is to be administered if the water is owned under license by a different company/individual and how local government may be drawn in to issues relating to town planning and other issues in terms of activities on the land.
- The cost of developing water management plans and the implication to farmers that have funded the construction of on farm water supplies and will now be required to be answerable to a community management group.

That the people directly affected by the proposed reforms be directly consulted and their concerns heard and considered before any new legislation is adopted by government.

## 2.6 Raising and Collection of the Domestic Refuse Rate – City of Wanneroo

1. That the WAGLA again lobbies the State Government to consider the further expansion of the Pensioner/Senior concession arrangements to allow the concession to extend to the Domestic Refuse Charge consistent with its application to the Emergency Services Levy; and
2. Notes that the City of Wanneroo will be writing to the Deputy Premier, requesting that consideration be given to the further expansion of the Pensioner/Senior Concession arrangements to allow the concession to extend to the Domestic Refuse Charge consistent with its application to the recently introduced Emergency Service Levy.

## 2.7 Terms of Office for Zone Office Bearers – Shire of Bridgetown-Greenbushes

That the Association’s Constitution be amended to provide for the term of Zone office bearers to expire in line with Local Government elections. (Special Majority Required).

## 2.8 Proposed Amendments to the Constitution of the WALGA

That subclause 14(10) of the Association’s Constitution be deleted and the following new subclause 14(10) be inserted:

- (10) “A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone”. (Special Majority Required)

### Comment

Comment on each of the above eight motions are contained within the attachment provided. My recommendation will simply be whether to support or oppose each of the motions with the Shire of Boddington’s position in mind. If it is thought an amendment is necessary that will be suggested.

### Consultation - nil

### Options

Council can support, amend or oppose any of the motions put forward for discussion and resolution at the Annual General Meeting.

Statutory Environment - nil  
Policy Implications - nil  
Financial Implications - nil  
Economic Implications - nil  
Social Implications - nil  
Environmental Considerations - nil  
Strategic Implications – nil

**OFFICER RECOMMENDATION – ITEM 8.5.5**

**Council Resolution No. 217/07 Moved Cr Veitch**

**That Council delegates vote as follows on the eight motions submitted for consideration at the 2007 Annual General Meeting of WALGA, unless during the debate it is obvious that a different position should be taken:**

- 2.1 - Industry Benchmarking – Oppose**
- 2.2 - Frequency of Land Valuations by the Valuer General – Support**
- 2.3 - Pre-Selling Vacant Land – Listen to Argument and vote according to merit.**
- 2.4 - Funding – Volunteer St John’s Ambulance Services – Support**
- 2.5 - State Water Reform Agenda – Concerns for Local Government – Listen to Argument but probably Support**
- 2.6 - Raising and Collection of the Domestic Refuse Rate – Oppose**
- 2.7 - Terms of Office for Zone Office Bearers – Oppose**
- 2.8 - Proposed Amendments to the Constitution of the WALGA – Listen to the Argument and vote according to merit**

**Seconded Cr Day Carried 7/0**

Mr Belton returned to the Council Chamber at 6.23pm.

**8.5.6 Hotham Catchment Landcare – Employment of Environmental Planner**

Location: Shire of Boddington  
Applicant: Hotham Catchment Landcare  
File Ref. No: 10.2.2  
Disclosure of interest: Nil  
Date: 12.07.07  
Author: Peter Bradbrook

Summary

Hotham Catchment Landcare submits that an Environmental Planner is needed considering the extensive amount of urban and peri urban development that is happening within the Shire. The correspondence is contained within the agenda.

Background

The background is detailed in the correspondence.



## 8.5.7 Social Infrastructure Package – Purchase of Street Bins

Location: Central Business District Boddington  
Applicant: Townscape Committee  
File Ref. No:  
Disclosure of interest: Nil  
Date: 27.06.07  
Author: Peter Bradbrook

### Summary

The Social Infrastructure Package contains an amount of \$100,000 for Main Street Upgrade. We urgently need new rubbish bins to replace the lime green bins that can no longer be acquired. The recommendation is to commit some of the \$100,000 towards purchasing attractive oiled timber enclosures for 120 litre and 240 litre wheelie bins for the commercial centre of the townsite.

### Background

The plastic lime green rubbish bins located around the townsite have been in use for many years. Advice is that they are now unavailable. Over the past 2-3 years several have broken and Councillors will notice some empty posts in Bannister Road, where bins were once sited.

When constructing the Town Square two green powder coated metal bins were procured. These bins have been dented by passers-by (vandals) and the damaged areas have rusted, requiring that they be repainted from time to time.

Two years ago we purchased two green recycled plastic bins. These are located outside IGA and the National Bank. Smokers have continually extinguished their butts on the top of these bins which make them look untidy.

The Townscape Committee would like to replace the lime green bins and the above mentioned bins in Bannister Road and Pollard Street, between Bannister Road and Johnstone Street, with wheelie bins encased in wheelie bin security surrounds. The committee has a preference for timber slatted bin surrounds, with side entry for rubbish, which reduces damage from rain.

### Comment

The Committee was adamant that the oiled timber surrounds was its preference. Although some maintenance will be required from time to time i.e re-oiling, they are probably no more susceptible to damage than metal or recycled plastic bins.

