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MINUTES

**For The
Ordinary Council Meeting**

**Held On
Thursday 23 March 2023
At 5:30pm**

Council Chambers
39 Bannister Rd, Boddington

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1. DECLARATION OF OPENING

The Shire President, Councillor Garry Ventris, declared the meeting open at 5.30pm.

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today. I would also like to pay my respects to Elders past and present and emerging.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

2.1 Attendance

Cr Garry Ventris	Shire President
Cr E Smalberger	Deputy Shire President
Cr C Erasmus	
Cr L Lewis	(from 6.01pm)
Cr A Ryley	
Cr E Schreiber	
Cr I Webster	
Mrs Julie Burton	Chief Executive Officer
Mrs Cara Ryan	Executive Manager Corporate Services
Mr Jeff Atkins	Manager Works & Services

5 visitors

2.2 Apologies

Nil

2.3 Leave of Absence

Nil

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

COUNCIL RESOLUTION: 16/23

Moved: Cr I Webster

That the minutes of the Ordinary Council Meeting held on Thursday 23 February 2023 be confirmed as a true record of proceedings.

Seconded: Cr C Erasmus

Carried: 6/0

7. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

8. **RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES**

8.1 Minutes of Audit Committee

COUNCIL RESOLUTION: 17/23

Moved: Cr I Webster

That the minutes of the Audit Committee Meeting held on Thursday 23 February 2023 be confirmed as a true record of proceedings.

Seconded: Cr C Erasmus

Carried: 6/0

8.2 Audit Committee Meeting 23 February | Compliance Audit Return 2022

File Reference:	3.0043
Applicant:	Nil
Disclosure of Interest:	Nil
Author:	Chief Executive Officer
Attachments:	8.2.1A Compliance Audit Return 2022

Summary

The Department of Local Government, Sport and Cultural Industries require the Compliance Audit Return for the period 1 January 2022 to 31 December 2022 to be endorsed by the Audit Committee, prior to being considered by full Council.

Audit Committee Recommendation and Council Decision

COUNCIL RESOLUTION: 18/23

Moved: Cr C Erasmus

That Council adopt the 2022 Compliance Audit Return, included at Attachment 8.2.1A.

Seconded: Cr A Ryley

Carried: 6/0

9. **REPORTS OF OFFICERS**

9.1 DEVELOPMENT SERVICES

Nil

9.2 CHIEF EXECUTIVE OFFICER

9.2.1 Ordinary Council Elections

File Reference:	2.050
Applicant:	Not applicable
Disclosure of Interest:	Nil
Author:	Chief Executive Officer
Attachments:	9.2.1A Quotation from the WA Electoral Commission

Summary

The purpose of this report is to seek the approval of Council, in accordance with section 4.11 of the Local Government Act 1995, to conduct an election on 21 October 2023 as a postal election, and to appoint the Western Australian Electoral Commission (WAEC) to conduct the Election.

Background

The next local government ordinary elections are to be held on 21 October 2023. Council is required to determine the method for conducting the elections and who will be responsible for conducting the elections.

The Local Government Act 1995 (the Act) provides that a Council may decide whether or not to conduct a postal election or hold a voting in person election.

If a Council decides to conduct a postal election, the Electoral Commissioner must conduct the election. The current procedure required by the Act is that the written agreement of the Electoral Commissioner is required prior to the vote by Council being taken. To facilitate the process, the Electoral Commissioner has written to the Shire agreeing to be responsible for the conduct of the ordinary elections in 2023 for the Shire of Boddington in accordance with section 4.20(4) of the Act, together with any other elections or polls that may also be required.

Comment

Elections conducted by the WAEC utilises their resources and expertise in conducting elections and also ensures the impartiality and integrity of the election process. The WAEC has provided an estimated cost for conducting the 2023 election of \$16,364 excluding GST, which has been based on the following assumptions:

- 1,250 electors
- Response rate of approximately 55%
- Three (3) vacancies
- Count to be conducted at the offices of the Shire of Boddington
- Appointment of a local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the election packages

The Commission is required by the Local Government Act to conduct local government elections on a full cost recovery basis and the Commission have advised that this is an estimate only which may vary depending on a range of factors.

