



'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'

AGENDA

**For The
Ordinary Meeting of Council
To Be Held At
27 October 2022
At 5:30pm**

Council Chambers
39 Bannister Rd, Boddington

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1. DECLARATION OF OPENING

The Shire of Boddington acknowledges the Noongar people as Traditional Custodians and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

2.1 Attendance

2.2 Apologies

2.3 Leave of Absence

Cr Earl Schreiber

3. DISCLOSURES OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Public question time is limited to a total of fifteen minutes of duration, except by consent of the person presiding. Each speaker is limited to three minutes duration to speak, except by consent of the person presiding.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

6. CONFIRMATION OF MINUTES

Officer Recommendation

That the minutes of the Special Meeting of Council held on 6 October 2022 be received.

That the minutes of the Ordinary Meeting of Council held on 15 September 2022 be received.

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8. RECEPTION OF MINUTES & RECOMMENDATIONS OF COMMITTEES HELD

9. REPORTS OF OFFICERS

9.1 PLANNING & DEVELOPMENT

9.1.1 Retrospective approval of gravel pit at Lot 5 Castle Rock Way, Bannister

File Reference:	3.0027
Applicant:	Penny John
Disclosure of Interest:	Nil
Author:	Executive Manager Planning and Development
Attachments:	9.1.1A Location Plan
	9.1.1B Initial application from applicant – letter and plan
	9.1.1C Submissions
	9.1.1D Response from applicant
	9.1.1E Extract from Planning and Development (Local Planning Schemes) Regulations 2015

Summary

A Development Application seeking retrospective development approval for an industry – extractive use (gravel pit) at Lot 5 Castle Rock Way, Bannister is recommended for conditional approval for a 5 year period.

Background

The applicant seeks retrospective development approval for an industry - extractive use (gravel pit) on the site shown in Attachment 9.1.1A. Details originally submitted by the applicant are set out in Attachment 9.1.1B. The application seeks approval to extract gravel for an area of approximately 4 hectares to an average depth of 2.5 metres. The approval is sought for a 10 year period.

The applicant asserts that the gravel is suitable for basic road and construction building material without the need for drilling and blasting. Dust suppression will be undertaken as required, with the water source being from the dam on the property. The pit will be excavated in stages, with the stages dependent on demand. The pit will be progressively rehabilitated back to pasture and a rehabilitation plan will be prepared.

Relevant matters relating to the application site include:

- The pit was established many years ago and has operated at different times. There is however, no record of development approval;
- The property is 46.62 hectares in area, contains no dwellings or sheds and has a dam;
- The development footprint is cleared;
- The pit has, on limited occasions, been used by the Shire for the sheeting of nearby roads;
- The closest house to the gravel pit is located a distance of approximately 350 metres;
- The development footprint is classified as Bush Fire Prone at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>; and
- The site is zoned 'Rural' in the *Shire of Boddington Local Planning Scheme No. 3* (LPS3).

Advertising the Development Application

The Shire administration invited public comment on the Development Application for a 4 week period through writing to adjoining/nearby landowners, other stakeholders and having details on the Shire website.

The Shire received three submissions on the Development Application and these are provided in Attachment 9.1.1C. One submission raised no objections whilst two submissions raised issues and objected to the application. The main issues and objections raised in the submissions relate to:

- Traffic impacts including the number of trucks on Castle Rock Way;
- Impacts on human health particularly dust and noise;
- 2 houses are impacted;
- Existing caveat and quarry rights; and
- Potential expansion of the gravel pit.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the submissions, the applicant has provided a response (see Attachment 9.1.1D). This addresses some matters including the caveat query.

Planning context

The site is zoned 'Rural' in the *Shire of Boddington Local Planning Scheme No. 3 (LPS3)* and the proposed use is described as 'Industry- Extractive' which is an 'A' use in the Rural Zone (means that the use is not permitted unless the Shire has granted development approval after advertising the application for comment). 'Industry – Extractive' is defined in LPS3 as -

'premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –

- (a) The processing of raw materials including crushing, screening, washing, blending or grading;
- (b) Activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.'

The site is classified as 'Future Rural Smallholding' in the *Shire of Boddington Local Planning Strategy*. The Strategy provides guidance relating to basic raw materials such as extracting gravel resources. This includes the following Strategy:

'Support the extraction of minerals and basic raw materials subject to the proponent appropriately addressing relevant considerations (for example, access, the environment, landscape and fire management).'

The Shire has no guidelines or local laws on extractive industries. There are however various Council policies that relate to the application which include those set out in Policy Implications.

Additionally, there are various planning policies and environmental documents relevant to the application as outlined in Legislative Implications and Policy Implications.

EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses recommends a generic buffer distance for sand/limestone extraction (where there are no grinding or milling works) of 300 – 500 metres from 'sensitive' uses (e.g. dwellings) depending on the size of the operation.

Attachment 9.1.2E is an extract from the Planning and Development (Local Planning Schemes) Regulations which sets out matters to be considered by local government in assessing a Development Application. Some of the matters raised in the submissions are not included in the list of matters in the Regulations (e.g. some matters raised are not planning considerations).

Comment

1. *Overview*

It is recommended that Council approve the Development Application for a 5 year period subject to conditions rather than the requested 10 year period. This follows assessment against LPS3, the Local Planning Strategy, relevant State Government documents, and considers the views of the submitters and other available information. It is noted, for instance, that:

- A gravel pit has operated from the property for a considerable period of time, with no recorded objections over the decades;
- No clearing of native vegetation is proposed;
- No blasting is proposed;
- There are suitable buffers to off-site dwellings which comply with EPA setback requirements;
- The access between the site onto Castle Rock Way has appropriate vehicular sight distances in both directions;
- The gravel pit is only likely to be used infrequently, most likely associated with sheeting of nearby roads;
- It is located outside of the mining buffer;
- Other Shire sections and officers raise no objections; and
- Recommended conditions can assist to mitigate impacts.

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

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

2. *Traffic impacts*

Noting the gravel pit is long established, the traffic impacts are expected to be manageable on Castle Rock Way.

It is expected that predominantly semi-trailer trucks will take gravel from the pit. Based on the applicant's advice, the number of truck movements are expected to overall be low and will depend on the nature of the contracts. Based on the applicant's advice, there are expected to only be a few truck movements per month. To remove any ambiguity, a condition is recommended that limits the maximum number of truck movements per day to 6 unless otherwise agreed in writing by the Chief Executive Officer.

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

It is noted that the Council did not require a condition requiring upgrading Castle Rock Way for the LARP events.

Access to and from the pit will be via an existing unsealed crossover from Castle Rock Way. The crossover should be constructed and maintained in line with Shire guidelines.

3. *On-going management and safety*

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

4. *Hours of operation*

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

Based on the applicant's advice, there is likely to be limited or no activity at the pit for large parts of the year.

5. *Drainage and water quality*

There is a need to minimise or prevent environmental harm through ensuring drainage/run-off is appropriately designed and controlled. This can be achieved through various measures including drainage control and replanting. It is recommended, as a condition of the development approval, that the applicant submits an appropriate Drainage Management Plan to the satisfaction of the Shire. This is required to manage stormwater and surface water through effectively removing sediment and minimising turbidity.

6. *Conclusion*

The application is conditionally supported. There is a need to consider various matters and ensure they are suitably addressed to meet Council requirements.

Consultation

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

Strategic Implications

Performance Area	Place
Outcome 9	A thriving economy with good access to education and jobs for everyone
Objective 9.2	Maintain a safe, efficient road network and supporting infrastructure

Performance Area	Performance
Outcome 12	Visionary leadership and responsible governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service

The application is generally consistent with the Local Planning Strategy. Gravel is an important resource within the district. Should the Council approve the Development Application, the gravel resource will assist with road construction and will broadly assist the local economy.

Legislative Implications

Planning and Development Act 2005, Environmental Protection Act, Planning and Development (Local Planning Schemes) Regulations 2015 and Shire of Boddington Local Planning Scheme No. 3.

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

Policy Implications

Several State Planning Policies and Local Planning Policies are of relevance to the application and to the site:

*State Planning Policy 2 - Environment and Natural Resources Policy
State Planning Policy 2.9 - Water Resources
State Planning Policy 3.6 - Infrastructure Contributions
State Planning Policy 3.7 - Planning in Bushfire Prone Areas
State Planning Policy 4.1 - Industrial Interface
State Planning Policy 5.2 - Rural Planning
Local Planning Policy 5 - Developer and Subdivider Contributions
Local Planning Policy 17 - Stormwater Management
Council Policy 7.8 - Rehabilitation of Gravel Pits
Council Policy 10.5 - Permits for Heavy Vehicles*

Other documents include:

- *Shire of Boddington Local Planning Strategy;*
- *WAPC Basic Raw Materials Applicants' Manual;*
- *EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses; and*
- *EPA Guidance Statement No. 33 Environmental Guidance for Planning and Development.*

In the short term, a draft Local Planning Policy will be prepared relating to industry extractive uses.

Financial Implications

Nil

Economic Implications

The gravel pit provides a convenient and well-priced supply of gravel.

Social Implications

Two landowners have expressed their concerns over the operation of the gravel pit.

Environmental Considerations

It is suggested the key environmental issues for the gravel pit are managing dust and managing stormwater.

Risk

Risk Statement and Consequence	Reputation, Compliance and Natural Environment, the regularising of operational requirements may result in the closure of the pit due to the cost of compliance.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Compliance
Risk Action Plan (controls or treatment proposed)	Recommended reasonable conditions can assist to minimise risks. There is a need to address statutory requirements.

Options

1. Support the Development Application with no conditions.
2. Support the Development Application with conditions.
3. Not support the Development Application (giving reasons).
4. Defer and seek additional information.

Voting Requirements

Simple Majority

Officer Recommendation

That Council approve the Development Application for an industry-extractive use (gravel pit) at Lot 5 on Plan 24204 Castle Rock Way, Bannister, subject to the following conditions:

General

1. **The development must be carried out in accordance with the plan outlined in Attachment 9.1.1B, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
2. **This development approval is valid until 15 September 2027 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use for an extended period.**

Pit operation

3. **No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.**
4. **When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.**
5. **The hours of operation of the industry-extractive use are limited to between 7.00am and 6.00pm Monday to Saturday, other than when there is a Total Vehicle Movement Ban.**

Crossover and safety of road users

6. The vehicular crossover between the subject land and Castle Rock Way is to be located, designed, constructed and drained to the satisfaction of the local government prior to 15 April 2023.

Safety on site

7. The site shall be fenced, gated and sign-posted against unauthorised entry, and such features shall thereafter be permanently maintained to the satisfaction of the local government.

Truck movements

8. The maximum truck movements per day is limited to 6 unless otherwise agreed in writing by the Chief Executive Officer.
9. No movements of loaded truck movements are permitted on gravel roads when weather and road conditions will cause undue wear and tear on gravel roads

Environmental management

10. Measures shall be taken to minimise the amount of dust pollution associated with the operation, such as by watering and covering truck loads and watering access roads where necessary to the specification and satisfaction of the local government.
11. Any major environmental incidents shall be immediately reported to the local government and will require remediation to the local government's acceptance prior to further gravel extraction.
12. There shall be no storage of hydrocarbons on-site. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. No major repairs or maintenance will take place on site.
13. None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.
14. If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within 48 hours, followed by agreed remedial action.

Stormwater management

15. The applicant shall prepare and submit a Drainage Management Plan prior to 15 April 2023 to the specification and satisfaction of the local government which sets out, amongst matters:
 - (a) Proposed earthworks, attenuation measures and drains;
 - (b) Detention and sedimentation/settling basins and other measures to enhance water quality and limit off-site impacts;
 - (c) Overland stormwater flows outside of the excavation area via adequate bypass drains/earth bunds around disturbed surfaces and stockpiled matter;
 - (d) Proposed revegetation; and

- (e) Addressing erosion control.

Rehabilitation

- 16. The applicant shall prepare and submit a Rehabilitation Plan by 15 April 2023 to the specification and satisfaction of the local government which sets out, amongst matters:
 - (a) The site subject to the extractive-industry use is to be graded to an even surface, with slopes/embankments not steeper than 1 measure vertical to 6 horizontal;
 - (b) Contour ripping on the bottom and sides of the pit area;
 - (c) Topsoil to be stockpiled;
 - (d) Spreading of stockpiled topsoil is to be replaced;
 - (e) The site is to be stabilised (through grass sowing, tree planting etc.) to reduce soil erosion;
 - (f) Seeding with the appropriate agricultural seed mix or other re-vegetation of the land;
 - (g) Fencing to exclude grazing stock if applicable;
 - (h) Planting native species of trees, shrubs and ground covers;
 - (i) Staging of rehabilitation process; and
 - (j) Removal of equipment, waste and final site clean-up.
- 17. The excavation site is to be rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the local government prior to 15 April 2023.

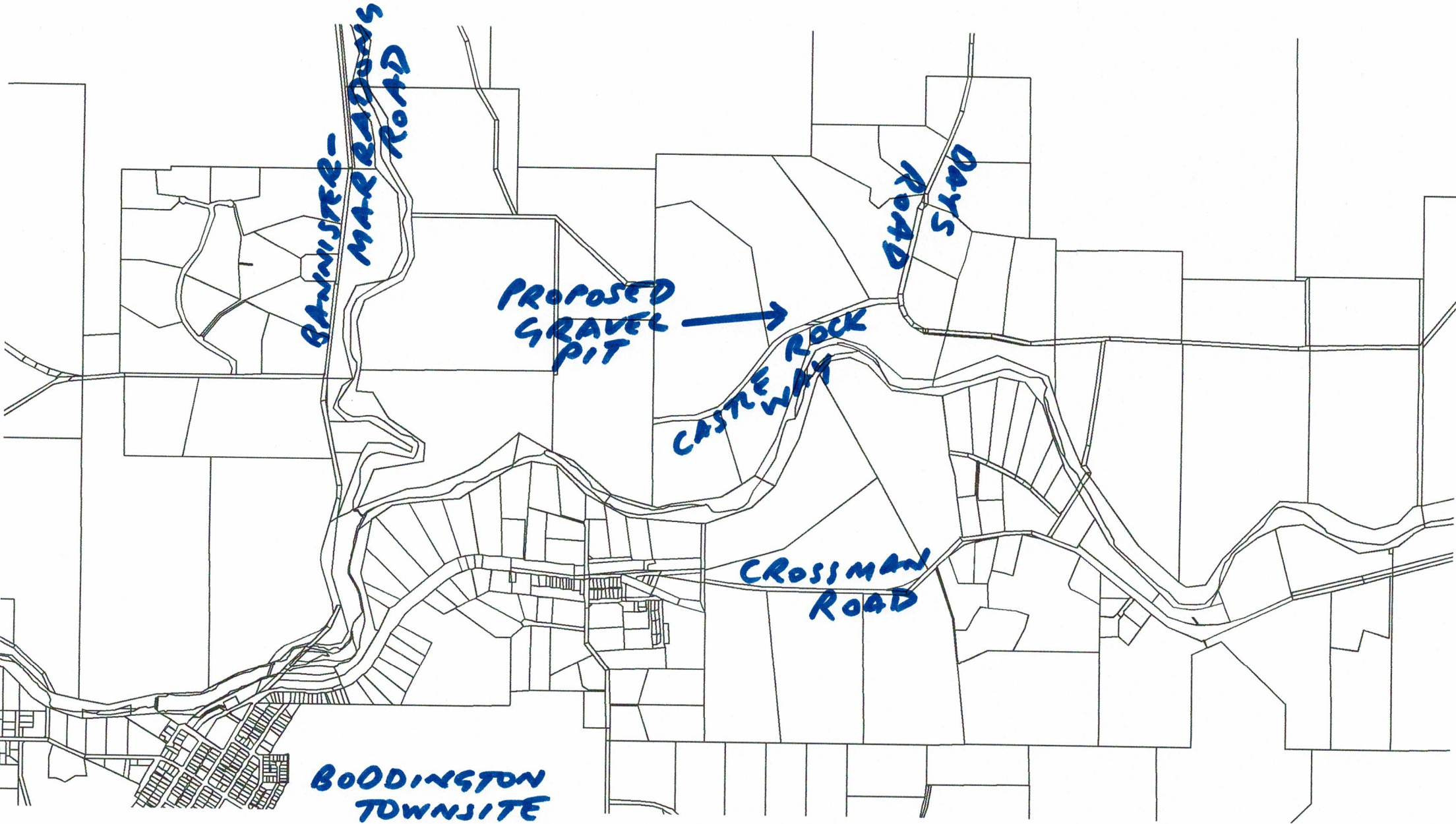
Public liability insurance

- 18. The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.

Advice

- A) The issue of the approval shall not, in any way, render the Shire of Boddington liable for damage or injury of any kind to any member of the public and/or the operators such liability shall be the sole responsibility of the applicant/operator.
- B) Weeds should be appropriately controlled in accordance with Department of Primary Industries and Regional Development guidelines. This in part should address the management of declared weeds under the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management Regulations 2013*.
- C) The applicant should undertake the operations in accordance with a Works Safety Plan and adopt appropriate dieback management protocols.
- D) The applicant should liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations.
- E) The applicant should ensure that its heavy vehicle operators drive responsibly on roads in the Shire of Boddington.

