'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'

MINUTES

For The
Ordinary Meeting of Council
Held At

Thursday 16 July 2020

At 5:00pm

Council Chambers
39 Bannister Rd, Boddington

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1. DECLARATION OF OPENING:

Shire President Garry Ventris declared the meeting open at: 5:00pm.

'I acknowledge that this meeting is being held on the traditional lands of the Noongar people.'

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.2 Apologies

Nil.

2.1.1 Attendance

Cr G Ventris	Shire President
Cr E Schreiber	Deputy Shire President
Cr C Erasmus	
Cr J Hoffman	
Cr E Smalberger	
Mr G Stanley	Acting Chief Executive Officer
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Ms T Hodder	Executive Officer (minutes)

12 Visitors

2.1.3 Leave of Absence

Nil.

3. DISCLOSURE OF FINANCIAL INTEREST:

Nil.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil.

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Rod McSwain:
As this Council publicly stated on Thursday June 11 2020, that they "will be more consultative and proactive with the community", then for the benefit of the ratepayers who may wish to have access to feedback from, or input to, local and regional decisions, will the Council please advertise on which of the 15 or so committees each Councillor is representing them, as well as when the meetings are scheduled, so ratepayers have an appropriate time frame to approach the appropriate Councillor.

Shire President: Currently we have 5 councillors, including a recently elected councillor; therefore we are in the process of confirming the committees and there is an election pending. I will pass this to the Acting CEO.

Acting CEO: Council needs to fill a number of vacancies; however Council decided not to do any interim filling of positions until the election. We can publicise the calendar of current committees on the Bodd News and website.

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Rod McSwain: The minutes from previous council meeting are not quite correct. On page 6, the question I asked starting with 'Did you say....after 2018 I would like it reworded as per my handout I gave the minute taker last month.
P. 6 'If this council.....change from community to ratepayers.
P. 7 Neville Crilly's second question was responded to by Cr Smalberger. Should Cr Smalberger have declared a conflict of interest in answering that question?

Rod McSwain: Can the Shire President explain Differential Rating for the benefit of the gallery and those who read the council minutes?

Shire President: I will refer this to the Acting CEO.

Acting CEO: Differential Rating allows council to impose a different rate for a different land use. Currently, the Shire's Differential Rating, under UV rating, has different uses; one is mining, one is agriculture; and a special UV rate. This allows Council to charge a rate in the dollar more appropriate to the capacity to pay of the people who fall within that land use. The agricultural UV rate is reasonably low; the mining UV rate is higher. The GRV is based on the rental value of the property assessed by the Valuer General's office; there is a townsite GRV and a mining GRV. Previously there was just a general GRV rate.

When differential rates were brought in a higher Mining UV rate was charged and a lower Mining GRV rate was charged to try and achieve equity between what the miners were paying. The differential rating enables council to vary the rate of charges based on land usage; this can't be done on a property by property basis, but by a class of property.

Rod McSwain: May the gallery have a status of the current Differential Rating and how they are progressing? I understand we were waiting on a response from Newmont?

Acting CEO: We have received a response from Newmont. The rates will be set when the council budget is finalised. Council will discuss the proposed changes to Differential Rates for the coming year that were advertised. It was proposed to remove the differential rate on GRV which would result in a substantial increase in rates for Newmont. Newmont has given us a comprehensive submission and Council will consider this as part of what it does with its budget deliberations.

Rod McSwain: Is council still aware it did not have to ask for a response and do not have to wait for a response?

Acting CEO: The council can make any decision they like as far as that goes. Removing a differential rate does not require a ministerial approval, which is generally required when going to differential rating and if the differential rate charged to one class of rate payers is double compared to a different class of ratepayers using the same valuation method. The Council chose to seek submissions

Gabe Roberts: The parking in the main street has increased since the easing of Covid restrictions. In regards to 49 Bannister Road – is council in position to approach the owners to ask if the land can be used for parking? Some businesses do not have their own parking, so they use customer parking. We have an ageing population.

Shire President: I will ask the Acting CEO to approach the owner

Acting CEO: If Council agrees, it is possible; however our insurer needs to be consulted first.

Gabe Roberts: Perhaps it could just be a gravel carpark?

Cr Schreiber: In the past, Boddington Tyres tried approaching them but were turned away in regards to utilise the land as a carpark.

Gabe Roberts: Could Council approach the owners to see if there would be a beneficial outcome?

Toni Collins: I noticed on the agenda, Southern Aboriginal Corp are asking to pay no rates. Perhaps a negotiation could be made in order to use the parking. Could businesses be reminded not to park on the street?

Shire President: Can this can be investigated?

Acting CEO: Yes, this can be looked at – the owners could be approached and then go to council.

Toni Collins: Could that item be laid on the table tonight until they are approached?

Shire President: yes, this could be done.

Acting CEO: Yes the item could possibly be deferred. They could have option to take it to State Administrative Tribunal which we would prefer not to happen. In applying for an exemption from rates, they would not receive their rates notice until after the next council meeting.

Dawn Newman: In regards to the old shire works yard - part of it was allocated to men's shed. The Men's shed and the bus cannot get access to it as other parties have been given permission to use it. Who has been given permission to use it and please can the cutting of locks be looked into?

Peter Haas, PEHO: Main roads are using it and have a lock, the plumber has a lock to install the dump point.

Dawn Newman: There were 8 padlocks recently and now there are 4. Please can we investigate who is accessing the yard?

Acting CEO: We will investigate this.

Caitlin Larsen: When will Hotham Park be open as we want to organise a market for the opening?

Acting CEO: The weather is delaying completion and this interferes with concrete pours. They are looking at mid-August to hand over. I expect we would not open until September. We need to complete the carpark and need fine weather; it could be October before it is complete.

Gabe Roberts: Once all structures are complete at the foreshore area, will there be grass as there is a lot of dirt?

Shire President: there will be a roll on lawn at an additional cost to the first quote.

Acting CEO: There are some areas with lawn; however the tender and plans did not include what to do with the inside of the pump track. We decided on grass as it is better under bikes and for drainage

Gabe Roberts: A lot of people are removing their sculptures - how many of what is currently there will the Shire purchase?

Acting CEO: There are 3 that are acquisition prizes

Gabe Roberts: Is there an end date for people to remove their work?

Acting CEO: It was supposed to be 30 April?

Gabe Roberts: Can we follow this up as they need to be allocated to various parts of town to encourage walking through town?

Toni Collins: If the grass and drainage was not included, what extra charges have incurred for the park?

Acting CEO: about $28K; other items have come off, so still to be determined.

Toni Collins: What about the kangaroo?

Acting CEO: We are still chasing the plans that give the dimensions of the kangaroo or the designs of the skins of what it looks like. I have emailed the former CEO but have not heard back.

Toni Collins: If there are no plans, was it in the budget or is it extra as well?

Acting CEO: It was not part of the contract with Phase 3. It was an additional thing to be done by Council.

Toni Collins: When will plans be obtained?

Cr Hoffman: We have structural drawings but not drawings of the individual plates to be cut out for the kangaroo.

Acting CEO: We do not have the drawings of the plates for the stairs to it either.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil.

6. CONFIRMATION OF MINUTES:

6.1.1	Ordinary Meeting of Council held on Thursday 18 June 2020

Moved: Cr Hoffman

That the minutes of the Ordinary Meeting of Council held on Thursday 18 June 2020 be confirmed as a true record of proceedings.

Seconded: Cr Erasmus

COUNCIL DECISION – ITEM 6.1.1

RESOLUTION: 63/20

Moved: Cr Erasmus

That the Item lay on the table to review for acceptance at the next council meeting.

Seconder: Cr Hoffman **Carried 5/0**

Reason for Change to Officer Recommendation: Council wanted the queries raised by Mr McSwain to be checked and possibly corrected before adoption of the minutes.

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil.

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

8.1.1 Shire of Boddington Local Planning Scheme No. 3 – consideration of submissions

Location:	Applies throughout the district
File Ref. No:	ADM 0549
Disclosure of Interest:	Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the *Local Government Act 1995*
Date:	8 July 2020
Author:	Steve Thompson
Attachments:	8.1.1A Submissions 8.1.1B Schedule of Submissions

Summary

To consider submissions, to seek Council support for Local Planning Scheme No. 3 and seek final approval from the Minister for Planning.

Background

A) Introduction

The purpose of this report is for Council to consider the submissions made on the draft *Shire of Boddington Local Planning Scheme No. 3* (LPS3) and to consider supporting LPS3, for the purpose of seeking final approval from the Minister for Planning.

Finalisation (gazettal) of LPS3 will result in the current *Shire of Boddington Local Planning Scheme No.2* (LPS2) being revoked. LPS2 was gazetted on 21 February 1997 and has been amended on various occasions.

The draft LPS3 text comprises a set of written provisions and standards that regulate the use and development of land zoned and reserved under the scheme. The LPS3 maps allocate all land within the district into either a Zone or Reserve.

The publicly advertised draft LPS3 text is outlined at https://www.boddington.wa.gov.au/Profiles/boddington/Assets/ClientData/Draft_SOB_LPS_No_3_text__publicly_advertised_version_.pdf while the draft LPS3 maps (6 sheets) are at https://www.boddington.wa.gov.au/Profiles/boddington/Assets/ClientData/Draft_SOB_LPS_No_3_maps__public_advertised_version_.pdf

In accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Scheme) Regulations 2015* (to be called the 'Regulations'), a local government is required to review its scheme every 5 years. Usually, this has resulted in

modest changes/amendments to LPS2 to ensure the scheme is 'fit for purpose'. However, the introduction of the Regulations and the finalisation of the *Shire of Boddington Local Planning Strategy* have necessitated the requirement for a new scheme.

A Local Planning Scheme is the statutory planning instrument used by local government to regulate zoning, land use and development.

B) Planning framework to support LPS3

Draft LPS3 builds on various changes to the State, regional and local planning framework over the past decade along with changes to community expectations, increased efforts to diversify and grow the local economy and the approach to bushfire management. At a local level, LPS3 references relevant components of documents such as the Local Planning Strategy, *Shire of Boddington Floodplain Management Study,* bushfire assessments, changes to the mining buffer and biodiversity conservation initiatives.

C) Key changes between LPS2 and draft LPS3

Some of the changes between LPS2 and draft LPS3 include:

- A modified and considerably expanded mining buffer, with the mining buffer being statutory backed;
- Adding Special Control Areas including for flood risk land, landscape protection and public drinking water catchments;
- Increased support to diverse and grow the local economy;
- Promoting increased densities near the Boddington town centre; and
- Different Zone and Reserve names and different definitions based on the Regulations.

The draft LPS3 is crafted to be as flexible as possible in terms of the range of development/uses that can occur in relevant zones, while providing relevant guidance/controls to guide subdivision and development. LPS3 adopts a risk-based approach and does not require development applications for a wide range of low-key and low-risk development/uses.

D) Council resolution

The Council at its meeting on 17 September 2013 resolved the following:

'That Council:

1. adopt the draft *Shire of Boddington Local Planning Scheme No. 3* outlined in the separate attachment;
2. forward the draft *Shire of Boddington Local Planning Scheme No. 3* to the Environmental Protection Authority with a request that environmental clearance be given;
3. following the Environmental Protection Authority giving environmental clearance, request that the Western Australian Planning Commission grant consent to advertise the draft *Shire of Boddington Local Planning Scheme No. 3*;
4. when advertising approval is granted, advertise the draft *Shire of Boddington Local Planning Scheme No. 3* in accordance with the *Town Planning Regulations 1967*; and
5. delegate authority to the Shire's Chief Executive Officer to progress matters with the Office of the Environmental Protection Authority, Department of Planning and other

stakeholders and make modifications to the *Shire of Boddington Local Planning Scheme No. 3* if directed to by the Western Australian Planning Commission.'

E) Assessment by the EPA and WAPC

Following the Council's decision, the Environmental Protection Authority (EPA) confirmed LPS3 would not be assessed (gave its 'environmental clearance') on 28 October 2013.

The Shire administration in September 2013 requested the Western Australian Planning Commission (WAPC) confirm that draft LPS3 is suitable for advertising (to the community and stakeholders). There were delays in progressing draft LPS3 including awaiting the progression of the Local Planning Strategy and implications arising from the Regulations. Following liaising with the Department of Planning, Lands and Heritage (DPLH), the WAPC on 11 October 2019 gave its support for advertising.

F) Public advertising of draft LPS3

The Regulations require local planning schemes to be publicly advertised for at least 90 days. The Shire met the requirements of the Regulations by advertising draft LPS3 for a 3 month period (29 November 2019 – 2 March 2020) through:

- Writing to and inviting comments to over 50 stakeholders including adjoining local governments, relevant State Government departments, servicing agencies, community groups and others;
- Placing public notices and details in the Bodd News and the Narrogin Observer on multiple occasions;
- Placing details on the Shire's website and on the Shire's Facebook page; and
- Information being available at the Shire office, local library and DPLH office in Perth.

G) Submissions

The Shire received 14 submissions on draft LPS3 which are set out in Attachment 8.1.1A and summarised in the Schedule of Submissions in Attachment 8.1.1B. In summary:

- 10 submissions were from State Government or servicing agencies and are overall supportive;
- No objections and no 'fatal flaws' were identified;
- There is support for industrial development/agri-businesses in the Bannister locality consistent with the Local Planning Strategy;
- There is support for efforts to support economic development and diversify the economy;
- Various matters raised are outside the scope of the LPS3, including the future of the BGM mining camp, and relate to other planning or non-planning processes or other agencies;
- The only agency raising concerns is the Department of Fire and Emergency Services (DFES) which provided a template response. Part of DFES' issue is that DFES did not provide a response on the draft Local Planning Strategy review. The matters raised by DFES were addressed through the Local Planning Strategy review which included deleting considerable rural living areas where the bushfire guidelines could not be addressed;
- Main Roads (Wheatbelt) and DWER seek to add details to LPS3 which are better suited to other planning tools such as local planning policies;

- SUEZ seek non-Model Scheme Text uses; and
- There was only one requested change to the scheme map. This was for Lot 123 on Diagram 10744 Albany Highway, Bannister which is 3.56 hectares in area (submission No. 12). This change is supported.

Comment

The Council is requested to assess the submissions made on draft LPS3 and to consider supporting draft LPS3, with or without modification, for the purpose of seeking final approval from the Minister for Planning.

Based on a review of the submissions (Attachment 8.1.1A), it is suggested that only modest modifications are required to the publicly advertised version of draft LPS3. The modifications address issues raised in the submissions. The officer recommendation seeks Council to endorse the local government comments and the local government recommendation in the schedule of submissions in Attachment 8.1.1B.

Should Council agree with the officer recommendation, the DPLH/WAPC will analyse the submissions and the schedule of submissions and will prepare a report to the Minister for Planning. Following obtaining final approval from the Minister, LPS3 will be gazetted (through a notice in the Government Gazette) and become operational and LPS2 will be revoked.

When LPS3 is operational, there will be a need to review Council's adopted local planning policies to ensure they are consistent with LPS3. This includes setting out car parking requirements for new development which is currently within LPS2, however the WAPC seeks to remove car parking standards from LPS3 and address this via a local planning policy.

Strategic Implications

LPS3, in association with the Local Planning Strategy 2018, will establish Council's local land use planning framework for the district. Accordingly, the finalised LPS3 will have significant implications on development and subdivision in the district along with influencing infrastructure coordination, economic development and managing natural resources.

Statutory Environment

Planning and Development Act 2005 and the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The deemed provisions of the Regulations have significant implications on LPS3. For instance, the Regulations set out that a single house which is consistent with the deemed-to-comply requirements of the *Residential Design Codes of Western Australia* does not require development approval from the Shire. This can have amenity impacts in residential areas for certain types of dwellings.

Policy Implications

Various local planning policies will need to be updated following gazettal of LPS3.

Financial Implications

The key final cost for the Shire on LPS3 occurs following gaining Minister for Planning final approval through placing the LPS3 text in the Government Gazette.

Economic Implications

LPS3 provisions have been formulated to support development in the district through supporting the growth and diversity of the local economy along with provision for additional residential, commercial, industrial and tourism growth.

Social Implications

Land allocations have been made for new residential, rural living and employment development which will provide for the strengthening of the community and the current community services offered.

Environmental Considerations

LPS3 seeks to conserve environmental assets and promote more sustainable outcomes.

Consultation

Draft LPS3 has been subject to community and stakeholder consultation in accordance with the Regulations.

Options

The Council can agree with the officer recommendation, it can propose different modifications or it can defer consideration and require additional information. The final decision on LPS3 will be made by the Minister for Planning.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.1.1

Moved: Cr Hoffman

That Council resolves to:

1. **Note the submissions outlined in Attachment 8.1.1A.**

2. **Support the draft *Shire of Boddington Local Planning Scheme No. 3* with modifications to address issues raised in the submissions pursuant to subregulation 25(3)(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.**

3. **Endorse the local government comments and the local government recommendation in the schedule of submissions in Attachment 8.1.1B.**

4. Submit draft Local Planning Scheme No. 3 (as modified) to the Western Australian Planning Commission requesting that final approval of the Scheme by the Minister for Planning be sought.

5. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage and to make modifications to Local Planning Scheme No. 3 if directed to by the Western Australian Planning Commission and/or by the Minister for Planning.

6. Advise submitters of the above and thank them for their input into the process.

Seconded: Cr Erasmus

COUNCIL DECISION – ITEM 8.1.1

RESOLUTION: 64/20 Moved: Cr Hoffman

That Council Lay the Item on the Table and obtain clarification from planner.

Seconded: Cr Erasmus Carried: 5/0

Reason for Change to Officer Recommendation: The Council wanted to seek clarification from the Town Planner in regards to comments on mining residues.

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Tamsin Hodder

From:	johnsonsSa@bigpond.com
Sent:	3 December, 2019 11:45 AM
To:	Tamsin Hodder
Cc:	'Steve Thompson'
Subject:	RE: ADM0549 invitation to comment LPS 3
Attachments:	Hon Sean K L.docx

Dear Mr. Littlemore

Thank you for the opportunity to comment on LPS 3

After receiving your email I spoke to Steve Thompson and he indicated to me that there was next to no change with the zonings etc on the land that Absinth and Argil holds and consequently we are happy in that regard.

In earlier detailed correspondence I forwarded to the Shire I argued that the Newmont Mining camp approval by the Mines Department required under the Mines Act the department to hear the Shires position as to the camp. In my submission to the Shire I made it clear that no such consultation took place with the Shire and Newmont nor did the Department of mines consider the Shires position before granting the licence.

Attached is a copy of a letter I wrote to a former Minister for Mines Sean L' Estrange. I had a *yes minister reply* from him presumably written by senior staff at the Department of Mines. In that letter the Minister did not address my main argument in any way whatsoever as there was no mention of consultation with the Shire

Below is an extract from the Shires Planning Strategy that says the camp site had been chosen for the **construction** of the mine.

> **The Shire of Boddington Planning Strategy 2007 has a reference to the BGM camp as follows:** ***Construction Camp. A 31 hectare site has been selected on Soldiers Road to house the work force required for the construction of the mine. Accommodation numbers are expected to peak at about 1500. The facility will be reduced to house up to 200 personnel after the 2½ year construction period.***

I recently was very pleased to read the Shires Strategic Community Plan 2019-2029 (SCP) and I would like to congratulate those that helped produce such a sound positive document. Severable times in the (SCP) mention was made that the document reflected the aspirations of the local community. Most if not all people that read the plan would see that the main thrust is about the need for population growth and hence development of land within the Shire.

In my opinion until such times as the mining camp is closed there are only limited opportunities for financially feasible developments of land to house further population in Boddington. I would be prepared at any time to talk to the Shire about where I see those opportunities are available.

There has been a major change in the scheme of things since I wrote the letter to the Minister that may have led to the licence for the camp becoming null and void. I am ready to talk to you privately about this face to face or on the phone.

A few months ago when I met with you and former Cr. David Smart to introduce Dr. Mahmoud Elhirbawy, Cr. Smart surprised me by saying that the Shire had looked at the possibility of shifting the GRV rating from the Camp to the

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mine proper. You will recall that I mentioned that the $800.000 rating is what had made things so difficult for us and you went on to say that the figure was now down to about $650.000 p/a.

The people of Boddington have always known that Government and past Councils understood the mining camp was temporary and Newmont were going to build a lot of accommodation
In town.

Several years ago a consultant to the Shire whose name was David Holland met with Newmont and put the case for Newmont scrapping the camp and building a Lifestyle Village in town on part of our land. I never saw the feasibility study David did although he said it was surprisingly positive financially for Newmont. Apart of David's approach was that Newmont would have a very valuable asset at the end of the day in town. The financial situation is obviously only a very small part of this equation.

What I am trying to say hear is that any LPS that does not address the future of the mining camp is therefore seriously deficient.

I propose that as a minimum that an amendment is made to the LPS along the lines of the following:

The Shire proposes to have ongoing talks with Newmont Gold Corp regarding the future of their mining camp.

With respect

Michael Johnson

Absinth Pty Ltd.

From: Tamsin Hodder <ea@boddington.wa.gov.au>
Sent: Saturday, 30 November 2019 4:12 PM
To: JOHNSONS5A@BIGPOND.COM
Subject: ADM0549 invitation to comment LPS 3

Hi Michael

Please find invitation to comment attached.

Kind Regards,

Tamsin Hodder

Executive Officer

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Hon. Sean K L' Estrange
Minister for Mines and Petroleum.
12th Floor, Dumas House
2 Havelock Street, WEST PERTH WA 6005
26.09.16

BGM MINING CAMP/ SATELIITE TOWN BODDINGTON MISCELLANEOUS LICENSE L 70/95

Dear Minister L' Estrange,

The Honourable Minister for Regional Development Mr. Redman has advised me that he has asked you to look into the legal status of the above property development that has housed up to 2300 people over the last ten years.

In the past I have written to various State Ministers over a variety of subjects that have generally been of a departmental nature. With all due respect quite often when I have forwarded such correspondence I have noted that the department concerned closes ranks and does its best to ensure the department's position on the matter that is being investigated is strenuously sheltered by them.

I believe that given the magnitude and importance of this matter that a Crown Law opinion should be sought by the State as it is demonstrably clear that it is very questionable as to whether or not the administration interpreted the Mining Act correctly in determining the above Miscellaneous License.

BGM have given me a veiled damages warning in writing so I have to be very careful regarding what I say regarding the legal planning status of the camp as BGM are quite obviously worried about the very thorough research I have been doing into the history of the camp and my insistence on transparency at all levels. Although the Shire Administration have been very supportive and proactive on this matter I still feel like David facing Goliath as the BGM parent company Newmont is a huge international conglomerate. such as Newmont.

Mining camps have been a hot topic lately and as I believe there is urgent need for some changes in legislation so as to address the concerns of a broad cross section of Western Australians. This letter may give some insight into some of the flaws in legislation at the moment. Obviously a Mining Register or Warden should not have the right to approve a satellite town behind barbed wire with people living in something akin to a jail cell on the outskirts of a town like Boddington for anything other than during construction of a mine.

WAS THE STATE AND BODDINGTON MISLEAD RE TEMPORARY NATURE OF CAMP?

You may ask of what consideration is the intention as to the term the camp was to be operated given that BGM hold the above 21 year licence that has been in existence for approximately ten years. I understand that intention is a major factor in any form of contract.

In 2008 DRD produced a report titled;

NEEDS ANALYSIS FOR THE SHIRES IMPACTED BY RE-OPENING OF THE BODDINGTON GOLD MINE

The above document detailed anticipated expenditure required to get the district and Boddington in particular ready to accommodate the expected influx of BGM staff after the 2 year construction phase of the and the anticipated dismantling of high percentage of the BGM camp. There are also records of some of this expenditure mentioned in Hansard reports.

The figures in the above report have an aggregate total of in excess of $80.000.000.00 to be spent from 2007 -2010. I do not know that all those funds were spent and some of it may have been subsidised by BGM or the Commonwealth came to the party although one way or the other the expenditure has been enormous.

As the status quo stands with the camp it would appear that the expenditure was unwarranted or at best spent prematurely.

I am in receipt of a large amount of documentation that confirms that at and around the time the camp was established the camp was to be mainly for the period the mine was under construction.

1. The above DRD report suggests: *Camp numbers stabilise at 366 from 2010 and it also mentions BGM has undertaken several studies and has worked closely with Government to identify and plan for the infrastructure and services required in the area affected by the expansion of the town.*

2. The above DRD report also suggests *Boddington Gold Mine hopes to minimise the resident camp workforce as quickly as possible and will encourage employees to live within 50 km of Boddington town.*

3. When the then Minister Brendon Grylls for Regional Development introduced one of the expenditure bills to support the preparations at Boddington I believe Hansard will show that the Minister expected a similar staged reduction of the personnel as mentioned in 1. above.

4. The Shire of Boddington Planning Strategy 2007 has a reference to the BGM camp as follows: *Construction Camp. A 31 hectare site has been selected on Soldiers*

Road to house the work force required for the construction of the mine. Accommodation numbers are expected to peak at about 1500. The facility will be reduced to house up to 200 personnel after the 2½ year construction period.

5. In a report to a full Council meeting 28.02.06 item 8.4.4 one of the Shire administrators advised the following in respect to the camp:
   Some of this facility will be removed after a few years and some will stay for the duration of the mine.

6. In a report to a full Council 20.10.2006 item 8.3.1 an application was made for a

   temporary wet mess at the camp. The wet mess is still operating nearly 10 years later and sells take away liquor to staff and visitors.

Apart from the above six written records I have spoken to the majority of the Councillors that were on the Shire of Boddington at the time of the establishment of the camp and they all understood the arrangements were that most of the camp was to be temporary and to house BGM staff and contractors during the construction phase of the mine. I have also spoken to the then CEO Mr. Peter Bedbrook who also was of the opinion regarding the temporary nature of the development.

Councillors have advised me that since the camp was meant to be closed BGM have on a number of occasions meet with the Shire and advise it did not suit them to close the camp.

I have asked many residents of Boddington that were there 10 years ago as to their recollections re the establishment of the camp and all of them felt that the arrangement was that most of the camp would be dismantled at the end of the construction phase.

Being up front as I tend to be I went straight to BGM with my concerns re the approval of the camp and have been talking to a senior manager and their legal department. Before I started to make waves I thought I owed them the right of reply and the opportunity of producing some form of approval or exemption under the Western Australian Planning and Development Act . Months ago I requested a meeting with Mr. Alex Bates the CEO for the South Pacific Region of Newmont the USA parent company and he has declined to meet me.

BGM MISCELLANEOUS LICENCE L70/95 MINING ACT 1978

BGM Management Company Pty Ltd (BGM) made an application for the above license under Section 91(1) on 09.02.06 and received approval on 06.05.06 from the Department of Mines and Petroleum (DMP) for a period of 21 years commencing 06.05.06.

Officers at DMP have advised me that most Miscellaneous Licenses are issued by DMP for roads and drains etc on granted mining tenements and that this application was a bit different. There were 9 conditions on the licence and none of them made reference to town planning or that the licence substituted for a normal planning approval under state planning law.

WAS THE BGM MISCELLANEOUS LICENCE 70/95 ISSUED IN TERMS OF THE MINING ACT ?

As you would know Miscellaneous Licences are a type of Mining tenement. There are separate sections in the Act that deal with the issue of different licenses and they set out when and if a licence can be granted and under what terms and that leads me to Sections 91-94.

Is it true that all mining camps up until the BGM camp was established were approved under State Agreements and this was the first time the Mining Act was relied on for approval?

Any fair minded individual when looking at the facts surrounding the approval would have to find that the Government of the day used a lot of creative licence in believing the Act could be read as to be a means of approving the camp.

The above licence was issued by the DMP environmental department. DMP records indicate a Mr. Eugene Bouwhuis handled the matter on behalf of the department.

Section 91(1) indicates such a licence can only be authorised by a warden or register and no mention is made of the Minister having that authority. The licence is not signed and so I do not know who issued it. The question has to be asked of DMP who authorised the licence and if a Warden or Registrar did not authorise it then the licence should be found to be invalid on that count alone. At the timing of the hearing of the application by the warden he mentioned that the camp may need a rezoning under the Town Planning Act.

On 19.01.2008 BGM applied by letter for an expansion of the camp from 1700 to 2375 persons and in that letter of application mention was made of Mining Act approvals MP 5298 and MP 5525 for the 1700 units mentioned above. (the letter is attached) In this instance MP is an abbreviation of the words Mining Proposal. Mr. Eugene Bouwhuis of DMP from the environmental department once again handled the application for the extension and it was granted. There is no mention in Council minutes of this second application being referred for Councils approval conditionally or otherwise as the Act stipulated.

Once again if a DMP officer issued the approval without the authority of the Warden a Registrar surely the approval to extend the camp is an invalid approval?

The above licence was issued by DMP under Section 12O of the Mining Act. and whether it was authorised by a Warden or Registrar or an officer of the department the Licence should have complied with the various sub conditions of this section as shown below

Mining operations *means any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted combusted or refined or dealt with for*

the purpose of obtaining any mineral or processed mineral resource there from whether it has been previously disturbed or not and includes —

(a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and

(b) operations by means of which salt or other evaporites may be harvested; and

(c) operations by means of which mineral is recovered from the sea or a natural water supply; and

(da) operations by means of which a processed mineral resource is produced and recovered; and

(d) the doing of all acts incident or conducive to any such operation or purposes;

It is clear that part (d) should be read in conjunction with the 5 lines being the first part of the definition. To me there is a lot of ambiguity here as the five lines outline specific procedures of mining operations. To me the word incident or conducive in part (d) refers to those specific mining procedures describes in (a) to (da) above and not to an ancillary to mining such as a staff camp.