Costs not incorporated in this estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- The cost of any casual staff to assist the Returning Officer on election day or night
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

Ordinary elections have historically been held via a postal vote within Boddington, to encourage the highest level of response. While this is at a higher cost for the Shire than an in-person election, it is recommended that the ordinary election continues to be conducted via a postal vote, and any extraordinary elections be considered for an in-person election.

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

The provisions of the Local Government Act 1995, sections 4.20 and 4.61 relate and must be resolved at least 80 days prior to an election.

Policy Implications

Nil

Financial Implications

\$16,364 will be required to be allocated in the 2023/24 Budget for this purpose.

An additional budget allocation for count staff will also be included in the draft 2023/24 budget. The hourly rate for election count staff and supervisors is set by the Electoral Commission.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	The key risk is compliance with legislative requirements, as well as failure to receive a good voting response rate.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	No further actions proposed.

Options

1. Determine to conduct the election via postal vote
2. Determine to conduct an in-person election

Voting Requirements

Absolute Majority

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 19/23

Moved: Cr I Webster

That Council:

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 Ordinary Election together with any other elections or polls which may be required.**
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

Seconded: Cr A Ryley

Carried: 6/0

9.2.2 Town Centre Revitalisation Project | Initial Expenditure

File Reference:	3.000615
Applicant:	Not applicable
Disclosure of Interest:	Nil
Author:	Chief Executive Officer
Attachments:	9.2.2A Draft Concept Plan – Town Centre Revitalisation

Summary

Council is requested to endorse the priority items of expenditure to be progressed in 2022/23, in order to commence the first stage of the Town Centre Revitalisation project.

Background

The Town Centre Revitalisation planning has been a focus of the 2022/23 year, following its inclusion in the Council Plan that was adopted in August 2022. This project has taken the path of forming a community reference group, with Councillor representation, in order to achieve community led outcomes.

In 2022, Council endorsed \$141,192 to be submitted under the Local Roads and Community Infrastructure Program (LRCI) for funding for the first stage of the Town Centre Revitalisation Project. The full amount of \$141,192 was approved for the purposes of landscaping, street furniture, pathways, and tree planting.

The Town Centre Revitalisation concept planning is nearing completion, however, given that the LRCI funding is required to be spent by 30 June 2023, a decision is required on the initial components of expenditure in March. This decision will be taken prior to the draft concept plan being provided to the community for comment, and then endorsed by Council as a final iteration.

Comment

The Town Centre Revitalisation project has identified a significant number of opportunities that the Shire of Boddington may wish to progress in the short, medium and long term.

Discussions with the Reference Group have incorporated the broader concepts, as well as identifying the priority elements for the current financial year. The priority items that have been identified, that may be able to be delivered by 30 June 2023, include:

Item	Total Cost	Details
Street Bins	\$80,000	24 bins (12 general rubbish and 12 recycling) with imagery to attract repeat visitation and bring the attractiveness of the river foreshore to the main street.
Street Trees	\$110,000	An estimated 55 additional trees are proposed for this project. Advice is to purchase as mature trees as possible to buy time, and provide an immediate effect.
Street Furniture	\$TBD	The exact palette and style of street furniture is yet to be determined, however, this component of the project is considered to be an achievable outcome for the current financial year.

Removal of Old School fencing (Wuraming Ave and Bannister Road)	\$TBD	Removal of the fence along the Old School and replacement of the current fencing with a lower style, only in the section adjacent to the Oval (along Bannister Road).
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While the final Concept Plan has not yet been developed, a decision on the 2022/23 projects is needed in March 2023, to ensure adequate time is allowed for manufacturing and / or delivery by 30 June 2023.

It is proposed that the following components are funded if possible:

Item	Cost	Details
Street Bins 24 @ \$3,500each	\$84,000	24 bins (12 sets of 2 bins including general rubbish and recycling) with imagery to attract repeat visitation and bring the attractiveness of the river foreshore to the main street
Street Trees	\$57,192	The initial planting of trees is proposed for the section of Bannister Road, adjacent to the Boddington Old School, as this section currently has the least amount of greenery. Planting of trees, as well as linemarking that will occur in approximately 9 months, will allow an immediate impact to this section of the Town.
Fencing and / or street furniture	\$TBD	Any remaining funds may be spent on these items, or if the above items are not able to be achieved, the fencing and / or street furniture may replace either the bins or trees.