- F) The applicant is encouraged to advise neighbours in advance of significant gravel pit operating periods.**
- G) Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.**
- H) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of planning decisions. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.**



Ms Penny John
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BODDINGTON WA 6390
Email: pennyjohn@y7mail.com
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14 June 2022

Julie Burton
Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390

Dear Mrs Burton

Proposal: Application for Development Application - Gravel Pit – Lot 4 Castle Rock Way, Bannister

I seek retrospective approval from the Shire for a gravel pit on the above property as shown on the attached plan, which has been operated from the property for decades.

The proposed pit has an area of approximately 4... hectares (east-west length of 200 metres and north-south width of 200 metres). The depth of gravel varies between 2 metres and 3.5 metres with an average depth of around 2.5 metres. The total amount of gravel is estimated to be around 150,000m³.

I am seeking Shire approval for a 10 year period. Generally, the pit is only expected to be used on limited occasions, mostly by the Shire of Boddington for sheeting of nearby roads.

The closest house to the gravel pit is located approximately 350 metres to the southeast. All other nearby homes are a substantial distance from the gravel pit.

It is expected that semi sized trucks will take gravel from the pit with the largest vehicles being 26m in length. Access to and from the pit will be via a driveway from Castle Rock Way.

The number of truck movements will overall be low and depend on the nature of the contracts but are expected to only be a few truck movements per month.

Operating hours are in daylight hours Mondays to Saturdays. There is likely to be limited or no activity at the pit for large parts of the year.

The gravel will be suitable for basic road and construction building material without the need for drilling and blasting and with only minimal amounts of processing. In terms of processing, it is proposed to use a loader on the property to push up the gravel and load trucks.

No clearing is proposed.

No fuel will be stored on site with a mobile service unit providing fuel and lubricants to all equipment on an as needed basis. Quick-fill snap on connections will be used preventing spillage.

Dust suppression will be undertaken as required, with the water source being from the dam on the property.

Fire risk is expected to be no greater than the risk from general farming operations.

All stockpiled materials, including topsoil overburden, awaiting transport or held for rehabilitation will be appropriately located upslope from the pit.

The pit will be excavated in stages, with the stages dependent on demand.

The pit will be progressively rehabilitated back to pasture and a rehabilitation plan will be prepared. When the gravel is extracted from an initial area, the land will be recontoured. Overburden and topsoil will then be spread over the recontoured land. This area is then deep contoured cross ripped to minimise water runoff and scouring.

Please contact me if you require additional information. I look forward to the Shire's approval

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John', with a stylized flourish extending to the right.

Penny John



Castle Rock Way

Castle Rock Way

Castle Rock Way

Days Rd

Days Rd

Image © 2022 Maxar Technologies

Google Earth

Sent: Sunday, 17 July 2022 11:08 PM
To: Roy Greive <roy.greive@boddington.wa.gov.au>
Subject: development lot 4 castle rock way.

To whom it may concern.

we received you letter about the gravel pit and have a few concerns about it. yes its been operating for a few years, and in the last years use become more frequent weekly.

The letter from the owner is very deceiving as its not only a load here and there and definitely not only for the shire. I'm shocked by this blatant lie.

I have bought gravel for a road from a local operator in town that came straight from that pit and that equaled at least 15-20 large truck loads in the last few months.

Also it says that there is only one house that influenced where its 2 that's the same distance and the same disturbance by this pit.

in the summer the dust is horrific, early this year there were up to 4 trucks per 10 min arriving when they did the Crossman works. Both these household were suffering.

in the winter the trucks rip up our gravel road at the gate where they turn when its wet like the last week. our road doesn't get graded much so its a lasting impact.

The other concern I have which I would like you to look into is that I understood there were a caveat on that land from the time that Pennys father owned it, he passed away a few years ago. how would something like that influence an application for quarry rights?

I understand that some of the other Neighbours didn't received letters to comment, would it be possible to give a them chance to comment?

My concerns are:

1 Truck Trafficking

The Application Letter states:

"Generally, the pit is only expected to be used on limited occasions, mostly by the Shire of Boddington for sheeting of nearby roads."

"The number of truck movements will overall be low and depend on the nature of the contracts but are expected to only be a few truck movements per month."

I know that quarry is currently operating for gravel to the council & **also to local people**. I myself had have had a gravel delivery and know of others that have too.

In my email to the council dated 29.1.22 below - shows more than minimal traffic at times.

Email to the council dated 29.1.22

Castle Rock Way - Trucks 21.1 - 1.2.22

Since 21.1.22 - the shire trucks have been dumping fill at the gravel quarry on the property across the road.

ON 24.1 trucks started around 9.15am that I saw - with 32 trucks going there and back (that is 64 transits) on the gravel road **generating noise and loads of dust** on the gravel road.

Trucks continued in a similar manner on 25.1, 27.1 (26th being Australia Day holiday) with similar numbers - approx 1 truck every 10mins.

I am told they will continue 31.1 & 1.2.22.

I am questioning if the gravel road is up to this sort of traffic. And suggesting that the council should consider tarmacking the section from Days Rd / Castle Rock Way to the Quarry cocky gate for future use.

An **estimate** of truck numbers from 21.1 - 1.2.22 a total of 7 days would be 448 transits! Substantial in my opinion.

From my experience trucks do collect gravel from the quarry on a regular basis but not to this trafficking extent.

2 Dust / Noise / Damage to Road - The bitumen road finishes on the cnr of Castle Rock Way & Days Rd.

During this time the noise was substantial of trucks going back & forwards Also as it was summer there was dust.

I am also concerned that the gravel road is not up to so many heavy trucks at one time.

3 Quarry License / Pit Size - Main Concern

I currently tolerate the current truck activity. Should the quarry license be **granted without restrictions on expansion** I would be concerned that it would make the property more viable to sell and that it **could expand to a much larger enterprise** which would make living on Castle Rock Way so close to the road intolerable.

The proposed pit has an area of 200m x 200m running east-west. In regard to the statement in the application letter:

"The pit will be excavated in stages, with the stages dependent on demand"

The pit seems substantial at the moment - I would have thought close to this size already. So will it be expanded further than the 200m x 200m as indicated?

Question: Will the pit go beyond the current map outline attached to the application?

4 Clearing / Rehabilitation

I am happy to see that there will be no further clearing and they intend to rehabilitate back to pasture - details in the final paragraph of application letter. Although I can't see how the current quarried area would be recontoured and without substantial expense. Are they going to truck in more fill to do this? - more truck activity.

My only comment is that a comprehensive rehabilitation plan should be in place to return the area to a natural state.

Email from Penny John 18 August 2022

Hi Tamsin

Thanks for sending through the comments.

The gravel pit is primarily used by the Shire, which I assume were all the truck movements referred to by commenter 3, in January 2021 (PO attached)

The only other person who is approved to source gravel is Jess Reid, who in the last 6 months has used it twice, the last being about 2 months ago.

If there are “weekly” movements then I am not aware of them so perhaps people are helping themselves, which would be a shame.

Commenter 1 states that I blatantly lied about the fact that it was only the Shire who were sourcing gravel, when in fact my comment was “mostly by the Shire of Boddington”.

This person also speculates that there is a caveat on the property which is not true. The property is currently still in probate and still technically owned by my father.

My father agreed to the Shire sourcing gravel from there many years ago, not for financial gain, but more so to help them out in good faith, having been a very passionate, lifelong resident and farmer in Boddington. In fact, it is 100 years this year since my Grandfather took up the land at The Junction, and ironically was the Head of the Road Board for many years.

I’m happy for the Shire to continue to utilise the pit, on the basis they manage the complaints etc. Alternatively, I’ll fence it off as I don’t have the time or the motivation for a minimal financial reward.

Kind regards

Penny John
Estate Manager



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67. Consideration of application by local government

- (1) Development approval cannot be granted on an application for approval of —
- (a) development that is a class X use in relation to the zone in which the development is located, unless —
 - (i) the development relates to land that is being used for a non-conforming use; and
 - (ii) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use;
 - or
 - (b) development that otherwise does not comply with a requirement of this Scheme, unless —
 - (i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
 - (ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses.
- (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —
- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
 - (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
 - (c) any approved State planning policy;
 - (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
 - (e) any policy of the Commission;
 - (f) any policy of the State;
 - (fa) any local planning strategy for this Scheme endorsed by the Commission;
 - (g) any local planning policy for the Scheme area;
 - (h) any structure plan or local development plan that relates to the development;
 - (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
 - (k) the built heritage conservation of any place that is of cultural significance;
 - (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
 - (m) the compatibility of the development with its setting, including —
 - (i) the compatibility of the development with the desired future character of its setting; and

- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;
 - (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
 - (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
 - (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
 - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
 - (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
 - (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
 - (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
 - (w) the history of the site where the development is to be located;
 - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - (y) any submissions received on the application;
 - (za) the comments or submissions received from any authority consulted under clause 66;
 - (zb) any other planning consideration the local government considers appropriate.
- (3) Subclause (1) has effect despite the zoning table for this Scheme.

[Clause 67 amended: SL 2020/252 r. 74.]

9.1.2 Proposed Shire of Boddington Extractive Industries Local Law

File Reference:	2.025
Applicant:	Not applicable
Disclosure of Interest:	Nil
Author:	Executive Manager Planning & Development
Attachments:	9.1.2A Draft Shire of Boddington Extractive Industries Local Law

Summary

It is proposed to make a Shire of Boddington Extractive Industries Local Law. A draft is attached, which if adopted will be advertised for comment from the public and the results reported to Council before it comes into effect.

Background

Currently the Shire of Boddington does not have an Extractive Industries Local law. The Local Government Act 1995 gives Local Government the ability to create local laws and section 3.12 sets out the procedure for making local laws.

Having an Extractive Industry Local law will enable the Shire of Boddington to have greater control over such activities within its boundaries.

Comment

A draft local law has been developed based on a WA Local Government Association model template. (Attachment 9.1.2A).

It deals with:

- Application to existing extractive industries;
- Rehabilitation on completion of the extractive industry;
- Security for rehabilitation of the site and road infrastructure maintenance;
- Placement of conditions on any approval, including –
 - Agreement for contribution for road upgrade, improvement and maintenance;
 - Agreement for contribution to community amenity;
- Transport routes to be agreed, and varied if necessary;
- Annual renewal, variation, transfer, cessation or cancellation of licenses; and
- Notices and penalties.

There are exclusions to some activities, so not all fall within the control of this local law, including:

- Areas of less than 2,000 m²;
- By a landowner for their own use;
- On Crown land; and
- Activities regulated by State legislation such as the *Mining Act 1978*.

The purpose of the local law is to establish requirements and conditions with which extractive industries within the Shire must comply.

If Council adopts the recommendation in this report, the next steps are to:

1. Provide a copy of the draft local law to the Ministers for Local Government and Mining;
2. Advertise for public comment on the draft;
3. Consider any feedback received and then;
4. Decide whether or not to make the local law.

If made, the local law would come into effect 14 days after publication in the Government Gazette and is also subject to scrutiny by the WA Parliamentary Joint Standing Committee on Delegated Legislation, which oversees the making of regulations and local laws on behalf of Parliament.

Consultation

Local laws regulating extractive industry activities are made using the process set out in s3.12 of the *Local Government Act 1995* (the Act). Section 3.12(2) requires that a statement of the purpose and effect of a draft local law be included in the agenda of a meeting and in public notices given and which is:

Strategic Implications

Performance Area	Place
Outcome 9	A thriving economy with good access to education and jobs for everyone.
Objective 9.2	Maintain a safe, efficient road network and supporting infrastructure.
Performance Area	Performance
Outcome 12	Visionary leadership and responsible governance.
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service.

Legislative Implications

Local Government Act 1995 –

- 3.12 – Procedure for making local laws
 - (2) Notice of purpose and effect of local law to be given by the person presiding
 - (3) State-wide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks' notice
 - (3a) Local Public notice also required to be given
After notice period, all submissions to be considered, and local law may then be made by absolute majorityPublication in Government Gazette required
 - (7) Parliament to be advised within 10 working days of Gazettal
- s.3.13 – Significant changes require recommencement of proposal
- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal
- s.3.15 – local public notice of the final adoption/making of a local law to be given

Interpretations Act 1984 –

- s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt

Policy Implications

Once adopted, the Shire could consider adoption of a policy setting out standard conditions that might apply when considering applications for an extractive industry permit under the local law.

Financial Implications

Minor - There are costs associated with the drafting, advertising and Gazettal of the proposed local law.

Economic Implications

The regulation of extractive industries through this local law will enable those looking to develop businesses of this nature to have certainty about the process and restrictions that may be placed on them.

Social Implications

Having explicitly outlined the parameters under which extractive industries may operate within the Shire of Boddington the Local law will ensure that any social impacts are thoroughly considered.

Environmental Considerations

The local law contains provisions to assist with the establishment, operation and closure of extractive industry activities. This includes any impacts that they may have on the environment.

Risk Considerations

Risk Statement and Consequence	Industry or the community may react negatively to the regulating of an industry that has previously been somewhat unregulated.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational, Compliance & Natural Environment.
Risk Action Plan (controls or treatment proposed)	Through the process of public notice and the review of submissions received, the risk is reduced. Legal advice has also been sought in the drafting of the local law to reduce the risk on non-compliance with the statutory process.

Options

1. Support the officer recommendation and move forward with the creation of the Local law.
2. Decide not to regulate extractive industries.
3. Defer and seek additional information.

Voting Requirements

Simple Majority

Officer Recommendation

That:

1. **In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, State wide and local public notice be given stating that:**
 - a. **It is proposed to make a Shire of Boddington Extractive Industries Repeal Local Law, and a summary of its purpose and effect;**

- b. **Copies of the proposed local law may be inspected at the Shire offices;**
 - c. **Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;**
- 2. **In accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Ministers for Local Government and Mining;**
 - 3. **In accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and**
 - 4. **The results of the public consultation be presented to Council for consideration of any submissions received.**

LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

EXTRACTIVE INDUSTRIES LOCAL LAW 2023

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DRAFT

LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

EXTRACTIVE INDUSTRIES LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boddington resolved on **dd mm 2023** to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Boddington Extractive Industries Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

The provisions of this local law –

- (a) subject to paragraphs (b), (c) and (d) –
 - (i) apply and have force and effect throughout the whole of the district;
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law; and
 - (iii) apply to a previous licence as if it was issued under this local law;
- (b) do not apply to the extraction of minerals under the *Mining Act 1978*;
- (c) do not apply to the carrying on of an extractive industry on Crown land; and
- (d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land.

1.4 Transitional provisions

- (1) Within 90 days of commencement of this local law or within 90 days of the date of the annual licence fee of a previous licence becoming due and payable (under clause 7.3), the local government may in respect of the licence –
 - (a) vary or delete a condition; or
 - (b) impose one or more other conditions, as specified in clause 4.3(2).
- (2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until 90 days (or longer period that is specified by the local government) after written notice of the condition is given by the local government to the licensee.

1.5 Definitions

In this local law unless the context otherwise requires –

Act means the *Local Government Act 1995*;

application for licence includes application to renew, transfer, vary or cancel a licence as the context requires;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

carry on an extractive industry means quarrying and excavating for stone, gravel, sand and other material, and the transporting of the material off the site, but excludes extractive activities undertaken by statutory authorities;

CEO means the Chief Executive Officer of the local government;

cessation of operations means termination of activities associated with the extraction and transport of the materials whether permanent or temporary, but does not include activities under clauses 6.3 for the care and maintenance of the site, or clause 6.4.

district means the district of the Shire of Boddington;

excavation includes quarry;

infringement notice means the notice referred to in clause 10.4(a);

land, unless the context requires otherwise, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates, and includes adjoining lots or locations in the same occupation or ownership;

licence means a licence issued under this local law and a previous licence;

licensee means the person named in the licence as the licensee;

local government means the Shire of Boddington;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

owner has the meaning given to it in section 1.4 of the Act;

occupier has the meaning given to it in section 1.4 of the Act;

person does not include the local government;

planning approval means an approval for a development or a land use that is issued under a local planning scheme administered by the local government;

previous licence means a licence that is in force at the date of commencement of this local law;

Schedule means a schedule to this local law;

secured sum means the sum required to be paid or the amount of a bond, bank guarantee or other security under clause 3.7;

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Act;

site means the land specified by the local government in a licence;

thoroughfare has the meaning given to it in section 1.4 of the Act; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.8.

PART 2 - REQUIREMENT FOR LICENCE

2.1 Extractive industries prohibited without licence

A person must not carry on an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

PART 3 - APPLICATION REQUIREMENTS

3.1 Applicant to advertise proposal

- (1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before making an application for a licence –
 - (a) forward a notice to –
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence; and
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 3.3(1)(g) and (h) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
 - (b) as soon as practicable after complying with the requirements of paragraph (a) –
 - (i) forward a copy of the notice to the CEO; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The information contained in the notice referred to in subclause (1) shall include but is not limited to –
 - (a) particulars of the proposed excavation; and
 - (b) inviting objections or comments to be made to the CEO within 21 days of date of receipt of the notice.
- (3) The local government may undertake a public consultation process including but not limited to –
 - (a) provision of information by mail or similar;

- (b) electronically through a website or similar; and
- (c) public meetings.
- (4) The local government may, within 14 days after receiving a copy of a notice referred to in clause 3.1(1)(b), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices –
 - (a) in a form approved by the local government;
 - (b) the content, size, construction and position of which have been approved by the local government;
 - (c) specifying particulars of the proposed excavation; and
 - (d) inviting objections or comments within 21 days from the placement of the notice.