The BGM camp is a mixture of residential and commercial uses and in my opinion as a laymen those uses are not in accord with the definition of mining operations.

I have looked at subsections 3-5 below to see whether they pose a further cloud as to the validity of the BMG license.

(3) No licence shall be granted under this section unless the purpose for which it is granted is directly connected with mining operations.

A solicitor may find that by definition a mining camp is not a mining operation under the Act.

(5) Before an application is heard for a licence under this section, a copy of the application shall, at least ten days before the hearing thereof, be given to the council of the municipality in whose municipal district the land to which the application relates is and to such other persons as may be prescribed.

(6) The council is entitled to be heard on the application and may submit to the warden any terms and conditions to which it considers the licence, if granted, should be subject.

There has been an extensive search of Shire records and no evidence has been found that the Shire was heard as they should have been regarding conditions that they felt were required at the time especially in the main limiting the camp to the time of construction of

the mine. This is a very serious omission on behalf of the department and should have been addressed.

SECTION 120.

Given the importance of mining to our State of Western Australia I believe few if any would argue that the Mining Act should not provide the Minister the right to set aside the provisions of any LPS to allow a mining operation.

In reading Section 120 I believe that the intention was to provide the Minister and others mentioned in this section the power to over ride the zoning provisions in an LPS as far as mining is concerned. I support the proposition that if in a Municipal LPS mining is not an allowable use in a given zone then in that instance there needs to be discretionary power and that is what I believe was the intention of this section of the Act.

Even if the Minister did intervene I do not believe that Parliament intended the Act to only give a Mining Register or Warden the power to approve in the incidence of Boddington what really is a Satellite Town so very close to town.

So far the Shire have not been able to produce any evidence that the Minister intervened under this section. If it is proven that the Minister did authorise the approval of the camp then the BGM Miscellaneous licence that was issued did not provide the Minister with any discretionary power and as such the issue of the licence should comply with the Act.

IN CLOSING

My wife Jennifer and I invested most of our life savings in buying a large piece of land in Boddington that was zoned and set aside for the future development of the town. Prior to us buying the land the Government had spent a lot of money bringing the services to this land.

Before purchasing as a matter of due diligence we read a lot of the foregoing information and felt the site held a lot of potential especially seeing the camp was meant to be temporary. I consider it is only fair that we should advise you of our special interest in the matter of the camp.

We recently went through a two year gruelling process that was most expensive and all we were trying to achieve was improve a plan that was endorsed years ago. On this basis we feel BGM should have gone through the same process and all we are looking for is an even playing field.

If DMP have not fully complied with the Act in issuing the licence then at least they should reapply and give the Council a chance to be heard this time round.

I have no written evidence to show that BGM gave written assurances re the temporary nature of the camp to the environmental section of the department before the issue of the

licence, although from my conversations with a officer of the department I believe if I exercised my rights under freedom of information such a letter of assurance may be located in department files.

BGM recently announced that the mine at Boddington was the star of the parent company Newmont USA and that mine at Boddington had a AISC of US $830 per ounce normally this would mean real costs were around $680-700 per ounce without amortisation of the $3.5 B initial capital. Gold has touched AU $1800 and BGM are earning some huge well deserved profits. These profits are obviously reflected in the parent company's recent announcement in New York of an increase in earnings per share of 67% in 2016. BGM can afford to keep their commitments to the State and the Boddington host community.

Minister Redman rightfully consulted the Shire after I wrote to him re this matter recently. I hope you pay the Shire the same courtesy and consult them before you make a decision as I am sure they would like to comment regarding the fact that they were not heard in the matter of the issue of the license as the act stipulated so that they could ensure the camp was of a temporary nature as intended by all parties at the time.

Residents of Boddington have indicated to me that they feel this matter should be the subject of some sort of parliamentary enquiry. Personally I think the facts speak for themselves and such a measure will not be required.

With respect

Michael Johnson

9225 7693
0407 087 080

2

Tamsin Hodder

From:	Craig Binks <Craig.Binks@dplh.wa.gov.au>
Sent:	4 December, 2019 7:24 AM
To:	Tamsin Hodder
Subject:	RE: ADM0549 INVITE TO COMMENT LPS 3
Attachments:	ADM0549 DPLH CROWN TEAM - INVITE TO COMMENT LPS3.pdf

Hi Tamsin

Thank you for your email. The Land Management Metropolitan & Peel team has no comments to offer.

Kind regards

Craig Binks | Senior State Land Officer | Land Management Metropolitan & Peel
140 William Street, Perth WA 6000
6552 4669
www.dplh.wa.gov.au

Department of Planning, Lands and Heritage

The department is responsible for planning and managing land and heritage for all Western Australians – **now and into the future**

The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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From: Tamsin Hodder <ea@boddington.wa.gov.au>
Sent: Saturday, 30 November 2019 3:40 PM
To: info <info@dplh.wa.gov.au>
Subject: ADM0549 INVITE TO COMMENT LPS 3

Dear Sir or Madam

Please find letters re invitation to comment

Kind Regards,

Tamsin Hodder

Executive Officer

1

3

Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

Our ref: PLH00013-2019
Enquiries: Samantha Tofts (08) 6551 8131

Mr Chris Littlemore
Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390

Dear Mr Littlemore

DRAFT SHIRE OF BODDINGTON LOCAL PLANNING SCHEME NO. 3 (LPS3)

Thank you for your letter dated 30 November 2019 seeking comment from the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Operations, regarding the Draft Shire of Boddington Local Planning Scheme No. 3 (LPS3).

DPLH, Aboriginal Heritage Operations, has reviewed the draft LPS3 provided by the Shire of Boddington. A review of the Aboriginal Heritage Register of Places and Objects, as well as the DPLH Aboriginal heritage Database and confirms that the proposed draft LPS3 area intersects with the DPLH boundary of 25 registered Aboriginal sites and 37 lodged Aboriginal heritage places as follows:

Place ID	Place Name	Status
4165	Quindanning Forest 22	Registered Site
5183	Jumbo Granite	Registered Site
15126	The Harmony Engravings	Registered Site
4300	Boddington Forest 01	Registered Site
27935	Hotham River	Registered Site
4055	Farmers Avenue	Registered Site
4237	Boddington Forest 43	Registered Site
5185	Wattening Brook	Registered Site
4064	Lower Hotham Road Bridge	Registered Site
3582	Serpentine River	Registered Site
4051	Oldfield Blk 91	Registered Site
5260	Quindanning Farms 09	Registered Site
18749	HEA01	Registered Site
4063	Boulder Hill (Cave 5)	Registered Site
4298	Dilyan's Grave	Registered Site
5182	Hull Gully	Registered Site

 Release Classification: - Addressee Use Only

Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 8002 info@dplh.wa.gov.au www.dplh.wa.gov.au
ABN 68 565 723 484
wa.gov.au

4060	Farmer's Crossing	Registered Site
5261	Quindanning Farms 11	Registered Site
5184	Page's Quarry	Registered Site
5255	Quindanning Farms 04	Registered Site
4230	Boddington Forest 36	Registered Site
4049	Tullis	Registered Site
3537	Murray River	Registered Site
5293	Corridor Site 9: Bell Crk	Registered Site
17214	Mt Saddleback (Mokine)	Registered Site

Place ID	Name	Status
4252	Boddington Mining Area 10	Lodged
4213	Hotham River 3	Lodged
4255	Palmer Road 1	Lodged
4294	Westrail Survey 25	Lodged
4214	Siding Road	Lodged
4254	Old Soldiers Road 1	Lodged
4212	Old Soldiers Road 3	Lodged
4208	Hotham River 2	Lodged
20217	Golf Course Living Area	Lodged
20218	Castle Rock And Pool	Lodged
20219	Dilyan's Burial And Additional Burial Site	Lodged
5252	Quindanning Farms 01	Lodged
4279	Boddington Forest 33	Lodged
29173	Scarred Wandoo	Lodged
4209	Palmer Road 2	Lodged
4207	Hotham River 1	Lodged
4192	Corridor 06	Lodged
4278	Boddington Forest 32	Lodged
21470	Birdiya Hill (Mt Wells)	Lodged
4211	Old Soldiers Road 2	Lodged
4206	Hotham Downs Homestead	Lodged
4238	Boddington Forest 44	Lodged
4193	Corridor 07	Lodged
4203	Palmers Property	Lodged
20222	Janak (Mooliaman) Hill	Lodged
4277	Boddington Forest 31	Lodged
4292	Westrail Survey 05	Lodged
21812	House Brook Scarred Tree	Lodged
20215	Boddington Corroboree Ground	Lodged
4191	Corridor 05	Lodged
4240	Boddington Forest 46	Lodged
18556	Crossman Two	Lodged
20220	Boddington RSL Tree	Lodged

Release Classification: - Addressee Use Only

20216	Archer's Farm - Caves	Lodged
4210	Creek	Lodged
4293	Westrail Survey 06	Lodged
29544	SP10-01	Lodged

Therefore, based on the information held by DPLH, approvals under the *Aboriginal Heritage Act 1972* (AHA) may be required for proposed development intersecting these Aboriginal sites or Aboriginal heritage places. Further advice should be sought from DPLH for any proposed works that will impact these Aboriginal sites or Aboriginal heritage places.

DPLH encourages proponents to refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines) which can be found on the DPLH website at the following link:

https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha

The Guidelines will allow proponents to undertake their own risk assessment regarding any proposals potential impact on Aboriginal Heritage.

Should you have any queries in relation to the above, please contact Ms Samantha Tofts, Heritage Officer, on (08) 6551 8131 or email samantha.tofts@dplh.wa.gov.au.

Yours sincerely

Matthew Franklin
TEAM LEADER

9 December 2019

Release Classification: - Addressee Use Only

4

mainroads
WESTERN AUSTRALIA

Enquiries: Louise Adamson
Our Ref: 04/9767-10
Your Ref: ADM 0549

16 December 2019

Chris Littlemore
Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390

Dear Chris

Shire of Boddington Draft Local Planning Scheme No. 3

I refer to your correspondence requesting comment on the Shire of Boddington Draft Local Planning Scheme No. 3 dated 30 November 2019. Main Roads WA (MRWA) Wheatbelt Region generally supports the draft scheme as presented, however would like to note the following:

- Any development adjacent to a primary distributor (MRWA) road will need to be referred to MRWA for approval to access the network. This is to maintain the efficient and safe operation of the State's road network, ensure that access requirements are managed and promote secondary networks that join with primary distributor roads at appropriate locations. Main Roads suggests including information in the Local Planning Scheme to inform future development of the requirement.
- Where secondary networks constructed within a development can provide access to the Main Roads Network via local roads or an existing crossover, Main Roads is unlikely to support future connections. Main Roads suggests including information in the Local Planning Scheme to inform future development of local network access requirements.
- The Local Planning Scheme to include the requirement that where rezoning, structure planning, subdivision or development of land could have an impact on a primary distributor (MRWA) road, all applications are submitted together with a Traffic Statement or Assessment (as appropriate), produced in accordance with the WAPC's *Transport Assessment Guidelines For Developments*.
- The Local Planning Scheme to include reference to the MRWA external website for Policy and Guidance documentation on access and advertising approval.

Yours sincerely

Louise Adamson
Operations Manager

Main Roads Western Australia
Northam Office: PO Box 333, Northam WA 6401
Narrogin Office: PO Box 194, Narrogin WA 6312

mainroads.wa.gov.au
wheatbelt@mainroads.wa.gov.au
Northam: 08 9622 4777 | Narrogin: 08 9881 0566

5

marradong COUNTRY

Hotham Williams Economic Development Alliance
C/- Shire of Williams
PO Box 96
WILLIAMS WA 6391
E: ceo@williams.wa.gov.au
ABN: 56 350 941 346

Mr Chris Littlemore
Chief Executive Officer
Shire of Boddington
PO Box 4
BODDINGTON WA 6390

3 January 2020

Dear Chris,

Draft Shire of Boddington Local Planning Scheme No.3

Thank you for the opportunity to comment on the draft Shire of Boddington Local Planning Scheme No.3 ("the Scheme").

The Hotham Williams Economic Development Alliance (HWEDA) was established as part of the Boddington SuperTown Economic Development Strategy. The Alliance is a collaborative sub-regional group made up of the three communities of Williams, Wandering and Boddington.

As an incorporated association, comprising representatives of community, business, industry and local government, it is in a unique position to be able to comment on strategic planning documents such as the Scheme.

The primary role of HWEDA is to act as a strategic enabler of economic development for the region. HWEDA believes that the economic development of our region must be a priority. A strong and prosperous economy will deliver more jobs for our local workers, increase household incomes, help us to achieve our population growth targets and provide the impetus for increased investment in essential services and infrastructure.

The following comments are provided in relation to the draft Scheme document:

1. Aims of the Scheme (Part 1, Clause 9) – includes promotion of sustainable development, and the sufficient supply of serviced and suitable land for retail, commercial, industrial and tourist development. This aligns with HWEDA's own strategic aims.

2. The Zoning Table (Part 3, Clause 17) largely includes the ability for the local government to exercise its discretion in granting development approval in the commercial, industrial and tourism zones, which gives Council appropriate powers to manage development in these areas to achieve the best outcome for the community.
3. The Scheme appropriately identifies the Special Use Zone SU4 as an Agri-Industry Precinct and land at Crossman in the Tourism Zone. Both these locations can take full advantage of Albany Highway as a major transport route.

Thank you again for the opportunity to comment and if you would like to discuss this further please contact me at the Shire of Williams on 98851005 or via email at ceo@williams.wa.gov.au.

Yours faithfully,

Geoff McKeown
Chief Executive Officer, Shire of Williams

6

Tamsin Hodder

SHIRE OF BODDINGTON
RECEIVED
08 JAN 2020
Delegate to:
DCS HR EA
PEHO FM CEO
MWS TPC SFO

From: Ross Crockett <Ross.Crockett@watercorporation.com.au>
Sent: 8 January, 2020 1:56 PM
To: Tamsin Hodder
Subject: RE: ADM0549 invitation to comment LPS 3
Attachments: Town of Boddington.pdf; Shire of Boddington.pdf

File No. ADM0549
Date
Initial

Hi Tamsin

Review of Shire of Boddington Local Planning Strategy

Thank you for the Email received 30th November 2019 regarding the Review of Shire of Boddington Local Planning Strategy

Attention: Steve Thompson, consultant planner

The Draft Shire of Boddington "Local planning Scheme No.3" is generally supported, however a reference to "odour" may be appropriate in the comments on "SCA4" in Table 8 on the Special Control Areas, as per our previous comments made in 1916. (See below)

Regards

Comments made in 2016

1. The comments made in relation to the delivery of water and wastewater services in the Local Planning Strategy are supported. As you are aware the Water Corporation has provided comments in relation to the servicing of proposed residential, special residential and rural residential lots proposed in a number of structure plans prepared for land in the Boddington and Ranford townsites. Those comments still apply.
2. Modify the clause 3.3.2 Wastewater (b) to insert the word "odour" before the word "buffer".
3. Modify the clause 3.3.2 Wastewater – Strategies (c) to read:
   - Discourage proposals to rezone, subdivide and/or develop land within the wastewater treatment plant's odour buffer which are odour sensitive.
   - Seek the advice of the wastewater treatment plants operator on proposals to rezone, subdivide and/or develop land within the odour buffer.
4. In clause 3.3.2 Wastewater - Actions (b), replace the words "more-sensitive" with the words "odour sensitive".

Regards

Ross Crockett
Development Planner
Development Services

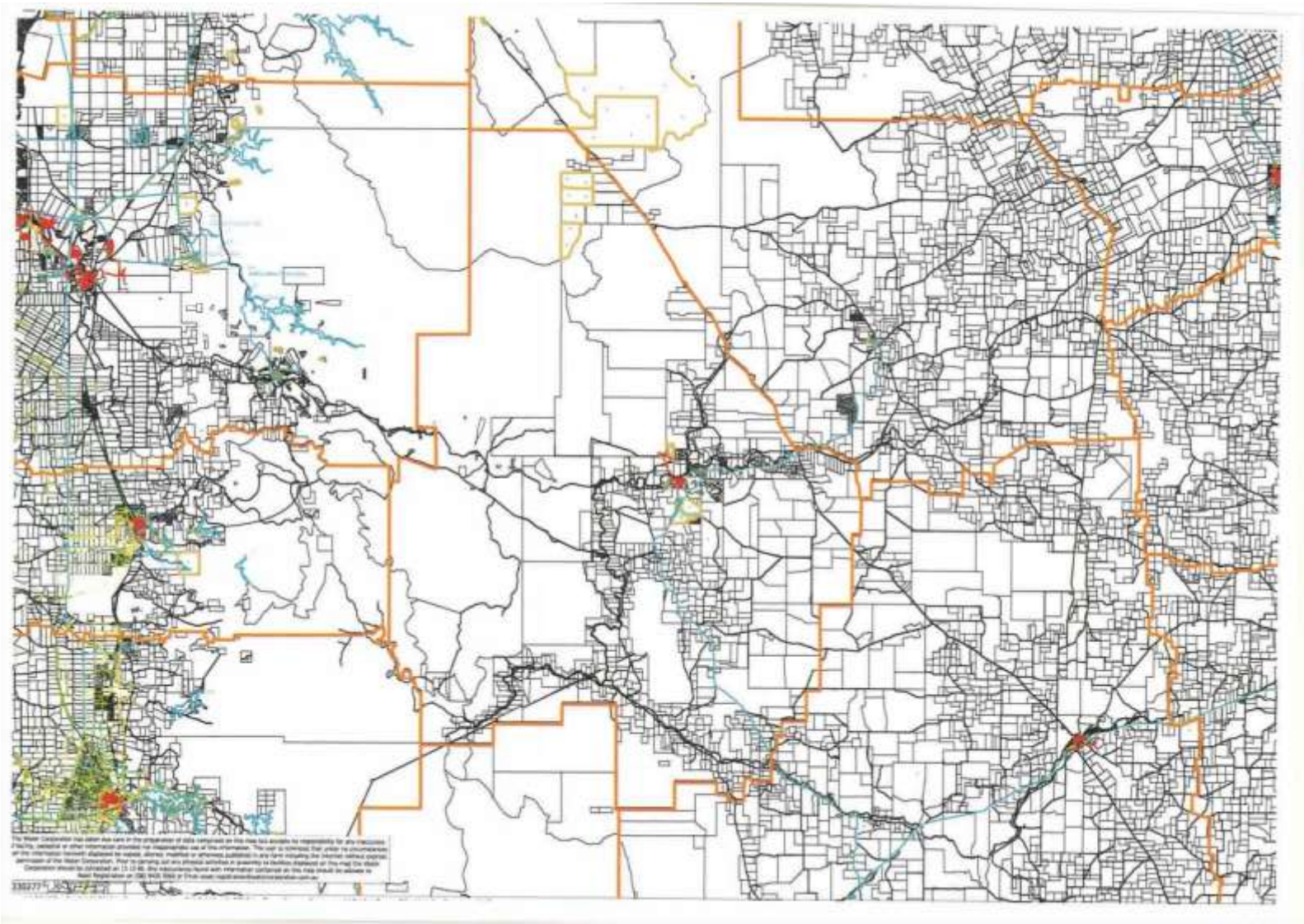
E: Ross.Crockett@watercorporation.com.au
T: (08) 9420 2013

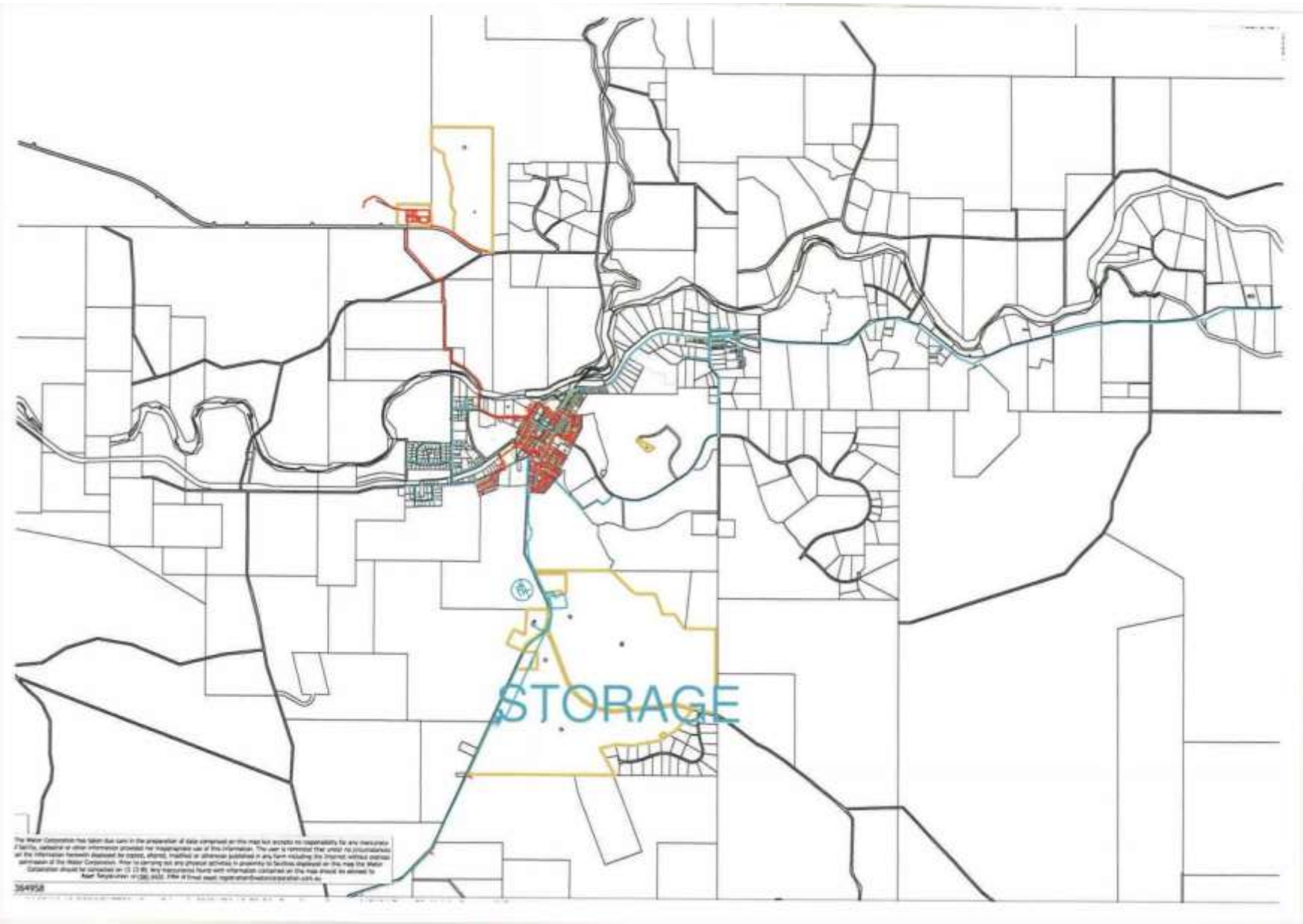
WATER CORPORATION

Keep in touch **W:** watercorporation.com.au

1

ATTACHMENT 8.1.1A SUBMISSIONS




STORAGE

7

SHIRE OF BODDINGTON
RECEIVED
28 JAN 2020

Distribute to:
☐ DCS ☐ HR ☐ EA
☐ PEHO ☐ FM ☑ CEO
☐ MWS ☐ TPC ☐ SFO

Recycling & Recovery

File No
Date 4 NUP005
Initial

Chief Executive Officer
Shire of Boddington
PO BOX 4
Boddington WA 6390

Dear ~~Sir~~, Chris

RE : DRAFT SHIRE OF BODDINGTON LOCAL PLANNING SCHEME NO 3
NORTH BANNISTER RRP - LOT 2, ALBANY HIGHWAY, NORTH BANNISTER
SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD
SUBMISSION

I refer to your letter of the 29th November, 2019 inviting comment on the Shire's Draft Local Planning Scheme No 3.

SUEZ Recycling & Recovery (Perth) Pty Ltd, as Owner of Lot 2 Albany Highway, North Bannister, supports the Draft Scheme proposals to include Lot 2 as a Special Use Zone (SU4) as part of a proposed Agri-Industry Precinct including the lands to the immediate east. SUEZ further supports the range of Special Uses proposed for the Zone but in doing so seeks the inclusion of the following as "D" uses within SU4:

- Composting / Mulching:

Part of SUEZ's current NBRRP operations include greenwaste reuse and specifically composting / mulching of greenwaste. SUEZ has recently significantly expanded its greenwaste production capacity from 35,000 tonnes pa to 110,000 tonnes pa. SUEZ envisages a growing need for green waste recycling / reuse into the future with the possibility of the addition of manures production as farmers / primary producers shift to more organic land management practices. We note that "Resource Recovery Centre" is included in SU4 however suggest that the common usage and meaning of this term would not typically extend to green waste recovery / composting operations.

Accordingly, SUEZ seeks the addition of "Composting, Mulches and Manures" as a "D" Use under Special Uses.

- Disposal of Mineral Processing Residues:

With mineral processing plants being increasingly located in major industrial estates, typically close to ports, and remote from the mine site, SUEZ foresees a trend towards the need for disposal of mineral processing residues as part of the future function of approved waste disposal sites where the processing residue cannot be returned to the mine site for disposal. We note that "Mining Operations" is included in SU4. However, the definition of Mining Operations under the Mining Act refers principally to the process for winning / refining of the mineral from the ore and seem silent in terms of the disposal of the residue.

Western Australia State Office
114 Kurnall Road, Welshpool WA 6106 – PO Box 249 Welshpool WA 6986 – SUEZ Recycling & Recovery Pty Ltd – ACN 002 902 650
Phone 13 13 35 – Fax +61 8 9351 8020 – www.suez.com.au

Accordingly, SUEZ seeks the addition of "Mineral Processing Residues Disposal Facility" as a "D" Use under Special Uses.

SUEZ seeks Council's support to the above Special Use inclusions to Special Use Zone SU4 and thanks Council for the invitation and opportunity to comment on the Shire's Draft Local Planning Scheme No 3.

Should you wish to discuss this submission or require any further information, please do not hesitate to contact Craig Barker on 0408 633 684 or email

Yours sincerely,

Craig Barker
State General Manager (Western Australia)

8/

Tamsin Hodder

From: Julie Stewart
Sent: 30 January, 2020 9:39 AM
To: Steve Thompson
Cc: Tamsin Hodder
Subject: FW: Draft Shire of Boddington Local Planning Scheme No 3

SHIRE OF BODDINGTON
RECEIVED
30 JAN 2020 04

Distribute to:
☐ DCS ☐ HR ☐ EA
☐ PEHO ☐ FM ☐ CEO
☐ MWS ☐ TPC ☐ SFO

File No. LPS 3 P005
Date
Initial

Regards,
Julie Stewart
Records Officer

Shire of BODDINGTON
Rangeland Natural Beauty

T +61 8 9883 4999
E records@boddington.wa.gov.au
39 Bannister Road Boddington WA 6390
www.boddington.wa.gov.au

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The Shire uses virus-scanning software but exclude all liability for viruses or similar defects in any attachment.

-----Original Message-----
From: DAVIES Paul (Con) [mailto:paul.davies@mainroads.wa.gov.au]
Sent: Thursday, 30 January 2020 9:34 AM
To: Julie Stewart <records@boddington.wa.gov.au>
Cc: NAUDE Daniel (On Leave) <Daniel.Naude@mainroads.wa.gov.au>
Subject: Draft Shire of Boddington Local Planning Scheme No 3 (LPS 3)

Atten: Steve Thompson (Cons)

Hi Steve

I refer to your correspondence dated 30 November 2019 and advise that Main Roads has no objection to the proposed Local Planning Scheme.

If you have any queries please phone Daniel Naude.

Regards Paul Davies

For Daniel Naude
ROAD CORRIDOR PLANNING MANAGER
Metropolitan and Southern Regions / South West
p: +61 9724 5724 | m: +61 4189 31078
w: www.mainroads.wa.gov.au

1

9

DFES

Our Ref: D12451
Your Ref: ADM0549

Chris Littlemore
Shire of Boddington
records@boddington.wa.gov.au

Dear Mr Littlemore

RE: DRAFT SHIRE OF BODDINGTON LOCAL PLANNING SCHEME NO. 3

I refer to your letter dated 30 November 2019, regarding the preparation of the Shire of Boddington Draft Local Planning Scheme No. 3 (Scheme).

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

It is unclear if the application of SPP3.7 is required, as the areas of land use intensification as proposed by the Scheme are not represented spatially with the designated bushfire prone areas.

High level consideration of bushfire risk is one of the most effective means of preventing inappropriate development in bushfire prone areas. Where the Scheme aims to identify suitable land for land use intensification within designated bushfire prone areas, it is important an assessment of the bushfire hazard issues is undertaken that informs the suitability of areas (if any) for urban expansion and/or land use intensification. The minimum requirement to satisfy SPP3.7 is the preparation of a Bushfire Hazard Level (BHL) assessment and an assessment against the bushfire protection criteria requirements contained within the Guidelines. .

At this strategic level, it is acknowledged that bushfire risk is likely to be only one consideration of the decision maker in determining the suitability of the land for proposed intensification. However, this emphasises the need for an understanding of what the bushfire risk issues are, so an informed decision can be made as to the suitability of areas for expansion or intensification of land use. Deferring consideration of bushfire risk to subsequent planning stages may serve to exacerbate the situation through increased expectations from landowners regarding land use change, should the areas identified be unable to achieve compliance with the bushfire protection criteria in the Guidelines. In accordance with our advisory role, we encourage the Shire to consider the following information prior to the formulation of the Scheme or Local Planning Strategy.