Should any of the above elements not be able to be achieved exactly as described, a combination of the 4 components is proposed, to be determined by the Chief Executive Officer in accordance with availability of supply.

The proposed components of Stage 1, as identified above, are considered relatively low risk in terms of possible amendments to the draft Concept Plan during the community consultation period.

Consultation

Consultation has occurred through four meetings of the Town Centre Revitalisation Reference Group, and two Council presentations.

Widespread community consultation on the draft Concepts will commence in March 2023.

Strategic Implications

Aspiration	Prosperity
Outcome 10	A thriving economy with good access to education and jobs for everyone
Objective 10.2	Revitalise and activate the central business district
Action 10.2.1	Develop a Boddington Town Centre Master Plan to activate and beautify the area.

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

The full amount of funding of \$141,192 is included in the 2022/23 Budget. No further allocation of funding is required to progress Stage 1 of the project.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	The key risks include not delivering Stage 1 by 30 June 2023, which will result in a loss of funding. A secondary risk is the inability to consult with the community for Stage 1 elements, due to the relevant time constraints.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	No further actions proposed

Options

1. Determine an alternative priority order for the projects
2. Determine alternative priority projects

Voting Requirements

Simple Majority

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 20/23

Moved: Cr A Ryley

That Council authorise any of the following components of Stage 1 of the Town Centre Revitalisation Project to be progressed in accordance with the draft Concept Plan and available resources in 2022/23:

- 1. Street Bins**
- 2. Street Trees**
- 3. Street Furniture**
- 4. Removal, and part replacement, of the fence at the Boddington Old School.**

Seconded: Cr E Smalberger

Carried: 6/0

9.2.3 Lease – Burnout Group

File Reference: 2.063
Applicant: Not Applicable
Disclosure of Interest: Nil
Author: Chief Executive Officer
Attachments: 9.2.3A Draft Lease

Summary

Council is requested to approve a lease with the Boddington Burnout Group for a portion of Lot 71 Robbins Road Boddington.

Background

The Boddington Burnout Group have been progressing plans for a facility in Boddington for a number of years. In December 2022, Council approved a Development Application for the use of a portion of Lot 71 Robbins Road Boddington, adjacent to the Boddington Tip, for the Groups activities.

The site is approximately 10 acres of freehold land, under the ownership of the Shire as shown in Figure 1 below. This allocation of land is not expected to impact the functioning of the Boddington Waste Facility for 20 years.



Figure 1

The Group is currently working through a number of conditions attached to the Development Approval, and are seeking a lease over the portion of land relevant to their proposal to enable ongoing access to the site to progress the development.

Comment

A lease has been drafted and is contained at Attachment 9.2.3A. The key elements of the lease include:

- The purpose being for a burnout track and associated activities
- Annual lease rental being \$1 per annum payable on demand
- The lease term commencing from 1 April 2023 and being for a term of 21 years
- A requirement to assess and remediate, as necessary, any contamination arising as a result of operations
- Obligations on the Lessee to environmentally manage the Site, including requirements in relation to the storage of fuels and oils, the tidiness of the Site and disposal of stormwater, in accordance with a detailed management plan for the site (yet to be provided)
- The lessee being responsible for all outgoings, including but not limited to, insurance and utilities
- The lessee obtaining and maintaining during the duration of the lease, public liability insurance in its name with respect to the land and the lease, of at least \$10m
- The lessee being required to ensure that the site, including access to the site, is adequately demarcated or fenced, and maintained during the duration of the lease, to the satisfaction of the Chief Executive Officer, within a period of 12 months from commencement of the lease.
- A requirement to comply with the conditions of Development Approval, Event Approval and all relevant legislation.

It should be noted that the granting of a Lease over the land does not provide immediate approval to operate. A number of conditions imposed by Council in relation to the Development Approval are yet to be met. Several of these are required prior to site works commencing.