3.2 Application for licence

- (1) An application for a licence shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address.
 - (c) be accompanied by –
 - (i) the set fee;
 - (ii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (iii) the consent in writing to the application from the owner of the excavation site; and
 - (iv) a copy of the planning approval for an extractive industry to be conducted on the land;
 - (d) include any information that the local government may reasonably require; and
 - (e) be signed by the applicant.
- (2) An application for a licence must be lodged with the local government together with details of the proposed excavation, including but not limited to –
 - (a) a plan of the excavation site in accordance with clause 3.3;
 - (b) a works and excavation program in accordance with clause 3.4;
 - (c) a rehabilitation and decommissioning program in accordance with clause 3.5;
 - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
 - (e) a certificate from a licensed surveyor;
 - (f) evidence that the requirements of clause 3.1(1) and (4) have been carried out;
 - (g) copies of all land use planning approvals required under any planning legislation;
 - (h) copies of any environmental approval required under any environmental legislation;
 - (i) copies of any geotechnical information relating to the excavation site;
 - (j) evidence that an application for a clearing permit has been lodged with the Department of Water and Environmental Regulation if that is required under section 51C(a) of the *Environmental Protection Act 1986*; and
 - (k) any other information that the local government may reasonably require.
- (3) The application under subclause (1) and detailed information under subclause (2) shall consist of one signed paper copy or an electronic copy.
- (4) The local government may exempt a person making an application for a licence from supplying any of the data specified in subclause (2)(c), (d), (e) or (i), where –
 - (a) the surface area does not exceed 2000 square metres; and
 - (b) the material to be extracted from the proposed excavation does not exceed 2000 cubic metres.

3.3 Plan of excavation site

- (1) The plan referred to in clause 3.2(2)(a) shall be in a scale of between 1:500 and 1:2000 showing –
 - (a) the existing and proposed land contours based on the Australian Height Datum and plotted at one metre contour intervals;
 - (b) the land on which the excavation site is to be located;
 - (c) the external surface dimensions of the land;
 - (d) the location and depth of the existing and proposed excavation of the land;

- (e) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
 - (f) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (g) the location of existing infrastructure services including but not limited to powerlines and communication cables, and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (h) the location of all existing bores, dams, watercourses, drains or sumps on or adjacent to the land;
 - (i) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (j) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.
- (2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.

3.4 Works and excavation program

The works and excavation program referred to in clause 3.2(2)(b) shall contain –

- (a) the nature and estimated duration of the proposed excavation for which the licence is applied;
- (b) the stages and the timing of the stages in which it is proposed to carry out the excavation;
- (c) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
- (d) details of the depth and extent of the existing and proposed excavation of the site;
- (e) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
- (f) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
- (g) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
- (h) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
- (i) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
- (j) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
- (k) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
- (l) a noise management plan, including a description of the measures to be taken to comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
- (m) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
- (n) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation;
- (o) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas; and
- (p) details of measures to reduce impact on the adjoining owners and occupiers, and the wider community.

3.5 Rehabilitation and decommissioning program

The rehabilitation and decommissioning program referred to in clause 3.2(2)(c) shall indicate –

- (a) the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
- (b) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
- (c) how any face is to be made safe and batters sloped;

- (d) the method by which topsoil is to be replaced and revegetated;
- (e) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
- (f) how rehabilitated areas are to be maintained; and
- (g) the program for the removal of buildings, plant, waste and final site clean up.

3.6 Certificate of a licensed surveyor

The certificate in subclause 3.2(2)(e) shall certify the correctness of –

- (a) the datum peg and related point referred to in subclause 3.2(2)(d); and
- (b) the plan referred to in subclause 3.2(2)(a).

3.7 Security for restoration of excavation site and for road infrastructure

- (1) The local government may require that the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government, for the purposes of –
 - (a) ensuring that an excavation site is properly restored or reinstated; and
 - (b) ensuring that road infrastructure is repaired and maintained to the standard agreed in accordance with subclauses 4.5(2) and (3).
- (2) The security required under subclause (1) may be required to be provided by the applicant to the local government –
 - (a) as a condition of a licence; or
 - (b) before the issue of a licence.
- (3) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.
- (4) If a bank guarantee or other security required under subclause (1) ceases to be current, excavation is to cease until a further security in a form acceptable to the local government has been provided.
- (5) Subject to clause 7.4, any interest accrued in respect of the bond paid into the fund under subclause (3) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.

PART 4 - LICENCING

4.1 When an application may be determined

An application for a licence is not to be determined by the local government until –

- (a) the applicant submits proof that the requirements for notices, public information and consultation have been undertaken in accordance with subclauses 3.1(1) and (2);
- (b) the applicant has made an application for licence in accordance with clause 3.2;
- (c) the local government has considered any written submissions received within the time specified in subclauses 3.1(2)(b) and 3.1(4), and
- (d) planning approval for an extractive industry use of the land has been obtained.

4.2 Determination of application

- (1) Upon receipt of an application, the local government may –
 - (a) refuse the application; or
 - (b) approve the application –
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.
- (2) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 3.2.
- (3) Where the local government approves an application for a licence, it shall –
 - (a) determine the licence period, not exceeding 21 years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO shall issue the licence to the applicant upon receipt by the local government of –
 - (a) payment of the annual set fee;

- (b) payment of the secured sum if any, imposed under clause 3.7;
- (c) the documents, if any, executed to the satisfaction of the CEO, under clause 3.7; and
- (d) a copy of the public liability insurance policy required under clause 7.1(1).

4.3 Conditions which may be imposed

- (1) Clause 4.5 applies as a condition to all licences.
- (2) Without limiting subclause 4.2(1), the local government may impose conditions in respect of the following matters, including but not limited to –
 - (a) the orientation of the excavation to reduce visibility from other land;
 - (b) the appropriate siting of access thoroughfares, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any excavation work may be carried out;
 - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
 - (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
 - (g) the depths below which a person shall not excavate;
 - (h) distances from adjoining land or roads within which a person must not excavate;
 - (i) the safety of persons employed at or visiting the excavation site;
 - (j) the control of dust and wind-blown material;
 - (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
 - (l) the prevention of the spread of dieback or other disease;
 - (m) the drainage of the excavation site and the disposal of water;
 - (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
 - (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
 - (p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation program;
 - (q) requiring the licensee to enter into an agreement with the local government to pay a contribution in respect of thoroughfares in the district used by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence, in accordance with subclauses 4.5(2) and (3) –
 - (i) any extraordinary expenses incurred by the local government;
 - (ii) requirement for increased maintenance; and
 - (iii) repair of damage caused;
 - (r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
 - (s) any other matter for properly regulating the carrying on of an extractive industry.

4.4 Variation of conditions

- (1) Within 30 days of the date of the annual licence fee becoming due and payable (under clause 7.3), the local government may, in respect of the licence –
 - (a) Vary or delete a condition; and
 - (b) May impose one or more other conditions, as specified in clause 4.3(2).
- (2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until 90 days (or such longer period as is specified by the local government) after written notice of the condition is given by the local government to the licensee.

4.5 Transport of materials

- (1) The local government may, from time to time, prescribe by giving written notice to the licensee –
 - (a) determine routes to be taken by the licensee for the transport of materials from the site through the roads within the district, if the proposed routes are not suitable for the proposed haulage;

- (b) the tonnage limits to be transported along a particular route; and
 - (c) the times during which materials from the site may be transported through the roads within the district.
- (2) If a road on a route prescribed under subclause (1) is inadequate for the transport of materials from the site, the local government may require the licensee to pay all or part of the costs or estimated costs, as determined by the local government, of upgrading the road to the standard required by the local government for these purposes.
 - (3) The licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport of materials from the site.
 - (4) Each licence is to be taken to be subject to a condition requiring the licensee to comply with this clause.

4.6 Renewal of licence

- (1) An application to renew a licence is not to be determined by the local government until the applicant has complied with subclause (2).
- (2) An application to renew a licence shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address.
 - (c) be accompanied by –
 - (i) the set fee;
 - (ii) by a copy of the current licence;
 - (iii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (d) be lodged by the licensee at least 90 days before the date of expiry of the licence;
 - (e) include a plan showing the contours of the excavation carried out to the date of that application;
 - (f) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in subclauses 3.2(2)(b) and (c); and
 - (g) submit any other things referred to in clauses 3.2 and 4.2.
- (3) The local government may waive any of the requirements specified in subclause (2)(f) or (g).
- (4) The applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 3.2 and 4.2 if –
 - (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.
- (5) Upon receipt of an application for renewal of a licence, the local government may –
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
- (6) Where the local government renews, or refuses to renew, a licence under subclause (5), it shall notify the licensee and owner of the excavation site in writing.

4.7 Variation of licence

- (1) An application to vary a licence by a licensee –
 - (a) may be made at any time; and
 - (b) is not to be determined by the local government until the applicant has complied with subclause (2).
- (2) An application to vary a licence shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address;

-
- (c) be accompanied by –
 - (i) the set fee;
 - (ii) by a copy of the current licence; and
 - (iii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (d) be lodged by the licensee at least 90 days before the date of expiry of the licence;
 - (e) include a plan showing the contours of the excavation carried out to the date of that application;
 - (f) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 3.2(2)(b) and (c);
 - (g) any other things referred to in clauses 3.2 and 4.2.
 - (h) include any information that the local government may reasonably require; and
 - (i) be signed by the licensee and the owner of the excavation site (if different to the licensee);
- (3) The local government may waive any of the requirements specified in subclause (2)(f) or (g).
 - (4) The applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 3.2 and 4.2 if –
 - (a) an application to vary a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.
 - (5) Upon receipt of an application to vary a licence, the local government may –
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
 - (6) Where the local government approves, or refuses to approve, a licence variation under subclause (5), it shall notify the licensee and owner of the excavation site in writing.

4.8 Transfer of licence

- (1) An application to transfer a licence is not to be determined by the local government until the applicant has complied with subclause (2).
- (2) An application to transfer a licence shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address.
 - (c) be accompanied by –
 - (i) the set fee;
 - (ii) a copy of the current licence;
 - (iii) a certificate of currency in the name of the proposed transferee for a public liability insurance policy in accordance with clause 7.1; and
 - (iv) the consent in writing to the transfer from the owner of the excavation site;
 - (d) be lodged by the licensee at least 90 days before the date of proposed transfer of the licence;
 - (e) comply with and satisfy all conditions and requirements of the current licence;
 - (f) provide equivalent security under clause 3.7 as is required by the current licence; and
 - (g) include any information that the local government may reasonably require; and
 - (h) be signed by the licensee and the proposed transferee.
- (3) Upon receipt of an application to transfer a licence, the local government may –
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
- (4) Where the local government approves, or refuses to approve, the transfer of a licence under subclause (3), it shall notify the licensee and owner of the excavation site in writing.
- (5) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees and charges paid by the former licensee in respect of the transferred licence.
- (6) Where the local government does not approve the transfer of a licence –
 - (a) the local government may cancel the licence in accordance with clause 4.9, or
 - (b) the licensee may –

- (i) continue operations in accordance with the licence issued;
- (ii) give notice of cessation of operations in accordance with clauses 6.1; or
- (iii) give notice of temporary cessation of operations in accordance with clause 6.3.

4.9 Cancellation of licence by the local government

- (1) The local government may cancel a licence where the licensee has –
 - (a) ceased to substantially carry on the extractive industry for a period in excess of 12 months or has not advised the local government of cessation of operations under clause 6.1;
 - (b) been convicted of an offence against –
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry;
 - (c) failed to comply with –
 - (i) any of the conditions of the licence;
 - (ii) any provisions of this local law; or
 - (iii) any term of an agreement made with the local government in accordance with this local law and default continues for a period of 14 days from service on the licensee of written notice of default;
 - (d) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
 - (e) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
 - (f) failed to pay the annual licence fee under clause 7.3;
 - (g) failed to have a current public liability insurance policy under clause 7.1(1); or
 - (h) failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause –
 - (a) the cancellation takes effect on and from the day on which the licensee is served with the notice, and
 - (b) the local government shall advise the licensee and owner of the excavation site in writing.
- (3) Where the local government cancels a licence under subclause (1), the local government shall not be required to refund any part of the fees and charges paid by the licensee in respect of the cancelled licence.
- (4) Where the local government cancels a licence under subclause (1), the licensee shall comply with clause 6.4, unless otherwise approved by the local government.

PART 5 - LIMITATIONS, OBLIGATIONS AND PROHIBITIONS ON LICENSEE

5.1 Obligations of the licensee

A licensee shall –

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign –
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 300 mm high and not less than 450 mm wide;
 - (iii) the top of the sign is between 1.2 metres and 1.8 metres above ground level; and
 - (iv) bears the words “DANGER EXCAVATIONS – KEEP OUT”;
- (c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) comply with the conditions imposed by the local government in accordance with clause 4.3.

5.2 Limits on excavation near boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within –

- (a) 500 metres of any residence unless with the consent of the adjoining neighbours;
- (b) 50 metres of any bore, watercourse, wetland, swamp or other water reserve;
- (c) 50 metres of any thoroughfare;
- (d) 20 metres of the boundary of any land on which the excavation site is located;
- (e) 20 metres of any land affected by a registered grant of easement; or
- (f) 2 metres of the estimated maximum groundwater level as determined from time to time by the Department of Water and Environmental Regulation or otherwise as adopted by the local government.

5.3 Prohibitions

A licensee shall not –

- (a) remove any trees or shrubs within 40 metres of the boundary of any thoroughfare on land in respect of which a licence has been granted without written permission from the local government and if required, the Department of Water and Environmental Regulation, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 4.3;
- (b) store, or permit to be stored, except in the case of approved rock quarry sites, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Mines, Industry Regulation and Safety; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government.

5.4 Blasting

- (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless –
 - (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
 - (b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
 - (c) the blasting is carried out in strict accordance with the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and
 - (d) in compliance with any other conditions imposed by the local government concerning –
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used; and
 - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
- (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 6 - CESSATION OF OPERATIONS

6.1 Notice of cessation of operations by licensee

- (1) A notice of cessation shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address;
 - (c) be accompanied by –
 - (i) a copy of the current licence; and
 - (ii) a current certificate of currency for public liability policy in accordance with clause 7.1;

-
- (d) advise if the cessation is to be –
 - (i) temporary and the expected duration or circumstances for re-commencement; or
 - (ii) permanent,
 - (e) detail arrangements for meeting any ongoing liabilities or environmental obligations –
 - (i) name of person or company to whom matters are to be referred;
 - (ii) name of primary contact person for the company;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address;
 - (f) be lodged by the licensee as soon as cessation of operations has been determined by the licensee and not more than seven days after the operations have ceased in any event;
 - (g) include a plan showing the contours of the excavation carried out to the date of that application;
 - (h) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 3.2(2)(b) and (c);
 - (i) any other things referred to in clauses 3.2 and 4.2.
 - (j) include any information that the local government may reasonably require; and
 - (k) be signed by the licensee.
- (2) Upon notice of cessation of operations, the local government shall –
- (a) acknowledge the notice of cessation of operations; and
 - (b) confirm the acceptability or otherwise of the arrangements for the cessation of operations.

6.2 Cessation of operations – permanent

- (1) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies, the licence is deemed to have expired on the date such cessation is so notified.
- (2) The permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

6.3 Cessation of operation – temporary

- (1) Where a licensee has given written notice of temporary cessation of operations, then on or before the annual licence date each year, the licensee shall –
 - (a) confirm to the local government the matters in subclauses 6.1(1)(d) and (e); and
 - (b) provide a certificate of currency in the name of the licensee of the current public liability insurance policy required under clause 7.1.
- (2) For the duration of the cessation –
 - (a) contributions or payments agreed under subclauses 4.3(q) or (r) are suspended until such time as operations are resumed, but all other conditions and obligations remain in place; and
 - (b) the annual licence fee under clause 7.3 is suspended.
- (3) The licence granted under clause 4.2 shall remain valid for the term of the licence and shall not be extended by the duration of cessation of operations.
- (4) The temporary cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

6.4 Works to be carried out on cessation of operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 6.1 –

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
- (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is –
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical : horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
- (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in

- accordance with the rehabilitation and decommissioning program approved by the local government;
- (d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
 - (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
 - (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
 - (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART 7 - MISCELLANEOUS

7.1 Public liability

- (1) A licensee shall have at all times a current public liability insurance policy naming the local government and indemnifying the licensee and the local government for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation operations.
- (2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of policy renewal within 14 days of each policy renewal date.

7.2 Mines Safety and Inspection Act 1994 and Environmental Protection Act 1986

- (1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- (2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3 Annual licence fee

On or before 30 June in each year, a licensee must pay to the local government the set fee for the annual licence.

Note:

Fees and charges that apply under this local law are set by the council under Part 6 of the Local Government Act 1996 when making its annual budget.