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Tel (08) 6551 4075 | advice@dfes.wa.gov.au | www.dfes.wa.gov.au
ABN 39 963 851 304

1. Bushfire Hazard Level (BHL) assessment

i. A BHL assessment is required subject to Policy Measure 6.3 of SPP 3.7. It provides a 'broad brush' means of determining the potential intensity of a bushfire for an area. This assessment assists in determining the suitability of land for future intensification of land use, such as through subdivision or development. It is a pre-development tool used to inform decision making at subsequent planning stages and ensures a holistic understanding of the bushfire risk. Opportunities and constraints and the presentation of information within a matrix should be considered, where relevant (refer to the tables below);

ii. A BHL assessment should be prepared for all areas identified for land use intensification which are designated as bushfire prone, including those areas that have not been previously tested by SPP 3.7 and are yet to be zoned or developed. This assessment can be a stand-alone document that informs the Scheme or Local Planning Strategy or can form part of the document itself.

iii. Although not specified in SPP 3.7 or the supporting Guidelines, the Shire should also consider the following:
- a BHL assessment for those areas identified in the current Strategy or zoned in the current Scheme, but not yet developed. A BHL assessment will identify those areas that cannot comply with SPP 3.7; or alternatively identify measures to ensure future compliance, such as an improved road network; and
- identification of measures to improve the resilience of those areas that are developed within or adjoining areas with an extreme bushfire hazard; this could be through improved vehicular access and egress; increased hazard separation; improved water infrastructure; and/or implementation of fire management strategies and vegetation management.

iv. Appendix Two of the Guidelines outlines the methodology for undertaking a BHL assessment.

v. Required outcomes of the assessment are to:
- identify areas of low or moderate BHL that are most suitable for land use intensification;
- evaluate the appropriateness of areas identified for intensification of land use;
- identify improvements required to the broader road network to ensure that vehicular access and egress is available and safe during a bushfire event.

2. Opportunities and Constraints Assessment

It is critical at this level of the planning to connect the spatial understanding of the bushfire threat with strategic decisions about the intensification of land use. An understanding of the bushfire hazard provides for the identification of opportunities and constraints for the areas proposed for land use intensification. These areas can then be evaluated against each other, as well as each element of the bushfire protection criteria, to highlight the locations where it is unlikely compliance with the criteria can be achieved.

An opportunities/constraints assessment can address issues related to the bushfire protection criteria that have arisen following the BHL assessment, including:

Protection criteria	Key considerations
Element 1: Location	○ Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of >10 degrees), areas of possible fire-runs and evacuation options. ○ Identify areas which represent an extreme bushfire risk that cannot be managed and should not be supported for development. ○ Areas most suitable for land use intensification are where the bushfire hazard is low or moderate. ○ Identify conservation areas including TEC, heritage sites, nature reserves or

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	national parks that may constrain a location. o Identify vulnerable and high-risk land uses and critical infrastructure.
Element 2: Siting and design	o Identify interfaces between development and bushfire prone vegetation which may require increased setbacks to achieve an appropriate BAL rating (high-risk AS3959).
Element 3: Vehicular access	o Consider the wider road network and identify any limitations to the provision of multiple access routes both at the local and district levels. o Identify vehicular access routes that provide safe access and egress to two different destinations. o Identify opportunities to improve access and egress for existing development, including incorporating emergency access ways and fire service access routes where no alternative exists.
Element 4: Water	o In reticulated areas, highlight locations of hydrants and existing water infrastructure. o In non-reticulated areas, it will be necessary to demonstrate the availability of alternative water supplies for firefighting purposes.

3. Bushfire Protection Criteria Matrix

i. If the BHL assessment is being prepared for multiple development or investigation areas, the assessment should provide a comparison of these areas. In particular, it should consider the likelihood that intensification of land use in an individual investigation area may or may not comply with the bushfire protection criteria.

ii. This can be in the form of a matrix to provide a qualitative assessment for those areas proposed for intensification of land use. The assessment should confirm if the investigation area is likely, possibly or unlikely to meet the criteria. It should also recognise that compliance may be subject to the subsequent stages of the planning process.

Recommendation – insufficient information

The Shire should consider if any land use intensification is being proposed in designated bushfire prone areas by the draft Scheme. If so, application of SPP 3.7 and the supporting Guidelines is required.

The above guidance is provided to inform application of SPP 3.7 for the draft Scheme. A bushfire assessment may be necessary to ensure that all recommendations for land use intensification within the Scheme, avoid any increase in the threat of bushfire to people, property and infrastructure. The assessment should demonstrate to the fullest extent possible how compliance with the bushfire protection criteria can be achieved at subsequent stages of the planning process.

Should you require further information, please contact me on telephone number 6551 4032.

Yours sincerely

Craig Scott
SENIOR LAND USE PLANNING OFFICER

7 February 2020

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Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

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Your ref: ADM 0549
Our ref: PLH00046CH/PSR46322
Enquiries: Karen Jackson (08) 6552 4150

Chief Executive Officer
Shire of Boddington
ea@boddington.wa.gov.au

Attention: Steve Thompson

Dear Sir

Draft Shire of Boddington Local Planning Scheme No.3

Thank you for your correspondence received 2 December 2019 on draft Local Planning Scheme No.3 which was referred to the Heritage Council under the provisions of Section 79 of the *Planning and Development 2005*.

Findings

- The Scheme area contains State Registered Place P15424 Asquith Bridge, which was destroyed by fire in 2015.
- The Scheme area contains P17811 Hotham River Homestead. The place is in the Heritage Council's assessment program for possible inclusion in the State Register of Heritage Places.

The proposed Scheme has been considered for its potential impact on heritage places within the Scheme. There is no objection to the proposed Scheme.

Advice

For our records, we would appreciate notification of any future proposals which may affect P17811 Hotham River Homestead.

Should you have any queries regarding this advice please contact Karen Jackson at karen.jackson@dplh.wa.gov.au or on 6552 4150.

Yours faithfully

Adelyn Siew
Director Heritage Development

20 February 2020

Postal address: Locked Bag 2506 PERTH WA 6001 Street address: Bairds Building, 491 Wellington Street Perth
Tel: (08) 6551 8002 Fax: (08) 6551 9001 info@dplh.wa.gov.au www.dplh.wa.gov.au
ABN 68 565 723 484
wa.gov.au

Government of Western Australia
Department of Water and Environmental Regulation

Your ref: ADM 0549
Our ref: RF815-10, PA 031078
Enquiries: Jane Sturgess, Ph 95504228

Shire of Boddington
PO Box 4
Boddington WA 6390

Attention: Chris Littlemore

Dear Chris

DRAFT SHIRE OF BODDINGTON LOCAL PLANNING SCHEME NO. 3

Thank you for providing the opportunity to comment on the draft local planning scheme No. 3 for the Department of Water and Environmental Regulation (Department) to consider.

The Department of Water and Environmental Regulation (Department) supports the development of the scheme.

Attachment 1 contains the Department's comments for your consideration.

Should you require any further information on the comments please contact Jane Sturgess on 9550 4228.

Yours sincerely

Brett Dunn
Program Manager – Planning Advice
Kwinana Peel Region

20 / 02 / 2020

Kwinana Peel Region
107 Breakwater Parade Mandurah Ocean Marina Mandurah Western Australia 6210
PO Box 332 Mandurah Western Australia 6210
Telephone: 08 9550 4222 Facsimile: 08 9581 4500
www.dwer.wa.gov.au

Attachment 1 - Department of Water and Environmental Regulation detailed comments on the Draft Shire of Boddington Local Planning Scheme No 3

Contact for further information: Jane Sturgess - 9550 4228

Item No.	Reference	Reviewer comment/advice
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Part 57. Special Control Areas	Page 38, table 8 - Special control areas in Scheme area	• State planning policy no. 2.7: *Public drinking water source policy* (2003) provides the principal guidance for land use planning in PDWSAs. It requires that PDWSAs are recognised in all levels of planning schemes by special reservation or special control areas. • State planning policy no. 2.9: *Water resources* policy provides measures to protect and enhance surface and groundwater catchments. Schedule 1 includes guidance for incorporating the policy into planning measures and decision-making, and includes provision for future PDWSAs. **Referral of Applications** Prior to approving land uses in the public drinking water source area Special Control Areas (PDWSA SCA), any development application for a use or development shall be referred to the Department of Water and Environmental Regulation or any equivalent replacement of the department for comment. In determining any application for planning approval within the PDWSA, the local government shall: (a) in determining applications for development approval within the PDWSA SCA, have due regard to relevant State Government policies (i.e. State planning policy no. 2.7: *Public drinking water source policy*), Department of Water and Environmental Regulation's WQPN no. 25: *Land use compatibility tables for public drinking water source areas* and *Operational policy 13: Recreation within public drinking water source areas on Crown land.* (b) refer any applications for development approval which are 'compatible with conditions' or 'incompatible' in the WQPN no. 25: *Land use compatibility tables for public drinking water source areas* to the Department of Water and Environmental Regulation for advice prior to determination of the application. (c) refer any applications for recreation events or facilities on Crown land (including Crown land vested with the local government) as described in

		Department of Water and Environmental Regulation's *Operational policy 13: Recreation within public drinking water source areas on Crown land.* (d) in respect to the SCA the Local Government may refuse any application for planning approval or impose conditions on any planning approval so as to: (i) protect the resource; and (ii) require the registration of notification on title giving notice of any limitations or constraints associated with the protection of the resource. (e) in determining land uses and development proposals, the local government is to have due regard to any comments and recommendations from the Department of Water and Environmental Regulation and may impose relevant conditions to prevent or minimise the potential risk of public drinking water source contamination. The local government should also have regard to the management direction provided by priority classification of certain areas, and protection zones noting that; (i) Priority 1 (P1) areas are defined and managed to ensure there is no degradation of the quality of the public drinking water source with the objective of *risk avoidance*. (ii) Priority 2 (P2) areas are defined and managed to maintain or improve the quality of the public drinking water source with the objective of *risk minimisation*. (iii) Priority 3 (P3) areas are defined and managed to maintain the quality of the public drinking water source for a long as possible with the objective of *risk management*. (iv) Priority 3* (P3*) areas are assigned to land that was previously priority (P1) or priority 2 (P2) in the Metropolitan Region Scheme only and has been rezoned to 'urban'. This P3* is a variation of the P3 management approach of risk management, with recommended protection measures that are in addition to those for P3 areas and are also managed to maintain the quality of the public drinking water source for a long as possible with the objective of *risk management*. (v) Protection zones (wellhead protection zones and reservoir protection zones) are defined to protect the water source from contamination in the immediate vicinity of drinking water abstraction points (i.e. production bores for groundwater sources and reservoirs for surface water sources) and shall be given due regard and additional by-laws for the protection of water quality may apply in these areas. (f) there is a general presumption against development or use of land, which is not compatible with a PDWSA or which involves a significant risk to the resource. (g) the onus will be on the proponent of the development to demonstrate that the proposed activity will not prejudice the resource. It should be noted that within reservoir protection zones constituted under the *Country Areas Water Supply Act 1947*, public access on

		Crown land is prohibited (unless on public roads or other existing state designated sites). Within these PDWSAs *State Planning Policy 2.7 – Public drinking water source areas, Water Quality Protection Note 25: Land use compatibility tables for public drinking water source areas (WQPN 25), Water Quality Protection Note 76: Land use planning in public drinking water source areas (WQPN 76)* and *Operational policy 13: Recreation within public drinking water source areas on Crown land, 2019* apply. The department recommends that land uses and activities that are incompatible, compatible with conditions and acceptable are identified within the scheme. Further information on land uses and the incorporation of PDWSAs into planning schemes is provided in WQPN 25 and WQPN 76 and Operational policy 13.
	Recreation development	When considering recreation development on Crown land (including Shire vested land) within PDWSAs (the Serpentine Dam Catchment Area and South Dandalup Dam Cacthment Area), the Department of Water and Environmental Regulation's Operational policy 13: *Recreation within public drinking water source areas on Crown land*, 2019 will apply. It should be noted that within reservoir protection zones constituted under the *Country Areas Water Supply Act 1947* public access on Crown land is prohibited (unless on public roads or other existing state designated sites).
Other advice	Vegetation and Biodiversity	Banksia woodlands of the Swan Coastal Plain is a threatened ecological community listed as endangered under the *EPBC Act* on 16 September 2016. Activities that clear or damage the ecological community will require approval from the Minister for the Environment. Further guidance can be found at *Tuart Woodlands and Forests of the Swan Coastal Plain: A National Significant Ecological Community* (Commonwealth of Australia, 2019). Reference is to be made of the nationally significant ecological community as well as requirements and obligations under *EPBC Act*.

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Culford
Agri Industry

26 February 2020

Chief Executive Officer

Shire of Boddington

PO Box 4

Boddington WA 6390

Re: Submission regarding Draft Shire of Boddington Local Planning Scheme No. 3

Attn: Chief Executive Officer – Shire of Boddington

Via email: records@boddington.wa.gov.au

Dear Sir,

We wish to make the following Submission regarding the Draft Shire of Boddington Local Planning Scheme No 3.

Details

Contact Name: Richard Atkins
Company: AB No 2 Pty Ltd trading as Culford Agri Industry Precinct
PO Box 662 Nedlands WA 6009
Email: ratkins@culford.com.au
Phone: 0419 921 305

State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as owner of property: AB No 2 owns the below property, which it is currently developing into a diversified Agri Industry Precinct. As such zoning restrictions on uses that would otherwise commercially suit the property could significantly reduce the viability of the development.

Address of Property Affected: 6364 Albany Highway, including Lots 10,11, 68 and 123.

Culford Agri Industry
AB No 2 Pty Ltd ATF Culford Unit Trust
PO Box 662, Nedlands WA 6009
T: (08) 6382 1800
F: (08) 6382 1801
ABN: 56 272 201 165

Culford
Agri Industry

Submission

1) Part 3, Clause 21, Table 4, re SU4,

a) Lot 123

In addition to owing Lots 10,11 and 68 (which have been included in SU4), we also own Lot 123 in the south east corner of the property. We would request that Lot 123 also be included in SU4. The entire property is being developed as an integrated Agri Industry Precinct and it is important that Lot 123 is included due to its direct frontage onto Albany Highway. We have identified a number of potential uses for Lot 123, for which such exposure is important.

b) Allowable Uses

In terms of the Uses that are allowable under the "D" classification for SU4, we request that the following also be included.

i) Dwellings: Caretakers Dwelling. There is already a single house on our property that houses the caretaker for the entire Precinct. Potential tenants that we are in discussion with have already indicated that they would house their own caretaker on site and as such additional caretaker residences within each tenancy will most likely be required. Our business model is to lease parts of each of the 4 lots we own, and as such we may well require 1 caretaker per lease that we enter into.

ii) Fast Food Outlet/ Roadhouse/ Service Station/ Restaurant Cafe

These uses, either separately or as a combined operation are well suited to the south east corner of our Property. They would service not just the Precinct tenants, but also passing traffic on Albany Highway. With direct access to Albany Highway, and a substantial amount of land on which to develop such a facility, such an operations would be able to easily accommodate passenger cars through to roadtrains.

2) Part 4

a) Clause 48 (i) – Commercial Parking

i) This clause restricts to one (1) vehicle the number of commercial vehicles that can be parked on a Residential , Rural Residential or Special Use Zone. This is very restrictive, and we would not be able to comply even with even moderate development at Culford.

ii) We can understand the issue of commercial vehicles in Residential and Rural Residential areas, as well as SU1 and SU2, but given the commercial uses proposed to be allowed on our land (including that of a Transport Depot) , we request that our Property be excluded from this regulation.

Yours Sincerely,

Richard Atkins
Director
Culford Agri Industry

Culford Agri Industry
ABN No 2 Pty Ltd atf Culford Unit Trust
PO Box 462, Nedlands WA 6009
T: (08) 6382 1800
F: (08) 6382 1801
ABN: 48 272 201 505

Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

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Your ref: ADM 0549
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Enquiries: Karen Jackson (08) 6552 4150

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Government of Western Australia
Department of Water and Environmental Regulation

Your ref: ADM 0549
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Enquiries: Jane Sturgess, Ph 95504228

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Culford
Agri Industry

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   a) Clause 48 (i) – Commercial Parking
      i) This clause restricts to one (1) vehicle the number of commercial vehicles that can be parked on a Residential , Rural Residential or Special Use Zone. This is very restrictive, and we would not be able to comply even with even moderate development at Culford.
      ii) We can understand the issue of commercial vehicles in Residential and Rural Residential areas, as well as SU1 and SU2, but given the commercial uses proposed to be allowed on our land (including that of a Transport Depot) , we request that our Property be excluded from this regulation.

Yours Sincerely,

Richard Atkins
Director
Culford Agri Industry

Culford Agri Industry
ABN 62 [illegible] Pty Ltd as Culford Unit Trust
PO Box 6[illegible], Bedfordale WA 6069
T: (08) 6382 1800
F: (08) 6382 1801
ABN: 68 272 201 705

13/

Government of Western Australia
Department of Jobs, Tourism, Science and Innovation

Your ref: ADM0549
Our ref: J0760/201901
Enquiries: Georgia Gillies - Georgia.GILLIES@jtsi.wa.gov.au
Phone: (08) 6277 2874

Mr Chris Littlemore
Chief Executive Officer
Shire of Boddington
39 Bannister Road
PO Box 4
BODDINGTON WA 6390

Dear Mr Littlemore

Thank you for providing the Department of Jobs, Tourism, Science and Innovation with the opportunity to comment on the draft Shire of Boddington Local Planning Scheme No.3 (LPS3).

The Department has reviewed the draft LPS3 and has the following comments:

- The Department supports the zone objectives provided for tourism opportunities in the Shire. Permitting a large range of uses recognises that tourism is an important contributor to economic development and diversification in the Shire.
- With respect to Table 8, the Department recommends that the Shire include the following text under the additional provisions section for Special Control Area 3, Mining Buffer, listed on Page 39:

  "The local government shall recognise the rights that exist to the parties to the *Alumina Refinery (Worsley) Agreement Act 1973* (including Mining Lease 258SA) that operates within the Scheme area, and shall advise the Department of Jobs Tourism, Science and Innovation where appropriate on development approvals."

Should you have any queries about the above, please contact Ms Georgia Gillies, Project Officer, on (08) 6277 2874.

Yours sincerely

Marzia Zamir
A/EXECUTIVE DIRECTOR
INFRASTRUCTURE, PLANNING AND ECONOMIC DEVELOPMENT

28 February 2020

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14

GOVERNMENT OF WESTERN AUSTRALIA

Department of **Biodiversity, Conservation and Attractions**

SHIRE OF BODDINGTON
RECEIVED
March 04.
31 JAN 2020

Distribute to:
☐ DCS ☐ HR ☐ EA
☐ PEHO ☐ FM ☐ CEO
☐ MWS ☑ TPC ☐ SFO

File No.
Date
Initial

PARKS AND WILDLIFE SERVICE

Your ref: 44789
Our ref: ADM 0549
Enquiries: Lyndon Mutter
Phone: 9442 0342
Email: lyndon.mutter@dbca.wa.gov.au

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

Draft Shire of Boddington Local Planning Scheme No 3

In reference to your correspondence requesting comments on the Draft Shire of Boddington Local Planning Scheme No 3, the Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) provide the following comments.

The department notes that,

- The Aims of the Scheme includes 9(q) - Conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) for the Scheme area and its environs by ensuring that development is undertaken sustainably with biodiversity values are at the forefront of decision making, and 9.r- Recognise and where possible take account of the adverse cumulative impacts on biodiversity and environmental and heritage values.
- The Scheme provides an Environmental Conservation Zone to identify land set aside for conservation purposes, and to promote for the preservation, maintenance, restoration and sustainable use of the natural environment.
- Table 5 - Additional Requirements outlines that development in the Conservation Zone will only be permitted where the local government is satisfied that there will be no adverse impact on remnant vegetation.
- Clearing of Native Vegetation – 37.3 outlines that where native vegetation is cleared prior to the implementation of an approved development or land use, it is a requirement of the scheme that an equivalent area of land be revegetated with native vegetation to ensure there is no net loss of native vegetation.
- 55.1 - Building envelopes will avoid impact on significant landscape and environmental values

General comments

Vegetation, flora and fauna surveys, and environmental assessments should be undertaken at rezoning and structure planning stage to ensure that threatened species and ecological communities and significant wetlands areas are identified and appropriately managed.

Swan Region
Cnr Australia II Drive and Hackett Drive, Crawley WA 6009
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9442 0300 Email: lyndon.mutter@dbca.wa.gov.au

It is also the department's expectation that fauna management issues, including the displacement of kangaroos will be considered and addressed at rezoning and structure planning stages.

The department also advises that any bushfire protection measures required for development adjoining State Forest and Conservation reserves managed by the department, significant wetland areas, threatened ecological communities, and populations of threatened species, should be accommodated within the development land and not place reliance or impositions on the management of the State Forest or Conservation areas.

Thank you for the opportunity to provide comment. Should you have any queries regarding the above comments, please contact Lyndon Mutter on 9442 0342.

Yours sincerely

Benson Todd
REGIONAL MANAGER

30 March 2020

Draft Shire of Boddington Local Planning Scheme No. 3
Schedule of Submissions

No.	Name and Address of Submitter	Summary of Submissions	Local Government Comments	Local Government Recommendation
1	**Absinth Pty Ltd** Michael Johnson Johnsons5a@bigpond.com	Provided a letter sent to the Minister for Mines on the Newmont Mining Camp on 26 September 2016. Any planning document that does not address the mining camp is considered seriously deficient. Notes various Shire documents seek to encourage population growth and associated development. Until the Newmont Mining Camp is closed, there are limited opportunities for feasible development to accommodate further population in Boddington. Suggests that the Shire has ongoing talks with Newmont regarding the future of their mining camp.	That the submission be noted. The future of the mining camp is an important issue for the Boddington community and it has a significant influence on the demand for new investment and associated permanent population in Boddington. It is also a key matter to consider should there continue to be State Government, local government, community and stakeholder support to see a growing Boddington as proposed by the *State Planning Strategy* (which identifies Boddington as a sub-regional centre) and the *Boddington*	No modification to the Shire of Boddington Local Planning Scheme No. 3 (LPS3) is required.

			SuperTown Growth Plan. The matters raised relating to the Newmont Mining Camp were considered in the review of the Local Planning Strategy. Section 3.4.1(i) of the Local Planning Strategy (2018) includes the following action 'Continue to work with the State Government, Newmont and other stakeholders to consider the future of the Newmont Boddington Gold mining camp and incentives to facilitate development and population growth in Boddington.' In comparison, a Local Planning Scheme is a statutory document and the proposed wording is not appropriate.	

2	**Department of Planning, Lands and Heritage** Land Management Metropolitan & Peel 140 William Street Perth WA 6000 Craig Binks Senior State Land Officer Craig.Binks@dplh.wa.gov.au	No comments.	That the submission be noted.	No modification to LPS3 is required.
3	**Department of Planning Lands and Heritage** Aboriginal Heritage Operations 140 William Street Perth WA 6000 Matthew Franklin Team Leader	A review of the Aboriginal Heritage Register of Places and Objects, as well as the DPLH Heritage Database, confirms that the draft LPS3 area contains 25 registered Aboriginal sites and 37 lodged Aboriginal heritage places. Approvals under the *Aboriginal Heritage Act 1972* may be required for proposed development on these Aboriginal sites or Aboriginal heritage places.	That the submission be noted.	No modification to LPS3 is required.
4	**Main Roads Western Australia** Wheatbelt Region PO Box 194 Narrogin WA 6312 Louise Adamson Operations Manager louise.adamson@mainroads.wa.gov.au	Generally supports draft LPS3.	That the submission be noted.	No modification to LPS3 is required.
		Any development adjacent to a primary distributor (MRWA) road will need to be referred to MRWA for approval to access the network. This is to maintain the efficient and safe operation of the State's road network, ensure that access requirements are managed and promote secondary networks that join with primary distributor roads at appropriate locations. Main Roads suggests including information in the Local Planning Scheme to inform future development of the requirement.	The WAPC now seek that Local Planning Schemes are succinct and prefer that detailed requirements are set out in other planning tools such as local planning policies. This is addressed in Local Planning Policy 9 Car Parking and	

			Vehicular Access and occurs through Shire consultation processes.	
		Where secondary networks constructed within a development can provide access to the Main Roads network via local roads or an existing crossover, Main Roads is unlikely to support future connections. Main Roads suggests including information in the Local Planning Scheme to inform future development of local network access requirements.	While agreeing in-principle, the WAPC now seek that Local Planning Schemes are succinct and prefer that detailed requirements are set out in other planning tools. That the submission be noted.	
		The Local Planning Scheme to include the requirement that where rezoning, structure planning, subdivision or development of land could have an impact on a primary distributor (MRWA) road, all applications are submitted together with a Traffic Statement or Assessment (as appropriate), produced in accordance with the WAPC's Transport Assessment Guidelines For Developments.	This is covered in the State Planning Framework. The WAPC now seek that Local Planning Schemes are succinct and prefer that detailed requirements are set out in other planning tools. That the submission be noted.	
		The Local Planning Scheme to include reference to the MRWA external website for Policy and Guidance documentation on access and advertising approval.	That the submission be noted. The proposed wording is not appropriate to be	

			included in a statutory document.	
5	**Hotham Williams Economic Development Alliance (HWEDA)** Geoff McKeown Chief Executive Officer ceo@williams.wa.gov.au	Aims of the Scheme (Part 1, Clause 9) – includes promotion of sustainable development, and the sufficient supply of serviced and suitable land for retail, commercial, industrial and tourist development. This aligns with HWEDA's own strategic aims.	That the submission be noted.	No modification to LPS3 is required.
		The Zoning Table (Part 3, Clause 17) largely includes the ability for the local government to exercise its discretion in granting development approval in the commercial, industrial and tourism zones, which gives Council appropriate powers to manage development in these areas to achieve the best outcome for the community.	That the submission be noted.	
		The Scheme appropriately identifies the Special Use Zone SU4 as an Agri-Industry Precinct and land at Crossman (former roadhouse) in the Tourism Zone. Both these locations can take full advantage of Albany Highway as a major transport route.	That the submission be noted.	
6	**Water Corporation** Ross Crockett Development Planner Development Services Ross.Crockett@watercorporation.com.au	Draft LPS3 is generally supported.	That the submission be noted.	Modify LPS3 as set out in the 'Local Government Comments' column.
		A reference to 'odour' may be appropriate in the comments on SCA4 in Table 8 on the Special Control Areas (SCA).	Support the suggested modification through adding 'including addressing odour impacts' in Table 8 for SCA4 under Objectives following 'wastewater'.	
		The comments made in relation to the delivery of water and wastewater services in the Local Planning Strategy are supported. As you are aware the Water Corporation has provided comments in relation to the servicing of proposed residential, special residential and rural residential lots proposed in a number of structure plans prepared for land in the Boddington and Ranford townsites. Those comments still apply.	That the submission be noted.	
7	**SUEZ Recycling & Recovery Perth Pty Ltd** PO Box 249	SUEZ Recycling & Recovery (Perth) Pty Ltd, as Owner of Lot 2 Albany Highway, North Bannister, supports the draft LPS3 proposals to include Lot 2 as a Special Use Zone (SU4) as part of a proposed Agri-Industry Precinct including the lands to the immediate east.	That the submission be noted.	Modify LPS3 as set out in the 'Local Government Comments' column.

	Welshpool WA 6986 Craig Barker State General Manager (Western Australia) craig.barker@suez.com	SUEZ further supports the range of Special Uses proposed for SU4 but in doing so seeks the inclusion of Composting / Mulching as "D" uses within SU4. Part of SUEZ's current North Bannister operations include greenwaste reuse and specifically composting / mulching of greenwaste. SUEZ has recently significantly expanded its greenwaste production capacity from 35,000 tonnes per annum to 110,000 tonnes per annum. SUEZ envisages a growing need for green waste recycling / reuse into the future with the possibility of the addition of manures production as farmers / primary producers shift to more organic land management practices. We note that "Resource Recovery Centre" is included in SU4 however suggest that the common usage and meaning of this term would not typically extend to green waste recovery / composting operations. Accordingly, SUEZ seeks the addition of "Composting, Mulches and Manures" as a "D" Use under Special Uses.	The use of Composting, Mulches and Manures is complementary to other proposed uses for the Agri-Industry Precinct (SU4) and is supported. The proposed use is a non-standard use which is not set out in the Model Scheme Text. It is suggested that Composting, Mulches and Manures is defined in clause 59 of LPS3 as follows: **Composting, Mulches and Manure**: means the controlled process whereby animal wastes or compostable organic wastes which may include liquid organic wastes but not any liquid wastes classed as Listed Waste, Radioactive Waste or Hazardous Waste, are pasteurised and microbiologically	

			transformed under aerobic and thermophilic conditions into compost, mulch or manure.	
		Disposal of Mineral Processing Residues With mineral processing plants being increasingly located in major industrial estates, typically close to ports, and remote from the mine site, SUEZ foresees a trend towards the need for disposal of mineral processing residues as part of the future function of approved waste disposal sites where the processing residue cannot be returned to the mine site for disposal. We note that "Mining Operations" is included in SU4, However, the definition of Mining Operations under the Mining Act refers principally to the process for winning / refining of the mineral from the ore and seems silent in terms of the disposal of the residue. Accordingly, SUEZ seeks the addition of "Mineral Processing Residues Disposal Facility" as a "D" Use under Special Uses.	The use of Mineral Processing Residues Disposal Facility is complementary to other proposed uses for the Agri-Industry Precinct (SU4) and is supported. The proposed use is a non-standard use which is not set out in the Model Scheme Text. It is suggested that Mineral Processing Residues Disposal Facility is defined in clause 59 of LPS3 as follows: **Mineral Processing Residues Disposal Facility**: means premises used for -	

			a) the disposal by landfill or any other means approved under the Environmental Protection Act 1986 of residues or waste generated by or resulting from mining operations; or b) the storage of residues or waste generated by or resulting from mining operations for later recovery and re-processing off-site.	
8	**Main Roads Western Australia** Metropolitan and Southern Regions/South West Paul Davies Acting Road Corridor Planning Manager daniel.naude@mainroads.wa.gov.au	Main Roads WA has no objections to the proposed Local Planning Scheme.	That the submission be noted.	No modification to LPS3 is required.
9	**Department of Fire and Emergency Services** PO Box 1174 Perth WA 6844 Craig Scott Senior Land Use Planning Officer	Assessment It is unclear if the application of SPP3.7 is required, as the areas of land use intensification as proposed by the Scheme are not represented spatially with the designated bushfire prone areas.	That the submission be noted. Most of the matters raised by DFES ideally should have been addressed through the review of the Local Planning Strategy.	No modification to LPS3 is required.