Consultation

No specific consultation has occurred regarding the proposed lease.

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

Contaminated Sites Act 2003 (CS Act)

In Western Australia, contaminated sites are regulated by the Department of Water and Environmental Regulation (DWER) through the administration of the *CS Act* which provides the framework for the identification, recording, management and remediation of contaminated sites.

The *CS Act* includes the requirement for mandatory reporting of known and suspected contaminated sites to DWER by landowners, occupiers and polluters with all reported sites recorded on the contaminated sites register. Reported sites are classified by DWER, in consultation with the Department of Health, as one of seven classifications based upon the available information and risk they pose to human health and the environment. The *CS Act* includes provisions for investigation, monitoring and/or remediation of contaminated sites.

Investigating and cleaning up contaminated sites is, in most cases, the responsibility of the polluter or current site owner.

Local Government Act 1995

Section 3.58 of the Local Government Act 1995 requires the local government to dispose of property (inclusive of leasing interests) in accordance with this section. There is no requirement to seek a valuation nor advertise proposals, where the proposed lease is to community groups (whether incorporated or not), pursuant to section 3.58(5)(d) of the Act and Regulation 30 of the Local Government (Functions and General) Regulations 1996.

Policy Implications

The recommendation to lease the facility for 21 years is not consistent with the Council Policy – Leasing. The Council Policy outlines a 5 year lease with a 5 year option to be the standard term. The recommendation for a 21 year term is provided due to the fact that the site is undeveloped, and it is likely to take several years for the facility to be built. In addition, a longer term lease will enable to Group to have a higher chance of success for infrastructure funding.

Financial Implications

The lease is proposed at a fee of \$1 per year, payable on demand. All costs associated with the Burnout Group activities, development costs, and outgoings, including insurance, are to be met by the Group, and therefore, no financial impact is applicable.

Economic Implications

The proposed activities provide an alternative form of entertainment for visitors to the area, which supports the local economy.

Social Implications

The Club seeks to provide social benefit to the Shire through the provision of alternative recreational activity and community interaction. Noise emissions may impact on nearby occupiers that may cause social issues. This element is to be controlled through limiting the number of events and finalisation of the Noise Management Plan.

Environmental Considerations

Motorsport venues can pose environmental risks through:

- a) noise emissions;
- b) leaks or spills of chemicals or petroleum hydrocarbons from storage areas, accidents and crashes, mechanical servicing areas and on the race tracks;
- c) turbid or contaminated stormwater runoff;
- d) inappropriate containment or disposal of solid waste and wastewater from mechanical servicing and wash-down areas; and
- e) amenities for the congregation of large numbers of people.

The proposed activities may cause environmental contamination of the Site and as such, should be considered by the Shire in leasing a parcel of land under its responsibility for a use which if not controlled, has the potential to contaminate the land on which it occupies.

To safeguard against this potential eventuality, the draft lease contains a requirement that prior to the termination of the lease, an assessment is made of the Site to determine if any remediation is required as a consequence of the Groups activities.

Risk Considerations

Risk Statement and Consequence	Failure to provide an adequate lease that addresses the risks that motorsport facilities present, may expose the Shire to legal obligations that it is not able to control.
Risk Rating (prior to treatment or control)	High
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	No further actions are proposed, however, Council may wish to seek legal advice with regard to this lease prior to endorsing.

Options

1. Amend the terms of the draft Lease
2. Decline the Lease on the current terms.

Voting Requirements

Simple Majority

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 21/23

Moved: Cr C Erasmus

That Council approves the lease with the Boddington Burnout Group, for a portion of Lot 71 Robbins Road Boddington, in accordance with Attachment 9.2.3A.

Seconded: Cr E Schreiber

Carried: 6/0

9.2.4 Proposed Microsurfacing Works – Bannister Marradong Road

File Reference:	3.000639
Applicant:	Not applicable
Disclosure of Interest:	Nil
Author:	Chief Executive Officer
Attachments:	9.2.4A Microsurfacing Project Information

Summary

Council is requested to approve a commitment of funding in the 2023/24 Budget, to the microsurfacing of Bannister-Marradong Road, within the Boddington townsite.