7.4 Use of secured sum by the local government

- (1) If a licensee fails to pay any fees and charges or carry out or complete the restoration and reinstatement works required by the licence conditions either –
 - (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then; subject to the local government giving the licensee 14 days' notice of its intention to do so—
 - (i) the local government may carry out or cause to be carried out the required work or so much of that work as remains undone; and
 - (ii) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 3.7 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs or any outstanding fees and charges under this clause is not limited to the amount, if any, secured under clause 3.7.
- (4) For avoidance of doubt, the local government's powers under this clause are in addition to its other

enforcement powers under this local law.

PART 8 - NOTICES

8.1 Notice to remedy non-compliance

Where anything is required to be done or not permitted to be done by this local law, an authorised person may give the licensee a notice in writing requiring the licensee to comply with the requirements of this local law.

8.2 Notice requirements

A notice given must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken; and
- (c) the time within which the work or action is to be undertaken.

8.3 Local government may undertake requirements of notice

If a person fails to comply with a notice referred to in clause 8.1, the local government may –

- (a) do the thing specified in the notice;
- (a) take whatever remedial action it considers appropriate and which would have been if the breach or failure had not occurred; and
- (b) recover all costs from the licensee, as a debt.

8.4 Offence to fail to comply with notice

A person who fails to comply with a notice given under this local law commits an offence.

PART 9 - OBJECTIONS AND REVIEW

9.1 Objection and review rights

- (1) The provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply when the local government makes a decision as to whether it will –
 - (a) grant a person a licence under this local law; or
 - (b) renew, vary, or cancel a licence that a person has under this local law.
- (2) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3 of the *Local Government Act 1995*.

PART 10 - OFFENCES AND PENALTIES

10.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

10.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has continued.

10.3 Modified penalties

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

10.4 Forms

For the purposes of this local law –

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule – Prescribed offences

[clause.10.3]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1(a)	Carry on an extractive industry without a valid and current licence	500
2	2.1(b)	Carry on an extractive industry not in accordance with conditions of licence	500
3	4.5(1)	Failure to comply with notice regarding transport of materials	500
4	5.1(a)	Failure to securely fence or keep gateways locked	500
5	5.1(b)	Failure to comply with boundary signage requirements	500
6	5.1(c)	Failure to provide adequate drainage	500
7	5.1(d)	Failure to restore and reinstate site in accordance with approved plan	500
8	5.1(e)	Failure to control dust, noise, vibration and other nuisances	500
9	5.1(f)	Failure to comply with conditions of licence	500
10	5.2(a)	Excavate within 500 metres of a residence without approval	500
11	5.2(b)	Excavate within 50 metres of a bore, watercourse, wetland swamp or other water reserve without approval	500
12	5.2(c)	Excavate within 50 metres of a thoroughfare without approval	500
13	5.2(d)	Excavate within 20 metres of the boundary of any land on which the excavation is situated without approval	500
14	5.2(e)	Excavate within 20 metres of land affected by a registered grant of easement without approval	500
15	5.2(f)	Excavate within 2 metres of estimated maximum groundwater level without approval	500
16	5.3(a)	Removal of trees or shrubs within 40 metres of any boundary with a thoroughfare reserve without approval	500
17	5.3(b)	Store or permit to be stored explosives or explosive devices without approval	500
18	5.3(c)	Fill or excavate other than in accordance with the conditions of licence	500
19	5.4(1)(a)	Carry out or permit to be carried out blasting without approval	500
20	5.4(1)(b)	Carry out or permit to be carried out blasting outside the hours approved by the local government	500
21	5.4(1)(d)	Failure to comply with conditions relating to blasting imposed by the local government	500
22	5.4(2)	Carry out or permit to be carried out blasting on a Saturday, Sunday or public holiday without approval	500
23	6.1(1)	Failure to provide notice of cessation of operations	500

24	6.3(1)	Failure to provide annual confirmation of details during period of temporary cessation of operations	500
25	6.4	Failure to undertake restoration and reinstatement as required on cessation of operations	500
26	8.4	Failure to comply with requirements of notice	500
27	10.1	Other offences not specified	500

Dated dd mm 2023

The Common Seal of the Shire of Boddington was affixed by authority of a resolution of Council in the presence of –

Cr G VENTRIS, President

J BURTON, Chief Executive Officer

DRAFT

9.1.3 Council Representation | Lions Weir Revitalisation Reference Group

File Reference:	3.000614
Applicant:	Not Applicable
Disclosure of Interest:	Nil
Author:	Executive Manager Planning & Development
Attachments:	9.1.3A Draft Terms of Reference

Summary

Council is requested to nominate two Council representatives on the Lions Weir Project Reference Group.

Background

A key project identified in the Council Plan 2022 is 4.2.1 “Facilitate the rehabilitation of the Lions Weir, including silt removal within the river to allow recreational use.” The first stage of this project involves undertaking a masterplan to define the scope and aims of the project.

Given the Shires commitment to strong levels of community engagement, and with consideration to the level of community impact this project will have, a project reference group is proposed to be formed to ensure a community led approach. The Project Reference Group is anticipated to provide local knowledge and input relevant to the rehabilitation project throughout the master planning process.

Comment

The Project Reference Group will have no decision making powers, but will be utilised to identify ideas, themes and concepts for the planning of the Lions Weir rehabilitation project.

The role of the Project Reference Group is to represent the diverse demographics of the Shire of Boddington. Through this group members are able to offer their views, identify issues and contribute to the project’s success by:

- Actively engaging with the project, using the mechanisms established, to ensure their views are fully understood;
- Review and evaluate proposed project deliverables and options that may be presented to them;
- Respectfully express opinions and ask questions; and
- Provide direction to shape the project plan, objectives & scope.

It is likely that this Group will meet regularly throughout November 2022 – February 2023.

Council representation is important to provide a consistent conduit of information between the Group and Council. The nominated representatives will assist to provide full Council with context and information when final decisions are made on the project scope and objectives.

The draft Terms of Reference for the Group is contained in Attachment 9.1.3A.

Consultation

As a part of the project implementation, nominations for the Project Reference Group will be called for from the community.

Strategic Implications

Performance Area	Planet
Outcome 4	The natural environment is preserved for the benefit of current and future generations.
Objective 4.2	Responsibly manage and enhance waterways to enable appropriate recreational uses.
Action 4.2.1	Facilitate the rehabilitation of the Lions Weir, including silt removal within the river to allow recreational use.

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Economic Implications

Nil

Social Implications

It is anticipated that the Project Reference Group will provide a perspective from a liveability point of view, ensuring that the project provides increased amenity for the local community and visitors to Boddington.

Environmental Considerations

Responsible stewardship of the Shire's environmental assets is a key consideration for this project. There are strict environmental approvals that are required for works within the waterway. All approvals will be obtained prior to any works commencing. The scope and objectives of the project will determine which approvals and impacts are applicable and how they will be managed.

Risk Considerations

Risk Statement and Consequence	One of the key risks in this project is a lack of community engagement resulting in an outcome that is not supported by the community. Council representation on the RG will assist to ensure that the community priority for the Town Centre is realised.
Risk Rating (prior to treatment or control)	Low
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	No further actions proposed

Options

1. Determine not to have Councillor representation on the Project Reference Group
2. Determine to have a different number of Councillor representatives on the Project Reference Group

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **Nominates Cr _____ and Cr _____ to represent Council on the Lions Weir Rehabilitation Reference Group.**
2. **Endorse the draft Terms of Reference as contained in Attachment 9.1.3A.**



Terms of Reference

Lions Weir Project Reference Group

This Terms of Reference define the role of the Lions Weir Project Reference Group (RG) and provide a framework for its establishment and operation. All members of the RG will be required to agree to these Terms of Reference.

1. Purpose

The purpose of the RG is to ensure the perspectives of community stakeholders inform the project plan, objectives & scope development of the Lions Weir Rehabilitation project.

Establishment of a formal RG supports Council's goal of working collaboratively to build a community informed and engaged in its future.

Specific objectives of the RG are to:

- Actively engage with the broader community to draw out and bring to the RG ideas and feedback to inform the scope of the project;
- Work collaboratively and cooperatively as a member of the RG to achieve the best outcomes for the greatest proportion of the community;
- Obtain local input and knowledge for the development of the Lions Weir Rehabilitation Project from a range of diverse perspectives.

The establishment of the RG will enable the community to be directly involved in the development of the Lions Weir Rehabilitation project plan, objectives and scope. Feedback provided by the RG will assist Council in making decisions that respond to community concerns and aspirations and have the best overall outcomes for the community.

The RG does not have decision making powers. Decisions relating to the final rehabilitation of the Lions Weir are the responsibility of the Council.

2. Key Outcomes

The RG is anticipated to have input into:

- The scope of the project
- Identification of key issues and constraints
- Aboriginal & cultural heritage elements within the project site

3. Membership

Membership of the group will comprise:

- Up to two (2) Councillors who have nominated to participate in the reference group
- Up to two (2) community members who are representative of the key community and stakeholder groups who have an interest, or are impacted by the project.
- One (1) Local industry member (Newmont) who will be able to share knowledge of similar projects that have been undertaken within their operations.
- Up to two (2) Lions representatives who will represent the connection of the local Lions group with the Weir.
- One (1) representative from the Peel-Harvey Catchment Council who will bring a wide ranging understanding on waterways management to the project.
- One (1) Traditional Owner who will represent the perspective of first nation's people and their intrinsic connection to the Hotham River and the wider project site.

An Expression of Interest (EOI) process will be conducted to appoint community representatives. The EOI will be publically advertised, and key stakeholder groups will be informed to encourage a broad range of nominations through the EOI process.

Assessment of EOI applications will be managed by the Executive Manager Planning & Development. Where possible, key stakeholders will be selected to achieve a cross-section of age, gender and interests.

4. Chairperson

Meetings will be chaired by a Council representative.

5. Staff and Stakeholder Representation

Shire staff and other key stakeholders, may attend the meetings of the reference group as required, to provide updates or technical and professional advice.

6. Quorum

The quorum of this group shall be five and include at least one councillor, and one community representative.

7. Meeting Schedule

At the inaugural meeting of the RG, the Group will determine the meeting schedule and other considerations as relevant.

Meetings will be held at the Shire of Boddington Administration Office – 39 Bannister Road Boddington.

8. Meeting Practices and Procedures

- Meetings will last a maximum duration of 2 hours
- Members will be provided with a meeting agenda and any background documentation two days prior to the meeting. To support informed participation in meetings and maximise use of scheduled meeting times, members are expected to consider background documentation provided prior to the meeting
- Minutes of the meeting will be distributed to all members within two (2) weeks of each meeting being held.
- If a member is unable to attend they must submit their apologies.
- Should a member of the working group miss two (2) consecutive meetings without submitting a prior apology, their membership of the reference group will be subject to review.

9. Responsibilities of Members

All RG members are expected to:

- Act with honesty, good faith and integrity
- Abide by the Terms of Reference as set out in this document
- Actively participate in discussions
- Declare any actual or perceived conflicts of interest at the commencement of each meeting

- Represent the interests of their local community rather than individual interests or issues
- Maintain confidentiality of discussions within workshops
- Not use any information disclosed at workshops for personal purposes or gains for either themselves or others (including financial gains)
- Abide by the Council and Committee Members Code of Conduct as detailed at <https://www.boddington.wa.gov.au/council/our-council/code-of-conduct.aspx>
- Represent and communicate the views of the broader community they are representing.

Any material breach of the Responsibilities may result in immediate termination of membership on the RG.

10. Differing Views and Consensus

The aim of the RG is to represent a diversity of viewpoints. It is not a requirement, or anticipated, that consensus will always be reached among members on the topics discussed. Where members hold a range of perspectives on a topic, the differing viewpoints will be noted and taken into consideration.

11. Privacy

All RG members will be required to provide the Shire with contact details (email required) to allow for distribution of workshop notes and communication before, between and after workshops.

All RG members are free to discuss the outcomes of the workshops with other people, however the specific views and opinions of other RG members are confidential and not to be shared outside the RG.

12. Amendments

Amendments to the Terms of Reference must be authorised by the Executive Manager Planning & Development.

9.2. CHIEF EXECUTIVE OFFICER

9.2.1 Council Representation on the Bush Fire Advisory Committee

File Reference: 3.0035
Applicant: Not applicable
Disclosure of Interest: Nil
Author: Chief Executive Officer
Attachments: Nil

Summary

Council is requested to nominate a Shire of Boddington Council Representative to the Bush Fire Advisory Committee.

Background

The Bush Fire Advisory Committee (BFAC) was established pursuant to Section 67 of the Bush Fires Act 1954. Its role is to advise the Council on bushfire matters pertaining to bush fire prevention, preparedness and response within the Shire of Boddington. The Committee has no delegated powers and is an advisory Committee to Council only.

Currently, there is no Council representative appointed to this Committee.

Comment

Following appointment, each Council representative will be member of the Committee for a term ceasing at the date of the Local Government election in the year the Shire's Local Government elections are held. The next election will be held in October 2023, and therefore the elected Council representative will be appointed to the BFAC until that time.

Consultation

Nil

Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service

Legislative Implications

Bush Fires Act 1954

Section 67. Advisory committees

- 1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any

other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

- 2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- 3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - a) make rules for the guidance of the committee; and
 - b) accept the resignation in writing of, or remove, any member of the committee; and
 - c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- 4) A committee appointed under this section —
 - a) may from time to time meet and adjourn as the committee thinks fit;
 - b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Policy Implications

Nil

Financial Implications

Nil

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	Failure to appoint a local government representative would result in non-compliance with the Bush Fires Act 1954.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Compliance, Reputation
Risk Action Plan (controls or treatment proposed)	The appointment of a Council representative to the BFAC will mitigate the risk.

Options

1. Appoint one or more Councillors as the representatives on the Bushfire Advisory Committee.

Voting Requirements

Simple Majority

Officer Recommendation

That Council nominate Councillor _____ as the Shire of Boddington Representative on the Bushfire Advisory Committee and Councillor _____ as Proxy.

9.2.2 Proposal for Yarning Circle

File Reference:	3.000619
Applicant:	Nil
Disclosure of Interest:	Nil
Author:	Chief Executive Officer
Attachments:	9.2.2A Yarning Circle Proposal 9.2.2B Yarning Circle Cost Detail

Summary

Council is requested to support a proposal for a Yarning Circle to be constructed in the Boddington Foreshore Reserve.

Background

A proposal has been received (Attachment 9.2.2A) from local Boddington elder, Mr Greg Thorn, with support by Mr Terry Farrell, Founder of Nature Based Play Pty Ltd and Yarning Circles WA, for the development of a Yarning Circle in Boddington. This project proposal seeks to provide the community and visitors with a significant and easily accessible site within the townsite of Boddington, that serves as a place for Australia's First Nations People's culture, arts and ceremony.

A Yarning Circle is a space for truth telling, storytelling and education. The proposal's vision is for a community scale Yarning Circle to be built alongside the Hotham River within the Boddington Memorial Park site. This is planned to be a community participatory project, one developed and realised with the help, resources, and skill, of the Boddington community.

Comment

The site proposed for the Community Yarning Circle is alongside the Hotham River, adjacent to the free recreational vehicle (RV) Parking area, and close to the existing six season totem poles.

The site is of Aboriginal significance as its traditional use was a meeting place for Aboriginal people. The land is not currently used for any specific purpose, and forms a part of the passive recreational space alongside the river.

The community yarning circle would have its own creation, story, and form. One which reflects the rich and diverse history of this area and its people. If approved, it will create an ongoing living history for Indigenous culture, arts and ceremony, and provide educational opportunities for the general public. The Yarning Circle initiative is seen as a central point from which a series of cultural walk trails emanate, providing an ongoing project scope into the future.

The initial project steps include:

- Identify a suitable site (the subject of this report)
- Create a detailed plan with perspectives and a Bill of Materials
- Investigate and determine the community capacity to assist with the supply of materials, machinery and labour
- Seek out all funding opportunities
- Finalise the concept and present this to Council for approval



The proposal requires \$8,000 (ex GST) initially, to develop the detailed design documents. The detail of costs is included at Attachment 9.2.2B. It is proposed that the construction phase will be managed as a 'community project' in that a significant portion of the infrastructure is to be sourced from within the community itself. This is expected to ensure costs are kept to a manageable level.

The proponents are seeking Council's in principle approval for the use of the land adjacent to the RV area, as identified in Attachment 9.2.2A, to be used for the purpose of the Yarning Circle.

Consultation

The concept was presented to Councillors at a briefing session in October.

Strategic Implications

Aspiration	People
Outcome 3	An inclusive and supportive community
Objective 3.4	Showcase and celebrate diversity

Legislative Implications

Local Government Act 1995.

Section 6.8. Expenditure from municipal fund not included in annual budget

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - a) is incurred in a financial year before the adoption of the annual budget by the local government; or

- b) is authorised in advance by resolution*; or
 - c) is authorised in advance by the mayor or president in an emergency.
- * Absolute majority required.

Policy Implications

Nil

Financial Implications

Currently the space is maintained as a passive reserve, with minimal maintenance requirements. The Yarning Circle would be required to be maintained by the Shire following construction, and at the end of the asset life, components replaced. The exact financial allocation would be dependent on the ultimate concept developed.