			Unfortunately, DFES did not make a submission on the Local Planning Strategy review. Strategic level bushfire risks were addressed in the Local Planning Strategy (2018). This was informed by the Shire-wide bushfire hazard level assessment in 2012, the Shire's 2013 biodiversity strategy and work undertaken by the DPLH's Policy Bushfire section in 2018. Amongst matters, the Local Planning Strategy deleted various development investigation areas due to bushfire risks. The Local Planning Strategy supported a 'rounding off' approach to exiting rural living areas, conditional on providing secondary access for emergency evacuation.	

		High level consideration of bushfire risk is one of the most effective means of preventing inappropriate development in bushfire prone areas. Where the Scheme aims to identify suitable land for land use intensification within designated bushfire prone areas, it is important an assessment of the bushfire hazard issues is undertaken that informs the suitability of areas (if any) for urban expansion and/or land use intensification. The minimum requirement to satisfy SPP3.7 is the preparation of a Bushfire Hazard Level (BHL) assessment and an assessment against the bushfire protection criteria requirements contained within the Guidelines.	That the submission be noted. This was addressed through the review of the Local Planning Strategy which deleted various development investigation areas due to bushfire risks.	
		At this strategic level, it is acknowledged that bushfire risk is likely to be only one consideration of the decision maker in determining the suitability of the land for proposed intensification. However, this emphasises the need for an understanding of what the bushfire risk issues are, so an informed decision can be made as to the suitability of areas for expansion or intensification of land use. Deferring consideration of bushfire risk to subsequent planning stages may serve to exacerbate the situation through increased expectations from landowners regarding land use change, should the areas identified be unable to achieve compliance with the bushfire protection criteria in the Guidelines. In accordance with our advisory role, we encourage the Shire to consider the following information prior to the formulation of the Scheme or Local Planning Strategy.	That the submission be noted. Bushfire risks have been considered at a strategic level and around the Boddington townsite. For areas identified as investigation areas but zoned 'Rural' in LPS3, the proponent will need to suitably undertake bushfire assessments to support structure planning and subdivision applications.	
		<u>Bushfire Hazard Level Assessment</u> A BHL assessment is required subject to Policy Measure 6.3 of SPP 3.7. It provides a 'broad brush' means of determining the potential intensity of a bushfire for an area. This assessment assists in determining the suitability of land for future intensification of land use, such as through subdivision or development. It is a pre-development tool used to inform decision making at subsequent planning stages and ensures a holistic understanding of the bushfire risk. Opportunities and constraints and the presentation of information within a matrix should be considered, where relevant (refer to the tables below).	That the submission be noted. This was addressed through the Local Planning Strategy review.	

		A BHL assessment should be prepared for all areas identified for land use intensification which are designated as bushfire prone, including those areas that have not been previously tested by SPP 3.7 and are yet to be zoned or developed. This assessment can be a stand-alone document that informs the Scheme or Local Planning Strategy or can form part of the document itself.	That the submission be noted. This was addressed through the Local Planning Strategy review.	
		Although not specified in SPP 3.7 or the supporting Guidelines, the Shire should also consider the following: • a BHL assessment for those areas identified in the current Strategy or zoned in the current Scheme, but not yet developed. A BHL assessment will identify those areas that cannot comply with SPP 3.7; or alternatively identify measures to ensure future compliance, such as an improved road network; and • identification of measures to improve the resilience of those areas that are developed within or adjoining areas with an extreme bushfire hazard; this could be through improved vehicular access and egress; increased hazard separation; improved water infrastructure; and/or implementation of fire management strategies and vegetation management.	That the submission be noted. The Shire has and continues to explore ways to reduce bushfire risks for subdivisions and estates which were established prior to contemporary bushfire planning requirements were introduced.	
		Appendix Two of the Guidelines outlines the methodology for undertaking a BHL assessment.	That the submission be noted.	
		Required outcomes of the assessment are to: • identify areas of low or moderate BHL that are most suitable for land use intensification; • evaluate the appropriateness of areas identified for intensification of land use; • identify improvements required to the broader road network to ensure that vehicular access and egress is available and safe during a bushfire event.	That the submission be noted. This was addressed through the Local Planning Strategy review.	
		<u>Opportunities and Constraints Assessment</u> It is critical at this level of the planning to connect the spatial understanding of the bushfire threat with strategic decisions about the intensification of land use. An understanding of the bushfire hazard provides for the identification of opportunities and constraints for the areas proposed for land use intensification. These areas can then be evaluated against each other, as well as each element	That the submission be noted. This was addressed through the Local Planning Strategy review which deleted various development	

		of the bushfire protection criteria, to highlight the locations where it is unlikely compliance with the criteria can be achieved. An opportunities/constraints assessment can address issues related to the bushfire protection criteria that have arisen following the BHL assessment, including: **Protection criteria** / **Key considerations** Element 1: Location — Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of >10 degrees), areas of possible fire-runs and evacuation options. Identify areas which represent an extreme bushfire risk that cannot be managed and should not be supported for development. Areas most suitable for land use intensification are where the bushfire hazard is low or moderate. Identify conservation areas including TEC, heritage sites, nature reserves or national parks that may constrain a location. Identify vulnerable and high-risk land uses and critical infrastructure. Element 2: Siting and design — Identify interfaces between development and bushfire prone vegetation which may require increased setbacks to achieve an appropriate BAL rating (high risk AS3959). Element 3: Vehicular access — Consider the wider road network and identify any limitations to the	investigation areas due to bushfire risks.	

			provision of multiple access routes both at the local and district levels. Identify vehicular access routes that provide safe access and egress to two different destinations. Identify opportunities to improve access and egress for existing development, including incorporating emergency access ways and fire service access routes where no alternative exists.		
		Element 4: Water	In reticulated areas, highlight locations of hydrants and existing water infrastructure. In non-reticulated areas, it will be necessary to demonstrate the availability of alternative water supplies for firefighting purposes.		
		<u>Bushfire Protection Criteria Matrix</u> If the BHL assessment is being prepared for multiple development or investigation areas, the assessment should provide a comparison of these areas. In particular, it should consider the likelihood that intensification of land use in an individual investigation area may or may not comply with the bushfire protection criteria.		That the submission be noted.	
		This can be in the form of a matrix to provide a qualitative assessment for those areas proposed for intensification of land use. The assessment should confirm if the investigation area is likely, possibly or unlikely to meet the criteria. It should also recognise that compliance may be subject to the subsequent stages of the planning process.		That the submission be noted.	
		<u>Recommendation − insufficient information</u> The Shire should consider if any land use intensification is being proposed in designated bushfire prone areas by the draft Scheme. If so, application of SPP 3.7 and the supporting Guidelines is required.		That the submission be noted. Draft LPS3 reflects the endorsed Local Planning Strategy (2018). For properties shown as	

			investigation areas in the Local Planning Strategy, but currently zoned 'Rural', the LPS3 generally requires the proponent to prepare relevant bushfire assessments.	
		The above guidance is provided to inform application of SPP 3.7 for the draft Scheme. A bushfire assessment may be necessary to ensure that all recommendations for land use intensification within the Scheme, avoid any increase in the threat of bushfire to people, property and infrastructure. The assessment should demonstrate to the fullest extent possible how compliance with the bushfire protection criteria can be achieved at subsequent stages of the planning process.	That the submission be noted.	
10	**Department of Planning, Lands and Heritage** Heritage Development Team Locked Bag 2506 Perth WA 6001 Adelyn Slew Director Heritage Development	The Scheme area contains State Registered Place P15424 Asquith Bridge, which was destroyed by fire in 2015. The Scheme area contains P17811 Hotham River Homestead. The place is in the Heritage Council's assessment program for possible inclusion in the State Register of Heritage Places. The proposed Scheme has been considered for its potential impact on heritage places within the Scheme. There is no objection to the proposed Scheme.	That the submission be noted.	No modification to LPS3 is required.
11	**Department of Water and Environmental Regulation** Kwinana Peel Region PO Box 332 Mandurah WA 6210 Brett Dunn	DWER supports the development of the Scheme.	That the submission be noted.	Modify LPS3 as set out in the 'Local Government Comments' column.
		Part 37. Clearing Native Vegetation (Page 28) Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally	That the submission be noted. The WAPC now seek that Local Planning Schemes are succinct and prefer that detailed	

	Program Manager – Planning Advice	sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations). Amend or update this section, and any other relevant sections, to include the requirements of the EP Act.	requirements are set out in other planning tools such as local planning policies.	
		Part 57. Special Control Areas, page 38, Table 8 - Special control areas in Scheme area • *State planning policy no. 2.7: Public drinking water source policy* (2003) provides the principal guidance for land use planning in PDWSAs. It requires that PDWSAs are recognised in all levels of planning schemes by special reservation or special control areas. • *State planning policy no. 2.9: Water resources policy* provides measures to protect and enhance surface and groundwater catchments. Schedule 1 includes guidance for incorporating the policy into planning measures and decision-making, and includes provision for future PDWSAs. Request adding the following provisions:	That the submission be noted.	
		<u>Referral of Applications</u> Prior to approving land uses in the public drinking water source area Special Control Areas (PDWSA SCA), any development application for a use or development shall be referred to the Department of Water and Environmental Regulation or any equivalent replacement of that department for comment. In determining any application for planning approval within the PDWSA, the local government shall: (a) in determining applications for development approval within the PDWSA SCA, have due regard to relevant State Government policies (i.e. *State planning policy no. 2.7: Public drinking water source policy*), Department of Water and Environmental Regulation's WQPN no. 25: *Land use compatibility tables for public drinking water source areas* and *Operational policy 13: Recreation within public drinking water source areas on Crown land.*	That the submission be noted. Various components of DWER's request are set out in the endorsed Local Planning Strategy (2018). Most of the Public Drinking Water Source Area (PDWSA) in the Shire of Boddington are located on Crown land such as State Forest. There is a smaller component which is on freehold	

		(b) refer any applications for development approval which are 'compatible with conditions' or 'incompatible' in the WQPN no. 25: *Land use compatibility tables for public drinking water source areas* to the Department of Water and Environmental Regulation for advice prior to determination of the application.	land, with most of these properties containing native vegetation.	
		(c) refer any applications for recreation events or facilities on Crown land (including Crown land vested with the local government) as described in Department of Water and Environmental Regulation's *Operational policy 13: Recreation within public drinking water source areas on Crown land.*	The WAPC now seek that Local Planning Schemes are succinct and prefer that detailed requirements are set out in other planning tools such as local planning policies.	
		(d) in respect to the SCA the Local Government may refuse any application for planning approval or impose conditions on any planning approval so as to: (i) protect the resource; and (ii) require the registration of notification on title giving notice of any limitations or constraints associated with the protection of the resource.	Support adding the following as Additional Provision 3 in SCA2 for PDWSA: 'The local government may refuse any application for development approval or impose conditions on any development approval so as to: (a) protect the resource; and (b) require the registration of notification on title giving notice of any limitations or constraints	

			associated with the protection of the resource.'	
		(e) In determining land uses and development proposals, the local government is to have due regard to any comments and recommendations from the Department of Water and Environmental Regulation and may impose relevant conditions to prevent or minimise the potential risk of public drinking water source contamination. The local government should also have regard to the management direction provided by priority classification of certain areas, and protection zones noting that; (i) Priority 1 (P1) areas are defined and managed to ensure there is no degradation of the quality of the public drinking water source with the objective of risk avoidance. (ii) Priority 2 (P2) areas are defined and managed to maintain or improve the quality of the public drinking water source with the objective of risk minimisation. (iii) Priority 3 (P3) areas are defined and managed to maintain the quality of the public drinking water source for a long as possible with the objective of risk management. (iv) Priority 3* (P3*) areas are assigned to land that was previously priority (P1) or priority 2 (P2) in the Metropolitan Region Scheme only and has been rezoned to 'urban'. This P3* is a variation of the P3 management approach of risk management, with recommended protection measures that are in addition to those for P3 areas and are also managed to maintain the quality of the public drinking water source for a long as possible with the objective of risk management. (v) Protection zones (wellhead protection zones and reservoir protection zones) are defined to protect the water source from contamination in the immediate vicinity of drinking water abstraction points (i.e. production bores for groundwater sources and reservoirs for surface water sources) and shall be given due regard and additional by-laws for the protection of water quality may apply in these areas.	The WAPC now seek that Local Planning Schemes are succinct and prefer that detailed requirements are set out in other planning tools such as local planning policies.	

		(f) there is a general presumption against development or use of land, which is not compatible with a PDWSA or which involves a significant risk to the resource. (g) the onus will be on the proponent of the development to demonstrate that the proposed activity will not prejudice the resource. It should be noted that within reservoir protection zones constituted under the *Country Areas Water Supply Act 1947*, public access on It should be noted that within reservoir protection zones constituted under the Country Areas Water Supply Act 1947, public access on Crown land is prohibited (unless on public roads or other existing state designated sites). Within these PDWAs *State Planning Policy 2.7 – Public drinking water source areas, Water Quality Protection Note 25: Land use compatibility tables for public drinking water source areas (WQPN 25), Water Quality Protection Note 76: Land use planning in public drinking water source areas (WQPN 76) and Operational policy 13: Recreation within public drinking water source areas on Crown Land, 2019* apply.		

		The department recommends that land uses and activities that are incompatible, compatible with conditions and acceptable are identified within the scheme. Further information on land uses and the incorporation of PDWSAs into planning schemes is provided in WQPN 25 and Operational policy 13.	That the submission be noted.	
		<u>Recreation development</u> When considering recreation development on Crown land (including Shire vested land) within PDWSAs (the Serpentine Dam Catchment Area and South Dandalup Dam Catchment Area), the Department of Water and Environmental Regulation's *Operational policy 13: Recreation within public drinking water source areas on Crown land*, 2019 will apply. It should be noted that within reservoir protection zones constituted under the *Country Areas Water Supply Act 1947* public access on Crown land is prohibited (unless on public roads or other existing state designated sites).	That the submission be noted. Most of the PDWSA in the Shire of Boddington are located on Crown land. This can be addressed through the State planning framework and other planning tools.	
		<u>Vegetation and Biodiversity</u> Banksia woodlands of the Swan Coastal Plain is a threatened ecological community listed as endangered under the EPBC Act on 16 September 2016. Activities that clear or damage the ecological community will require approval from the Minister for the Environment. Further guidance can be found at *Tuart Woodlands and Forests of the Swan Coastal Plain: A National Significant Ecological Community* (Commonwealth of Australia, 2019). Reference is to be made of the nationally significant ecological community as well as requirements and obligations under EPBC Act.	That the submission be noted. The Shire of Boddington is not located on the Swan Coastal Plain.	
12	AB No 2 Pty Ltd trading as Culford Agri Industry Precinct PO Box 662 Nedlands WA 6009 Richard Atkins	1) Part 3, Clause 21, Table 4, re SU4. a) Lot 123 In addition to owing Lots 10, 11 and 68 (which have been included in SU4), we also own Lot 123 in the south east corner of the property. We would request that Lot 123 also be included in SU4. The entire property is being	Support the submission. Lot 123 on Diagram 10744	Modify LPS3 as set out in the 'Local Government

	Director ratkins@culford.com.au	developed as an integrated Agri Industry Precinct and it is important that Lot 123 is included due to its direct frontage onto Albany Highway. We have identified a number of potential uses for Lot 123, for which such exposure is important.	is 3.56 hectares in area and borders SU4 on two sides.	Comments' column.
		b) Allowable Uses In terms of the Uses that are allowable under the "D" classification for SU4, we request that the following also be included: i) Dwellings: Caretakers Dwelling. There is already a single house on our property that houses the caretaker for the entire Precinct. Potential tenants that we are in discussion with have already indicated that they would house their own caretaker on site and as such additional caretaker residences within each tenancy will most likely be required. Our business model is to lease parts of each of the 4 lots we own, and as such we may well require 1 caretaker per lease that we enter into.	Support the submission with caretaker's dwelling to be added to SU4 as a 'D' use. To provide clarity, add Condition 2, 'Despite any other requirement of the Scheme, the local government may permit more than one caretaker's dwelling within SU4. Caretaker's dwellings should be sited to minimise impacts to adjacent and nearby agri-business or related activities.'	
		ii) Fast Food Outlet/ Roadhouse/ Service Station/ Restaurant Café These uses, either separately or as a combined operation are well suited to the south east corner of our Property. They would service not just the Precinct tenants, but also passing traffic on Albany Highway. With	Support the submission.	

		direct access to Albany Highway, and a substantial amount of land on which to develop such a facility, such an operations would be able to easily accommodate passenger cars through to road trains.		
		2) Part 4 a) Clause 48 (i) — Commercial Parking i) This clause restricts to one (1) vehicle the number of commercial vehicles that can be parked on a Residential, Rural Residential or Special Use Zone. This is very restrictive, and we would not be able to comply even with even moderate development at Culford. ii) We can understand the issue of commercial vehicles in Residential and Rural Residential areas, as well as SU1 and SU2, but given the commercial uses proposed to be allowed on our land (including that of a Transport Depot), we request that our Property be excluded from this regulation.	Support the submission. Add Condition 3, 'Despite any other requirement of the Scheme, including clause 48(i), the local government may permit two or more commercial vehicles in SU4 and may grant development approval for a transport depot(s).'	
13	**Department of Jobs, Tourism, Science and Innovation** Level 11 1 William Street Perth WA 6000 Marzia Zamir A/Executive Director Infrastructure, Planning and Economic Development	The Department supports the zone objectives provided for tourism opportunities in the Shire. Permitting a large range of uses recognises that tourism is an important contributor to economic development and diversification in the Shire.	That the submission be noted.	Modify LPS3 as set out in the 'Local Government Comments' column.
		With respect to Table 8, the Department recommends that the Shire include the following text under the additional provisions section for Special Control Area 3, Mining Buffer, listed on Page 39: 'The local government shall recognise the rights that exist to the parties to the *Alumina Refinery (Worsley) Agreement Act 1973* (including Mining Lease 258SA) that operates within the Scheme area, and shall advise the Department of Jobs Tourism, Science and Innovation where appropriate on development approvals."	Support the submission.	

14	**Department of Biodiversity, Conservation and Attractions** Parks and Wildlife Service Swan Region Locked Bag 104, Bentley Delivery Centre, WA 6983 Benson Todd Regional Manager	The department notes that, • The Aims of the Scheme includes 9(q) - Conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) for the Scheme area and its environs by ensuring that development is undertaken sustainably with biodiversity values are at the forefront of decision making, and 9.r- Recognise and where possible take account of the adverse cumulative impacts on biodiversity and environmental and heritage values. • The Scheme provides an Environmental Conservation Zone to identify land set aside for conservation purposes, and to promote for the preservation, maintenance, restoration and sustainable use of the natural environment. • Table 5 - Additional Requirements outlines that development in the Conservation Zone will only be permitted where the local government is satisfied that there will be no adverse impact on remnant vegetation. • Clearing of Native Vegetation – 37.3 outlines that where native vegetation is cleared prior to the implementation of an approved development or land use, it is a requirement of the scheme that an equivalent area of land be revegetated with native vegetation to ensure there is no net loss of native vegetation. • 55.1 - Building envelopes will avoid impact on significant landscape and environmental values	That the submission be noted.	No modification to LPS3 is required.
		<u>General comments</u> Vegetation, flora and fauna surveys, and environmental assessments should be undertaken at rezoning and structure planning stage to ensure that threatened species and ecological communities and significant wetlands areas are identified and appropriately managed. It is also the department's expectation that fauna management issues, including the displacement of kangaroos will be considered and addressed at rezoning and structure planning stages. The department also advises that any bushfire protection measures required for development adjoining State Forest and Conservation reserves managed by the department, significant wetland areas, threatened ecological communities, and	That the submission be noted. These matters are addressed in the State planning framework and through operational matters.	

		populations of threatened species, should be accommodated within the development land and not place reliance or impositions on the management of the State Forest or Conservation areas.		

8.1.2 Draft Local Planning Policy No. 11 – Landscaping and Revegetation: Submitted for consent to publicly advertise

File Ref. No:	LNUP021
Disclosure of Interest:	Nil
Date:	8 July 2020
Author:	Steve Thompson
Attachments:	8.1.2A Draft Local Planning Policy No. 11 – Landscaping and Revegetation 8.1.2B Extract from *Planning and Development (Local Planning Schemes) Regulations 2015*

Summary

The purpose of this report is to seek Council support to publicly advertise a draft planning policy relating to landscaping and revegetation.

Background

The Council does not have a planning policy relating to landscaping and revegetation. Given this is an important issue, especially at the development application and subdivision stages, it is considered timely that the Council establishes its policy position.

Reasons for needing a Landscaping and Revegetation Policy include:

- There is no Council standard as to what information is required in a landscape plan or a revegetation plan or what constituents an appropriate on-the-ground outcome;
- Requiring the preparation and implementation of landscape plans is a standard condition for various development approvals;
- It is consistent with the Council's *Strategic Community Plan 2017 - 2027* including the objective of "A healthy, clean, green and sustainable environment" and supporting "Attractive parks, gardens and streetscapes"; and
- Draft *Shire of Boddington Local Planning Scheme No. 3* includes clauses which give reference to the local government giving due regard to the Policy.

The Policy:

- Refers to and supports *Council Policy 10.2 Street Trees*;
- Does not list all preferred and non-preferred species. Depending on the development site context (e.g. unit development site compared to a large rural property), the policy provides direction regarding support for local native species, waterwise exotics and fire-retardant species but does not support declared weeds;
- Sets out the need to appropriately maintain the landscaping and/or revegetation; and
- Could be complemented by a community/landowner information sheet, separate to the Policy, that more extensively lists preferred and non-preferred species.

Most of the draft policy relates to landscaping and revegetation on freehold land and not on verges.

Other than in the *Boddington Town Centre Design Guidelines*, it is understood the Council has not endorsed a list of district endemic species or preferred non-native/exotic species (ideally that have fire suppression qualities).

Attachment 8.1.2B provides an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015.* The 'deemed provisions' in the Regulations replace relevant clauses in Local Planning Schemes. The Regulations require draft local planning policies to be publicly advertised for at least 21 days.

Comment

The intention of the draft policy is to provide guidance for landowners, subdividers and the Council to ensure that landscaping and revegetation are suitably located, designed and maintained to enhance amenity and address safety.

The draft policy, set out in Attachment 8.1.2A, is considered appropriate to be publicly advertised for community and stakeholder comment. If Council agrees, submissions will be invited through various methods for a six (6) week period. In particular, through the Shire administration writing to and inviting comments from wide-ranging stakeholders and government agencies, placing public notices and details in local papers on multiple occasions, placing details on the Shire website, on the Shire's Facebook page and information being available at the Shire office.

The goal of the draft policy is to encourage community and stakeholder debate and to seek the receipt of submissions. Following the close of the consultation period, the Council and the Shire administration will consider the submissions and determine whether the draft policy is suitable for final adoption or whether it should be modified. The objective is to finalise a policy which will assist to increase certainty for everyone with an interest in this issue and which will provide increased guidance to Council and the Shire administration in assessing development applications and subdivision applications.

Strategic Implications

The policy, if adopted, will assist:

- The decision-making of the Council and the Shire administration;
- To inform applicants/landowners of Council requirements; and
- To raise community and stakeholder awareness.

Statutory Environment

Planning and Development Act 2005, *Planning and Development (Local Planning Schemes) Regulations 2015, Shire of Boddington Local Planning Scheme No. 2, and Draft Shire of Boddington Local Planning Scheme No. 3.*

Policy Implications

Local planning policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Development Applications.

Finalisation of the policy will increase certainty for everyone with an interest in the matter and should assist in more consistent decision making.

Financial Implications

There are Shire costs associated with advertising the draft policy.

Economic Implications

There is a cost in providing and maintaining landscaping and revegetation.

Social Implications

Landscaping and revegetation, if effectively maintained, enhances the amenity of areas.

Environmental Considerations

The draft policy promotes retention of native vegetation and use of appropriate local native vegetation.

Consultation

The draft planning policy, set out in Attachment 8.1.2A, will be subject to community and stakeholder consultation should the Council agree to its public release.

Options

The Council can:

1. Agree to the public release of the draft Local Planning Policy without modifications;
2. Agree to the public release of the draft Local Planning Policy with modifications;
3. Defer consideration of the matter and require additional information; or
4. Not agree to the public release of the draft Local Planning Policy.

Voting Requirements - Simple Majority

COUNCIL DECISION – ITEM 8.1.2

COUNCIL RESOLUTION: 65/20 **Moved: Cr Hoffman**

That Council:

1. **Support the public release of draft *Local Planning Policy 11 – Landscaping and Revegetation,* outlined in Attachment 8.1.2A, and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* with an increased advertising period of six weeks.**

2. **Will reconsider draft *Local Planning Policy 11 – Landscaping and Revegetation* following the close of the public submission period and will determine whether or not to adopt the policy with or without modifications, or to not proceed with the policy.**

Seconded: Cr Erasmus **Carried: 5/0**

DRAFT (JULY 2020)

SHIRE OF BODDINGTON
LOCAL PLANNING POLICY No. 11 – LANDSCAPING AND REVEGETATION

1. Policy Statement

This Policy promotes landscaping, planting and revegetation that is consistent and compatible with Boddington's climate and natural environment. It aims to ensure that new development suitably addresses its setting and contributes to the area's amenity. This Policy endorses the use of local native and non-invasive introduced plant species.

2. Background and Issues

The aim of landscaping, in the context of this Policy, is to address the landscape requirements and needs associated with relevant development and subdivision applications.

This Policy does not apply to the development of public open space. Further details on street trees are set out in *Council Policy 10.2 Street Trees*.

The purpose of this Policy is to establish a minimum acceptable standard of landscaping and to ensure appropriate ongoing maintenance is sustained.

Landscaping can both assist in the survival of a building and be a determining factor in its destruction. Landscaping can protect buildings by forming a barrier or deflector for wind-borne debris and radiant heat. It can also bring the fire directly to the building. Therefore, care needs to be exercised when selecting and locating landscaping.

All plants will burn under certain conditions and plants do not attain a 'fire resistance level' that meets requirements of the *Building Code of Australia*. Placing plants too close to a building, under timber decks or next to windows, will provide a direct threat to the building. Having a clearance around the building will achieve the desired effect of creating a break between the vegetation and the building as part of an Asset Protection Zone.

3. Definitions

For the purposes of this Policy, all terms and references shall have the same meaning as given by the provisions of the *Shire of Boddington Local Planning Scheme No. 2* (LPS2) and in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

In this Policy:

'Development' can also mean 'subdivision'.

'Landscape Plan' can mean a 'Revegetation Plan'.

'Landscaping' means 'An open area designed, developed and maintained with trees, shrubs, other plants, grasses and similar to the satisfaction of the local government.'

4. Objectives

The objectives of this Policy are to:

- Retain or enhance the visual amenity of neighbourhoods and localities;
- Encourage development that incorporates landscaping that addresses its context with the use of interesting and resilient plant selection and design ideas;
- Provide the local government with a clear set of guidelines to apply standards for landscaping of residential, commercial, industrial, tourism and other developments, along with associated landscaping for relevant subdivisions;
- Provide further interpretation of the *Residential Design Codes* (R Codes) and LPS2 in the assessment of applications;
- Provide increased certainty for applicants, the community and others; and
- Assist in providing greater consistency in decision making by the local government.

5. Application of the Policy

This Policy applies throughout the municipality (the district).

This Policy does not apply to 'low key' and 'low impact' developments as determined by the local government.

6. Links to Local Planning Scheme and Other Documents

This is a local planning policy prepared under the Regulations and LPS2.

This Policy relates to various requirements set out in LPS2, in the R Codes and in other documents. Where there is an inconsistency between this Policy and LPS2, then LPS2 prevails to the extent of such inconsistency. Where there is an inconsistency between this Policy and the R Codes, then the R Codes prevails to the extent of such inconsistency.

7. Policy Provisions

7.1 General

Other than for 'low key' and 'low impact' development, as determined by the local government, a landscape plan should accompany relevant development applications for residential, commercial, industrial, tourism and other development.

Alternatively, the local government may require the applicant to prepare and implement a landscape plan to the satisfaction of the local government as part of the development approval process. This work may be subject to a development bond to ensure satisfactory installation and establishment of landscaping prior to occupation of the building and/or development.

The local government supports native vegetation which is endemic to the district along with non-invasive exotic plant species which have suitable fire-suppression qualities.

LPS2 sets the minimum landscaping requirements for different zones. This includes a minimum 10% of the site area in the Commercial zone and in the Industrial zone.