Background

Main Roads WA (MRWA) have recently engaged with the Shire, to discuss resurfacing works being planned for the main street of Boddington in the 2023/24 financial year. Works are proposed to resurface the areas identified in Attachment 9.2.4A, in the date range of approximately November 2023 – February 2024.

Given the practicality of undertaking a full width resurface, from kerb to kerb (including carparking bays), Main Roads WA have offered to increase the scope of their tender, to include areas of Shire responsibility. Attachment 9.2.4A details the scope of the works and estimated cost to the Shire of Boddington. The resurfacing estimate for the Shire is \$24,480, excluding additional linemarking.

MRWA are responsible for the resurfacing of the through lanes and median strip, however, are no longer utilising red asphalt, and also have advised that they do not get involved in the resurfacing works for car parking areas alongside the through lane.

The works planned by MRWA as a part of this project, are to microsurface the through lanes and median. Linemarking will be reinstalled in the areas affected by the works, excluding car parks and other areas of Shire responsibility.

Main Roads WA are seeking confirmation of the following items prior to the end of March 2023 to enable finalisation of tender documents:

- Does the Shire seek the car parking areas along Bannister Marradong Road, to be included in the scope of works for resurfacing, noting a cost of approximately \$25,000
- Does the Shire approve the covering of the red asphalt median with microsurfacing as part of the MRWA project scope
- Does the Shire approve MRWA to resurface the information bay area, that is currently red asphalt
- Is the Shire supportive of the works to be carried out at night

Comment

Microsurfacing involves spraying a thin layer of bitumen emulsion with special additives and finely crushed stone on the existing pavement to replace some of the original qualities of the asphalt that are lost over time and form a protective seal on the road surface. This product extends the life of an existing road pavement by 8-10 years, and is significantly cheaper than traditional road resurfacing methods. MRWA are utilising this resurfacing method extensively throughout WA.

Given MRWA are no longer using red asphalt, the key considerations for this decision include:

- The central median strip (currently red asphalt) will be covered
- The parking bays alongside the through lanes (currently red asphalt) will be covered
- The information bay pull over area (currently red asphalt) will be covered
- \$25,000 will be required to fund the works in the 2023/24 budget to cover the Shire of Boddington's component of the cost
- An additional \$5,000 will be required to fund line marking works that are not the responsibility of MRWA

The other options available to Council include:

- Decline the offer from Main Roads WA, and leave the median strip, information bay and / or the parking bays as red asphalt. This will result in variations in the surface level, albeit efforts from contractors to blend in the height variations
- Decline the offer from Main Roads WA, and budget for red asphalt works to be undertaken in the 2023/24 for the areas that are currently this surface type. The cost of these works is estimated at \$200,000 - 250,000

Discussions have been held with the consultant undertaking the Town Centre Revitalisation Masterplan, and the view of that team is that the microsurfacing works are a good outcome from an aesthetic perspective. In terms of value for money, microsurfacing represents a better value proposition over the life of the asset.

Works are ordinarily undertaken at night to minimise issues with parking and the effects on local business. Works are expected to be complete over 3-4 nights, which will minimise disruption to businesses, and allow for a more efficient project. A noise management plan is also required to be submitted to MRWA by their contractor.

Consultation

Emerge Associates were asked to provide comment in relation to their involvement with the Town Centre Revitalisation Project.

Strategic Implications

Aspiration	Prosperity
Outcome 10	A thriving economy with good access to education and jobs for everyone
Objective 10.2	Revitalise and activate the central business district

Legislative Implications

Nil

Policy Implications

Nil

Financial Implications

Main Roads WA have estimate the cost of the Shire of Boddington component of the works to be \$24,480. This is an estimate only, and will be confirmed following a tender process. In addition to the microsurfacing, costs of line marking will need to be provided for. This is estimated to be \$5,000.