The officer recommendation is to allocate \$8,000 to the project concept phase. The \$8,000 is proposed to be allocated from the \$50,000 income for administration and management services from the Cultural Centre project. This \$50,000 has not yet been recognised in the current Budget, and therefore is available for allocation.

Economic Implications

A yarning circle has positive economic implications as it will provide an additional education based attraction for visitors. The Yarning Circle has potential to grow into a wider cultural trails based experience, which may also lead to business opportunities for First Nations people.

One of the aims of the project is to employ Indigenous artists in the creation and activation of the space.

Social Implications

A Yarning Circle is an important mechanism in Aboriginal and Torres Strait Islander Culture. It provides a safe space whereby individuals can share their knowledge, culture, insights, and opinions without any judgement.

Yarning Circles are known for being a place to talk, share, discuss, educate and have a yarn together, as well as being a place to build respectful relationships, and a space to enrich lives through educational experiences. This projects seeks to gift the community of Boddington and its many visitors with an intentionally made community space that can be used for storytelling, and the celebration of the First Nations People’s culture, ceremony and arts.

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	The Yarning Circle is proposed as a community participatory project, resulting in risks such as project governance and community engagement.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational

Risk Action Plan (controls or treatment proposed)	Funding is recommended for approval subject to a project management plan being prepared to ensure to ensure risks are appropriately managed.
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Options

1. Determine that the land proposed is not suitable for the purpose stated, and either not support the proposal or determine other land is more suited.
2. Approve any amount (or nil) of funding for the concept planning phase.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

- 1. Provide in-principle support for the portion of land noted in Attachment 9.2.2A, being utilised for a Yarning Circle, subject to future Council endorsement of a Concept Plan.**
- 2. Support the project through the allocation of \$8,000 (ex GST) in the 2022/23 Budget, to Yarning Circles WA / Nature Based Play, to fund the development of a Concept Plan, subject to a Project Plan being prepared to the satisfaction of the Shire Administration.**



BODDINGTON YARNING CIRCLE
A community project proposal

This project proposal is an initiative of local Boddington elder Greg Thorn. The project seeks to provide the community of Boddington and its visitors with a significant and easily accessible site within the townsite of Boddington that serves as a place for our First Nations People's culture, arts and ceremony. It also will serve as a place of truth telling, storytelling and education. The proposal's vision is for a community scale Yarning Circle to be built alongside the Hotham River within the Boddington Memorial Park site.

Greg Thorn's vision is for this to be a community participatory project, one developed and realized with the help, resources and skill of the Boddington community.

Terry Farrell, Founder of Nature Based Play Pty Ltd and Yarning Circles WA, who, alongside his wife, owns a bush reserve block in Boddington, has offered to assist Greg in the development and realization of the proposal.

The Proposal:

Boddington sits within the Gnaala-Karla Booja of the greater Noongar Boodja lands of the south-west of Western Australia.

The site selected for the Community Yarning Circle is alongside the Hotham River within the Memorial Park and nearby the existing six season totem poles. (refer to attached site plan)

The site is of Aboriginal significance as its traditional use was a meeting place for Aboriginal people. The community yarning circle will have its own creation story and form, one which reflects the rich and diverse history of this place and its people. It will create an ongoing living history for our Indigenous culture, arts and ceremony. It will also provide educational opportunities for the general public.

In order to develop this project further we will need to undertake the following:

- Identify the site as suitable for this proposed use and seek Council support.
- Create a detailed plan with perspectives and a Bill of quantities
- Investigate and determine the community capacity to assist with the supply of materials, machinery and labour.
- Seek out all funding opportunities.
- Finalise the concept and present to Council for approval

To progress this proposal, we seek funding assistance from interested parties to help us raise \$8,000 + gst. The funds will be used to develop the detailed design documents.

(to register your interest or ask questions contact Terry Farrell)
 E: terry@naturebasedplay.com.au or M: 0412 911562)



LOCATION PLAN WITHIN THE TOWN SITE



LOCATION PLAN WITHIN THE MEMORIAL PARK SITE



Yarning Circles WA
11 Fendam Street
Waikiki, WA 6169

yarning circles wa

Re: BODDINGTON YARNING CIRCLE

Attention: Julie Burton
CEO, Shire of Boddington
39 Bannister Road Boddington, WA 6390
E: ceo@Boddington.wa.gov.au

Dear Julie

Yarning Circles WA and Nature Based Play will be auspicing the project in terms of governance requirements, engagement and payment of consultants, project management, insurances and document deliverables.

This document outlines our proposed expenditure and deliverables as requested.

If you have any further queries, please don't hesitate to get in touch. I look forward to your response.

Kind regards,
Terry Farrell
Architect/Founder
Yarning Circles WA
Nature Based Play



Yarning Circles WA
11 Fendam Street
Waikiki, WA 6169

yarning circles wa

Boddington Yarning Circle

Concept design fee proposal. Amount: \$8,800.00 (gst inclusive)

A BREAKDOWN OF DELIVERABLES AND TASKS WITHIN THE FEE.

- SITE ASSESSMENT AND BASIC DESIGN LAYOUT. (BASED ON INDIGENOUS CONSULTATION)
- RESEARCH OF INDIGENOUS CONNECTION TO PLACE
- RESEARCH OF OTHER EXAMPLES WITHIN THE NOONGAR BOODJA
- NOTATION OF OTHER RELEVANT HERITAGE SITES OF SIGNIFICANCE
- TOTEMIC AND ARTISTIC STORYBOARD CREATION. (FOR USE IN THE CARVINGS AND ARTWORKS)
- INTERPRETATIVE STORYBOARD POSSIBILITIES.
- CREATION OF THE DRAFT CONCEPT PLAN; BILL OF QUANTITIES
- PRESENTATION OF THE DRAFT CONCPET TO COUNCIL FOR FEEDBACK.
- REFINEMENT OF CONCEPT AND DEVELOPMENT OF DETAILED DRAWINGS AS REQUIRED.
- RESEARCH THE COMMUNITY CAPACITY TO HELP REALISE THE PROJECT.
- BASED ON THE COMMUNITY CAPACITY; THE FINAL DETAILED DESIGN AND BILL OF QUANTITIES A CONSTRUCTION BUDGET AND CONSTRUCTION TIMELINE WILL BE ESTABLISHED.
- CREATE THE PRESENTATION DOCUMENT OF THE ABOVE WHICH CAN BE USED TO SEEK FUNDING.

A BREAKDOWN OF FINANCIAL DISTRIBUTION WITHIN THE FEE.

- INDIGENOUS CONSULATATION FEE. (A FEE FOR RELEASE OF ARTISTIC ELEMENTS WILL BE PAID FOR WITHIN THE CONSTRUCTION BUDGET) ALLOWANCE: \$5,450.00
- TERRY FARRELL: FOR DESIGN; CONSULTATION; RESEARCH AND THE PRODUCTION OF DOCUMENTS: ALLOWANCE: \$2,200.00
- OTHER
- TRAVEL COSTS; PRODUCTION AND MATERIAL COSTS; ALLOWANCE: \$1,150.00

9.2.3 Policy Amendment – Council Meeting Schedule

File Reference: 2.048
Applicant: Nil
Disclosure of Interest: Nil
Author: Chief Executive Officer
Attachments: 9.2.3A Council Meeting Schedule Policy

Summary

Council is requested to endorse amendments to the Council Meeting Schedule Policy.

Background

Council is required by the Local Government Act 1995 and Local Government (Administration) Regulations 1996 to publish on the Council website, before the beginning of the year in which they are to be held, the list of Ordinary Council meetings scheduled along with details of the time, date and location of the meetings.

Council adopted a policy in November 2021, which prescribes the dates and times for Ordinary Council Meetings. A policy is an efficient way to manage the legislative requirement.

Comment

This current meeting schedule for Ordinary Council Meetings is a regular monthly interval, on the third Thursday of each month, with no Ordinary Council Meeting in January of each year. The proposed Policy change amends this schedule as follows:

“Ordinary meetings of Council are to be held at 5:30pm on the fourth Thursday of each month, except for December, which shall be the third Thursday of the month. No meeting is to be held in January.”

Separate to the monthly meeting schedule, it is anticipated that Councillors will still meet on occasions to review or workshop individual matters. Special Council Meetings will also be utilised where necessary.

If approved, the new Council meeting schedule will take effect in February 2023.

Consultation

Nil

Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service

Legislative Implications

Local Government Act Section 5.3

(2) Ordinary meetings are to be held not more than 3 months apart

Local Government (Administration) Regulations 1996

12. Publication of meeting details (Act s. 5.25(1)(g))

- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
- (a) ordinary council meetings;
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

Policy Implications

The recommendation will result in a change to the Council Meeting Schedule Policy.

Financial Implications

Nil

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	Failure to adequately provide for community input into Council meetings is the key risk. No significant impact is anticipated, as the meetings will still be held on a Thursday, and the time for the meetings is not changing.
Risk Rating (prior to treatment or control)	Low
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	No further actions proposed

Options

1. Amend the Policy as presented.
2. Determine not to approve the changes, which will result in the current meeting schedule continuing.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council adopt the amended Council Meeting Schedule Policy as detailed in Attachment 9.2.3A.

Policy Title Council Meeting Schedule
Business Unit Governance
Responsible Officer Chief Executive Officer



Purpose

This Policy provides details on the schedule for Ordinary Meetings of Council.

Scope

This Policy applies to Ordinary Council Meetings.

Definitions

Policy: this Shire of Boddington Council Policy titled Council Meeting Schedule.

Policy Statement

Ordinary meetings of Council are to be held at 5:30pm on the ~~third~~ fourth Thursday of each month, except for December, which shall be the third Thursday of each month. ~~with a~~ No Ordinary Council meeting will to be held in January.

History	Adopted 25 November 2021 Reviewed
Delegation	Not Applicable
Relevant Legislation	<i>Local Government Act 1995, Local Government (Administration) Regulations 1996</i>
Related Documentation	Nil

9.2.4 Review of TV Re-transmission Tower Agreement Compensation

File Reference: 2.029
Applicant: Nil
Disclosure of Interest: Nil
Author: Chief Executive Officer
Attachments: 9.2.4A Agreement

Summary

Council is requested to endorse an increase to the fee payable in relation to a long standing agreement for the use of private land to host a television re-transmission tower.

Background

In 2002, the Shire of Boddington entered into an agreement with the property owner of Lot 696 Bannister Road Boddington, to establish and maintain television re-transmission equipment on the site known as Mt Pleasant. The Agreement was entered in to for an initial period of 20 years, with the Lessee having a continual option to renew, for periods of up to ten years at a time.

The initial payment for the agreement was \$1,040 per annum, which increased over time as follows:

Year	Amount
2002 - 2006	\$1,040
2007 - 2009	\$1,200
2010 - 2011	\$1,560
2012	\$1,602
2013	\$1,641
2014	\$1,687
2015	\$1,671
2016	\$1,650
2017 - 2021	\$1,700

No annual increase was incorporated into the formal Agreement, however, the compensation was to be “reviewed following each five year period”.

Comment

The current payment arrangement of \$1,700 has been in place since 2017, and in accordance with the five year review period, is now due to be reconsidered.

It is proposed that a price increase in line with the Consumer Price Index be applied, from 1 July 2017. The average annual inflation for the period 2017-2022 in Australia has been 2.7%. When applied to the \$1,700 payment as at 1 July 2017, a base increase of \$236 is applicable to 30 June 2022. The outcome of a CPI increase over the past five years equates to an annual lease fee of \$1,936.

It is therefore proposed that the outcome of the five year review of compensation is that an annual amount of \$1,936 be put in place, with a further review to be undertaken in 2027.

It is further proposed that approval is provided by Council to increase the compensation provided to the Lessor, at each five year review period, by the annual CPI (Perth) June % increase.

Consultation

Discussions have been held with the Lessor, confirming their agreement to continue the Agreement indefinitely.

Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

The impact of \$236 to the 2022/23 Budget is considered minimal.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	The inability to negotiate a lease with the property owners may result in disruption to the television signal for the community. The increase proposed is in-line with the Lessors expectations.
Risk Rating (prior to treatment or control)	Low
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	No further action proposed.

Options

1. Determine an alternative pricing structure for the Agreement.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

- 1. Endorse an increase to the annual lease fee from \$1,700 per year to \$1,936 per year, commencing in the 2022/23 financial year.**
- 2. Approve an annual increase of the Perth CPI (June), being applied to the lease fee at each five year pricing review period.**

AGREEMENT

This Agreement is made between **Roswald Desmond and Gwendoline Alice MATSEN**, (lessors) of Location 696 Bannister Road Boddington and the **Shire of Boddington** (lessee) of 39 Bannister Road Boddington. This agreement shall transfer to the lessors' successors should they vacate the property.

The lessors herewith permit the lessee to establish and maintain television retransmission equipment on the site known as Mt Pleasant for an initial period of twenty years from the date of the signing of this Agreement. The lessee shall have a continual option to renew for periods of up to ten years at a time.

Either party shall be able to terminate this Agreement by giving a minimum of six month's notice to the other party. The lessors agree that such notice shall not be given by them during the first ten years of this Agreement.

The lessors shall be compensated by the lessee for use of site by payment in August each year of One thousand and forty dollars (\$1,040.00) per annum, to be reviewed following each five year period.

In return for this compensation the lessors shall allow the following:

1. Access to and from the site by Council employees or agents, providing the occupiers of the property are given prior notice on each occasion.
2. Permission for Council to construct and maintain an access road to the site of the retransmission equipment.
3. Permission for Council to install a transportable hut, antennae, fencing and other ancillary equipment required to facilitate television retransmission.
4. Permission to maintain a ten metre area around the compound free of combustible material.
5. Permission for Western Power to connect power to the retransmission equipment via the most economical route.

The lessee shall be responsible for:

1. Removing all rubbish from the retransmission equipment site.
2. Maintaining the access road to the retransmission site.
3. Ensuring that the lessee's employees and agents leave all gates across the access road as they find them.
4. Insuring the retransmission equipment.
5. Maintaining public liability insurance for employees and agents accessing the retransmission site.

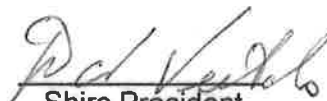
Signed this 24th day of May 2002.



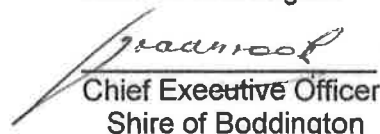
R.D. Matsen



G.A. Matsen



Shire President
Shire of Boddington



Chief Executive Officer
Shire of Boddington

9.3. CORPORATE SERVICES

9.3.1 Payment Listing

File Reference: 3.0070
Applicant: Not Applicable
Disclosure of Interest: Nil
Author: Finance Administration Officer
Attachments: 9.3.1A List of Payments ending 30 September 2022

Summary

The list of payments for 30 September 2022 is presented for noting by Council.

Background

Council has delegated the Chief Executive Officer the exercise of its power to make payments from the Shires municipal fund and the trust fund.

In exercising their authority, and in accordance with the Local Government (Financial Management) Regulation, it is a requirement to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to Council for the purposes of noting, in the following month.

Comment

The List of Payments have been made in accordance with Councils adopted budget, and statutory obligations.

Consultation

Nil

Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.2	Responsibly manage the Shire's finances, human resources and assets

Legislative Implications

Local Government (Financial Management) Regulations 1996 - Reg 13

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

Policy Implications

Nil

Financial Implications

As disclosed within the payment listing.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (prior to treatment or control)	Minor
Principal Risk Theme	Reputational / Compliance
Risk Action Plan (controls or treatment proposed)	Nil

Options

1. Council may choose to receive the list of payments reports as presented.
2. Council may choose not to receive the list of payment reports as presented.

Voting Requirements

Simple Majority

Officer Recommendation

That Council receive the list of payments for the period ending 30 September 2022 as presented.