The local government seeks a high standard of landscaping to positively contribute to the locality.

For properties within designated bushfire prone areas, the local government encourages landscaping that is appropriately located, selected and maintained.

In the town centre, the local government will also have regard to landscape components of Local Planning Policy 2 *Boddington Town Centre Guidelines.*

7.2 Landscaping Requirements

For new development proposals involving:

- Single house - the Policy will generally not apply, unless LPS2 or a separate adopted Local Planning Policy require landscaping;
- Residential development comprising more than one single house on the land - the provisions of the R-Codes will be applied;
- Town centre – if extensive parking areas are proposed, then landscaping to achieve suitable screening and shade will be required in the parking areas;
- Commercial and industrial development – landscaping will be required at a ratio of 10% of the site area unless otherwise determined by the local government;
- Tourism and other forms of development - the amount, position and type of landscaping will be assessed by the local government in each case having regard to the site's context and Policy objectives;
- Development in rural areas - there will generally only be a landscaping requirement where there is a need to screen new buildings, structures and uses such as industry extractive proposals, particularly from public roads or other public vantage points, unless there is a separate requirement to address other amenity considerations such as dust; and
- Variations to LPS2 or other standards - the local government may require a cash-in-lieu contribution towards the implementation of an approved Townscape Plan.

Landscape plans are generally required to be submitted for the following types of development applications:

- grouped dwellings and residential buildings;
- any addition, or new commercial, industrial or tourism developments; and
- industry-extractive.

Where a landscape plan is required, plants identified as 'declared weeds' pest plants are not permitted to be established.

Further details on landscape plans are outlined in Attachment 1 (requirements for various types of developments/land uses) and Attachment 2 (verge).

7.3 Form of Landscaping

Landscaping should aim to minimise water use through soil improvement and mulching to retain moisture, encourage the use of native species (especially endemic to the district) and install smart irrigation systems including monitors, controllers and subsurface irrigation.

In general, landscaped areas should be kerbed or otherwise defined and provided with reticulation to provide the optimum conditions for the plants to be established and grow to achieve the desired objective.

Shade trees in car parking areas should be in raised kerbed beds or similar with stakes supplied to the trees in the initial stages and, where necessary, protective railings installed to deter vandalism or damage from vehicles.

7.4 Maintenance

As part of a development approval, it is also a requirement that the applicant/landowner permanently maintains the landscaping to the satisfaction of the local government.

Any landscaping proposed within the verge must comply with *Council Policy 10.2 - Street Trees*.

7.5 Deferred Installation of Landscaping

Generally, the development approval will require the appropriate landscaping to be undertaken before occupation of the approved development.

The local government recognises that there will be circumstances when planting will not be appropriate at the time when a development is ready for occupation, e.g. at height of summer. Accordingly, the local government will consider on its merits the applicant to enter an arrangement where the landscaping is provided later. All such applications for deferred landscaping will need to be:

- In writing with undertakings provided to the local government to the effect that the landscaping will be laid out and planted by the agreed date; and
- Supported by a performance bond to the full value of the landscaping works and materials supplied and installed to the satisfaction of the local government.

For large projects, as landscaping is subsequently provided, the bond monies can be returned to the applicant proportional to the value of the works completed to the satisfaction of the local government.

7.6 Tree Planting Order

Clause 4.7 of LPS2 provides the statutory head of power for the local government to require tree planting by serving a Notice (to be called an 'Order' in this Policy) where the local government considers a property is deficient in tree cover.

It is expected the issuing of an Order, for a landowner to undertake tree planting, will be used in limited circumstances. The key reasons are likely to be associated with the following:

- Erosion and/or land slippage that is anticipated to impact on local government or other public infrastructure or which may create health or safety impacts; or
- Properties denuded of vegetation, adjoining main roads and/or key tourist routes, which contain external storage of building materials, a collection of vehicles or other equipment that can be seen from a public place.

The Order will set out the requirement for the tree planting including the objectives/intended outcomes of the planting, location, type of vegetation, planting density and when the planting is required by. As a guide:

- The landowner will need to provide the local government a suitable tree planting plan within 30 days of the Order being issued;
- The planting to commence within 60 days of the Order being issued;
- The planting to be completed within 120 days of the Order being issued;
- The planting to be suitably maintained by the landowner to the satisfaction of the local government.

A landowner who has been issued an Order may apply to the State Administrative Tribunal for a review of the local government's issue of the Order.

Should a landowner not comply with the Order, the local government may undertake enforcement action as set by the *Planning and Development Act 2005* and supporting regulations.

A Tree Planting Order is separate to the requirement to address conditions of a subdivision or development approval that relate to tree planting and landscaping.

8. Administration

8.1 Matters to be Addressed Prior to Formally Lodging the Development Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the local government early in the planning/design process and prior to lodging a Development Application.

8.2 Landscape Plan Requirements

Where required by the local government, a landscape plan should show the entire lot the subject of the development application, existing and proposed buildings or other structures and the land to be allocated to landscaping. The landscape plan, as required, should be complemented by other larger scale plans for areas subject to landscaping showing greater detail.

All landscape plans, submitted to the local government, should be drawn to scale and detail the following:

- The location and type of existing trees, shrubs and plantings, including genus species name and whether they are to be retained;
- The location and type of new trees, shrubs and plantings that are proposed to be installed as part of the landscaping including genus species name;
- Any lawns, paths, hardscaping or other features to be established including construction materials to be used (i.e. brick paving, concrete);
- Any natural landscape areas to be retained;
- Those areas to be reticulated or irrigated including details on the type of reticulation;
- Show a north point and outline prevailing breezes;
- The treatment of edges of the landscaped area; and
- The material to be used as mulch etc.

All works should be fully specified and documented in conjunction with the landscape plan.

Preparation of a landscape plan by a landscape architect/designer is preferred for certain developments.

Further details are outlined in Attachments 1 and 2.

8.3 Assessing the Development Application and Landscape Plans

Development Applications and landscape plans will be assessed on a case by case basis subject to this Policy, LPS2, the R Codes and information provided by the applicant. Landscape requirements will be assessed having regard to matters including:

- Contributing to enhancing the character of the area;
- Lot shape;
- Street frontage (including whether it is a corner lot);
- Carpark design incorporating shade trees;
- Landscape design incorporating verge treatment;
- Reducing opportunities for crime and maximising visibility and passive surveillance;
- Ongoing resilience;
- Ensuring shrubs and plants do not obscure visibility for turning traffic; and
- Achieving consistent and appropriate levels of lighting. Lighting should be used to assist in making places legible and improving wayfinding.

Related Policies	*LPP 2 Boddington Town Centre Design Guidelines* *LPP 6 Development in Flood Affected Areas* *LPP 9 Car Parking and Vehicular Access* *LPP 16 Residential Development and Design* *LPP 17 Stormwater Management* *Council Policy 10.2 Street Trees*
Related Procedures and Documents	*Plant Guide within the Building Protection Zone for the Swan Coastal Plain of Western Australia* *Visual Landscape Planning Manual*
Delegation Level	Chief Executive Officer, Manager Works & Services
Adopted	... 2020

Attachment 1: Landscape Plan Requirements - Residential, Commercial, Industrial, Tourism and Other Development

Landscape specifications are to include soft and hard landscaping. The following should be specified or attached to the landscape plan.

Grass

Specify the grass species and type of establishment (i.e. roll-on, stolons or seed).

Plants, shrubs and trees

Specify species using common names and full botanical names, pot sizes and staking where required. Plant locations and numbers should be clearly identified on the plan.

Reticulation

All grassed areas, tree and shrub plantings are to be reticulated.

The local government will generally expect to see reticulation measures set in place for the first two summers of plant growth and establishment after which it may be removed. While noting this, the landscaping needs to be suitably maintained by the landowner. Accordingly, in most cases, it is expected the reticulation will be retained. The installation of timing mechanisms will be encouraged to ensure regular watering on required dates over a predetermined period.

Mulch

Specify type and depth of mulch, depth to be no less than 100mm.

Mulching of landscaped areas will be encouraged to reduce the incidence of weed growth, limit evaporation, provide cooler root zones and efficiently use water.

Car Parking

Car parking areas should contain adequate tree plantings.

Where garden beds and grassed areas abut carparking or accessways, concrete kerbing or an approved alternative is required as a border.

Hard features including garden kerbing and paving are to be specified.

Attachment 2: Landscape Plan Requirements - Property Verge

Overview and Requirements

There is a requirement to address *Council Policy 10.2 Street Trees*.

Verge areas should be treated as part of the Landscape Plan.

Landscape plans should provide the following information clearly displayed.

A) Garden beds

Garden beds should be no less than 1.0 metre wide and where most of the verge is to be a garden bed, provision is to be made for a 2.0 metre level surface for pedestrian access parallel and abutting roadside kerbing where no footpath exists.

B) Grass

Specify the grass species, type of establishment (i.e. roll-on, stolons or seed). Where stolons or seeds are used, specify the time of year planting is to take place.

C) Shrubs

Specify plant species. Plants should generally not exceed 600mm in height at maturity. Western Australian native plants, particularly those found in the Boddington district, are preferred. Exotic (non-native) species may be acceptable subject to assessment and approval by the local government. Thorn bearing or prickly plants such as roses should not to be planted on the verge.

D) Trees

Trees should generally be no less than four metres high at maturity and generally a minimum height of 1.5 metres when planted.

Tree species should conform to existing streetscape design.

Trees should be staked at planting using two (2) hardwood stakes.

Specify tree species, pot size and staking.

Planting of trees under power lines should be avoided due to ongoing maintenance requirements.

E) Kerbing

Where garden beds and grassed areas abut, concrete kerbing or an approved alternative is required as a border. Kerbing/borders should be included in specifications.

F) Mulch

Specify type and depth of mulch. Aggregates are generally not permitted. Mulch to be organic and well composted. Mulch depth should be no less than 100mm.

G) Reticulation

All landscaped and grassed areas are to be reticulated, including tree plantings.

Design and specifications of all reticulation, including the water source are to be provided with the Landscape Plan.

H) Maintenance

The landscape area must be maintained by the property owner to ensure the establishment of all vegetation and to retain a visual standard to the satisfaction of the local government.

Property owner's verge maintenance responsibility must be noted in landscape specifications.

I) Verges that are not being grassed

In the case of verges that require landscaping but are not being grassed, the following criteria apply:

- Mulch to a depth no less than 100mm;
- Native shrubs no higher than 600mm;
- Planting to be no closer than 2m to the road kerbing and 500mm from pathways; and
- Planting to be reticulated by a trickle system 75mm below soil level plus 100mm of mulch and controlled by an automatic control unit.

Division 2 — Local planning policies

3. Local planning policies

(1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

(2) A local planning policy —

(a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and

(b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

(3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

(4) The local government may amend or repeal a local planning policy.

(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

4. Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) where the proposed policy may be inspected; and

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;

(b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

(a) review the proposed policy in the light of any submissions made; and

(b) resolve to —

(i) proceed with the policy without modification; or

(ii) proceed with the policy with modification; or

(iii) not to proceed with the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government —

(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of each of those local planning policies on the website of the local government.

5. Procedure for amending local planning policy

(1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

(2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

6. Revocation of local planning policy

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

(i) is prepared in accordance with this Part; and

(ii) expressly revokes the local planning policy;

or

(b) by a notice of revocation —

(i) prepared by the local government; and

(ii) published in a newspaper circulating in the Scheme area.

8.1.3 Draft Local Planning Policy No. 20 – Tourism and Visitor Accommodation: Submitted for Consent to Publicly Advertise

File Ref. No:	LNUP020
Disclosure of Interest:	Nil
Date:	8 July 2020
Author:	Steve Thompson
Attachments:	8.1.3A Draft Local Planning Policy No. 20 – Tourism and Visitor Accommodation 8.1.3B Extract from *Planning and Development (Local Planning Schemes) Regulations 2015*

Summary

The purpose of this report is to seek Council support to publicly advertise a draft planning policy relating to tourism and visitor accommodation.

Background

The Shire does not have a local planning policy relating to tourism and visitor accommodation. There are only some broad statements relating to tourism in the *Shire of Boddington Local Planning Strategy* (approved in September 2018).

The draft policy, set out in Attachment 8.1.3A, seeks to provide guidance regarding tourism and visitor accommodation. The draft policy is overall supportive of tourism and visitor accommodation subject to the applicant addressing relevant planning considerations. In particular, the policy seeks to encourage appropriate development and where relevant, control tourism and visitor accommodation through establishing minimum requirements. The policy supports sustainable design along with high quality aesthetic character throughout the municipality.

With a goal of diversifying and growing the local economy, it is expected that the Shire will receive more development applications for tourism and visitor accommodation.

While the draft policy focuses on tourism and visitor accommodation, relevant components of the draft policy can be used in assessing development applications for non-accommodation forms of tourism development (especially outside of the Boddington and Ranford townsites). This includes galleries, microbreweries, wineries, restaurants/cafes and leisure/recreation-private uses.

Section 7.12 sets out guidance on construction camps and workers accommodation. This focuses on new construction camps and not existing construction camps.

Attachment 8.1.3B provides an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015.* The 'deemed provisions' in the Regulations replace relevant clauses in Local Planning Schemes. The Regulations require draft local planning policies to be publicly advertised for at least 21 days.

Comment

The draft policy, set out in Attachment 8.1.3A, is considered appropriate to be publicly advertised for community and stakeholder comment. If Council agrees, submissions will be invited through various methods for a six (6) week period. In particular, through the Shire administration writing to and inviting comments from wide-ranging stakeholders and

government agencies, placing public notices and details in local papers on multiple occasions, placing details on the Shire website, on the Shire's Facebook page and information being available at the Shire office.

The goal of the draft policy is to encourage community and stakeholder debate and to seek the receipt of submissions. Following the close of the consultation period, the Council and the Shire administration will consider the submissions and determine whether the draft policy is suitable for final adoption or whether it should be modified. The objective is to finalise a policy which will assist to increase certainty for everyone with an interest in this issue and which will provide increased guidance to Council and the Shire administration in assessing development applications.

Strategic Implications

The policy, if adopted, will assist:

- The decision-making of the Council and the Shire administration;
- To inform applicants/landowners of Council requirements; and
- To raise community and stakeholder awareness.

Statutory Environment

Planning and Development Act 2005, *Planning and Development (Local Planning Schemes) Regulations 2015, Shire of Boddington Local Planning Scheme No. 2,* and *Draft Shire of Boddington Local Planning Scheme No. 3.*

Policy Implications

These are addressed in this report and in the attached draft policy. Finalisation of the policy will increase certainty for everyone with an interest in the matter and should assist in more consistent decision making.

Local planning policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining development applications.

Financial Implications

There are Shire costs associated with advertising the draft policy.

Economic Implications

The policy seeks to support tourism and visitor accommodation and diversify and grow the economy.

Social Implications

Finalisation of the policy is anticipated to result in various social implications which are, in part, related to the location of the application site and the scale of the proposal. While noting this, the draft policy seeks to achieve a balance between retaining amenity and supporting new tourism and visitor accommodation.

Environmental Considerations

The draft policy requires applicants to address environmental considerations.

Consultation

The draft planning policy, set out in Attachment 8.1.3A, will be subject to community and stakeholder consultation should the Council agree to its public release.

Options

The Council can:

1. Agree to the public release of the draft planning policy without modifications;
2. Agree to the public release of the draft planning policy with modifications;
3. Defer consideration of the matter and require additional information; or
4. Not agree to the public release of the draft planning policy.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.1.3

MOTION **Moved: Cr Schreiber**

That Council:

1. **Support the public release of draft *Local Planning Policy 20 – Tourism and Visitor Accommodation,* outlined in Attachment 8.1.3A, and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* with an increased advertising period of six weeks.**

2. **Will reconsider draft *Local Planning Policy 20 – Tourism and Visitor Accommodation* following the close of the public submission period and will determine whether or not to adopt the policy with or without modifications, or to not proceed with the policy.**

Seconded: Cr Erasmus

AMENDMENT **Moved: Cr Hoffman**

To amend point one to reflect an increased advertising period of twelve weeks.

Seconded: Cr Schreiber **Carried 5/0**

COUNCIL DECISION – ITEM 8.1.3

The AMENDMENT became the MOTION:

COUNCIL RESOLUTION: 66/20 Moved: Cr Schreiber

That Council:

1. Support the public release of draft *Local Planning Policy 20 – Tourism and Visitor Accommodation,* outlined in Attachment 8.1.3A, and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* with an increased advertising period of twelve weeks.

2. Will reconsider draft *Local Planning Policy 20 – Tourism and Visitor Accommodation* following the close of the public submission period and will determine whether or not to adopt the policy with or without modifications, or to not proceed with the policy.

Seconded: Cr Erasmus Carried: 5/0

Reason for Change to Officer Recommendation: Council wanted to allow an extended comment period so that local businesses have the opportunity to prepare submissions.

DRAFT (JULY 2020)

SHIRE OF BODDINGTON
LOCAL PLANNING POLICY No. 20 – TOURISM AND VISITOR ACCOMMODATION

1. Policy Statement

It is Council's policy to promote tourism and visitor accommodation in appropriate locations, subject to addressing relevant planning considerations and minimising impacts on the amenity, appearance and character of the locality.

2. Background and Issues

Tourism can assist to diversify and grow the local economy. Tourism and visitor accommodation, however, needs to be compatible and integrated with surrounding land uses and the natural and built environment.

The challenge for local government, applicants and tourism accommodation providers is to achieve (and maintain) the balance between tourism, the environment, and protecting the amenity of adjoining/nearby residents and other land uses.

The local government has the discretion under the *Shire of Boddington Local Planning Scheme No.2* (LPS2) to consider applications for tourism accommodation in most zones. LPS2 sets out the uses of bed and breakfast, camping area, caravan park, chalet, guesthouse, holiday home, hotel and motel.

While the Policy focuses on tourism accommodation, relevant components of the Policy will be used in assessing Development Applications for non-accommodation forms of tourism development (especially outside of the Boddington and Ranford townsites).

3. Definitions

For the purposes of this Policy, all terms and references shall have the same meaning as given by LPS2.

In this Policy, the following definitions apply:

'Relevant planning considerations' include matters set out in Clause 67 of Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and matters set out in the Policy Provisions section of this Policy.

'Tourism accommodation' - accommodation which, by way of trade of business, is held out as being available or is made available for holiday (tourism) purposes and/or short-term visitation for occupation by persons other than the proprietor. It includes bed and breakfast, camping area, caravan park, chalet, guesthouse, holiday home, hotel and motel. It also includes 'visitor accommodation'.

'Construction camp' is defined by LPS2. In this Policy, a construction camp is not included as tourism accommodation or visitor accommodation but is a separate land use.

4. Objectives

The objectives of this Policy are to:

- Support tourism accommodation based on the district's natural and cultural assets.
- Ensure that relevant planning considerations are suitably addressed.
- Retain or enhance the visual amenity of the locality.
- Encourage tourism accommodation in non-urban areas whilst conserving the rural character and protecting primary production.
- Achieve a high standard of tourism accommodation.
- Provide increased certainty for applicants, the community and others and to assist in providing greater consistency in decision making by the local government.

5. Application of the Policy

This Policy applies throughout the municipality (the district).

As set out in LPS2, in the Zoning Table or in the Appendices for certain zones, various types of tourism accommodation can be considered in most zones.

6. Links to Local Planning Scheme and Other Documents

This is a Local Planning Policy prepared under the Regulations and LPS2.

This Policy relates to various requirements set out in LPS2 and is also guided by the Local Planning Strategy and other documents. Where there is an inconsistency between this Policy and LPS2, then LPS2 prevails to the extent of such inconsistency.

7. Policy Provisions

7.1 General

The local government:

- Supports tourism accommodation on appropriately zoned land subject to the applicant addressing relevant planning considerations. This includes appropriately addressing environmental, landscape/visual impact, land use compatibility, risks including bushfire and flooding, access, servicing, design and effective on-going management;
- Supports the provision of a range of tourism accommodation which is appropriate for the site's context and which showcases and complements the attributes of the district;
- Encourages tourism accommodation which is sympathetic with the district's architectural style and climatic conditions. The local government will have regard, as relevant to the location of the application, to other local planning policies and the *Residential Design Codes* (R-Codes);
- Adopts a precautionary approach to minimising bushfire risk;
- Generally does not support tourism accommodation in the mining buffer unless the approval is for a limited period and/or is suitably justified by the applicant and addresses mining impacts; and
- Will generally require that tourism accommodation, on 'Rural' zoned land, is ancillary to rural and/or conservation uses. Unless appropriately justified, larger scale developments should be in a Tourism or related zone.

All tourism accommodation requires the submission of a Development Application to the local government.

Based on *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and *Guidelines for Planning in Bushfire Prone Areas*, the Development Application may need to be accompanied by a Bushfire Management Plan and/or a Bushfire Emergency Evacuation Plan.

While the Policy focuses on tourism accommodation, relevant components of the Policy will be used in assessing Development Applications for non-accommodation forms of tourism development (especially outside of the Boddington and Ranford townsites). This includes galleries, microbreweries, wineries, restaurants/cafes and leisure/recreation-private uses.

The 'onus of proof' rests with the applicant to justify their application and variations to this Policy.

7.2 Application Site Requirements

Development for tourism accommodation should generally address the following site requirements:

- Provide appropriate setbacks/buffers to adjoining uses to be a 'good neighbour';
- Development should be suitably located to avoid potential conflict with normal farming operations on adjoining properties;
- The site shall, in the opinion of the local government, contain suitable tree cover and/or have other screening adequate to provide visual screening and privacy. The local government may require, as a condition of Development Approval, additional planting and/or other screening measures in order to provide increased screening of the proposed development from State and regional roads, key tourist routes or from surrounding properties;
- Site conditions including topography and soil type to ensure adequate sewerage disposal, building construction and drainage;
- Public road access shall, in the opinion of the local government, be appropriate for the proposed tourism accommodation. All public road access to tourism accommodation, other than land zoned 'Rural', shall be constructed to a sealed standard unless otherwise determined by the local government; and
- Address other matters set out in this Policy.

Minimum boundary setbacks for tourism accommodation are set out in the Development Table or the Appendices of LPS2 or are as per the R-Codes for land subject to the R-Codes.

While noting LPS2 sets a minimum boundary setback of 20 metres in the Rural zone, the setbacks for tourism accommodation may need to be greater to be a good neighbour and to address relevant planning considerations.

Where applicable, tourism accommodation should be located within the approved building envelope for the site or outside of building exclusion areas.

7.3 Amenity

The local government seeks that tourism accommodation appropriately addresses the amenity of adjoining/nearby properties through addressing the siting and scale of

development, access, servicing, building bulk (size and height), design, and on-going management.

The local government will have regard for potential impacts on the amenity of the surrounding area and will consider matters including:

- Existing land uses and the zoning of adjoining/nearby properties;
- The proximity of the site to any potential source of nuisance;
- The siting and location of the building/s to be used for tourism accommodation;
- The number of patrons to be accommodated on the site;
- The location of any on site activity areas and potential for noise; and
- Anticipated traffic generation.

The local government will generally require the applicant to prepare a Management Plan which is submitted with the Development Application. The Management Plan is to address a range of matters including being a 'good neighbour' along with practical on-going management considerations.

7.4 Visual Amenity and Visual Impact

The local government:

- Requires tourism accommodation to retain or enhance the visual amenity of the locality including through retaining existing vegetation, undertaking replanting, appropriate building siting and addressing building bulk (size and height), building design and colours;
- Seeks that the design of tourism accommodation should be sympathetic to the landscape, retains significant vegetation (subject to also addressing bushfire risks) and minimises visual impacts, especially when viewed from State and regional roads and key tourist routes;
- Encourages the use of natural materials and colours which architecturally blend into and/or complement the surrounding environment; and
- Supports the planting of native vegetation that is endemic to the district and/or the planting of suitable fire-suppression non-native/exotic vegetation.

The local government will consider the visual impact of tourism accommodation in general. In particular, the local government seeks to carefully consider Development Applications for tourism accommodation:

- Within the town centre;
- Within Landscape Protections Areas (outlined in the Local Planning Strategy or in an approved Structure Plan); and
- Which adjoin State and regional roads and key tourist routes. The local government's assessment of visual impact is primarily concerned when viewed from State and regional roads and tourist routes. The purpose of the assessment is not in relation to views from other properties, although the local government will separately consider amenity and land use compatibility.

Applicants proposing tourism accommodation in highly valued landscapes are encouraged to submit a landscape assessment from a suitably qualified consultant with the Development Application. The landscape assessment should have regard to the *Visual Landscape Planning Manual* (Western Australian Planning Commission 2008 or any updates).

7.5 Traffic and Access

The local government:

- Requires tourism accommodation to have suitable and safe vehicular access;
- Needs to be satisfied that the anticipated traffic generated by the tourism accommodation will not negatively impact on amenity, and that the traffic can be accommodated by the existing road network;
- Will require access from a suitably dedicated and constructed public road or from other forms of legal vehicular access;
- May require the applicant to submit a traffic report, for larger scale tourism accommodation developments, in support of the Development Application;
- May require road upgrading by the developer, at their cost, if the existing road network is inadequate to cater for anticipated traffic generated by the development; and
- Will not support tourism accommodation where there is the potential for traffic generation to cause undesirable nuisance, safety or capability issues.

The local government will have regard to relevant local planning policies including *LPP 5 Developer and Subdivider Contributions* and *LPP 9 Car Parking and Vehicular Access*.

7.6 Car Parking

On-site car parking is required for tourists/visitors, management and staff.

A minimum of one car parking bay is required per guest room and/or unit. There is also a need to provide one car parking bay per staff member.

Subject to the proposed type of tourism accommodation and scale of development, there may be a requirement to provide more than one car parking bay per unit and/or provide space for boats, trailers and other vehicles.

Car parking should be constructed to a suitable standard as required by LPS2 or in *Local Planning Policy 9 Car Parking and Vehicular Access.*

Landscaping/revegetation should be provided between carparks and the front boundary of the lot or to a public place.

7.7 Water Supply

The applicant is to ensure that an appropriate potable water supply is provided (reticulated scheme water or from on-site supplies) and that there is sufficient water supply for firefighting (if required) prior to occupation of the tourism accommodation.

Where a reticulated scheme water supply is not available and/or feasible to connect, the following guidance is provided for on-site water supplies:

- Water storage tanks of a suitable size are required subject to the size and estimated occupancy of the tourism accommodation unit and to address a changing climate. The tank size to be a minimum of:
  - 45,000 litres for a 2 person unit/room;
  - 90,000 litres for a 4 person unit; and

- 135,000 litres for a unit accommodating 5 or more people.

- The sharing of water between units may be permitted through a common system.
- As an alternative to the supply of water from roof catchment, the local government may consider a supply from groundwater or from natural soaks. This is subject to supporting evidence of chemical and microbiological analysis to show that the water complies to the *Australian Drinking Water Guidelines.*
- A condition of development approval may include that the water supply is appropriately treated (e.g. chlorination) and require regular testing (not to be less than once per annum).
- As set out in the Council's annual Schedule of Fees and Charges, a charge for testing of water supply may be imposed by the local government.

7.8 Building and Environmental Health Requirements

In addition to planning requirements, there is also a need to address building and environmental health requirements. Subject to the nature of the tourism accommodation, this may include:

- The provision of cooking, toilet, ablution or laundry facilities;
- Disability access and mobility - applicants are encouraged to design and construct tourism accommodation units having regard to universal access and mobility. Subject to the scale and nature of the development, some matters will be mandatory;
- A dry chemical powder type fire extinguisher and fire blankets;
- Smoke alarms must be installed as per the *Building Code of Australia* on or near the ceiling:
  i) in every bedroom;
  ii) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
  iii) on each storey;
- Sewerage disposal – the local government will have regard to the *Government Sewerage Policy*; and
- Water supply (also refer to section 7.7).

7.9 Maximum Length of Occupancy

Except with written approval from the local government, a person shall not stay for an aggregate period of more than three months in any consecutive twelve month period in a development approved for tourism accommodation.

7.10 Signs

Other than directional signs, any proposed advertising sign must be located within the property boundaries and comply with *Local Planning Policy No.14 Signs and Advertisements*.

7.11 Rating

If the development of tourism accommodation changes the predominant use of a lot from a rural agricultural base to a non-agricultural base, the local government may change the rating of such a lot from Unimproved Value to Gross Rental Value.

7.12 Construction Camps

The local government favours new worker accommodation, to support mining, other industries or construction, to be located in or near the Boddington and Ranford townsite. Ideally, the built form and design integrates and complements the townsites.

Where a construction camp is proposed, the local government favours it to be located in or near the Boddington and Ranford townsite provided relevant planning considerations are suitably addressed.

The local government will consider construction camps in rural areas on their merits if they are short-term (less than 3 years) and provided relevant planning considerations are suitably addressed.

8. Administration

8.1 Matters to be Addressed Prior to Formally Lodging the Development Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning/design process and prior to lodging a Development Application.

8.2 Application Requirements

Development Applications should include the following:

- A written submission/report addressing this Policy and the site context;
- A site plan (including highlighting existing buildings) and proposed vehicular access, car parking and landscaping/revegetation;
- Floor plan/s and elevations including the external materials and colours to be used;
- Details of intended use/s of the tourism accommodation; and
- A management plan.

Subject to the proposed location and the scale of the proposed tourism accommodation, the local government may also require the applicant to provide:

- A landscape assessment;
- A traffic report;
- Written information setting out why Policy requirements should be varied; and
- Any other plan or information that the local government may reasonably require to enable the application to be determined.

Should Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit application (which gains necessary approvals) prior to undertaking construction. Subject to the type, scale and servicing of the tourism accommodation, other approvals may also be required prior to occupation.