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	The key risks in relation to this item include; disruption to business during the works; uncertainly around exact cost of the Shire portion of works; community dissatisfaction with regard to not retaining the red asphalt surface.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational, financial
Risk Action Plan (controls or treatment proposed)	No further actions proposed

Options

1. Approve microsurfacing works for all surfaces
2. Determine some elements to be retained as red asphalt and others to be resurfaced using microsurfacing works
3. Determine that all current red asphalt areas are to be retained with no additional works to be carried out in the short to medium term
4. Determine that all current red asphalt areas are to be retained and budget for resurfacing works

Voting Requirements

Simple Majority

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 22/23

Moved: Cr I Webster

That Council:

1. Approves an amount of \$30,000 being allocated in the 2023/24 Budget for microsurfacing and linemarking works along Bannister Marradong Road, and notes that this amount is likely to be subject to a variation of +/- 10%
2. Advises Main Roads WA that the Shire of Boddingtons preferred option is for microsurfacing works to be carried out along the entire road surface, including the through lanes, median strip, parking bays and information bay.
3. Advises Main Roads WA that the preference is for the works to be undertaken at night.

Seconded: Cr E Smalberger

Carried: 6/0

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 28 February 2023

Summary

The list of payments for February 2023 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 Council's adopted budget, and statutory obligations.

Consultation

Nil

Strategic Implications

Nil

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 (2)
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 and Council Decision

COUNCIL RESOLUTION: 23/23

Moved: Cr C Erasmus

That Council receive the list of payments for the period ending 28 February 2023 as presented.

Seconded: Cr E Smalberger

Carried: 6/0

9.3.2 Monthly Financial Report

File Reference: 3.0056
Applicant: Not Applicable
Disclosure of Interest: Nil
Author: Executive Manager Corporate Services
Attachments: 9.3.2A Monthly Financial Report February 2023

Summary

The Monthly Financial Report for February 2023 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 and Council Decision

COUNCIL RESOLUTION: 24/23

Moved: Cr C Erasmus

That Council receive the financial statements as presented, for the period ending 28 February 2023.

Seconded: Cr I Webster

Carried: 6/0

9.3.3 Policy Manual Review

File Reference:	2.015
Applicant:	Not Applicable
Disclosure of Interest:	Nil
Author:	Executive Manager Corporate Services
Attachments:	9.3.3A - Table of Amendments 9.3.3B - Proposed Policy Manual – under separate cover

Summary

In accordance with section 2.7(2)(b) of the Local Government Act 1995, Council is to determine the local government policies. Council endorsement is sought for the 2023 review of the Policy Manual.

Background

The Shire of Boddington Policy Manual has been designed to serve as a guide for Council, employees, and the general public. It covers a wide range of topics to allow the community to be aware of Councils approach and reasoning for certain decision making. The Policy Manual has been developed to align with community values and aspirations, as expressed in the Council Plan 1 July 2022 to 30 June 2032.

The last time the Policy Manual underwent a full review was in 2017, with the adoption in November 2017. Since that time, new policies have been introduced and individual policies have been revised and updated. Although there is no requirement to review the policy manual in its entirety within a certain timeframe, it is good practice to review the policies regularly to ensure they remain relevant, current and understood.

The review of the Policy Manual also aligns with recommendations that were provided through the Regulation 17 Review conducted in mid 2022. This Review found that a number of policies were operational in nature, no longer relevant, or were already sufficiently addressed by existing legislation.

A comprehensive review of the current Policy Manual commenced in 2022. This review included two workshops, one for staff in December 2022, and the other with Councillors in February 2023. The final workshop with Council included a presentation of the recommended changes to the Policy Manual, with Councillors encouraged to make comments or suggest changes.

Comment

There are four main elements to this Policy Manual review:

- Remove – these are policies that have either been identified as operational in nature and are the responsibility of the Chief Executive Officer, or are unnecessary as they are already covered by legislation or contained in another policy.
- Minor Review – are policies that are sound therefore only requiring a minor review and the intent of the policy have remained unchanged.
- Major Review – these are policies identified as needing a major change, with only minor updates actioned at this review. These will be presented to Council individually over time.
- New – these are policies identified as needing to be implemented and will be presented to Council as they are developed.