ATTACHMENT 9.3.1A

SHIRE OF BODDINGTON - LIST OF PAYMENTS - SEPTEMBER 2022

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24255	23/09/2022	JASON MARK HOFFMAN	REFUND FOR RETURNED SWIPECARD	115.00
		TOTAL TRUST		115.00
EFT24214	02/09/2022	CROSSMAN HOT WATER & PLUMBING	DRAINAGE WORK AT THE ELC	2,057.00
EFT24215	02/09/2022	BODDINGTON CARPET CARE	CLEAN CHAIRS, CARPET & TILES AT THE MEDICAL CENTRE	1,590.00
EFT24216	02/09/2022	PACIFIC BRANDS WORKWEAR GROUP PTY LTD	STAFF UNIFORMS	367.12
EFT24217	02/09/2022	SAFETY & RESCUE EQUIPMENT	INSPECTION OF HEIGHT SAFETY EQUIPMENT	1,732.50
EFT24218	02/09/2022	DMC CLEANING CORPORATION PTY LTD	CLEANING SERVICES FOR JULY 2022	18,629.19
EFT24219	02/09/2022	VOLT AIR PTY LTD	VARIOUS ELECTRICAL WORK ACROSS THE SHIRE	7,753.90
EFT24220	02/09/2022	CORSIGN WA	STREET SIGNAGE	1,879.35
EFT24221	02/09/2022	DDAGROUP CORPORATE COMMUNICATIONS P/L	TOURISM SIGNAGE STRATEGY	18,766.00
EFT24222	02/09/2022	J & M REID EARTHMOVING PTY LTD	HIRE OF TRUCK, EXCAVATOR AND BOBCAT	781.00
EFT24223	02/09/2022	124 RUSTY CAMP BODDINGTON	CATERING SERVICES	201.00
EFT24224	02/09/2022	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	ANALYTICAL SERVICES 2022/2023	509.30
EFT24225	09/09/2022	TQUIP	REPAIRS TO TORO MOWER	1,117.10
EFT24226	09/09/2022	CROSSMAN HOT WATER & PLUMBING	PLUMBING WORK AT THE RUSTY CAMP CAFÉ	973.50
EFT24227	09/09/2022	PORTER CONSULTING ENGINEERS	ENGINEERING REVIEW AND DESIGN - FORREST ROAD	3,506.25
EFT24228	09/09/2022	BODDINGTON CARPET CARE	CLEANING OF CARPETS AT THE ELC	260.00
EFT24229	09/09/2022	COURIER AUSTRALIA TOLL IPEC	COURIER CHARGES	11.01
EFT24230	09/09/2022	NEWMONT BODDINGTON GOLD	RENT FOR 3 PRUSSIAN WAY	2,600.00
EFT24231	09/09/2022	ROBERT ALBERT MUNRO JONES	REIMBURSEMENT FOR CATERING SUPPLIES FOR DFES TRAINING COURSE	102.55
EFT24232	09/09/2022	BANNISTER EXCAVATIONS PTY LTD	HIRE OF EXCAVATOR AND GRAB	9,867.00
EFT24233	09/09/2022	VOLT AIR PTY LTD	INSTALLATION OF LIGHTS AT HOTHAM SKATE PARK	67,853.60
EFT24234	09/09/2022	ZIRCODATA PTY LTD	STORAGE FEES	91.22
EFT24235	09/09/2022	LG ASSIST ANZ PTY LTD	ADVERTISING - GOVERNANCE OFFICER	330.00
EFT24236	09/09/2022	PERTH OFFICE EQUIPMENT REPAIRS	REPAIRS TO KOBRA 300 & REXEL 500X SHREDDERS	628.10
EFT24237	09/09/2022	SURVEYING SOUTH	FEATURE & CONTOUR SURVEY WORK 21/22	7,700.00
EFT24238	09/09/2022	MURDOCK RECRUITMENT	RELIEF STAFF FOR THE ELC	2,603.65
EFT24239	09/09/2022	BODDINGTON MINI SKIPS	COLLECTION AND CLEANING OF TOWN BINS FOR AUGUST 2022	2,575.00
EFT24240	09/09/2022	INTEGRAL STEEL	REPAIRS TO ROAD BROOM	528.00
EFT24241	09/09/2022	TOTAL TOOLS MANDURAH	GREASE GUN AND BATTERY	902.00
EFT24242	09/09/2022	ONE DEGREE ADVISORY PTY LTD	COUNCILLOR WORKSHOP	5,579.20
EFT24243	09/09/2022	PROMPT SAFETY SOLUTIONS	QUARTERLY WHS SERVICE TOOLBOX MEETING	1,210.00
EFT24244	09/09/2022	MOBILE MACKA	REPAIRS TO SHOWER AT ICU 4/36 HOTHAM AVE	280.00
EFT24245	09/09/2022	PETE'S TREEWORX	TREE MAINTENANCE AT THE MEDICAL CENTRE & OLD SCHOOL	4,584.58
EFT24246	09/09/2022	SERVICES AUSTRALIA CHILD SUPPORT	PAYROLL DEDUCTIONS/CONTRIBUTIONS	376.30
EFT24247	09/09/2022	BEIJER REF AUSTRALIA	HOSHIZAKI ICE MACHINE	3,173.50
EFT24248	09/09/2022	BODDINGTON ARTS COUNCIL	BODDINGTON ART COUNCIL GRANT	1,000.00
EFT24249	09/09/2022	GREG DAY MOTORS	TOWING OF VEHICLE TO IMPOUND YARD	325.00
EFT24250	09/09/2022	DEPARTMENT OF FIRE & EMERGENCY	2022/2023 ESL PAYMENT	113,460.00
EFT24251	09/09/2022	ROSS MATSEN	TV TOWER LEASE FOR 6 MONTHS	850.00
EFT24252	09/09/2022	DESNIE EUGENE SMALBERGER	REIMBURSEMENT FOR EXPENSES SPENT FOR TIDY TOWNS EVENT	853.16
EFT24253	19/09/2022	AUSTRALIAN TAXATION OFFICE (BAS RETURNS)	BAS JULY 2022	36,106.00
EFT24254	20/09/2022	AUSTRALIAN TAXATION OFFICE (BAS RETURNS)	BAS AUGUST 2022	41,436.00
EFT24256	23/09/2022	TQUIP	MOWER BLADES	115.50
EFT24257	23/09/2022	AUSTRALIA POST ACCOUNTS RECEIVABLE	POSTAGE FOR AUGUST 2022	41.44
EFT24258	23/09/2022	OFFICEWORKS BUSINESS DIRECT	STATIONERY ITEMS	106.83
EFT24259	23/09/2022	WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY (LANDGATE)	RURAL UV INTERIM VALUATION	86.94
EFT24260	23/09/2022	BODDINGTON HARDWARE AND NEWSAGENCY	HARDWARE ITEMS FOR AUGUST 2022	5,202.50
EFT24261	23/09/2022	VOLT AIR PTY LTD	VARIOUS ELECTRICAL WORK ACROSS THE SHIRE	6,114.00
EFT24262	23/09/2022	MURDOCK RECRUITMENT	RELIEF STAFF FOR THE ELC	4,723.17
EFT24263	23/09/2022	RURAL AND REGIONAL ECONOMIC SOLUTIONS PTY LTD	CONSULTING SERVICES	322.66
EFT24264	23/09/2022	J & M REID EARTHMOVING PTY LTD	CLEANING OF DRAINS - VARIOUS LOCATIONS	22,596.75
EFT24265	23/09/2022	124 RUSTY CAMP BODDINGTON	CATERING SERVICES	400.00
EFT24266	23/09/2022	SERVICES AUSTRALIA CHILD SUPPORT	PAYROLL DEDUCTIONS/CONTRIBUTIONS	376.30
EFT24267	23/09/2022	ARROWES ROADING SAFETY PTY LTD	TWO REMOTE TRAFFIC LIGHTS	28,576.44
EFT24268	23/09/2022	GREG DAY MOTORS	FUEL FOR AUGUST 2022	10,797.21
EFT24269	30/09/2022	P & D SULLIVAN	TRANSPORTATION FOR LIMESTONE BLOCKS	1,232.00
EFT24270	30/09/2022	ARMADALE MOWER WORLD	REPAIRS TO MAGNUM BLOWER BACKPACK	407.30
EFT24271	30/09/2022	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA (WA)	STAFF TRAINING	760.00
EFT24272	30/09/2022	CROSSMAN HOT WATER & PLUMBING	PLUMBING WORK AT THE RECREATION CENTRE	2,599.30
EFT24273	30/09/2022	BODDINGTON TYRE SERVICE	TYRE REPAIR	45.00
EFT24274	30/09/2022	ABCO PRODUCTS PTY LTD	CLEANING PRODUCTS	434.45
EFT24275	30/09/2022	EDGE PLANNING & PROPERTY	PLANNING SERVICES FOR AUGUST 2022	2,514.18
EFT24276	30/09/2022	PORTER CONSULTING ENGINEERS	DETAILED DRAINAGE DESIGN	1,100.00
EFT24277	30/09/2022	SEEK LIMITED	ADVERTISING RANGER/EMERGENCY SERVICES OFFICER	649.00
EFT24278	30/09/2022	BODDINGTON CARPET CARE	CLEANING OF MATS AT THE ELC & U2/36 HOTHAM AVE	380.00
EFT24279	30/09/2022	COURIER AUSTRALIA TOLL IPEC	COURIER CHARGES	245.31
EFT24280	30/09/2022	HOWARD PORTER	TANDEM TAGALONG TRAILER	9,075.00
EFT24281	30/09/2022	STATE LIBRARY OF WESTERN AUSTRALIA	REFUND OF TECH AND DIGITAL INCLUSION GRANT 2021/2022	541.40

ATTACHMENT 9.3.1A

SHIRE OF BODDINGTON - LIST OF PAYMENTS - SEPTEMBER 2022

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24282	30/09/2022	SIGNCRAFT VISUAL MANDURAH	SIGNAGE	389.40
EFT24283	30/09/2022	SHERIDAN'S	STAFF NAME BADGE	42.85
EFT24284	30/09/2022	QUALITY PRESS	VEHICLE ID STICKERS AND PERMIT BOOKS	323.40
EFT24285	30/09/2022	SNALLOW PTY LTD T/A WALLIS COMPUTER SOLUTIONS	ANNUAL IT SERVICES CONTRACT	73,766.72
EFT24286	30/09/2022	DMC CLEANING CORPORATION PTY LTD	CLEANING SERVICES FOR AUGUST 2022	18,629.19
EFT24287	30/09/2022	NESSCO PRESSURE SYSTEMS	SERVICE ON AIRMAC COMPRESSOR	462.60
EFT24288	30/09/2022	VOLT AIR PTY LTD	INSTALLATION OF LIGHTS HOTHAM PARK	67,997.60
EFT24289	30/09/2022	BODDINGTON DIESEL SERVICES PTY LTD	SERVICE ON MASSEY FERGUSON TRACTOR BT013	2,483.64
EFT24290	30/09/2022	ACCESS LIFE	STRENGTH FOR LIFE COACH FEES FOR AUGUST 2022	360.00
EFT24291	30/09/2022	MM ELECTRICAL MANDURAH	LED PANEL - SHIRE ADMIN OFFICE	1,940.30
EFT24292	30/09/2022	DOMINIC CARBONE AND ASSOCIATES	CONSULTANCY SERVICES FOR AUGUST 2022	143.00
EFT24293	30/09/2022	CORSIGN WA	DISABLE PARKING AND SPEED SIGNAGE PLUS UNIT NUMBERING	838.75
EFT24294	30/09/2022	JOHN PHILLIPS CONSULTING	PROFESSIONAL SERVICES - CEO REVIEW	2,200.00
EFT24295	30/09/2022	BODDINGTON BASKETBALL ASSOCIATION	FUNDING TOWARDS SCOREBOARDS	1,500.00
EFT24296	30/09/2022	ORGANIC PRODUCTIONS/THE JARRAH CELTS BAND	HIRE OF PA FOR AUSTRALIA DAY SPEECHES	110.00
EFT24297	30/09/2022	MINING AG CIVIL HOSE & FITTINGS	REPAIRS TO CAT TRAXCAVATOR	4,142.96
EFT24298	30/09/2022	J & M REID EARTHMOVING PTY LTD	CLEANING OF DRAINS WITH EXCAVATOR	3,448.50
EFT24299	30/09/2022	124 RUSTY CAMP BODDINGTON	CATERING SERVICES	464.00
EFT24300	30/09/2022	JULIE BURTON	REIMBURSEMENT FOR ASSET TAGS	403.70
EFT24301	30/09/2022	BODDINGTON POST OFFICE & STORE	STATIONERY ITEMS FOR AUGUST 2022	214.32
EFT24302	30/09/2022	BODDINGTON SUPERMARKET PTY LTD	SHIRE PURCHASES FOR AUGUST 2022	876.79
EFT24303	30/09/2022	CARPET CALL WA	VINYL PLANK FOR IC UNITS	6,780.00
EFT24304	30/09/2022	AVON WASTE	RUBBISH SERVICES FOR AUGUST 2022	6,326.44
EFT24305	30/09/2022	BODDINGTON ARTS COUNCIL	SPONSORSHIP - LOCAL ARTIST ACQUISITION AWARD	1,000.00
EFT24306	30/09/2022	MOORE AUSTRALIA (WA) PTY LTD	2022 NUTS AND BOLTS WORKSHOP	1,045.00
EFT24307	30/09/2022	BODDINGTON DISTRICT HIGH SCHOOL	2022 COMMUNITY GRANT PROGRAM	1,320.00
EFT24308	30/09/2022	MAIN ROADS WA	LGA CONTRIBUTION FOR BRIDGE 3086 ON LOWER HOTHAM RD	107,799.85
EFT24309	30/09/2022	WILSONS SIGN SOLUTIONS	UPDATES TO HONOUR BOARD	66.00
EFT24310	30/09/2022	BODDINGTON COMMUNITY RESOURCE CENTRE INC	CONTRIBUTION TOWARDS FRIDAY NIGHT FESTIVAL & SATURDAY STREET PARADE 2022	11,000.00
EFT24311	30/09/2022	BODDINGTON SES	REIMBURSEMENT FOR THE SES	2,809.56
EFT24312	30/09/2022	SOILS AIN'T SOILS	TOP SOIL	780.00
DD15005.1	25/09/2022	EASIFLEET MANAGEMENT	LEASE PAYMENT 1HIZ195 CEO	2,384.98
DD15015.1	01/09/2022	WESTNET	INTERNET CHARGES MEDICAL CENTRE	39.95
DD15015.2	01/09/2022	NATIONAL AUSTRALIA BANK	NAB MERCHANT FEES	390.14
DD15015.3	01/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	564.95
DD15015.4	01/09/2022	SYNERGY	ELECTRICITY CHARGES CENTRAL PARK	75.27
DD15015.5	01/09/2022	WESTERN AUSTRALIAN TREASURY CORPORATION	PRINCIPAL & INTEREST - LOAN 100	12,031.87
DD15019.1	02/09/2022	PRINTSYNC BUSINESS SOLUTIONS	COPIER CHARGES RECEPTION	29.27
DD15019.2	02/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,644.75
DD15020.1	05/09/2022	WESTNET	INTERNET CHARGES - POOL	59.95
DD15020.2	05/09/2022	NATIONAL AUSTRALIA BANK	TRANSACT FEE	15.00
DD15020.3	05/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,328.15
DD15020.4	05/09/2022	SYNERGY	ELECTRICITY CHARGES - VARIOUS	3,224.51
DD15024.1	06/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,389.15
DD15024.2	06/09/2022	SYNERGY	ELECTRICITY CHARGES - VARIOUS	3,488.25
DD15024.3	06/09/2022	TELSTRA	MOBILE PHONE CHARGES - SHIRE	782.62
DD15025.1	07/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,763.15
DD15031.1	08/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,492.60
DD15032.1	09/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	776.80
DD15035.1	12/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,239.65
DD15035.2	12/09/2022	SYNERGY	ELECTRICITY CHARGES - SWIMMING POOL	167.68
DD15036.1	13/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	46.85
DD15036.2	13/09/2022	WESTERN AUSTRALIAN TREASURY CORPORATION	PRINCIPAL & INTEREST - LOAN 106	42,709.40
DD15038.1	14/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,175.25
DD15046.1	16/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	3,175.90
DD15049.1	15/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,718.60
DD15050.1	19/09/2022	WATER CORPORATION	WATER CHARGES - VARIOUS	4,763.91
DD15050.2	19/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	985.50
DD15050.3	19/09/2022	TELSTRA	PHONE CHARGES - SES LANDLINES	195.14
DD15052.1	20/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,385.30
DD15052.2	20/09/2022	SYNERGY	ELECTRICITY CHARGES - VARIOUS	1,233.98
DD15054.1	06/09/2022	PRECISION ADMINISTRATION SERVICES PTY	SUPERANNUATION CONTRIBUTIONS	16,569.03
DD15057.1	20/09/2022	PRECISION ADMINISTRATION SERVICES PTY	SUPERANNUATION CONTRIBUTIONS	16,834.11
DD15063.1	21/09/2022	BOC GASES BOC ACCOUNT PROCESSING	GAS CONTAINER FEES	32.74
DD15063.2	21/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,005.95
DD15063.3	21/09/2022	TELSTRA	PHONE CHARGES - EHO RESIDENCE	34.95
DD15066.1	24/09/2022	TELSTRA	ONLINE SMS ACCESS	60.00
DD15067.2	28/09/2022	MANDURAH SAFETY & TRAINING SERVICES	WORKING AT HEIGHTS TRAINING COURSE	620.00
DD15073.1	23/09/2022	WATER CORPORATION	WATER CHARGES - VARIOUS	9,064.72
DD15073.2	23/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	593.85
DD15073.3	23/09/2022	SYNERGY	ELECTRICITY CHARGES - VARIOUS	6,806.77
DD15074.1	27/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	218.30
DD15074.2	27/09/2022	SYNERGY	ELECTRICITY CHARGES - COMMUNITY HUB	253.90
DD15074.3	27/09/2022	TELSTRA	PHONE & INTERNET CHARGES - VARIOUS	917.90
DD15077.1	28/09/2022	WATER CORPORATION	WATER CHARGES - VARIOUS	5,263.17