They are a little more expensive than metal bins but are certainly more attractive. Twenty five of the plastic lime green rubbish bins exist, or did exist, from the Tourist Information Bay to George Street, including one in Pollard Street. It would be the Committee's intention to acquire 20 bin surrounds and wheelie bins to replace them. There will be 240 litre bins in front of the cafes' and 120 litre bins elsewhere.

### Consultation – Members of Boddington Townscape Committee

### Options

Retaining the lime green plastic bins is not an option as they are no longer available. Council can purchase timber or metal bins, or can simply place wheelie bins without enclosures along the street – something the Committee would oppose vehemently.

Statutory Environment

Providing rubbish bins is a Local Government responsibility.

Policy Implications - nil

Financial Implications

The Social Infrastructure Package provided by the State Government contains \$100,000 for main street upgrade. Replacing the bins can be funded from this source. It is expected from initial quotes obtained that the amount will be less than \$40,000.

Economic Implications - nil

Social Implications - nil

Environmental Considerations - nil

Strategic Implications

The proposed bins will certainly enhance the appearance of the main street. The committee is also researching the acquisition of matching bench seats and this will be referred to Council in due course.

OFFICER RECOMMENDATION – ITEM 8.5.7

**Council Resolution No. 219/07 Moved Cr Hoek**

**That Council approves a submission being forwarded to the Department for Planning & Infrastructure seeking approval for up to \$40,000 to purchase rubbish bin surrounds and wheelie bins to be installed in the commercial sector of town from the \$100,000 earmarked for main street upgrade.**

**Seconded Cr Patten Carried 6/1**

Mr Bradbrook left the Council Chamber at 6.34pm and returned at 6.35pm.

Cr Carrotts and Cr Flaherty left the Council Chamber at 6.40pm, having declared an interest in item 8.5.8.

Mr Donhardt left the Council Chamber at 6.40pm.

**Council Resolution No. 220/07 Moved Cr Patten**

**That Cr Veitch act as Chairperson for item 8.5.8. in the absence of the Shire President and the Deputy Shire President and that Standing Orders be suspended.**

**Seconded Cr Hoek Carried 5/0**

**CONFIDENTIAL**

**8.5.8 Potential Sale – Part Lot 102 Assay Terrace**

Location: Part Lot 102 Assay Terrace (Light Industrial Area)  
Applicant: Chief Executive Officer  
File Ref. No: ASS 102  
Disclosure of interest: Nil  
Date: 10.07.07  
Author: Peter Bradbrook

OFFICER RECOMMENDATION – ITEM 8.5.8

That Council:

- i) agrees to dispose of portion of Lot 102 Assay Terrace to Phoenix Shut Down Services for the sum of \$43,000 (Forty three thousand dollars), subject to the 1760m<sup>2</sup> lot being amalgamated with Lot 19 Assay Terrace,
- ii) requires that before proceeding to advertise the disposition an Offer & Acceptance form, binding on both parties, be completed by the vendor and the purchaser,
- iii) requires that once the Offer & Acceptance form has been completed, the disposition be advertised in accordance with Section 3.58(3) of the *Local Government Act 1995*, and
- iv) endorses the proceeds from the sale of portion of Lot 102 Assay Terrace being allocated towards paying out Loan 77, relating to the house in Johnstone Street currently occupied by the Swimming Pool Manager, showing outstanding principal of \$42,062 as at 30<sup>th</sup> June 2007.

**Council Resolution No. 221/07 Moved Cr Hoek**

That Council:

- i) **agrees to dispose of portion of Lot 102 Assay Terrace to Phoenix Shut Down Services for the sum of \$60,000 (Sixty thousand dollars), subject to the 1760m<sup>2</sup> lot being amalgamated with Lot 19 Assay Terrace,**
- ii) **requires that before proceeding to advertise the disposition an Offer & Acceptance form, binding on both parties, be completed by the vendor and the purchaser,**
- iii) **requires that once the Offer & Acceptance form has been completed, the disposition be advertised in accordance with Section 3.58(3) of the *Local Government Act 1995*.**

**Seconded Cr Day Carried 3/2**

Reason for Difference between Recommendation and Resolution: To delete item iv) and to alter the sale amount to \$60,000, as the majority of Councillors present felt the initial offer to purchase was too low, despite the valuation obtained.

Cr Carrotts, Cr Flaherty and Mr Donhardt returned to the Council Chambers at 6.50pm.

**CONFIDENTIAL**

**8.5.9 Purchase of Vacant Commercial Property – Lot 11 Bannister Road**

Location: Lot 11 Bannister Road  
Applicant: Chief Executive Officer  
File Ref. No: BAN 11  
Disclosure of interest: Nil  
Date: 11.07.07  
Author: Peter Bradbrook

OFFICER RECOMMENDATION – ITEM 8.5.9

**Council Resolution No. 222/07 Moved Cr Hoek**

**That Council offers \$235,000 to purchase Lot 11 Bannister Road from the owner, with the intent of developing the site for parking when required.**

**Seconded Kelsall Carried 5/2**

That Standing Orders be Resumed.

Seconded

Hoek

Carried

7/0

9. ELECTED MEMBERS MOTIONS ON WHICH PREVIOUS NOTICE HAS BEEN GIVEN - nil
10. URGENT BUSINESS WITHOUT NOTICE (WITH APPROVAL OF THE CHAIRMAN OF MEETING) - nil
11. CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 7.04pm.