Other minor amendments include:

- Updates to any regulatory references; and
- Standardised template implemented, with consistent headings being: 'Purpose', 'Scope', 'Definitions', 'Policy Statement' and a document control table inserted at the end of each Policy, detailing legislation, reference to other documents and history amendments.

Consultation

A workshop was conducted with staff and Councillors on the proposed Policy changes.

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 1995 – s2.7

Policy Implications

As contained within the Policy Manual review.

Financial Implications

Nil

Economic Implications

Nil

Social Implications

Nil

Environmental Considerations

Nil

Risk Considerations

Risk Statement and Consequence	There are certain policies that are required to be adopted by Council and by not doing so may result in non-compliance. It is also important that policy statements reflect the current position of Council ensuring appropriate decision making, ensuring consistency, equity and keeping with community expectations.
Risk Rating (prior to treatment or control)	Moderate

Principal Risk Theme	Reputational / Compliance
Risk Action Plan (controls or treatment proposed)	Nil

Options

1. Endorse the recommendation to adopt the Policy Manual as presented.
2. Choose not to endorse the recommendation to adopt the Policy Manual as presented.
3. Choose not to endorse components within the Policy Manual review.

Voting Requirements

Absolute Majority

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 25/23

Moved: Cr I Webster

That Council receives the review of the Shire of Boddington Policy Manual and adopts the Policy Manual as presented in Attachment 9.3.3B.

Seconded: Cr C Erasmus

Carried: 6/0

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

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 26/23

Moved: Cr I Webster

That Council approve Item 11.1 as Urgent Business to be introduced by a decision of the meeting.

Seconded: Cr C Erasmus

Carried: 6/0

Cr Lewis entered the meeting at 6.01pm

11.1 Road Closure Request | South32 Worsley Alumina

File Reference: 2.063
Applicant: South32 Worsley Alumina
Disclosure of Interest: Nil
Author: Chief Executive Officer
Attachments: 11.1A Request for Road Closures
11.2B Map of Proposed Road Closures
11.2C Map of Development and Transport Corridors

Summary

Council is requested to consider a request from South32 Worsley Alumina to close various roads within the Shire of Boddington for the purpose of continuing mining activities.

Background

In December 2022, Council considered a request from South32 Worsley Alumina (South32) to close Ashcroft Road to all traffic from 8 January 2022 to 8 January 2042, a period of 20 years. The Council resolution was:

That Council:

1. Advises South32 Worsley Alumina that the request to close the road from 8 January 2023 will not be considered, until a proposal outlining compensation and reinstatement activities, is received for all roads planned to be closed in relation to imminent mining activities.
2. Advises South 32 Worsley Alumina that consultation is required to be undertaken with the community and those potentially affected by the proposal in accordance with legislation.

Since December 2022, South32 representatives have met with Council and presented a proposal to address the road closure timing, outline the reinstatement actions, and associated compensation.

Comment

The roads proposed to be closed, as well as the associated timing are detailed in Attachment 11.1 A and 11.1B, and in summary are as follows:

- Ashcroft Road April 2023 – April 2038
- Stagbouer Road December 2023 – December 2038
- Morts Road April 2023 – December 2025
- Siding Road December 2023 – July 2038
- Rogers Bend Permanent Closure from July 2023

When considering an application for a long term road closure, Council should take into account:

- whether the road reserve is actually unused, and whether future planning (land use or strategic projects) for the area may necessitate the retention of the road reserve
- the views of adjoining owners and whether or not they support the proposal
- the concerns of various service authorities who may have infrastructure contained within the road reserve
- any submissions for or against the proposal lodged in response to advertising
- the reason for the request to close the road reserve
- whether the road reserve closure is detrimental to traffic movement or safety
- any other relevant matters

There are a number of matters relevant to this proposal, including:

- restriction on access to the Tullis Bridge precinct via Morts Road
- the community's ability to traverse throughout the Shire in a manner they have been accustomed to
- a fewer number of emergency exit options via road
- the difficulty to guarantee road re-opening dates

South32 have provided a proposal which addresses the majority of concerns that have been discussed to date. One of the key elements that remains to be addressed is the method of guaranteeing the reopening of Morts Road by December 2025. South32 have requested further time to consider how to best address this concern. There are a number of other minor items from an administrative point of view that are likely to require amendment prior to an agreement being recommended to Council for endorsement, however, it is considered reasonable that these amendments may be progressed concurrently with the consultation process.