ATTACHMENT 9.3.1A

SHIRE OF BODDINGTON - LIST OF PAYMENTS - SEPTEMBER 2022

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
DD15077.2	28/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	667.20
DD15077.3	28/09/2022	SYNERGY	ELECTRICITY CHARGES CROSSMAN FIRE SHED	178.13
DD15080.1	29/09/2022	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,423.50
DD15080.2	29/09/2022	SYNERGY	ELECTRICITY CHARGES - VARIOUS	1,844.10
DD15080.3	29/09/2022	EASIFLEET MANAGEMENT	LEASE PAYMENT 1HIZ195 CEO VEHICLE	2,384.98
DD	30/09/2022	NAB BUSINESS VISA	CREDIT CARD PURCHASES	3,679.60
				<u>946,987.75</u>
		JEFF ATKINS		
02/09/2022		BRIKMAKERS	LIMESTONE BLOCKS - RANFORD PLAYGROUND PROJECT	1,263.24
		ROY GRIEVE		
30/08/2022		BP DONNYBROOK	FUEL BT010	118.72
05/09/2022		EG GROUP/EATON FAIR	FUEL BT010	55.47
21/09/2022		BP DONNYBROOK	FUEL BT010	117.75
		CARA RYAN		
31/08/2022		SHIRE OF WANDERING	FUEL BT04	50.00
02/09/2022		PUMA ENERGY FORRESTDAL	FUEL BT04	108.26
08/09/2022		SPOTLIGHT	CURTAINS AND CURTAIN ROD FOR THE ELC	177.99
12/09/2022		COLES NARROGIN	PERSONAL EXPENSE REIMBURSED BY INVOICE 16190	55.55
12/09/2022		SPOTLIGHT	CURTAINS FOR THE ELC	-108.00
14/09/2022		SHIRE OF WANDERING	FUEL BT04	99.00
23/09/2022		SPOTLIGHT	CURTAINS FOR THE ELC	73.99
28/09/2022		GREG DAY MOTORS	FUEL BT04	117.28
		JULIE BURTON		
02/09/2022		CANVA	SUBSCRIPTION FEES	248.99
05/09/2022		DROP BOX	COUNCILLOR INFORMATION	18.69
05/09/2022		EXETEL PTY LTD	INTERNET PLAN	725.00
16/09/2022		ADOBE	ADOBE LICENSE	21.99
19/09/2022		TICKETS-WA TRAILS FORUM	WA TRAILS FORUM 2022 TICKETS	33.00
19/09/2022		ADOBE	ADOBE LICENSE	21.99
21/09/2022		124 RUSTY CAMP CAFÉ	REFRESHMENT FOR JUDGES - TIDY TOWN COMPETITION	5.00
21/09/2022		124 RUSTY CAMP CAFÉ	REFRESHMENT FOR JUDGES - TIDY TOWN COMPETITION	82.00
23/09/2022		SLIMLINE WAREHOUSE	DISPLAY BOARD FOR COMMUNITY ENGAGEMENT	357.13
28/09/2022		NAB CARD FEE	FEE	36.00
28/09/2022		NAB INTERNATIONAL TRANSACTION FEES	FEE	0.56
		PAYROLL PAYMENTS		
		NAB	NET PAYROLL F/N ENDING 04/09/2022	75,629.04
		NAB	NET PAYROLL F/N ENDING 18/09/2022	89,357.29
		TOTAL MUNI		<u>1,111,974.08</u>
		TOTAL TRUST & MUNI		<u>1,112,089.08</u>

9.3.2 Monthly Financial Statements

File Reference: 3.0056
Applicant: Not Applicable
Disclosure of Interest: Nil
Author: Executive Manager Corporate Services
Attachments: 9.3.2A Monthly Financial Report period end 30 September 2022

Summary

The Monthly Financial Report for September 2022 is presented for Councils consideration.

Background

In accordance with the Local Government Act 1995, a statement of financial activity must be presented at an Ordinary Meeting of Council. This is required to be presented within two months, after the end of the month, to which the statement relates.

The statement of financial activity is to report on the revenue and expenditure as set out in the annual budget for the month, including explanations of any variances. Regulation 34, from the Local Government (Financial Management) Regulations 1996 sets out the detail that is required to be included in the reports.

Comment

The attached monthly financial statements and supporting information have been compiled to meet compliance with the Local Government Act 1995 and associated Regulations.

Consultation

Nil

Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.2	Responsibly manage the Shire's finances, human resources and assets

Legislative Implications

Local Government Act 1995

Section 6.4 Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in

paragraphs (b) and (c);
(e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Policy Implications

Nil

Financial Implications

As disclosed in the financial statements.

Economic Implications

Timely submission of detailed monthly financial reports allows Council to monitor the financial performance of the Shire and review any adverse financial trends that may impact on the Shire's financial sustainability.

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (prior to treatment or control)	Minor
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (controls or treatment proposed)	Nil

Options

1. Council may choose to receive the monthly financial reports as presented.
2. Council may choose not to receive the monthly financial reports as presented.

Voting Requirements

Simple Majority

Officer Recommendation

That Council receive the financial statements as presented, for the period ending 30 September 2022.



MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)

For the Period Ended 30 September 2022

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

BASIS OF PREPARATION

BASIS OF PREPARATION

The financial report has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost. All right-of-use assets (other than vested improvements) under zero cost concessionary leases are measured at zero cost rather than at fair value. The exception is vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements.

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 11 October 2022

KEY TERMS AND DESCRIPTIONS**FOR THE PERIOD ENDED 30 SEPTEMBER 2022****NATURE OR TYPE DESCRIPTIONS****REVENUE****RATES**

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

EXPENSES**EMPLOYEE COSTS**

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

BY NATURE OR TYPE

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	2(c)	1,543,830	1,543,830	1,543,830	0	0%	
Revenue from operating activities							
Rates	5	6,125,764	6,125,013	6,124,764	(249)	(0%)	
Operating grants, subsidies and contributions	8	586,301	97,153	101,825	4,672	5%	
Fees and charges		1,494,206	605,664	554,361	(51,303)	(8%)	
Interest earnings		35,111	8,064	7,602	(462)	(6%)	
Other revenue		53,250	13,125	16,709	3,584	27%	
Profit on disposal of assets	6	14,700	3,675	176	(3,499)	(95%)	
		8,309,332	6,852,694	6,805,437	(47,257)		
Expenditure from operating activities							
Employee costs		(3,339,754)	(846,451)	(777,322)	69,129	8%	
Materials and contracts		(2,824,521)	(602,891)	(549,461)	53,430	9%	
Utility charges		(360,005)	(90,000)	(88,061)	1,939	2%	
Depreciation on non-current assets		(2,799,320)	(699,822)	0	699,822	100%	▲
Interest expenses		(67,819)	(12,681)	(12,681)	0	0%	
Insurance expenses		(212,345)	(103,522)	(110,578)	(7,056)	(7%)	
Other expenditure		(28,150)	(4,881)	(3,818)	1,063	22%	
Loss on disposal of assets	6	(10,790)	(2,697)	0	2,697	100%	
		(9,642,704)	(2,362,945)	(1,541,921)	821,024		
Non-cash amounts excluded from operating activities	2(a)	2,795,410	698,844	(176)	(699,020)	(100%)	▼
Amount attributable to operating activities		1,462,038	5,188,593	5,263,340	74,747		
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	8	1,891,613	0	97,943	97,943	0%	▲
Proceeds from disposal of assets	6	67,000	0	176	176	0%	
Payments for property, plant and equipment & infrastructure	6	(4,177,552)	(244,965)	(343,861)	(98,896)	(40%)	▼
		(2,218,939)	(244,965)	(245,742)	(777)		
Financing Activities							
Transfer from reserves	3	477,080	0	0	0	0%	
Repayment of debentures	7	(356,511)	(42,060)	(42,060)	(0)	(0%)	
Transfer to reserves	3	(915,260)	0	0	0	0%	
Amount attributable to financing activities		(794,691)	(42,060)	(42,060)	(0)		
Closing funding surplus / (deficit)	2(c)	(7,762)	6,445,398	6,519,368			

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 1 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

**NOTE 1
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2022-23 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing / Permanent	Explanation of Variances
	\$	%		
Revenue from operating activities				
Rates	(249)	(0%)		
Specified area rates	0	0%		
Operating grants, subsidies and cont	4,672	5%		
Fees and charges	(51,303)	(8%)		
Service charges	0	0%		
Interest earnings	(462)	(6%)		
Other revenue	3,584	27%		
Profit on disposal of assets	(3,499)	(95%)		
Expenditure from operating activities				
Employee costs	69,129	8%		
Materials and contracts	53,430	9%		
Utility charges	1,939	2%		
Depreciation on non-current assets	699,822	100%	▲ Timing	Depreciation will commence after 21/22 Audit is complete
Interest expenses	0	0%		
Insurance expenses	(7,056)	(7%)		
Other expenditure	1,063	22%		
Loss on disposal of assets	2,697	100%		
Non-cash amounts excluded from operating activities.	(699,020)	(100%)	▼ Timing	Depreciation
Investing activities				
Proceeds from non-operating grants & contributions	97,943	0%	▲ Permanent	Main Road Bridge Funding held in Contract Liabilities. Funding and expenditure not included in Budget.
Proceeds from disposal of assets	176	0%		
Payments for property, plant and equipment & infrastructure	(98,896)	(40%)	▼ Permanent	Main Road Bridge Program - Bridge 3806 Lower Hotham Rd - funds held in Contract Liabilities since 2018/2019. See corresponding funding variance.
Financing activities				
Transfer from reserves	0	0%		
Repayment of debentures	(0)	(0%)		
Transfer to reserves	0	0%		

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

**NOTE 2
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	5	(14,700)	(3,675)	(176)
Movement in pensioner deferred rates (non-current)		0	0	0
Add: Loss on asset disposals	5	10,790	2,697	0
Add: Depreciation on assets		2,799,320	699,822	0
Total non-cash items excluded from operating activities		2,795,410	698,844	(176)

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

		Last Year Closing 30 June 2022	This Time Last Year 30 September 2021	Year to Date 30 September 2022
Adjustments to net current assets				
Less: Reserves - restricted cash	2	(1,629,000)	(1,668,321)	(1,629,000)
Add: Borrowings	6	356,511	309,223	314,451
Add: Provisions - employee		0	0	0
Total adjustments to net current assets		(1,272,489)	(1,359,098)	(1,314,549)

(c) Net current assets used in the Statement of Financial Activity

Current assets

Cash and cash equivalents	2	6,093,413	3,994,399	5,720,030
Rates receivables	3	262,715	222,252	6,127,043
Receivables	3	160,699	170,037	112,501
Inventories		0	0	0
Other current assets	5	119,792	155,803	119,792

Less: Current liabilities

Payables		(323,396)	(206,965)	(236,041)
Borrowings	7	(356,511)	(309,223)	(314,451)
Contract liabilities		(2,885,730)	(1,596,684)	(3,440,295)
Provisions		(254,663)	(260,498)	(254,663)
Less: Total adjustments to net current assets	2(b)	(1,272,489)	(1,359,098)	(1,314,549)

Closing funding surplus / (deficit)

1,543,830 810,024 6,519,368

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022

OPERATING ACTIVITIES
NOTE 3
CASH AND FINANCIAL ASSETS

CASH AND INVESTMENTS

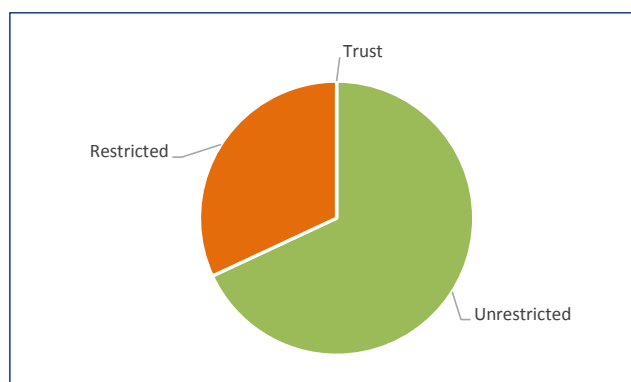
Description	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
Cash on hand							
Petty Cash & Floats	400	0	400			0.00%	On Hand
At Call Deposits							
Municipal Funds	3,892,759	0	3,892,759		NAB		At Call
Reserve Funds	0	1,629,000	1,629,000		NAB		At Call
Bonds & Deposits	0	94,154	94,154		NAB		At Call
Term Deposits & Overnight Cash Deposits							
OCDF Boddington Supertowns	0	103,718	103,718		Treasury	0.80%	Overnight
Reserve Funds	0	(0)	(0)				
Municipal Funds	0	0	0				
Total	3,893,159	1,826,871	5,720,030	0			

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.



Total Cash	Unrestricted
\$5.72 M	\$3.89 M

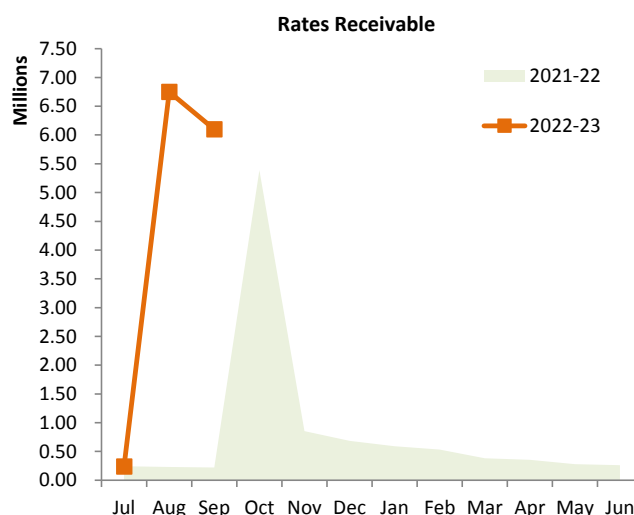
CASH BACKED RESERVES

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant Reserve	221,394	1,107	0	50,000	0	0	0	272,501	221,394
Building Reserve	97,221	486	0	200,000	0	0	0	297,707	97,221
Community Facility Fund	40,649	203	0	40,000	0	0	0	80,852	40,649
Refuse Site Reserve	39,510	198	0	40,000	0	0	0	79,708	39,510
Aged Housing Reserve	267,197	1,336	0	40,000	0	(100,000)	0	208,533	267,197
Swimming Pool Reserve	21,026	105	0	200,000	0	0	0	221,131	21,026
River Crossing Reserve	47,692	238	0	40,000	0	0	0	87,930	47,692
Prepaid Conditional Grants Reserve	199,759	0	0	0	0	0	0	199,759	199,759
Unspent Conditional Grants Reserve	377,080	0	0	0	0	(377,080)	0	0	377,080
Public Open Space Reserve	267,473	1,337	0	100,000	0	0	0	368,810	267,473
Town Weir Reserve	50,000	250	0	200,000	0	0	0	250,250	50,000
	1,629,001	5,260	0	910,000	0	(477,080)	0	2,067,181	1,629,001

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

**OPERATING ACTIVITIES
NOTE 4
RECEIVABLES**

Rates receivable	30 Jun 2022	30 Sep 2022
	\$	\$
Opening arrears previous years	253,668	262,715
RATES - levied this year	5,227,323	6,125,764
RUBBISH - levied this year	253,247	279,991
ESL - levied this year	107,448	111,135
TOTAL levied this year	5,588,018	6,516,890
Less - collections to date	(5,578,971)	(652,562)
Equals current outstanding	262,715	6,127,043
Net rates collectable	262,715	6,127,043
% Collected	95.5%	9.6%



Receivables - general	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Receivables - general	(30,396)	5,830	9,656	50,518	35,608
Percentage	-85.4%	16.4%	27.1%	141.9%	
Balance per trial balance					
Sundry receivable					35,608
GST receivable					55,087
Increase in Allowance for impairment of receivables from contracts with customers					(4,070)
Receivables for employee related provisions					23,926
Accrued Income					119,792
Loan Clay Target Club					1,950
Total receivables general outstanding					232,293

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

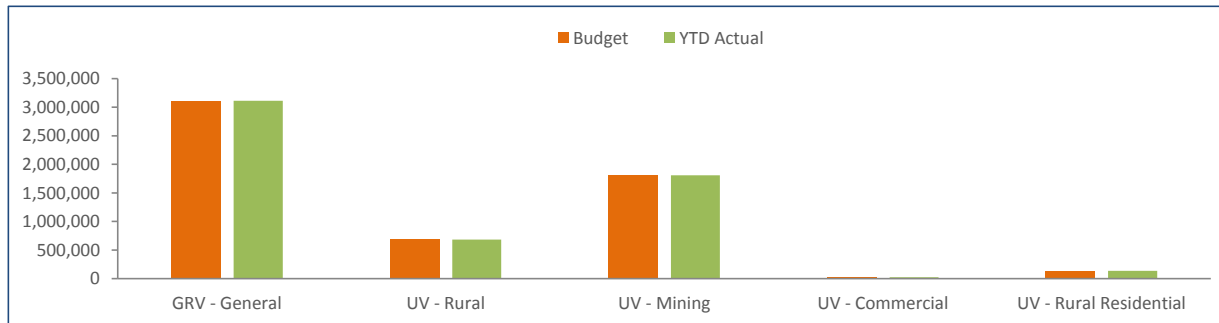
**OPERATING ACTIVITIES
NOTE 5
RATE REVENUE**

General rate revenue

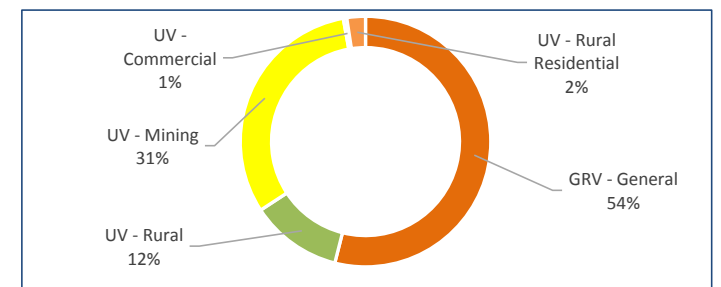
RATE TYPE	Budget						YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue \$	Interim Rate \$	Total Revenue \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$
Gross rental value										
GRV - General	0.111213	503	27,988,941	3,112,734	500	3,113,234	3,113,234	0	0	3,113,234
Unimproved value										
UV - Rural	0.006196	127	110,247,000	683,090	500	683,590	683,590	0	0	683,590
UV - Mining	0.035258	49	51,338,414	1,810,090	0	1,810,090	1,810,090	0	0	1,810,090
UV - Commercial	0.025432	2	1,013,000	25,763	0	25,763	25,763	0	0	25,763
UV - Rural Residential	0.010326	131	13,411,500	138,487	0	138,487	138,487	0	0	138,487
Sub-Total		812	203,998,855	5,770,164	1,000	5,771,164	5,771,164	0	0	5,771,164
Minimum payment	Minimum \$									
Gross rental value										
GRV - General	900	132	251,571	118,800	0	118,800	118,800	0	0	118,800
Unimproved value										
UV - Rural	900	98	10,666,000	88,200	0	88,200	88,200	0	0	88,200
UV - Mining	900	42	176,928	37,800	0	37,800	37,800	0	0	37,800
UV - Commercial	900	0	0	0	0	0	0	0	0	0
UV - Rural Residential	900	122	9,160,000	109,800	0	109,800	109,800	0	0	109,800
Sub-total		394	20,254,499	354,600	0	354,600	354,600	0	0	354,600
Amount from general rates						6,125,764				6,125,764

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.