8.3 Consultation with Neighbours and other Stakeholders

In various instances, LPS2 will require the local government to consult on Development Applications for tourism accommodation. The local government will consult with adjoining/nearby landowners and other stakeholders as determined by the local

government. The local government will also consult where a Development Application does not comply with this Policy.

8.4 Assessing the Development Application

In determining a Development Application, the local government will consider matters set out in clause 67 of Schedule 2, Part 9 of the Regulations, LPS2 provisions, the Local Planning Strategy and this Policy.

Should an application for tourism accommodation not comply with requirements of this Policy, the application may be referred to Council for determination.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the Development Application will be referred to Council for determination.

The local government may refuse a Development Application where it is inconsistent with this Policy, LPS2, based on the information provided by the applicant, or based on information set out in any submission.

Related Policies	*LPP 2 Boddington Town Centre Design Guidelines* *LPP 5 Developer and Subdivider Contributions* *LPP 6 Development in Flood Affected Areas* *LPP 8 Fire Protection Measures for New Development and Subdivisions* *LPP 9 Car Parking and Vehicular Access* *LPP 14 Signs and Advertising* *LPP 16 Residential Development and Design* *LPP 19 Heritage Conservation*
Related Procedures and Documents	*Government Sewerage Policy* *State Planning Policy 3.7 Planning in Bushfire Prone Areas* *Guidelines for Planning in Bushfire Prone Areas* *Planning Bulletin 83/2013 Planning for Tourism* *Visual Landscape Planning Manual* *Australian Drinking Water Guidelines*
Delegation Level	Chief Executive Officer, Principal Environmental Health Officer/Building Surveyor
Adopted	… 2020

Division 2 — Local planning policies

3. Local planning policies

(1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

(2) A local planning policy —

(a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and

(b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

(3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

(4) The local government may amend or repeal a local planning policy.

(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

4. Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

(a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) where the proposed policy may be inspected; and

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;

(b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

(a) review the proposed policy in the light of any submissions made; and

(b) resolve to —

(i) proceed with the policy without modification; or

(ii) proceed with the policy with modification; or

(iii) not to proceed with the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government —

(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of each of those local planning policies on the website of the local government.

5. Procedure for amending local planning policy

(1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

(2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

6. Revocation of local planning policy

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

(i) is prepared in accordance with this Part; and

(ii) expressly revokes the local planning policy;

or

(b) by a notice of revocation —

(i) prepared by the local government; and

(ii) published in a newspaper circulating in the Scheme area.

8.2 MANAGER FINANCIAL SERVICES:

8.2.1 Request for Rate Exemption – Southern Aboriginal Corporation A216 - 101 (Lot 5) Crossman Road, Boddington

Date:	22 June 2020
Author:	Peter Yaxley, Senior Finance Officer
Attachments:	8.2.1A Application for Rates Exemption – 101 Crossman Rd Ranford. 8.2.1B ATO – Endorsement as an income tax exempt charitable entity dated 8 June 2000. 8.2.1C Certificate of Incorporation as an Aboriginal Association. 8.2.1D Tenancy Agreement/Statutory Declaration. 8.2.1E Financials 2019. 8.2.1F Local Government SAC Exemption Survey.

Summary

The Southern Aboriginal Corporation (SAC) have submitted a request to Council to have the rates for their property located within the Shire of Boddington, exempted due to being a charitable organisation assisting Aboriginal people with appropriate community housing and relief from poverty.

Background

The Southern Aboriginal Corporation have submitted an application for rate exemption for their property at 101 (Lot 5) Crossman Road, Ranford for the forthcoming 2020/2021 financial year. The rates levied for the property in 2019/2020 year were:

Assessment	Property Address	Rates Levied
A216	101 CROSSMAN ROAD, RANFORD	$1,410.50

The Corporation paid all charges in full for the 2019/2020 financial year and did not enter into any payment arrangement or elect to pay via one of the instalment payment option.

Comment

The Southern Aboriginal Corporation (SAC) have supplied the Shire with a copy of their certificate of incorporation as an Aboriginal Association, ATO endorsement of SAC as an income tax exempt charitable entity. SAC are an incorporated not-for-profit Aboriginal Corporation under the Commonwealth Aboriginal and Torres Strait Islander Act 2006, their purpose is to provide relief from poverty to Aboriginal groups and individuals through affordable housing. The Corporation's area of responsibility spans Albany, Bunbury and Narrogin regions.

As a registered Community Housing Organisation, the SAC manages its housing program in accordance with the national standards that apply to registered non-for-profit community housing organisations. The corporation is registered as a Preferred Provider with the Department of Communities (Housing) WA.

Statutory Environment

The *Local Government Act 1995* deems certain land non-rateable under the statutes of Section 6.26 of the *Act*. The Southern Aboriginal Corporation is seeking exemption in accordance with subsection (2) (g) of the section, which states:

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land –

(g) land used exclusively for charitable purposes.

Section 6.26 of the *Local Government Act 1995* provides for rate exemptions based on exclusive charitable uses:

A 'charitable purpose' has a specified legal meaning, which has developed over the years by the courts and parliament. The courts have recognised many different charitable purposes and as society changes new charitable purposes are accepted.

Section 5 of the *Commonwealth Charities Act 2013* states the definition of a charity as:

5. Definition of Charity

In any Act:

Charitable: an entity is charitable if the entity is a charity.

Example: A reference in an Act to a charitable trust is a reference to a trust that is a charity.

Charity means an entity:

(a) that is a not-for-profit entity; and

(b) all of the purposes of which are:

(i) charitable purposes (see Part 3) that are for the public benefit (see Division 2 of this Part); or

(ii) purposes that are incidental or ancillary to, and in furtherance or in aid of, purposes of the entity covered by subparagraph (i); and

The Corporation assists local Aboriginal individuals in acquiring and maintaining economic ease and relief from poverty through the provision of low-cost housing to the Aboriginal community. The Southern Aboriginal Corporation (SAC) have provided all necessary documentation for proof of charitable status and provision of economic services to Aboriginal individuals within the Boddington Shire.

The Corporation meets all criteria for rate exemption and this assessment is based on the WALGA "Rates and Charitable Land use Exemption Applications – Best Practice Guideline" developed in consultation with the WA Rates Officers' Association.

This issue has been well tested in various courts and State Administrative Tribunal (SAT) jurisdictions and it is highly likely that, if challenged, either a court or SAT would overturn a Council decision to refuse granting rate exemption (charitable) status based on precedent. The Shire may also become responsible for the payment of any legal costs incurred by the Corporation in pursuing such a case.

Additionally, in December 2013 the Supreme Court ruled in favour of the Community Housing Coalition WA, granting rate exemptions in relation to aboriginal housing in Western Australia because:

- The advancement of Aboriginal people was a charitable purpose.
- The activities conducted on the land were therefore exclusively charitable.

For the above reasons, it is recommended that Council grant charitable rate exemption status to the Southern Aboriginal Corporation and lobby for section 6.26 of the *Local Government Act* to be reviewed/amended.

Consultation

Consultation was conducted in conjunction with:

- A/Chief Executive Officer.
- Western Australian Local Government Association - policy reference.
- City of Albany.
- City of Bunbury.
- Shire of Narrogin.

This City of Bunbury made the decision to grant Southern Aboriginal Corporation (SAC) rate exemption on their properties in the 2014/2015 financial year. This decision was made following consultation with the Department of Local Government and obtaining a legal opinion at a cost of $8,000. Subsequently, the City of Albany also granted non-rateable status to SAC owned properties within their district in 2015/2016 financial year based on similar research. The Shire of Narrogin has at their council meeting held on 26th May 2020 resolved to grant rate exemption status to all SAC owned properties within the Shire.

Policy Implications

Nil.

Financial Implications

As the application is dated 17th June 2020, it is proposed to provide rate exemption from the first of the month following application (i.e. 2020/2021 financial year). There will be no financial implications upon the 2019/2020 financial year.

If rate exemption were to apply, the property would remain liable for the payment of ESL and all applicable refuse and service charges. If the rate exemption were approved for the 2020/2021 financial year, based on a freeze of rates due to the impact of the COVID-19 virus, the total exemption of rates would remain at $1,410.50.

If approved by Council, the Administration will include the property in the Shire's Register of Non-Rateable Properties and review their status on a tri-annual basis for continuation of exemption compliance.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.2.1

That with respect to the application made by the Southern Aboriginal Corporation for the exemption of rates for the property situated at 101 (Lot 5) Crossman Road Ranford, Council approve the rate exemption from the 2020/2021 financial year, as the Corporation are a registered charity providing low-cost housing for Aboriginal people within the Boddington Shire.

COUNCIL DECISION – ITEM 8.2.1

RESOLUTION: 67/20 **Moved: Cr Hoffman**

To Lay the Item on the Table. To be reconsidered at the August meeting of Council.

Seconded: Cr Erasmus **Carried: 5/0**

SOUTHERN ABORIGINAL CORPORATION

ICN 232 | ABN 94 436 195 200
45-47 Serpentine Road | P O Box 5277 ALBANY WA 6332
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The Rates Officer
Shire of Boddington
PO Box 4
Boddington 6390

Dear Sir

Request for Reduction in Annual Property Rates for Shire of Boddington
For 101 Crossman Road Boddington

As the Property Management Officer for the Southern Aboriginal Corporation, I wish to request that the property rates for the community housing property within the town of Boddington owned by the Southern Aboriginal Corporation be waived.

The Southern Aboriginal Corporation are a charitable organisation, incorporated as a not-for-profit Aboriginal Corporation under the Commonwealth Aboriginal and Torres Strait Islander Act 2006 (please see attached a Certificate of Incorporation and Rule Book of the Corporation) whose objectives are:

3.1 To act as a resource agency for Aboriginal organisations, groups, enterprises and individuals in the region, and in particular to provide as requested: (a) representation to Government and other organisations; (b) support for representation made by others; (c) advice and assistance (d) reviews of functions and operations; and (e) management and financial service.

3.2 To provide social, cultural, economic, political, educational and recreational services to Aboriginal organisations, groups, enterprise and individuals in the regions when those services are not provided by other bodies.

3.3 To provide Aboriginal people in the region with direct relief from poverty, sickness, suffering, destitution, misfortune, distress and helplessness.

3.4 To give effect to the principles of self-management and self determination for Aboriginal people by; (a) establishing, owning, investing in, sponsoring, maintaining, managing, leasing and otherwise fostering business enterprises and commercial ventures of any lawful kind; and (b) promoting, supporting and sponsoring the endeavours of Aboriginal organisation, groups, enterprises and individuals in the region towards social, cultural and economic development

3.5 To promote, support, sponsor, engage in facilitate the creation of opportunities for Aboriginal people education, training, employment and private enterprise.

3.6 To promote, support, sponsor, engage in and facilitate the provision to Aboriginal people of health, housing and other services.

3.7 To acquire, hold and manage land, buildings, fixtures, chattels and other property for the benefit of Aboriginal people in the region.

3.8 To help and encourage Aboriginal people in the region, to maintain, restore, revitalise and renew their traditional language and culture.

3.9 To help build trust and friendship between Aboriginal people and the Non-Aboriginal community.

3.10 To join with other Aboriginal associations in undertaking projects of mutual benefit.

3.11 To receive and spend grants of money from Government of the Commonwealth or State or from other sources.

It is our understanding that under Section 6.26 (rateable land) of the Local Government Act 1995, land used exclusively for charitable purposes is exempt from property rates.

The residential properties (please see attached list) are leased by the Southern Aboriginal Corporation to Aboriginal Tenants in the Boddington area. Prospective tenants must meet set criteria, including the following criterion which establishes need (section 2.1.2 of the Southern Aboriginal Corporation Housing Policy and Procedure Manual)

Gross household income not exceeding the limits set out in Table 1A and 1B of Appendix A-Community Housing; Income and Assets Limits Policy. Refer to the Appendix for further information regarding SACH's obligations as a Preferred Provider of Community Housing.

The Southern Aboriginal Corporation is a registered Community Housing organisation and manages it's housing program in accordance with the national standards that apply to registered not-for-profit community housing organisations.

The Community Housing Coalition WA have published in December 2013 a review (Community Housing Providers and Local Government Rates). This review notes that in Western Australia: in relation to indigenous housing, the Supreme Court has granted a rates exemption because:

(a) The advancement of Aboriginal people was a charitable purpose;
(b) The activities conducted upon the land were exclusively charitable.

In this particular case, the land was used by an Aboriginal Corporation to provide low cost rental housing for economically disadvantaged Indigenous people. The proceeds were used by the Corporation to pay bills, cover office costs and generally further the objects of the organisation, but not in order to generate profit. A number of not for profit projects were also undertaken on the land, which aimed to improve living conditions, keep people occupied, discourage excessive alcohol drinking, create self-respect and (theoretically) create income to further the Corporations objects.

This ruling coincides with our purpose as a community Housing organisation, our not for profit status and the objectives of our Corporation.

Our properties are well maintained and our tenants are a credit to their neighborhoods. Tenancies tend to be stable and often continue for many years. We believe that our program supports a positive image of Aboriginal people within the Town of Boddington.

Government has progressively reduced funding support for Aboriginal housing organisations. From July 2014 we no longer receive funding support to assist us in providing affordable community housing to Aboriginal people. This places great financial pressure on our organisation to continue to provide quality, affordable housing to our tenants.

We therefore request that approval be granted for the waiver of Property Rates for the Southern Aboriginal Corporation property at 101 Crossman Road Boddington allowed for under the Local Government Act 1995.

Yours sincerely
SOUTHERN ABORIGINAL CORPORATION

N Drummond

Noeleen Drummond
Property Management Officer
17 June 2020

Australian Taxation Office

Date of Issue
8 June 2000

Endorsement as an income tax exempt charitable entity

Endorsement as an income tax exempt charitable entity under Subdivision 50-B of the *Income Tax Assessment Act 1997* is provided as detailed below.

Name	**SOUTHERN ABORIGINAL CORP**
Australian Business Number	**94 436 195 200**
Endorsement date of effect	**1 July 2000**
Item(s) in Subdivision 50-5 of the *Income Tax Assessment Act 1997*	**Item 1.1 - charitable institution**

You are required to notify the Commissioner of Taxation should you cease to be entitled to endorsement as an income tax exempt charitable entity. This is a requirement of section 50-145 of the *Income Tax Assessment Act 1997*.

Michael Carmody
Commissioner of Taxation and
Registrar of the Australian Business Register

C_ADV139-TED-0000152

FORM 7 Sub-regulation 11 (1)

COMMONWEALTH OF AUSTRALIA

Aboriginal Councils and Associations Act 1976

Certificate of Incorporation of an Aboriginal Association

I, ANTHONY GEORGE KOUKOULAS ,

the Registrar of Aboriginal Corporations,

in pursuance of paragraph 45(1)(a) of the Act hereby certify that

SOUTHERN ABORIGINAL CORPORATION

has this day been incorporated under the Act

Dated this TWENTY THIRD *day of* NOVEMBER *, 19* 83 .

REGISTRAR

SOUTHERN ABORIGINAL CORPORATION

Postal Address: PO Box 5277, Albany, WA, 6332

Corporate Secretary: Mr Ian Morgan

TENANCY AGREEMENT

Tenant: **Sylvia May THORNE & Gregory Ivan THORN**

Property: **Lot 5 Crossman Road via Ranford**
BODDINGTON WA 6390

Parties

1. This Agreement is made on this **7th Day of JUNE 2010** between the Southern Aboriginal Corporation of 124 York Street Albany in the state of Western Australia (the Owners) **Sylvia May THORNE & Gregory Ivan THORN** of **Lot 5 Crossman Road via Ranford, BODDINGTON, Western Australia** (the tenants)

Interpretation

2. In this Agreement

   (a) "Owner" means the Southern Aboriginal Corporation an includes the Corporation's authorised officers, representatives and agents;

   (b) "Tenant" means the person or persons entitled by this Agreement to occupy the residential property to which the Agreement refers;

   (c) "Premises" means the residential property to which this Agreement refers and includes all fixtures, fittings or chattels belonging to the Owner which are located or stored on the property;

   (d) "the Act" means the Residential Tenancies Act 1987 as amended; and

   (e) "Immediate family" means the Tenant, the Tenant's spouse whether at law or de facto and children of the Tenant or spouse (including children from previous relationships) who

      (i) are under the age of eighteen years;
      (ii) normally and permanently reside with the Tenant; and
      (iii) were named by the Tenant on the Owner's housing application form as persons who would reside at the premises in the event of the application succeeding.

G Thorn
S Thorne

Right of Occupation

3. The Owner agrees that subject to the terms and conditions set out below the Tenant shall have right to exclusive occupation and quiet enjoyment of the premises at **Lot 5 Crossman Road via Ranford, Boddington** in the state of Western Australia.

The Act

4. The Owner and Tenant together agree to abide by those provisions of the Act which define and set out the respective rights and responsibilities of owner and tenant and are not lawfully altered, modified or excluded by this Agreement.

5. Failure of either party to abide by any such provisions of the Act shall be considered a breach of this Agreement.

Commencement of Tenancy

6. The Owner agrees that the Tenant may occupy the premises as from and including the **7th Day of June 2010** following payment by the Tenant of a security bond and a fortnight rent in advance.

Bond

7. The Tenant agrees to deposit with the Owner the sum of **$440.00** by way of security bond to be dealt with as the Act requires.

Rent

8. The Owner agrees to charge rent for the premises at the rate of **$230.00** per fortnight in advance.

9. The Tenant agrees that the Owner may after giving notice to the Tenant as the Act requires increase the fortnightly amount of rent.

10. The Tenant agrees to pay rent regularly and punctually on such day and place as the Owner directs or alternatively to authorise a bank, building society, government agency or department or private business to deduct regular fortnightly rental amounts out of benefits, entitlements, salary or wages.

G. Thorn

S. Thorne

Occupancy

11. The Tenant agrees

    (a) to reside normally and permanently on the premises;

    (b) to permit no more than **3 Adults** to reside at or occupy the premises;

    (c) to seek written permission from the Owner before allowing any person who is not a member of the Tenant's immediate family to reside on the premises for more than fourteen consecutive days in any one calendar month; and

    (d) to notify the Owner if intending to be absent from the premises for more than six consecutive weeks or for a total of six weeks or more in any twelve-week period, or on becoming aware that such a period of absence is likely to occur.

12. The Tenants agrees that if in the event of a period of absence exceeding the limits specified in 11 © above, the Owner is not so notified, the Owner may consider the premises to have been vacated and may forthwith terminate this Agreement by giving notice as the Act requires.

13. The Tenant agrees

    (a) to obey any laws, regulations or by-laws affecting occupancy of the premises;

    (b) to ensure that all persons occupying or visiting the premises obey such laws, regulations or by-laws;

    (c) to behave considerately at all times towards to occupants of neighboring properties and to ensure that all persons occupying or visiting the premises behave likewise;

    (d) not to do or permit to be done upon the premises any act or procedure which may invalidate or otherwise adversely affect the Owner's insurance of the premises or which is likely to cause or require the payment to the Owner's insurers of a higher or additional premium; and

    (e) not to use or permit any other person to use the premises for any non-residential purpose or any part or area of the premises for any other purpose than that for which it was intended or designed.

14. The Tenant agrees not to sub-let the premises or any part or area of the premises.

G Thorne

S. Thorne

Taxes, Rates and Charges

15. The Owner agrees to pay all taxes, rates, insurance (other than private household insurance) and other charges levied upon or payable in connection with the premises.

16. The Tenant agrees to meet all costs of water consumed by the Tenant as occupier.

Right of Entry

17. The Tenant agrees to permit the Owner to enter the premises at all reasonable times for any lawful purpose relating to the care, security and maintenance of the premises or administration of the Owner's housing program.

Care and Security of Premises

18. The Tenant agrees

    (a) to notify the Owner of any loss or damage to the premises;

    (b) to pay the costs of all replacement, maintenance or repair to the premises made necessary by any act or omission on the part of the Tenant or other person occupying or visiting the premises; and

    (c) not to install or change any lock without the prior consent of the Owner.

19. The Owners shall not be liable for loss or damage to personal or other assets belonging to the Tenant or any other person.

Maintenance and Repair

20. The Owner agrees to maintain the premises in good condition and repair to the extent, which the Act requires, and to break no law relating to buildings, health or safety.

21. The Tenant agrees

    (a) to keep the premises clean, tidy and in good and safe condition and repair;

    (b) to avoid and prevent damage to the premises; and

    (c) to keep the property free of pests and vermin and should the premises become infested to report the infestation to the Owner and to reimburse the Owner for the cost of hiring a licenses pest control operator to remove the infestation.

G. THORN
S. Thorne

22. Except as the Act provides in relation to urgent repairs, the Tenant agrees not to undertake or cause to be undertaken any act of renovation, alteration, installation or repair to the premises without the prior written consent of the Owner.

Termination

23. The Tenant may terminate this Agreement at any time by giving at least fourteen days' notice in writing by certified mail to the Corporation of intention to vacate the premises.

24. The Owner may terminate this Agreement at any time but only in the form and as otherwise required by the Act.

Signed by the Tenant: S. Thorne

Witness: M Hodgson

Signed for an on behalf of the Owner: Janine Hartman

Witness: M Hodgson

WESTERN AUSTRALIA

OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

STATUTORY DECLARATION

APPLICATION FOR RATES EXEMPTION UNDER SECTION 6.26 OF THE LOCAL GOVERNMENT ACT 1995.

STATEMENT OF PROPERTY USE FOR THE YEAR ENDING 30 JUNE 20

(1) Christian name or names and surname of declarant in full — (1) I ASHA VIVEK BHAT

(2) Address — (2) of 45-47 SERPENTINE ROAD ALBANY In the State of Western Australia

3) Occupation — (3) CEO OF SOUTHERN ABORIGINAL CORPORATION

Sincerely declare as follows:-

The property located at LOT 6, 101 CROSSMAN ROAD BODDINGTON

is used by SOUTHERN ABORIGINAL CORPORATION

for the purposes of PROVIDING AFFORDABLE HOUSING FOR ABORIGINAL FAMILIES IN NEED. RESIDENTIAL TENANCY USE.

Description of the activities the property is used for THE PROPERTY IS CURRENTLY TENANTED WITH THE SAME TENANT SINCE 2010. PERIODIC TENANCY IS IN PLACE.

for the period << ___ to ___ >> or from 7/6/2010 to ONGOING .

The applicant agrees to advise the Local Government's Rating Services Section as soon as there is **ANY** change to th purpose/s as stated above.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

Declared at Albany

this 24th day of June 2020

In the presence of G J Mackay
(Signature of authorised witness)

Gregory J Mackay Solicitor
(Name of authorised witness and qualification as such a witness)

(4) Signature of person making the declaration

(4) Asha

SOUTHERN ABORIGINAL CORPORATION
ABN 94 436 195 200
ICN 232

FINANCIAL STATEMENTS
For the Year Ended 30 June 2019

Issued: 7 October 2019

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GLOSSARY

BYAC	Burnna Yurral Aboriginal Corporation
CDEP	Community Development Employment Project
DOH	WA Department of Housing
FVPLS	Family Violence Prevention Legal Services
ICL	Indigenous Community Links
NAIDOC	National Aborigines and Islanders Day Observance Committee
SACS	Social and Community Services Award Supplementation
SRF	Safe and Resilient Families Program

DIRECTORS' REPORT

Review of Operations

Operating Result

The net operating result (pre other comprehensive income) for the year was a deficit of $341,808 (2018: deficit of $241,898).

Principal Activities

Southern Aboriginal Corporation (the "Corporation") is a not-for-profit organisation that operates a range of community development, employment and housing related services for Indigenous people living in the south-west of Western Australia.

The Corporation is a Public Benevolent Institution and it is eligible for the following taxation concessions:

(i) GST concession;

(ii) FBT rebate;

(iii) Income taxation exemption.

No change in its tax status as a result of activities undertaken during the year is likely.

Significant Changes in State of Affairs

The following significant changes in the nature of activities occurred during the year:

- Healthway Heath Promotion Project was extended to June 2020;
- Family Violence Prevention Legal Service (FVPLS) Program was extended to June 2020; and
- The Job and Skills Centre program was extended until June 2020

Other than the matters raised above, there were no significant changes in the nature of the activities that occurred during the year.

Other than the cessation of funding for the Safe and Resilient Families Programs for Albany and Katanning from 1 July 2019 onwards, no matter has arisen since the end of the year that will or may significantly affect:

(i) the Corporation's operations in future financial years; or

(ii) the results of those operations in future financial years; or

(iii) the Corporation's state of affairs in future financial years.

Likely Developments

The Corporation will continue to pursue its policy of providing additional services as funding can be accessed and improving the outcomes of the current programs for the benefit of its members and the community. New funding applications have been submitted, with the outcomes currently pending assessment.

Environmental Performance

The Corporation is not subject to any particular and significant environmental regulation under a Commonwealth, State or Territory law.

Dividends

No distributions were recommended, declared or paid to members during the year. The Corporation is a non-profit organisation and its Constitution does not allow payments including dividends, bonuses or distributions of profit, directly or indirectly, to members, officers, servants, agents or employees other than as reasonable remuneration for services actually rendered.

Directors

The names of Directors throughout the year and at the date of this report are:

Director	Appointed	Ceased	Qualifications
Albany			
Glen Colbung	16/06/2015		Noongar Elder from the Lower South West and Great Southern of WA; Founding member of the Noongar Land Council; Founding member of South West Aboriginal Land and Sea Council
Elizabeth Woods	30/11/2015		Cert IV Assessment & Workplace Training; Cert III in Mentoring; Degree in Aboriginal Community Management and Development
Shirley Williams	25/11/17		
Bunbury			
Trevor Eades	30/11/2010		Noongar Elder from the South West region of WA; Past member of the Aboriginal and Torres Strait Islander Commission
Dean Wynne	19/11/2016		Founder of Indigenous Workabout Pty Ltd (fully accredited contracting company - mentoring young Indigenous people back into the workforce)
Narrogin			
Leah Dann	19/11/2016		
Fay Slater	30/11/2015		Elder and Chairperson of Seabrook Aboriginal Corporation; Past TAFE Program Manager for Aboriginal Studies

Directors Meeting Record

Director	Board Meetings	
	Number of meetings Eligible	Number of meetings attended
Glen Colbung	6	6
Dean Wynne	6	4
Trevor Eades	6	6
Leah Dann	6	6
Elizabeth Woods	6	6
Fay Slater	6	6
Shirley Williams	6	5

Secretary

The Secretary throughout the year was Ms Asha Bhat. Her qualifications include Masters of Business Administration, Master of Business (Professional Accounting), Master of Mathematics, Bachelor of Science, Diploma of Management and she is an Associate member of CPA.

Officers

The names of the Officers of the Corporation throughout the year and at the date of this report are:

Name	Position
Asha Bhat	CEO
Oscar Colbung	Family Violence Prevention Legal Service Manager

Applications under Section 169-5 of the Act

No applications have been made under section 169-5 of the Act and none were granted.

Additional Disclosures to the Financial Statements

No additional information was necessary to provide a true and fair view of the financial position and performance of the Corporation.

Auditor's Independence Declaration

The lead auditor's independence declaration for the year ended 30 June 2019 has been received and can be found on page 5 of the financial report.

This report is signed for and on behalf of the Directors by:

Name:
Chairperson GLEN COLBUNG

Date: 7-10-2019

KPMG

Lead Auditor's Independence Declaration under Section 339-50 of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 to the Directors of Southern Aboriginal Corporation

To the Directors of Southern Aboriginal Corporation

I declare that, to the best of my knowledge and belief, in relation to the audit of Southern Aboriginal Corporation for the financial year ended 30 June 2019 there have been:

i. no contraventions of the auditor independence requirements as set out in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* in relation to the audit; and

ii. no contraventions of any applicable code of professional conduct in relation to the audit.

KPMG

KPMG

Matthew Beevers

Partner

Perth

8 October 2019

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Liability limited by a scheme approved under Professional Standards Legislation.

DIRECTORS' DECLARATION

For The Year Ended 30 June 2019

The Directors of Southern Aboriginal Corporation ("the Corporation") declare that these financial statements have been prepared to satisfy the requirements of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, the Regulations, the Corporation's rules and the funding agreements.

In the opinion of the Directors,

1. The financial statements and notes set out on pages 9 to 33, are in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the Regulations including:-
   i. complying with Australian Accounting Standards; and
   ii. providing a true and fair view of the financial position as at 30 June 2019 and of the performance for the financial year ended on that date of the Corporation.
2. At the date of this statement there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they fall due and payable.

This declaration is made in accordance with a resolution of the Directors and is signed for and on behalf of the Directors by:

Name:
Chairperson GLEN COLBUNG

Date: 07-10-2019

KPMG

Independent Auditor's Report

To the Members of Southern Aboriginal Corporation

Opinion

We have audited the ***Financial Report*** of Southern Aboriginal Corporation (the Corporation).

In our opinion, the accompanying Financial Report of the Company is in accordance with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, including:

- giving a true and fair view of the Corporation's financial position as at 30 June 2019 and of its financial performance and it's its cash flows for the year ended on that date; and
- complying with *Australian Accounting Standards and the Corporations (Aboriginal and Torres Strait Islander) Regulations 2007.*

The ***Financial Report*** comprises:

- Statement of financial position as at 30 June 2019;
- Statement of profit or loss and other comprehensive income, Statement of changes in equity, and Statement of cash flows for the year then ended;
- Notes including a summary of significant accounting policies; and
- Directors' Declaration.

Basis for opinion

We conducted our audit in accordance with *Australian Auditing Standards*. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the Financial Report* section of our report.