A request for a road closure is not able to be determined until the statutory requirements under the Local Government Act are achieved. This includes the following:

- Consultation with service authorities such as gas providers, Telstra, Western Power and the Water Corporation, which must occur to determine whether there is any

objection to the road reserve closure, and if there are services (pipes and/or cables) located within the portion of road reserve being considered for closure.

- The requirement to advertise the proposed closure for public comment for a reasonable time. Advertising involves writing to all adjoining landowners to the road reserve requesting comments, and various other advertising to comply with the local public notice provisions of the Local Government Act. The advertising period allows residents to submit an objection to, or provide their support for the proposal.

It is proposed that Council approves the commencement of the consultation process, which will allow Council the option of determining the request at a future Council meeting. Following receipt of submissions, a report will be prepared for consideration.

Consultation

Significant consultation requirements are legislated under the Local Government Act, and will be progressed in accordance with the Council decision.

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 1995 – Section 3.50

Closing certain thoroughfares to vehicles

- 1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- 2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- 3) [deleted]
- 4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
 - a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
 - b) give written notice to each person who —
 - I. is prescribed for the purposes of this section; or
 - II. owns land that is prescribed for the purposes of this section; and
 - c) allow a reasonable time for submissions to be made and consider any submissions made.
- 5) The local government is to send to the Commissioner of Main Roads, appointed under the Main Roads Act 1930, a copy of the contents of the notice required by subsection (4)(a).

Policy Implications

Nil

Financial Implications

Closing a road without a detailed agreement regarding responsibilities, and obligations regarding cost, may give rise to significant financial implications into the future. This is particularly the case given this proposal to close roads includes a full decommissioning of the asset. South32 have committed to a reinstatement of the road network at the end of the closure period, which will minimise the financial risk to the Shire.

Economic Implications

The impact of the road closure to the Tullis Bridge precinct includes the lack of ability for both community and tourists to visit this reserve. Tullis Bridge and the associated railway trail is noted as a project of strategic importance to the community.

The road closure request is required by South32 to progress their mining operations. Delays in the approval process may cause a negative economic impact to both the operation and the community.

Social Implications

The impact regarding this road closure is yet to be determined, however, will be somewhat established through the public consultation.

Environmental Considerations

The extent of environment impacts such as verge side flora disturbance are not specified within the proposal. Mining expansion projects are required to be underpinned by a comprehensive approval process to the Environmental Protection Authority (EPA), and the clearing alongside the roads that are subject to closure is part of the area included in the EPA process.

Risk Considerations

Risk Statement and Consequence	The key risks in relation to this item are the financial impact of road reinstatement, economic impact, and a lack of community support for the closure.
Risk Rating (prior to treatment or control)	High
Principal Risk Theme	Financial, Reputational
Risk Action Plan (controls or treatment proposed)	The officer recommendation includes the requirement for an agreement to be endorsed prior to a final determination being made.

Options

1. Endorse the public notice period commencing.
2. Declining the request for a road closure.

Voting Requirements

Simple Majority

Officer Recommendation and Council Decision

COUNCIL RESOLUTION: 27/23

Moved: Cr I Webster

That Council:

- 1. Endorse the Chief Executive Officer to give public notice of the proposed road closures outlined in Attachment 11.1A, in accordance with Section 3.50 of the Local Government Act.**
- 2. Note that submissions will be presented to a future Council meeting for consideration.**
- 3. Advise the applicant that an agreement in relation to the road closures, is required to be endorsed by Council prior to this application being determined.**

Seconded: Cr C Erasmus

Carried: 7/0

12. CONFIDENTIAL ITEMS

Nil

13. CLOSURE OF MEETING

There being no further business, Cr Garry Ventris, Shire President, declared the meeting closed at 6.04pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting on 23 March 2023.

GARRY VENTRIS
(Shire President)