General Rates	
Budget	Actual
\$6.13 M	\$6.13 M



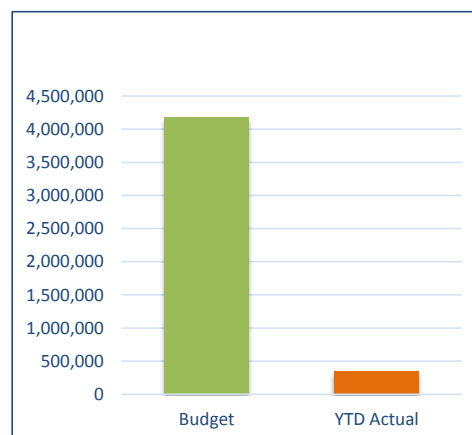
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022

INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS

Capital acquisitions	Amended		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Furniture and Equipment	141,668	2,900	2,885	(15)
Land and Buildings	523,894	6,165	6,164	(1)
Plant and Equipment	442,233	78,900	77,884	(1,016)
Road Infrastructure	1,354,717	7,000	105,000	98,000
Footpath Infrastructure	385,000	0	0	0
Drainage Bridges Culverts	110,000	0	0	0
Infrastructure - Parks, Gardens, Recreation Facilities	1,220,040	150,000	151,929	1,929
Total Capital Acquisitions	4,177,552	244,965	343,861	98,896
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	1,891,613	0	97,943	97,943
Borrowings	0	0	0	0
Other (disposals & C/Fwd)	67,000	0	176	176
Cash backed reserves				
Plant Reserve	0	0	0	0
Building Reserve	0	0	0	0
Community Facility Fund	0	0	0	0
Refuse Site Reserve	0	0	0	0
Aged Housing Reserve	100,000	0	0	0
Swimming Pool Reserve	0	0	0	0
River Crossing Reserve	0	0	0	0
Prepaid Conditional Grants Reserve	0	0	0	0
Unspent Conditional Grants Reserve	0	0	0	0
Public Open Space Reserve	0	0	0	0
Town Weir Reserve	0	0	0	0
Contribution - operations	2,118,939	244,965	245,742	777
Capital funding total	4,177,552	244,965	343,861	98,896

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$4.18 M	\$0.34 M	8%

Capital Grants	Annual Budget	YTD Actual	% Received
	\$1.89 M	\$0.1 M	5%

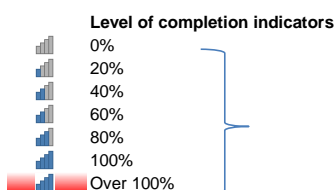
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022

INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS (CONTINUED)

Capital Disposals

Asset description	Amended Budget			YTD Actual		
	Net Book Value	Proceeds	Profit / (Loss)	Net Book Value	Proceeds	Profit / (Loss)
P17 - Road Broom Sewell	0	0	0	0	176	0
1971 Toyota Landcruiser	2,000	12,000	10,000	0	0	0
2017 Ford Ranger	10,300	15,000	4,700	0	0	0
2012 Isuzu Truck	16,045	10,000	(6,045)	0	0	0
Mitsubishi Fuso Truck	34,745	30,000	(4,745)	0	0	0
	63,090	67,000	3,910	0	176	0

Capital Acquisitions



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Account Description	Current Budget	YTD Budget	YTD Actual	Variance Under/(Over)
IT Equipment - New Server	25,000	0	0	0
Councillor Tablets	14,000	0	0	0
Printer Replacement	10,368	0	0	0
Laptop replacements	16,000	0	0	0
PC replacements (other)	11,000	0	0	0
IT replacements ELC (3iPads + iMac)	5,000	0	0	0
Ice Machine for Depot	5,300	2,900	2,885	15
CCTV Upgrades	15,000	0	0	0
Electronic Sign Board	35,000	0	0	0
Library Shelving	5,000	0	0	0
Total Furniture & Equipment	141,668	2,900	2,885	15
Building Asset Renewal Program	163,894	6,165	6,164	1
Upgrade Medical Centre Security	10,000	0	0	0
Upgrade to Pavilion to accommodate Gym	200,000	0	0	0
Crib Room for Depot	150,000	0	0	0
Total Land & Buildings	523,894	6,165	6,164	1
New Plant Float	50,158	45,000	45,034	(34)
Truck Modifications to Tow Plant Float	14,875	6,900	6,871	29
New Mower	51,200	0	0	0
Replace utility	30,000	0	0	0
Replace utility	39,000	0	0	0
4.5 Tonne Tipper	50,000	0	0	0
6 Tonne Truck	150,000	0	0	0
Slip on Unit for Ranger Vehicle	20,000	0	0	0
Remote Traffic Lights	27,000	27,000	25,979	1,021
Minor Equipment	10,000	0	0	0
Total Plant & Equipment	442,233	78,900	77,884	1,016
RTR - Johnstone St - Reseal	52,800	0	0	0
RTR - Hill St - Reseal	28,800	0	0	0
RTR - Hotham Ave - Reseal	19,800	0	0	0
RTR - George Street - Reseal	25,080	0	0	0
RTR - River Rd/Forrest St Intersection Upgrade	37,341	2,000	2,000	0
RRG - Crossman Rd - Surface treatment & Reseal	219,000	2,500	2,500	0
RRG - Harvey Quindanning Rd - improve geometry widen	555,000	2,500	2,500	0
RRG - Lower Hotham Rd (Carry over 2021/2022)	169,396	0	0	0
RRG - Lower Hotham Rd - Reseal, shoulders, drainage	247,500	0	0	0
Main Roads Bridge Program	0	0	98,000	(98,000)
Total Road Infrastructure	1,354,717	7,000	105,000	(98,000)

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022

INVESTING ACTIVITIES
NOTE 6
CAPITAL ACQUISITIONS (CONTINUED)

Capital Acquisitions (continued)

Account Description	Current Budget	YTD Budget	YTD Actual	Variance Under/(Over)
Footpath renewal program	100,000	0	0	0
Club Drive, Hadea Rd and Adam Street (east side)	65,000	0	0	0
Mountain Bike Trail	220,000	0	0	0
Total Footpath Infrastructure	385,000	0	0	0
Kerbing - Town Roads	10,000	0	0	0
Drainage Implementation	100,000	0	0	0
Total Drainage/Bridges & Culverts	110,000	0	0	0
Hotham Park - Lighting	180,000	125,000	123,370	1,630
Ranford Playground	46,248	0	1,580	(1,580)
Shade Over Hotham Park	100,000	0	0	0
Playground - Toddlers & Small Children	100,000	0	0	0
Bicycle Rack - Hotham Park	10,000	0	0	0
Playground - Early Learning Centre	70,000	0	0	0
Town Centre Master Plan	141,192	0	0	0
Regional Destination Signage	80,000	0	0	0
Upgrade Interpretive Centre	100,000	0	0	0
Community Club - Playground	118,600	25,000	25,000	0
Install Bore - Hotham Park	50,000	0	0	0
Resurface Bowling Green	141,000	0	0	0
Niche Wall	8,000	0	0	0
Ranford - Information Bay	50,000	0	247	(247)
Boddington Sign - Albany Hwy	10,000	0	1,732	(1,732)
Tennis Practice Wall	15,000	0	0	0
Total Other Infrastructure	1,220,040	150,000	151,929	(1,929)
Grand Total	4,177,552	244,965	343,861	(98,896)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022**

**FINANCING ACTIVITIES
NOTE 7
BORROWINGS**

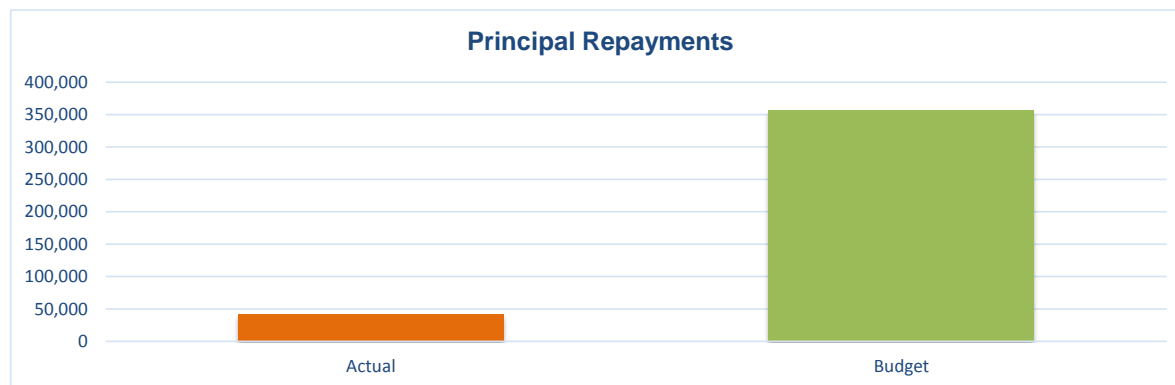
Repayments - borrowings

Information on borrowings Particulars	Loan No.	Interest %	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
				Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
				\$	\$	\$	\$	\$	\$	\$	\$
Governance											
Administration Centre	105	4.01%	292,375	0	0	0	142,705	292,375	149,670	0	10,206
Education and welfare											
Childcare Centre	100	6.42%	84,619	0	0	9,345	18,989	75,274	65,630	2,687	5,075
Housing											
3 Pecan Place	94	6.45%	164,128	0	0	0	16,256	164,128	147,872	0	10,328
34 Hill Street	97	6.45%	166,448	0	0	0	16,486	166,448	149,962	0	10,474
Recreation and culture											
Recreation Centre	106	3.36%	596,762	0	0	32,716	65,981	564,046	530,781	9,994	19,438
Recreation Centre	107	1.56%	812,235	0	0	0	96,094	812,235	716,141	0	12,298
Total			2,116,567	0	0	42,060	356,511	2,074,507	1,760,056	12,681	67,819
Current borrowings			356,511					314,451			
Non-current borrowings			1,760,056					1,760,056			
			2,116,567					2,074,507			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.



Principal Repayments

\$42,060

Interest Earned

\$7,602

Interest Expense

\$12,681

Reserves Balance

\$1,629,001

Loans Due

\$2,074,507

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2022

NOTE 8
GRANTS & CONTRIBUTIONS

Provider	Unspent grants, subsidies and contributions liability				Grants, subsidies & contribution revenue					
	Liability	Increase	Decrease	Liability	YTD	Adopted	Budget	Expected	YTD	
	1 Jul 22	in Liability	in Liability	30 Sep 22	Budget	Budget	Variations		Revenue	
	\$	\$	(As revenue)	\$	\$	\$	\$	\$	\$	
Operating grants, subsidies and contributions										
Governance										
Employee Contributions	0	0	0	0	0	0	0	0	0	0
General purpose funding										
Federal Assistance Grant - General Purpose	0	0	0	0	6,510	26,038	0	26,038	5,396	
Federal Assistance Grant - Local Roads				0	9,070	36,280	0	36,280	13,065	
Law, order, public safety										
DFES - Fire Brigade Operating Grant	0	0	0	0	14,118	56,470	0	56,470	15,948	
DFES - SES Operating Grant	0	0	0	0	7,613	30,450	0	30,450	7,613	
Abandoned Vehicles	0	0	0	0	126	500	0	500	0	
Education and welfare										
Newmont - Community Investment Funding	0	0	0	0	0	45,000	0	45,000	0	
Seniors - Living Stronger/Longer	0	0	0	0	624	2,500	0	2,500	464	
Youth Centre Grants	0	0	0	0	501	2,000	0	2,000	0	
Wheatbelt Suicide Prevention Project	0	0	0	0	0	5,000	0	5,000	0	
Recreation and culture										
South 32 - Events Contribution	0	0	0	0	0	25,000	0	25,000	0	
Mountain Bike Trail Funding	114,732	0	0	114,732	0	114,732	0	114,732	0	
Library Childrens Week Grant	0	0	0	0	0	0	0	0	0	
Better Beginnings Grant	0	0	0	0	0	0	0	0	0	
Thank a Volunteer	0	0	0	0	0	2,000	0	2,000	0	
Australia Day Grant	0	0	0	0	0	0	0	0	0	
Transport										
Main Roads - Direct Road Grant	0	0	0	0	58,091	58,091	0	58,091	59,341	
Road Safety Alliance	130,416	0	0	130,416	0	98,615	0	98,615	0	
Economic services										
Contributions Area Promotion & Tourism	0	0	0	0	501	2,000	0	2,000	0	
Caravan Park Funding	30,000	0	0	30,000	0	30,000	0	30,000	0	
South 32 Cultural Centre	2,000,000	0	0	2,000,000	0	50,000	0	50,000	0	
Visitor Centre Café - Contibution Shelving	0	0	0	0	0	1,625	0	1,625	0	
	2,275,148	0	0	2,275,148	97,153	586,301	0	586,301	101,825	
Non-operating contributions										
General purpose funding										
LRCI - Town Centre Master Plan	0	138,108	0	138,108	0	141,192	0	141,192	0	
LRCI - Shade over Hotham Park	0	75,000	0	75,000	0	100,000	0	100,000	0	
LRCI - Playground Toddlers & Small Children	0	75,000	0	75,000	0	100,000	0	100,000	0	
Community Amenities										
Hotham Park Lighting - South 32	40,000	0	0	40,000	0	40,000	0	40,000	0	
Hotham Park Lighting - Newmont	40,000	0	0	40,000	0	40,000	0	40,000	0	
Recreation and culture										
Community Gym	0	0	0	0	0	100,000	0	100,000	0	
Mountain Bike Funding	0	0	0	0	0	200,000	0	200,000	0	
Community Club - Playground	0	0	0	0	0	93,600	0	93,600	0	
Bowling Club - Resurface Bowling Green	0	0	0	0	0	94,000	0	94,000	0	
Peel Devt. Comm - Rail Trail Grant	13,414	0	0	13,414					0	
Transport										
LRCI Phase 2 - Footpaths & Lighting	0	0	0	0	0	0	0	0	0	
Roads to Recovery Funding	17,225	0	0	17,225	0	163,821	0	163,821	0	
Regional Road Group Funding	0	364,400	0	364,400	0	819,000	0	819,000	0	
Special Bridge Funding	499,943	0	(97,943)	402,000	0	0	0	0	97,943	
	610,582	652,508	(97,943)	1,165,147	0	1,891,613	0	1,891,613	97,943	
TOTALS	2,885,730	652,508	(97,943)	3,440,295	97,153	2,477,914	0	2,477,914	199,768	

9.4 COMMUNITY AND ECONOMIC DEVELOPMENT

Nil

9.5. WORKS AND SERVICES

Nil

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

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING

That in accordance with Section 5.23(2)(c) of the Local Government Act 1995 , which permits the meeting to be closed to the public for business relating to the following:- (c) as Council is about to deal with a contract entered into, or which may be entered into by the local government and which relates to a matter discussed at the meeting, Council proceeds behind closed doors.

12. CONFIDENTIAL ITEMS

12.1.1 Lot 89 Assay Terrace Boddington

File Reference: 2.017
Applicant: Nil
Disclosure of Interest: Nil
Author: Chief Executive Officer
Attachments: 12.1.1A Valuation Report

Endorse the recommendation in the Confidential Schedule Item 12.1.1 Lot 89 Assay Terrace Boddington.

Recommendation:

That Council returns from Behind Closed Doors (time).

13. CLOSURE OF MEETING