We are independent of the Corporation in accordance with the independence requirements of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the Financial Report in Australia. We have fulfilled our other ethical responsibilities in accordance with the Code.

Other Information

Other Information is financial and non-financial information in Southern Aboriginal Corporation's annual reporting which is provided in addition to the Financial Report and the Auditor's Report. The Directors are responsible for the Other Information.

Our opinion on the Financial Report does not cover the Other Information and, accordingly, we do not express an audit opinion or any form of assurance conclusion thereon.

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In connection with our audit of the Financial Report, our responsibility is to read the Other Information. In doing so, we consider whether the Other Information is materially inconsistent with the Financial Report or our knowledge obtained in the audit, or otherwise appears to be materially misstated.

We are required to report if we conclude that there is a material misstatement of this Other Information, and based on the work we have performed on the Other Information that we obtained prior to the date of this Auditor's Report we have nothing to report.

Responsibilities of the Directors for the Financial Report

The Directors are responsible for:

- preparing the Financial Report that gives a true and fair view in accordance with *Australian Accounting Standards and the Corporations (Aboriginal and Torres Strait Islander) Act 2006;*
- implementing necessary internal control to enable the preparation of a Financial Report that gives a true and fair view and is free from material misstatement, whether due to fraud or error; and
- assessing the Corporation's ability to continue as a going concern. This includes disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless they either intend to liquidate the Corporation or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the Financial Report

Our objective is:

- to obtain reasonable assurance about whether the Financial Report as a whole is free from material misstatement, whether due to fraud or error; and
- to issue an Auditor's Report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with *Australian Auditing Standards* will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error. They are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the Financial Report.

A further description of our responsibilities for the audit of the Financial Report is located at the *Auditing and Assurance Standards Board* website at: http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of our Auditor's Report.

KPMG

KPMG

Matthew Beevers

Partner

Perth

8 October 2019

STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME

FOR THE YEAR ENDED 30 June 2019

	Note	2019	2018
		$	$
Revenue	5	**2,733,322**	2,830,645
Other income	6	**139,341**	303,947
Employee benefits expense	7	**(1,387,587)**	(1,436,629)
Depreciation expense		**(597,753)**	(611,636)
Repairs and maintenance		**(240,901)**	(219,168)
Other expenses	8	**(1,009,440)**	(1,215,119)
Operating deficit		**(363,018)**	(347,960)
Finance income	9	**32,099**	113,186
Finance costs	9	**(10,889)**	(7,124)
Net finance income		**21,210**	106,062
Deficit for the year		**(341,808)**	(241,898)
Other comprehensive income			
Items that are or may be reclassified to profit or loss			
Revaluation of property, plant and equipment		**-**	(103,073)
Total other comprehensive expense		**-**	(103,073)
Deficit attributable to members of the entity		**(341,808)**	(344,971)
Total comprehensive deficit attributable to members of the entity		**(341,808)**	(344,971)

This statement should be read in conjunction with the accompanying notes

STATEMENT OF FINANCIAL POSITION

FOR THE YEAR ENDED 30 June 2019

	Note	2019 $	2018 $
Assets			
Current assets			
Cash and cash equivalents	10	**2,016,727**	2,267,599
Trade and other receivables	11	**192,165**	158,399
Other assets		**3,575**	3,838
Investments	12	**823,862**	1,182,173
Total current assets		**3,036,329**	3,612,009
Non-current assets			
Property, plant and equipment	13	**22,994,066**	22,192,655
Total non-current assets		**22,994,066**	22,192,655
Total assets		**26,030,395**	25,804,664
Liabilities			
Current liabilities			
Trade and other payables	14	**689,979**	735,426
Employee benefits	15	**149,031**	188,411
Unexpended grants	16	**197,244**	222,197
Financial liabilities	17	**26,549**	44,978
Borrowings	18	**44,688**	-
Total current liabilities		**1,107,491**	1,191,012
Non-current liabilities			
Employee benefits	15	**50,220**	45,401
Financial liabilities	17	**74,177**	-
Borrowings	18	**572,064**	-
Total non-current liabilities		**696,461**	45,401
Total liabilities		**1,803,952**	1,236,413
Net assets		**24,226,443**	24,568,251
Members' funds			
Retained surplus		**5,156,443**	5,498,251
Reserves		**19,070,000**	19,070,000
Total members' funds		**24,226,443**	24,568,251

This statement should be read in conjunction with the accompanying notes

STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 30 June 2019

	Retained surplus $	Asset revaluation reserve $	Total $
Balance as at 1 July 2018	**5,498,251**	**19,070,000**	**24,568,251**
Comprehensive income			
Deficit for the year	**(341,808)**	-	**(341,808)**
Other comprehensive income for the year	-	-	-
Total comprehensive loss for the year attributable to members	**(341,808)**	-	**(341,808)**
Balance as at 30 June 2019	**5,156,443**	**19,070,000**	**24,226,443**
Balance as at 1 July 2017	5,740,149	19,173,073	24,913,222
Comprehensive income			
Deficit for the year	(241,898)	-	(241,898)
Other comprehensive income for the year	-	(103,073)	(103,073)
Total comprehensive loss for the year attributable to members	(241,898)	(103,073)	(344,971)
Transfers between reserves	-	-	-
Balance as at 30 June 2018	5,498,251	19,070,000	24,568,251

This statement should be read in conjunction with the accompanying notes

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 June 2019

	Note	2019 $	2018 $
Cash flows from operating activities			
Receipts from customers		**3,005,294**	3,326,479
Interest received		**32,099**	113,186
Interest paid		**(7,494)**	(7,124)
Payments to suppliers and employees		**(2,989,378)**	(2,560,915)
Net cash from operating activities	10(a)	**40,521**	871,626
Cash flows from investing activities			
Proceeds from sale of property, plant and equipment		**-**	179,450
Acquisition of plant and equipment		**(1,316,616)**	(101,224)
Acquisition of other investments		**(800,000)**	(224,327)
Proceeds from sale of investments		**1,217,223**	-
Net cash used in investing activities		**(899,393)**	(146,101)
Cash flows from financing activities			
Proceeds from borrowings		**616,752**	-
Repayment of lease liabilities		**(8,752)**	(19,310)
Net cash from/(used in) financing activities		**608,000**	(19,310)
Net (decrease)/increase in cash and cash equivalents		**(250,872)**	706,215
Cash and cash equivalents at beginning of year		**2,267,599**	1,561,384
Cash and cash equivalents at end of year	10	**2,016,727**	2,267,599

This statement should be read in conjunction with the accompanying notes

NOTES TO THE FINANCIAL STATEMENTS

For the Year Ended 30 June 2019

1. REPORTING ENTITY

Southern Aboriginal Corporation (the "Corporation") is incorporated and domiciled in Australia. It was incorporated on 23 November 1983. The liability of its members is limited. Southern Aboriginal Corporation is a not-for profit organisation.

The Corporation was originally incorporated under the *Aboriginal Councils and Associations Act 1976* and is now incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. It is deemed to be a "medium" Indigenous Corporation.

The Corporation's registered address and principal place of business is 45 – 47 Serpentine Road, Albany, Western Australia 6330.

This is the first set of the Corporation's financial statements in which AASB 9 *Financial Instruments* has been applied. Changes to significant accounting policies are described in Note 4.

2. BASIS OF PREPARATION OF THE FINANCIAL REPORT

Date of Issue

The financial report was authorised for issue on 7 October 2019 by the Directors.

Basis of Accounting

The financial statements are general purpose financial statements that have been prepared in accordance with Australian Accounting Standards (AASBs) of the Australian Accounting Standards Board (AASB). It is presented in order to comply with the Corporation's obligations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Act) and the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2017* (Regulations). The Corporation is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

Australian Accounting Standards set out accounting policies that the AASB has concluded would result in financial statements containing relevant and reliable information about transactions, events and conditions. Material accounting policies adopted in the preparation of these financial statements are presented below and have consistently applied unless otherwise stated.

The financial statements relate to the Corporation as an individual entity. There are no controlled entities.

Basis of Measurement

The financial statements, except for the cash flow information, have been prepared on an accruals basis and are based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

Functional and Presentation Currency

The financial statements are presented in Australian dollars, which is the Corporation's functional currency. The amounts presented in the financial statements have been rounded to the nearest dollar.

Going Concern

The financial report is prepared on a going concern basis.

The ability of the Corporation to continue as a going concern is dependent upon continued support from various Government funding bodies.

2. BASIS OF PREPARATION OF THE FINANCIAL REPORT (CONTINUED)

New Accounting Standards for Application in Future Periods

A number of new standards, amendments to standards and interpretations are effective for annual periods beginning after 1 July 2018, and have not been applied in preparing these financial statements. Those that may be relevant are *AASB 15 Revenue from Contracts with Customers*, AASB 16 *Leases* and *AASB 1058 Income of Not-for-profit Entities*, which become mandatory for the Corporation's 2020 financial statements. The Corporation does not plan to adopt these standards early and the extent of the impact has not yet been determined.

The Corporation has adopted the following new standards and amendments to standards, including any consequential amendments to other standards, with a date of initial application of 1 July 2018.

- AASB 9 *Financial Instruments*

The standard has been adopted using the cumulative effect method applied from 1 July 2018. Accordingly, comparative information has not been restated.

Critical Accounting Estimates and Judgments

The directors evaluate estimates and judgments incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and internally.

Key estimates – Fair value of land and buildings

The Corporation assesses the fair value at each reporting date by evaluating conditions that may lead to changes in fair value.

The Directors have assessed the fair value of land and buildings based on market valuation independently provided to the Corporation.

3. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The following is a summary of the material accounting policies adopted in the preparation of the financial report. The accounting policies have been consistently applied, unless otherwise stated.

a) Revenue

Revenue is measured at the fair value of the consideration received or receivable. The Corporation recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Corporation and specific criteria have been met for each of the activities described below. All revenue is stated net of the amount of goods and services tax (GST).

Revenue is recognised for major business activities as follows:

Revenue based grants

Non-reciprocal contributions are recognised as revenue when the Corporation obtains control of the asset comprising the contribution. Control is normally obtained upon receipt.

Unexpended grants are accounted for as liabilities until the monies are expended or returned to the funding body.

Rental income

Rental income is recognised in income on a periodical basis in accordance with the tenancy agreement. Rent received in advance is included in unearned income and is classified within liabilities.

Services

Revenue from the rendering of a service is recognised upon the delivery of the service to the customers.

3. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

b) Finance income and finance costs

The Corporation's finance income and finance costs include:

- Interest income; and
- Interest expense.

Interest income or expense is recognised using the effective interest method.

c) Taxation

Southern Aboriginal Corporation is a *Public Benevolent Institution* and is endorsed by the Australian Taxation Office to access the following taxation concessions:

- GST Concession
- FBT Exemption
- Income Tax Exemption

The Corporation is registered as a *Deductible Gift Recipient* and donations to the Corporation of $2 or more are tax deductible. There were no significant changes to the operations of the Corporation during the year and so there is no reason to believe that the exemptions will not continue to apply.

d) Property, Plant and Equipment

i) Recognition and measurement

Property

Freehold land and buildings are shown at their fair value based on periodic, but at least every 5 years, valuations by external independent valuers, less subsequent depreciation for buildings.

In periods when the freehold land and buildings are not subject to an independent valuation, the directors conduct directors' valuations to ensure the carrying amount for the land and buildings is not materially different to the fair value.

Increases in the carrying amount arising on revaluation of land and buildings are recognised in other comprehensive income and accumulated in the revaluation surplus in equity. Revaluation decreases that offset previous increases of the same class of assets shall be recognised in other comprehensive income under the heading of revaluation surplus. All other decreases are recognised in profit or loss.

Any accumulated depreciation at the date of the revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Freehold land and buildings that have been contributed at no cost or for nominal cost are valued and recognised at the fair value of the asset at the date it is acquired.

Other Items

Other items of property, plant and equipment are measured at cost less accumulated depreciation and accumulated impairment losses.

If significant parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

Any gain or loss on disposal of an item of property, plant and equipment is recognised in profit or loss.

3. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

d) Property, Plant and Equipment (continued)

ii) Subsequent expenditure

Subsequent expenditure is capitalised only when it is probable that the future economic benefits associated with the expenditure will flow to the Corporation.

iii) Depreciation

Depreciation is calculated to write off the cost of property, plant and equipment less their estimated residual values using the diminishing value basis over their estimated useful lives, and is generally recognised in profit or loss. Leased assets are depreciated over the shorter of the lease term and their useful lives unless it is reasonably certain that the Corporation will obtain ownership by the end of the lease term. Land is not depreciated.

The depreciation rates used for each class of depreciable assets are:

Class of Fixed Asset	*Depreciation Rate*
Buildings	5% (40 years)
Office equipment	53.33% (3.75 years)
Plant and equipment	53.33% (3.75 years)
Motor Vehicles	30.08% (6.65 years)
Leased Motor Vehicles	30.08% (6.65 years)

The assets' residual values and useful lives are reviewed and adjusted, if appropriate, at the end of each reporting period.

Terms and conditions of grant funds do not allow the charging of depreciation to the grant.

e) Leases

i) Determining whether an arrangement contains a lease

At inception of an arrangement, the Corporation determines whether such an arrangement is or contains a lease.

At inception or on reassessment of an arrangement that contains a lease, the Corporation separates payments and other consideration required by the arrangement into those for the lease and those for other elements on the basis of their relative fair values. If the Corporation concludes for a finance lease that it is impracticable to separate the payments reliably, then an asset and a liability are recognised at an amount equal to the fair value of the underlying asset; subsequently, the liability is reduced as payments are made and an imputed finance cost on the liability is recognised using the Corporation's incremental borrowing rate.

ii) Leased assets

Assets held by the Corporation under leases that transfer to the Corporation substantially all the risks and rewards of ownership are classified as finance leases. The leased asset is measured initially at an amount equal to the lower of their fair value and the present value of the minimum lease payments. Subsequent to initial recognition, the assets are accounted for in accordance with the accounting policy applicable to that asset.

Assets held under other leases are classified as operating leases and are not recognised in the Corporation's statement of financial position.

3. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

e) Leases (continued)

iii) Lease payments

Payments made under operating leases are recognised in profit or loss on a straight-line basis over the term of the lease. Lease incentives received are recognised as an integral part of the total lease expense, over the term of the lease.

Minimum lease payments made under finance leases are apportioned between the finance expense and the reduction of the outstanding liability. The finance expense is allocated to each period during the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability.

f) Financial Instruments

The Corporation classifies non-derivative financial assets into the following categories: amortised cost and fair value through profit or loss (FVTPL).

The Corporation classifies non-derivative financial liabilities into the other financial liabilities category.

i) Non-derivative financial assets and financial liabilities – recognition and de-recognition

The Corporation initially recognises loans and receivables issued on the date when they are originated. All other financial assets and financial liabilities are initially recognised when the Corporation becomes a party to the contractual provisions of the instrument.

The Corporation derecognises a financial asset when the contractual rights to the cash flows from the asset expire, or it transfers the rights to receive the contractual cash flows in a transaction in which substantially all the risks and rewards of ownership of the financial asset are transferred, or it neither transfers nor retains substantially all of the risks and rewards of ownership and does not retain control over the transferred asset. Any interest in such derecognised financial assets that is created or retained by the Corporation is recognised as a separate asset or liability. The Corporation derecognises a financial liability when its contractual obligations are discharged or cancelled, or expire.

Financial assets and financial liabilities are offset and the net amount presented in the statement of financial position when, and only when, the Corporation has a legal right to offset the amounts and intends either to settle them on a net basis or to realise the asset and settle the liability simultaneously.

ii) Non-derivative financial assets – measurement

Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost.

Cash and cash equivalents

In the statement of cash flows, cash and cash equivalents includes bank overdrafts that are repayable on demand and form an integral part of the Corporation's cash management.

Investments

Investments are subsequently measured at fair value. Net gains and losses, including any interest or dividend income, are recognised in profit or loss.

iii) Non-derivative financial liabilities – measurement

Non-derivative financial liabilities are initially recognised at fair value less any directly attributable transaction costs. Subsequent to initial recognition, these liabilities are measured at amortised cost using the effective interest method.

3. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

g) Impairment

i) Non-derivative financial assets

Financial assets not classified as at fair value through profit or loss are assessed at each reporting date to determine whether there is objective evidence of impairment.

Objective evidence that financial assets are impaired includes:

- default or delinquency by a debtor;
- restructuring of an amount due to the Corporation on terms that the Corporation would not consider otherwise;
- indications that a debtor or issuer will enter bankruptcy.

Financial assets measured at amortised cost

The Corporation considers evidence of impairment for these assets measured at both an individual asset and a collective level. All individually significant assets are individually assessed for specific impairment. Those found not to be impaired are then collectively assessed for any impairment that has been incurred but not yet individually identified. Assets that are not individually significant are collectively assessed for impairment. Collective assessment is carried out by grouping together assets with similar risk characteristics.

In assessing collective impairment, the Corporation uses historical information on the timing of recoveries and the amount of loss incurred, and makes an adjustment if current economic and credit conditions are such that the actual losses are likely to be greater or lesser than suggested by historical trends.

An impairment loss is calculated as the difference between an asset's carrying amount and the present value of the estimated future cash flows discounted at the asset's original effective interest rate. Losses are recognised in profit or loss and reflected in an allowance account. When the Corporation considers that there are no realistic prospects of recovery of the asset, the relevant amounts are written off. If the amount of impairment loss subsequently decreases and the decrease can be related objectively to an event occurring after the impairment was recognised, then the previously recognised impairment loss is reversed through profit or loss.

ii) Non-financial assets

At each reporting date, the Corporation reviews the carrying amounts of its non-financial assets to determine whether there is any indication of impairment. If any such indication exists, then the asset's recoverable amount is estimated.

For impairment testing, assets are grouped together into the smallest group of assets that generates cash inflows from continuing use that are largely independent of the cash inflows of other assets or CGUs.

The recoverable amount of an asset or CGU is the greater of its value in use and its fair value less costs to sell. Value in use is based on the estimated future cash flows, discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset or CGU.

An impairment loss is recognised if the carrying amount of an asset or CGU exceeds its recoverable amount.

Impairment losses are recognised in profit or loss. For other assets, an impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

3. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

h) Payables

Payables include the following:

Trade Creditors

These amounts represent liabilities for goods or services provided to the Corporation prior to the end of the financial year which remain unpaid. The amounts are unsecured and are usually paid within 30 days of recognition. Trade creditors include the taxation liability owing at 30 June.

Tenants Bonds

Tenant bonds are held as security against damage and non-payment of rent. Bonds are returned to the tenant if the house is in good condition and all rental amounts outstanding paid.

Social Club

A liability is recognised for amounts deducted from staff wages and expensed on operating the staff Social Club.

Deposits Held

Deposits held include amounts paid by governments as part of sale contracts for Indigenous Housing prior to settlement of the sale.

i) Employee Benefits

(i) Short-term employee benefits

Short-term employee benefits are expensed as the related service is provided. A liability is recognized for the amount expected to be paid if the Corporation has a present legal or constructive obligation to pay this amount as a result of past service provided by the employee and the obligation can be estimated reliably.

(ii) Other long-term employee benefits

The Corporation's net obligation in respect of long-term employee benefits is the amount of future benefit that employees have earned in return for their service in the current and prior periods. That benefit is discounted to determine its present value. Remeasurements are recognised in profit or loss in the period in which they arise.

j) Goods and Services Tax (GST)

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 the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other 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 included in receipts from customers or payments to suppliers.

k) Dividends

The Corporation is a not-for-profit Corporation and is precluded by its constitution from paying dividends to members.

l) Comparative Figures

Where required by Accounting Standards comparative figures have been adjusted to conform with changes in presentation for the current financial year.

When the Corporation applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statements, a statement of financial position as at the beginning of the earliest comparative period must be disclosed.

4. CHANGES IN SIGNIFICANT ACCOUNTING POLICIES

AASB 9 Financial Instruments

AASB 9 sets out requirements for recognising and measuring financial assets, financial liabilities and some contracts to buy or sell non-financial items. This standard replaces AASB 139 *Financial Instruments: Recognition and Measurement.*

As a result of the adoption of AASB 9, the Corporation has adopted consequential amendments to AASB 101 *Presentation of Financial Statements*, which requires impairment of financial assets to be presented in a separate line item in the statement of profit or loss and OCI.

Additionally, the Corporation has adopted consequential amendments to AASB 7 *Financial Instruments: Disclosures* that are applied to disclosures about 2018 but have not been generally applied to comparative information.

The transition to AASB 9 has no impact on the opening balance of retained earnings.

Classification and measurement of financial assets and liabilities

AASB 9 contains three principal classification categories for financial assets: measured at amortised cost, FVOCI and FVTPL. The classification of financial assets under AASB 9 is generally based on the business model in which a financial asset is managed and its contractual cash flow characteristics.

AASB 9 eliminates the previous AASB 139 categories of held to maturity, loans and receivables and available for sale. AASB 9 largely retains the existing requirements in AASB 139 for the classification and measurement of financial liabilities.

The adoption of AASB 9 has had no material effect on the carrying amounts of financial assets and financial liabilities at 1 July 2018.

The following table and the accompanying notes below explain the original measurement categories under AASB 139 and the new measurement categories under AASB 9 for each class of the Corporation's financial assets and financial liabilities as at 1 July 2018.

	Original classification under AASB 139	New classification under AASB 9	Carrying amount under AASB 139 $	Carrying amount under AASB 9 $
Financial assets				
Cash and cash equivalents	Loans and receivables	Amortised cost	2,267,599	2,267,599
Trade and other receivables	Loans and receivables	Amortised cost	158,399	158,399
Investments	FVTPL	FVTPL	1,182,173	1,182,173
			3,608,171	**3,608,171**

4. CHANGES IN SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

AASB 9 Financial Instruments (continued)

	Original classification under AASB 139	New classification under AASB 9	Carrying amount under AASB 139 $	Carrying amount under AASB 9 $
Financial liabilities				
Trade and other payables	Other financial liabilities	Other financial liabilities	166,599	166,599
Financial liabilities	Other financial liabilities	Other financial liabilities	44,978	44,978
			211,577	**211,577**

Impairment of financial assets

AASB 9 replaces the 'incurred loss' model in AASB 139 with an 'expected credit loss' (ECL) model. The new impairment model applies to financial assets measured at amortised cost, contract assets and debt investments at FVOCI, but not to investments in equity instruments. Under AASB 9, credit losses are generally recognised earlier than under AASB 139.

The Corporation has determined that the application of AASB 9's impairment requirements at 1 July 2018 results in no material change in provisions recorded.

5. REVENUE

	2019	2018
	$	$
Grant Income	**1,631,831**	1,747,000
Rent	**859,257**	830,382
Property leasing	**242,234**	253,263
	2,733,322	2,830,645

6. OTHER INCOME

	2019	2018
	$	$
Recoveries	**39,929**	343,986
Wages subsidy	**-**	9,091
Gain/(loss) on investment	**58,912**	(85,204)
Gain on sale of property, plant and equipment	**31,164**	-
Sundry Income	**9,336**	19,539
Donations	**-**	16,535
	139,341	303,947

7. EMPLOYEE BENEFITS EXPENSE

	2019	2018
	$	$
Salaries and allowances	**1,218,494**	1,156,919
Superannuation	**117,434**	114,662
Other employee-related expense	**51,659**	165,048
	1,387,587	1,436,629

8. OTHER EXPENSES

The following significant Other Expenses are relevant in explaining the financial performance

	2019	2018
	$	$
Computer expenses	**22,320**	33,433
Conference/meetings/seminars	**20,242**	22,328
Consultants fees	**152,587**	111,225
Electricity and gas	**16,481**	19,443
Insurance - general	**176,900**	154,309
Legal fees	**-**	1,274
Loss on sale of plant and equipment	**-**	16,957
Motor vehicle expenses	**39,523**	22,984
Office rental	**81,322**	88,770
Office supplies	**28,009**	28,601
Projects and Project materials	**38,055**	34,709
Rates - Land/Water/Water Consumption	**159,763**	151,105
Telephone/fax	**44,573**	23,298
Training costs	**16,038**	10,274
Travel	**73,330**	49,429
All other expenses	**140,297**	446,980
	1,009,440	1,215,119

9. NET FINANCE INCOME

	2019 $	2018 $
Interest income	**32,099**	113,186
Finance income	**32,099**	113,186
Interest expenses	**10,889**	7,124
Finance costs	**10,889**	7,124
Net finance income recognised in profit or loss	**21,210**	106,062

10. CASH AND CASH EQUIVALENTS

	2019 $	2018 $
Resource Account	**645,779**	528,125
Housing - NAB	**122,163**	212,524
Housing - CBA	**-**	24,566
Housing - WBC	**6,846**	206,128
CDEP Account	**113,721**	112,024
Provisions Account	**642,833**	634,113
Housing - NAB Maintenance	**463,037**	527,903
Housing - DHWS Support	**16,739**	16,530
FVLS Trust Account	**5,609**	5,539
	2,016,727	2,267,452
Cash on hand	**-**	147
Cash at bank and in hand	**2,016,727**	2,267,599

Restriction: Cash at bank includes an amount of $197,244 (2018: $222,197) representing the balance of unexpended grants and grants held in trust. The restriction arises as a result of the terms and conditions of various funding agreements which require unspent funds to be returned or used in future years for the purposes specified in the funding agreements. See Note 16.

a) Reconciliation of Cash Flow from Operations with Profit After Income Tax

	2019 $	2018 $
Deficit	**(341,808)**	(241,898)
Adjustments for non-cash items:		
Depreciation	**597,753**	611,636
Interest expense	**3,395**	-
Other non-cash expenses	**5,551**	-
(Gain)/loss on investments	**(58,912)**	85,204
(Gain)/loss on sale of property, plant and equipment	**(31,164)**	16,957
Operating surplus before changes in working capital and provisions	**174,815**	471,899
Changes in assets and liabilities:		
Change in trade and other receivables	**(29,596)**	1,300
Change in other assets	**263**	648
Change in unexpended grants	**(24,953)**	(152,355)
Change in trade and other payables	**(45,447)**	509,530
Change in employee benefits	**(34,561)**	40,604
Net cash from operating activities	**40,521**	871,626

11. TRADE AND OTHER RECEIVABLES

	2019 $	2018 $
Trade receivables	**188,663**	223,033
Less: provisions for doubtful debts	**-**	(64,757)
Less: provisions for expected credit losses	**(12,156)**	-
Accrued income	**7,564**	123
Other receivables	**8,094**	-
	192,165	158,399
a) Aging of Amounts Receivable, Past Due but Not Impaired		
0-30	**65,804**	67,405
31-60	**6,739**	4,124
61-90	**86,782**	64,709
90+	**17,182**	22,038
	176,507	158,276
b) Aging of Amounts Receivable, Past Due and Impaired		
0-30	**-**	-
31-60	**-**	-
61-90	**-**	-
90+	**12,156**	64,757
	12,156	64,757

Terms: Trade and other debtors are non-interest bearing and are generally settled on terms of 30 days.

Review: Impaired receivables are reviewed for collectability and either written off or pursued to recovery.

12. INVESTMENTS

	2019 $	2018 $
At fair value		
Investment Growth investment	**823,862**	1,182,173
	823,862	1,182,173

13. PROPERTY, PLANT AND EQUIPMENT

	2019 $	2018 $
Land and Buildings		
Land at fair value	**12,132,307**	11,181,422
Buildings		
Buildings at fair value	**12,352,735**	12,030,579
Accumulated depreciation	**(1,728,516)**	(1,168,156)
	10,624,219	10,862,423
Motor vehicles		
Motor Vehicles at cost	**270,344**	195,206
Leased Motor Vehicles	**92,182**	92,182
Accumulated depreciation	**(172,896)**	(169,708)
	189,630	117,680

13. PROPERTY, PLANT AND EQUIPMENT (CONTINUED)

	2019 $	2018 $
Plant and equipment		
Plant and equipment at cost	**560,102**	538,999
Accumulated depreciation	**(512,192)**	(507,869)
	47,910	31,130
Total property, plant and equipment	**22,994,066**	22,192,655

a) *Movement in Carrying Amounts*

Movements in carrying amounts for each class of property, plant and equipment between the beginning and at the end of the financial year are:

	Land $	Buildings $	Motor vehicles $	Plant and Equipment $	Total $
Balance at 1 July 2018	**11,181,422**	**10,862,423**	**117,680**	**31,130**	**22,192,655**
Additions	**950,885**	**322,156**	**136,345**	**21,103**	**1,430,489**
Disposals	**-**	**-**	**(31,325)**	**-**	**(31,325)**
Depreciation expense	**-**	**(560,360)**	**(33,070)**	**(4,323)**	**(597,753)**
Balance at 30 June 2019	**12,132,307**	**10,624,219**	**189,630**	**47,910**	**22,994,066**
Balance at 1 July 2017	11,260,417	11,658,849	66,064	17,217	23,002,547
Additions	-	-	77,804	23,420	101,224
Disposals	(25,000)	(171,407)	-	-	(196,407)
Impairment loss	(53,995)	(49,078)	-	-	(103,073)
Depreciation expense	-	(575,941)	(26,188)	(9,507)	(611,636)
Balance at 30 June 2018	11,181,422	10,862,423	117,680	31,130	22,192,655

The Corporation holds its housing assets as Property, Plant and Equipment rather than Investment Properties since the primary purpose of the provision of the housing is of a social benefit nature for Indigenous Australians and the rental income is incidental to that purpose.

b) *Revaluation*

Revaluations: The fair value of land and buildings (housing and farming) was assessed by management for the 2019 financial year. This assessment did not result in any revaluation adjustment.

c) *Title*

The Corporation has legal title to the land, buildings and improvements listed in the asset register. In relation to the various titles to the "Wandering" farm property, the Corporation is either the registered owner or is a lessee or acting as trustee for "Native Mission" purposes for land vested in the Aboriginal Lands Trust.

Caveats have been placed on titles of some properties purchased with grant funds. These caveats do not allow dealing in the property without the prior written approval of the funding body.

d) *Security*

As at 30 June 2019, land with a carrying amount of $950,885 was registered as security for a bank loan (see Note 18).

14. TRADE AND OTHER PAYABLES

	2019 $	2018 $
Trade creditors	**101,997**	114,151
Accrued expenses	**4,950**	42,212
Staff entitlements		
Social club	**6,069**	4,601
Superannuation payable	**35,664**	-
Other payables	**2,343**	-
Tax payable		
GST payable	**-**	549
Deposits and bonds		
Tenant bonds	**1,231**	1,231
Deposits held	**3,855**	3,855
Deferred income		
Lease in Advance - Farms	**42,970**	81,645
Grants received in advance	**490,900**	487,182
	689,979	735,426

15. EMPLOYEE BENEFITS

	2019 $	2018 $
CURRENT		
Employee entitlements		
Accrued annual leave	**61,913**	57,952
Accrued sick leave	**-**	68,418
Accrued long service leave	**87,118**	62,041
	149,031	188,411
NON-CURRENT		
Accrued long service leave	**50,220**	45,401
	50,220	45,401

16. UNEXPENDED GRANTS

	2019 $	2018 $
Unexpended Grants	**197,244**	222,197
	197,244	222,197

16. UNEXPENDED GRANTS (CONTINUED)

a) Reconciliation of Unexpended Grants

Grant	Unexp Grant B/fwd $	Grant Income $	Other Income $	Transfer/ Refund $	Expenses $	Unexp Grant C/Fwd $
FVPLS	59,664	1,048,153	2,768	-	(983,852)	126,733
SRF Albany	45,887	145,804	800	-	(189,330)	3,161
SRF Katanning	46,535	145,804	800	-	(171,236)	21,904
Healthway - Health Promotion	1,168	-	-	526	-	1,694
WA Country Health Service	1,693	130,723	-	(526)	(130,546)	1,345
DOH - BYAC Housing Project	12,282	-	-	-	-	12,282
Job and Skills Centre	54,968	136,392	-	-	(161,235)	30,125
NAIDOC Fund	-	-	-	-	-	-
Total	222,197	1,606,876	4,368	-	(1,636,199)	197,244

17. FINANCIAL LIABILITIES

	2019 $	2018 $
Current		
Finance lease	31,660	46,341
Less unexpired interest	(5,111)	(1,363)
	26,549	44,978
Non-Current		
Finance lease	76,109	-
Less unexpired interest	(1,932)	-
	74,177	-

The Corporation had previously entered into four motor vehicle lease contracts with Volkswagen Financial Services, which had an interest rate of 7.5% and were paid out during the financial year.

During the year, the Corporation entered into four new motor vehicle lease contracts with Pepper Asset Finance. Three commenced in November 2018 and one commenced in February 2019. All leases are for a contractual period of 24 months. The interest rate is 5.85%.

18. BORROWINGS

	2019 $	2018 $
Current		
Secured bank loans	44,688	-
	44,688	-
Non-Current		
Secured bank loans	572,064	-
	572,064	-

The secured bank loan is secured over land with a carrying amount of $950,885 (2018: $0). Information about the Association's liquidity risk is included in Note 19.

18. BORROWINGS (CONTINUED)

Terms and repayment schedule

The terms and conditions of outstanding loans with external parties are as follows:

	Currency	Nominal interest rate	Year of maturity	Face Value $	Carrying amount $
30 June 2019					
Westpac	AUD	Variable	2024	**616,752**	**616,752**
Total interest-bearing liabilities				**616,752**	**616,752**

Reconciliation of movements of liabilities to cash flows arising from financing activities

	Loans and borrowings 2019 $	2018 $
Balance as at 1 July	-	-
Changes from financing cash flows		
Proceeds from loans and borrowings	**616,752**	-
Total changes from financing cash flows	**616,752**	-
Balance as at 30 June	**616,752**	-

19. FINANCIAL RISK MANAGEMENT

The Corporation's financial instruments consist mainly of deposits with banks, local money market instruments, and short-term investments, accounts receivable and payable. The Corporation does not have any derivative instruments at 30 June 2019.

The carrying amounts for each category of financial instruments, measured in accordance with AASB 9, as detailed in the accounting policies to these financial statements, are as follows:

	2019 $	2018 $
Financial Assets		
Cash and cash equivalents	**2,016,727**	2,267,599
Trade and other receivables	**192,165**	158,399
Investments	**823,862**	1,182,173
Total financial assets	**3,032,754**	3,608,171
Financial Liabilities		
Trade and other payables	**156,109**	166,599
Financial liabilities	**100,726**	44,978
Borrowings	**616,752**	-
Total financial liabilities	**873,587**	211,577

Treasury Risk Management

Due to the limitations imposed on grant funding, all funds are held in at-call deposits or in short term investments with a major bank.

19. FINANCIAL RISK MANAGEMENT (CONTINUED)

Specific Financial Risk Exposures and Management

The main risks the Corporation is exposed to through its financial instruments are credit risk, liquidity risk and interest rate risk.

a. Credit risk

Exposure to credit risk relating to financial assets arises from the potential non-performance by counterparties of contract obligation that could lead to financial loss for the Corporation.

The Corporation does not have any material credit risk exposures in relation to trade receivables as its major source of revenue is receipt of grants. Credit risk is further mitigated as over 78% of the grants being received from state and federal governments are in accordance with funding agreements which ensure regular funding.

The Corporation has credit risk exposures relating to cash and cash equivalents and investments.

Credit risk exposures

The maximum exposure to credit risk at the end of the reporting period is equivalent to the carrying value and classification of those financial assets (net of any provision) as presented in the statement of financial position.

Trade and other receivables that are neither past due nor impaired are considered to be of medium credit quality. Aggregates of such amounts are detailed in Note 9.

Cash and cash equivalents are held with reputable Australian financial institutions. Investments of $823,862 is held in one fund and therefore represent a material credit risk exposure.

b. Liquidity risk

Liquidity risk arises from the possibility that the Corporation might encounter difficulty in settling its debts or otherwise meeting its obligation in relation to financial liabilities. The Corporation manages liquidity risk by monitoring forecast cash flows and ensuring that adequate unutilized borrowing facilities are maintained.

19. FINANCIAL RISK MANAGEMENT (CONTINUED)

b. Liquidity risk (continued)

The table below reflects an undiscounted contractual maturity analysis for financial liabilities.

Financial liability and financial asset maturity analysis

	Within 1 Year		1 to 5 Years		Over 5 Years		Total	
	2019	2018	2019	2018	2019	2018	2019	2018
	$	$	$	$	$	$	$	$
Financial liabilities due for payment								
Trade and other payables	**156,109**	166,599	-	-	-	-	**156,109**	166,599
Finance lease liabilities	**26,549**	44,978	**74,177**	-	-	-	**100,726**	44,978
Borrowings	**44,688**	-	**572,064**	-	-	-	**616,752**	-
Total contractual outflows	**227,346**	211,577	**646,241**	-	-	-	**873,587**	211,577
Financial assets - cash flows realisable								
Cash and cash equivalents	**2,016,727**	2,267,599	-	-	-	-	**2,016,727**	2,267,599
Trade and other receivables	**192,165**	158,399	-	-	-	-	**192,165**	158,399
Investments	**823,862**	1,182,173	-	-	-	-	**823,862**	1,182,173
Total anticipated inflows	**3,032,754**	3,608,171	-	-	-	-	**3,032,754**	3,608,171

Cash flows realised from financial assets reflect management's expectation as to the timing of realisation. Actual timing may therefore differ from that disclosed. The timing of cash flows presented in the table to settle financial liabilities reflect the earliest contractual settlement dates.

c. Market risk

Interest rate risk

Exposure to interest rate risk arises on financial assets and financial liabilities recognised at the end of the reporting period whereby a future change in interest rates will affect future cash flows or the fair value of fixed rate financial instruments.

As at 30 June 2019 there is no material interest rate risk.

Price risk

Price risk relates to the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices of securities held.

The Corporation is exposed to price risk due to its investment (refer to Note 12).

A reasonably possible change in price of 10% would have the impact of increasing or decreasing the surplus by $82,386 (2018: $118,217).

19. FINANCIAL RISK MANAGEMENT (CONTINUED)

c. Market risk (continued)

Sensitivity Analysis

The following table illustrates sensitivities to the Corporation's exposures to changes in interest rates for variable rate instruments. The table indicates the impact on how surplus reported at the end of the reporting period would have been affected by changes in the relevant risk variable that management considers to be reasonably possible. These sensitivities assume that the movement in a particular variable is independent of other variables.

	Surplus $
30 June 2019	
Increase in 2%	**12,916**
Decrease in 2%	**(12,916)**
30 June 2018	
Increase in 2%	10,563
Decrease in 2%	(10,563)

Net Fair Values

The Corporation's financial assets and liabilities are carried at an amount that approximates to net fair value.

20. KEY MANAGEMENT PERSONNEL

The key management personnel comprise the Directors and the Officers identified in the attached Director's Report for the year ended 30 June 2019.

Remuneration of Key Management Personnel

	Directors		Management	
	2019 $	2018 $	2019 $	2018 $
Short Term Benefits				
Salaries and Allowances	**-**	-	**240,226**	211,757
Sitting Fees	**7,989**	11,465	**-**	-
Travel and allowances	**22,271**	25,776	**-**	-
Post-Employment Benefits				
Superannuation	**-**	-	**22,542**	19,871
Total	**30,260**	37,241	**262,768**	231,628

21. RELATED PARTY TRANSACTIONS

The Corporation is an Aboriginal-owned, community-based organisation based in Albany, Western Australia. Its purpose is to provide cultural, arts, heritage, employment, family counselling, and housing services to the South West community. As a result members and related parties are able to access services through the Corporation. Any transactions with Directors, members, Key Management Personnel and other related parties are conducted on terms no different to that of other residents of the community.

22. CAPITAL AND LEASING COMMITMENTS

Capital Commitments

There are no Capital commitments.

Rental Lease

The property lease is a non-cancellable 1 year lease, with rent payable monthly in advance. There is an escape clause which states that if Government funding bodies withdrew their funds then the lease would be cancelled.

Finance Lease Commitments

Refer to Note 17 for details of motor vehicle finance leases.

	2019 $	2018 $
Payable - minimum lease payments		
Not later than one year	**31,660**	46,341
Later than one year but not later than 5 years	**76,109**	-
Later than 5 years	-	-
Minimum lease payments	**107,769**	46,341
Less future finance charges	**(7,043)**	(1,363)
Present value of minimum lease payment	**100,726**	44,978

Operating Lease Commitments

Non-cancellable operating leases including rental property contracted for but not capitalised in the financial statements are as follows:

	2019 $	2018 $
Payable		
Not later than one year	**66,324**	66,323
Later than one year but not later than 5 years	-	-
Later than 5 years	-	-
Minimum lease payments	**66,324**	66,323

23. AUDITOR'S REMUNERATION

	2019 $	2018 $
Audit services		
Audit of the financial report	**43,000**	43,000
	43,000	43,000

24. COMMITMENTS

The Corporation has no commitments for expenditure as at 30 June 2019 other than those already stated in these financial statements.

25. CONTINGENT ASSETS AND LIABILITIES

The Corporation does not have any contingencies as at 30 June 2019. In 2018, the Corporation held a contingent liability with the Commonwealth Bank in relation to an autopay facility in the amount of $30,000.

26. EVENTS AFTER THE REPORTING PERIOD

Subsequent to the end of the reporting period, funding for the Safe and Resilient Families Programs for Albany and Katanning has ceased. These programs will not be run from 1 July 2019.

Other than the aforementioned event, there has not arisen in the interval between the end of the financial year and the date of this report any item, transaction or event of a material and unusual nature likely, in the opinion of the Directors of the Corporation, to affect significantly the operations of the Corporation or the state of affairs of the Corporation in future years.

27. CAPITAL MANAGEMENT

The Corporation's capital consists of financial liabilities, supported by financial assets. Management effectively manages the Corporation's capital by assessing the Corporation's financial risks and responding to changes in these risks and in the market. These responses may include the consideration of debt levels.

28. RESERVES

The Asset Revaluation Reserve records the revaluations of land and buildings.

The SAC reserve is used to separately record the retained earnings component related to operations (other than grant funding)

The balance of the SAC reserves, and Housing Capital maintenance reserves have been transferred to Retained Surplus, leaving a NIL effect on the members funds.

Rate Exemption Survey - Southern Aboriginal Corporation (SAC)

Local Government	Exempt Y/N	Comment
City of Bunbury	Y	Currently give rate exemption to SAC residential properties - Spent $8K on legal opinion advising to grant exemption Council endorsed - Exemption given since 2014/2015.
City of Albany	Y	Exemption granted since 2015/2016 - following Bunbury decision & further legal opinion.
Shire of Narrogin	Y	Granted exemption to SAC residential leased properties at Ordinary Council Meeting held on 26 May 20.

8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/ BUILDING SURVEYOR:

8.3.1 Stallholder Application – The Fresh Fish Van

Location:	Boddington hotel carpark
Applicant:	D Marwick (The Fresh Fish Van)
File Ref. No:	PUBH004
Disclosure of Interest:	Nil
Date:	6 July 2020
Author:	Peter Haas/PEHO/BS
Attachments:	Nil.

Summary

To seek Council approval to trade as a Stallholder

Background

An application has been received from Darrel Marwick to trade as a Stallholder in the Boddington Hotel carpark area. They have purchased The Fresh Fish Van from the previous owner Tracey McGowan and they wish to trade from the area Ms McGowan utilised.

This application was discussed at the last Councillor Information Session on Thursday 2 July 2020.

Comment

The Fresh Fish Van has been trading through various owners, from the hotel carpark for the 14 years that I have been employed by the Shire.

The Fresh Fish Van is registered as a Food Business in the Shire of Cuballing and the applicant has the necessary public liability insurance.

The Local Law that governs this matter is Part 5 of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

I have been corresponding with the applicant and have advised that Council would need to approve the application as this power has not been delegated and that they would need to provide a letter from the Lessee of the hotel giving permission for the use of their carpark. The previous owner of the business serviced the Boddington area on Wednesdays and the current owner wishes to continue to do so.

Strategic Implications - Nil

Statutory Environment

Part 5 of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law covers this activity as well as the requirement for the Food Business to be registered as per the Food Act 2008.

Policy Implications - Nil

Financial Implications

Income for the cost to the applicant of a permit to operate as a stall holder is currently $505.00 per annum

Economic Implications - Nil
Social Implications – Nil
Environmental Considerations - Nil

Consultation

Tim Jurmann – EHO Shire of Cuballing

Options

Accept Officer's recommendation
Not accept Officer's recommendation
Accept Officer's recommendation with amendment

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.3.1

Moved: Cr Hoffman

That Council approve Mr Darrel Marwick's (The Fresh Fish Van) application as a **stallholder subject to the following;**

1. **Letter being forwarded from the Boddington Hotel Lessee allowing the stall to located in the hotel carpark.**
2. **Payment of the $505.00 fee**
3. **The stall is limited to trade in the hotel carpark only.**

Seconded: Cr Schreiber

Cr Erasmus left the room 6:04pm

A
MENDMENT TO THE MOTION **Moved: Cr Smalberger**

That point 4 be added:

4. **The stall can trade only one day a week.**

Seconded: Cr Hoffman **Carried: 4/0**

COUNCIL DECISION – ITEM 8.3.1

The AMENDMENT became the MOTION:

COUNCIL RESOLUTION: 68/20 **Moved: Cr Hoffman**

That Council approve Mr Darrel Marwick's (The **Fresh Fish Van) application as a stallholder subject to the following;**

1. **Letter being forwarded from the Boddington Hotel Lessee allowing the stall to located in the hotel carpark.**
2. **Payment of the $505.00 fee**
3. **The stall is limited to trade in the hotel carpark only.**
4. **The stall can trade only one day a week.**

Seconded: Cr Schreiber **Carried: 4/0**

Reason for Change to Officer Recommendation: The Council was concerned that unlimited trading days would have a detrimental effect on local business that pay rates.

8.4 MANAGER WORKS & SERVICES:

Nil.

8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

Nil.

8.6 ACTING CHIEF EXECUTIVE OFFICER:

8.6.1 Action Sheet

Disclosure of Interest: Nil
Date: 7 July 2020
Author: Graham Stanley Acting CEO

Purpose of Report

To bring forward Councillors information the Action Report with actions taken on previous Council resolutions.

Meeting Date	Resolution Number	Responsible Officer	Subject	Date Completed	Comments Current Status
18/6/20	62/20	Acting CEO	Resignation of Councillors McSwain & McGrath	In progress	Notice of Close of Enrolments publicised; Extraordinary Election scheduled for 11 September 2020
28/5/20	51/20	Acting CEO	Review of Local Laws – Acting CEO extended submission of comments to 28 July 2020	In progress	Local Laws are currently being advertised with deadline 28 July 2020

For information only.

8.6.2 Actions Performed Under Delegated Authority for the Month of June 2020

File Ref. No:	GOVN000
Disclosure of Interest:	Nil
Date:	7 July 2020
Author:	Graham Stanley, Acting CEO
Attachments:	Nil

Summary

To report back to Council actions performed under delegated authority for the month of June 2020.

Background

There is no specific requirement to report on actions performed under delegated authority. But to increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for the month of June 2020.

Affixing of Common Seal;

One off delegations to the Chief Executive Officer;

Authorisation to call Tenders;

Building Permits issued;

Health Approvals issued;

Development Approvals issued;

Subdivision Applications;

Land Administration

Comment

The following tables outline the action performed within the organization relative to delegated authority for the month of June 2020 and are submitted to Council for information.

Common Seal - Nil	
Date Affixed	Documentation

One off Delegations by Acting CEO - Nil	
Date	Action

Authorisation to call Tenders - Nil	
Date	Action

Peter Haas - PEHO			
Building Applications			
Application No.	Applicant	Lot & Street	Type of Building Work
3289	R & S Chapman 14 Roberts Street Bayswater	Lot 13 No 77 Mistletoe View Crossman	Storage room
3290	S Kanters 111 Kalimna Way Bannister	Lot 3 No 111 Kalimna Way Bannister	Sea container
3288	K Barnard PO Box 40 Boddington	Lot 70 No 229 Mitchell Crescent Ranford	Garage
Health - Nil			

Steve Thompson - Town Planning Consultant			
Development Approvals			
Application No.	Applicant	Lot & Street	Type of Approval
A838	Johnstone D	Lot 54, 16 Greenstone St, Boddington	shed
A1031	Kanters/Moynihan	Lot 3, 111 Kalimna Way, Boddington	Seacontainer
A1753	Turton R	Lot 20, 1 William St, Boddington	Outbuilding & sea containers
A842	Cooper A	Lot 8, 3 Illyarrie Crescent	Shed
Subdivision Applications - Nil			
Application No.	Applicant	Lot & Street	Action
Land Administration - Nil			
Application No.	Applicant	Lot & Street	Action

Strategic Implications – Nil

Statutory Environment

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires delegates to keep a record of each occasion on which they exercise the powers or discharge the duties delegated to them.

Policy Implications - Nil
Financial Implications - Nil
Economic Implications – Nil
Social Implications - Nil
Environmental Considerations – Nil
Consultation - Nil

Voting Requirements – Simple Majority

COUNCIL DECISION – ITEM 8.6.2

COUNCIL RESOLUTION: 69/20 **Moved: Cr Hoffman**

That Council accept the report outlining the actions performed under delegated authority for the month of June 2020.

Seconded: Cr Smalberger **Carried: 5/0**

8.6.3 Formation of Boddington Aged Accommodation Committee

File Ref. No:	CSER028
Disclosure of Interest:	Nil
Date:	11 July 2020
Author:	Graham Stanley – Acting Chief Executive Officer
Attachment:	Nil

Summary

Council is to consider the establishment of an Aged Accommodation Committee.

Background
At the March 2020 Ordinary Meeting Council resolved the following:

That Council:

1. *Establish a reserve for Development of Aged Care Facilities;*
2. *Transfer $1 million unexpended loan funds to the reserve;*
3. *Provide a further allocation of $1 million to the reserve in FY 20/21 and 21/22 in the forthcoming budgets for those years; and*
4. *Seek financial support from the state government as well as the use of the land behind the hospital for future construction of aged care facilities.*

5. Seek financial support from the Federal Government.

6. Endeavours to minimise rate increases for households in the 2020/21 budget.

To assist with the development of aged care facilities Councillors have expressed a desire to form a Committee made up of Councillors, members of staff, a representative from the Boddington Hospital and members of the public.

In discussions at the Councillor Information session held on 2nd July 2020 Council indicated that it wished the proposed Boddington Aged Accommodation Committee to not only deal with the development of new aged accommodation facilities in Boddington but also to oversee the existing aged housing that the Shire already manages.

Comment

It is recommended that committee be made up as follows:
Councillor Chair
2nd Councillor
Chief Executive Officer
Principal Environmental Health Officer
Community Economic Development Officer
Director of Nursing - Boddington District Hospital or delegate
Community Representatives – up to 4

Strategic Implications

Fully consistent with the 2019-2029 Strategic Community Plan *Pillar 1: "A vibrant and connected community – Attract more people to be part of the Boddington Community - 1.3 Plan for ageing in place with appropriate housing and residential options.*

Statutory Environment
Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and

Section 3.1 – (1) The general function of a local government is to provide for the good government of persons in its district.

(2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

(3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Section 5.8 – Establishment of Committees - A local government may establish* committees of 3 or more persons to assist the council and to

exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

Section 5.9 – There can be various types of Committees which can be comprised of :

(a) council members only; or

(b) council members and employees; or

(c) council members, employees and other persons; or

(d) council members and other persons; or

(e) employees and other persons; or

(f) other persons only.

"Other persons" are people who are neither council members nor employees of the Local Government.

Sections 5.10 to 5.25 cover most of the rules applying to Committees.

Policy Implications - Nil.
Financial Implications – Nil.
Economic Implications - Nil

Social Implications

Involvement of the Community in a Committee that will be overseeing the planning and development of public facilities is desirable and will improve the relationship between Council and the community.

Environmental Considerations – Nil

Consultation

Discussed by Council at the Information Session on 2 July 2020.

Options

Council can resolve to:

1. adopt the recommendations;
2. adopt the recommendations with further amendments; or
3. not accept the recommendation, giving reasons.

Voting Requirements

Absolute Majority Recommendation 1, Simple majority all other recommendations

COUNCIL DECISION – ITEM 8.6.3

COUNCIL RESOLUTION: 70/20 **Moved: Cr Erasmus**

That Council resolves:

1. **To establish the Boddington Aged Accommodation Committee made up of the following membership:**
   Councillor Chair
   2nd Councillor
   Chief Executive Officer
   Principal Environmental Health Officer
   Community Economic Development Officer
   Director of Nursing - Boddington District Hospital or delegate
   Community Representatives – up to 4

2. **Seek Council nominations and elect two Council members to serve on the Boddington Aged Accommodation Committee.**

3. **To advertise for nominations from members of the Boddington Community to serve on the Boddington Aged Accommodation Committee.**

4. **Consider the nominations for Community Representatives received prior to the August Meeting of Council and to formalise the appointment of up to 4 Community Members to serve on the Boddington Aged Accommodation Committee.**

Seconded: Cr Hoffman **Carried: 5/0**

COUNCIL DECISION – ITEM 8.6.3

COUNCIL RESOLUTION: 71/20 **Moved: Cr Ventris**

That Council:

Endorse the appointment of Cr Erasmus as Chair; Cr Schreiber as Second councillor; proxy is Cr Smalberger

Seconded: Cr Hoffman **Carried: 5/0**

8.6.4 Financial Assistance to Boddington CRC

File Ref. No:	CSER 025
Disclosure of Interest:	Nil
Date:	11 July 2020
Author:	Graham Stanley – Acting Chief Executive Officer
Attachment:	8.6.4A

Summary

Council is to consider the provision of financial assistance to the Boddington Community Resource Centre of $2,500 per month plus GST in return for the Boddington CRC organising an annual calendar of community events.

Background

In 2018 the Shire of Boddington agreed to provide funding to the BCRC of $2,000 per month for two years ending 30 June 2020 to ensure their financial viability following their closure in June 2018. The previous CEO and previous President had entered into discussions with the BCRC earlier this year to continue funding to the BCRC and actually increase it to $2,500 per month in return for the BCRC agreeing to organise a number of community events. The BCRC Coordinator, Susan Henderson and the BCRC Chairman, John Allert, made a presentation to the Councillor Information session on 2nd July in which they outlined their commitments under their contract with the Department of Primary Industries and Regional Development (DPIRD), explained their discussions with the previous CEO & President and foreshadowed what they would expect to deliver in return for continued funding from the Shire.

Comment

Subsequently our Economic and Community Development Officer, Leanne Bryant, and I met with John and Susan to discuss their proposal. They have indicated that the BCRC would coordinate a number of community events including, but not limited to:

- Star Gazing Night
- Friday Night Festival and Night Markets
- Saturday Street Parade
- Lighting of the Xmas Tree
- Movie Night
- Movie Night & Night Markets
- Foreshore Celebration

They have also outlined a contingency plan if Covid-19 restrictions are reimposed and the Rodeo does not proceed and a contingency plan if Lockdown is implemented.

A number of these events were previously run by the BCRC but for the past couple of years the Shire has organised them as the BCRC did not have the capacity following its temporary closure. The addition funding will give the BCRC the capacity to employ staff to deliver these events.

By having the BCRC organise the events a large workload is removed from the responsibility of the Economic and Community Development Officer enabling her to focus on delivering programs that are more focussed toward economic development.

Strategic Implications

Fully consistent with the 2019-2029 Strategic Community Plan *Pillar 2: "A thriving and diverse economy – Increase tourism as an economic driver – 2.6 Support event based tourism.*

Statutory Environment
Local Government Act 1995

Section 2.7(2) –	Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
Section 3.1 –	(1) The general function of a local government is to provide for the good government of persons in its district. (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions. (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Policy Implications - Nil.

Financial Implications

An investment of $2,500 per month would be an increase of $500 per month on the 2019-20 budget but has been allowed for in budget deliberations.

Economic Implications

The running of events like those proposed has an economic benefit to the community especially those which add to the carnival atmosphere of the Rodeo making it more attractive to people every year.

Social Implications

Providing a range of events for the community promotes community wellbeing and helps develop a pride in Boddington.

Environmental Considerations – Nil

Consultation

Discussed by Council at the Information Session on 2 July 2020.

Options

Council can resolve to:

4. adopt the recommendations;
5. adopt the recommendations with further amendments; or
6. not accept the recommendation, giving reasons.

Voting Requirements

Absolute Majority Recommendation 1, Simple majority all other recommendations

OFFICER'S RECOMMENDATION – ITEM 8.6.4

Moved: Cr Hoffman

That Council resolves:

To agree to provide funding of $2,500 per month for the financial years 2020-21 and 2021-22 in return for the Boddington Community Resource Centre delivering a number of community events as outlined in attachment 8.6.4A.

Seconded: Cr Erasmus

COUNCIL DECISION – ITEM 8.6.4

RESOLUTION: 72/20 **Moved: Cr Smalberger**

To Lay Item on the Table, to consider at the August council meeting.

Seconded: Cr Hoffman **Carried: 5/0**

Reason for Change to Officer Recommendation: Council wanted to negotiate with the BCRC on the events to be coordinated under the agreement.

Boddington Community Resource Centre

Your local connection

Boddington Community Resource Centre Inc
20 Bannister Rd (PO Box 60), Boddington WA 6390
Phone 9883 8246 Fax 9883 8808
Email: coordinator@boddingtonoldschool.org

PROPOSAL FOR COMMUNITY EVENTS UNDERTAKEN BY THE BODDINGTON COMMUNITY RESOURCE CENTRE

NOTE: Although the dates below are set for the following 12 months, they can be carried through for the next 24 months with negotiations if required by either party

	Event	Date	Particulars
1	Star Gazing Night	22 August 2020	• Advertise the Event • Arrange the event in conjunction with the Perth Observatory • Arrange food vans, PA, Seating where applicable • Set up and pack away • Preceded by a workshop teaching night-time photography, 1-2 weeks before event
2	Friday Night Festival and Night Markets	6 November 2020	• Advertise and arrange stall holders for local and visiting stall holders • Liaise with markets committee • Food vans and food stall holders • Liaise with Lions for hot dogs etc.
3	Saturday Street Parade	7 November 2020	• Advertise the Event • Obtain permit to close section of the main street and Bannister road near BCRC • Arrangements for local participants in the parade • Arrange nominations for ute procession • Arrange prizes • Arrange judges
4	Lighting of the Xmas Tree	December 2020	• Advertise Lighting of the Xmas Tree • Arrange suitable entertainment, food etc • Arrange tree set-up with SOB • Obtain permit to close section of the main street and seating between SOB and IGA
5	Movie Night	February 2020	• Advertise Event • Arrange license and purchase movie • Food Stalls • Set up and pack away
6	Movie Night and Night Markets Caravan and Camping Club	March 2020	• Advertise the Event, obtain license • Liaise with Local Community Markets Group • Liaise with Caravan Group to establish their requirements

OPEN Mon-Fri. 9am to 3pm

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7	Foreshore Celebration	February 2020	• Advertise the Event as per theme (e.g. Country and Western, or blues) • Arrange suitable entertainment for children • Arrange food vans and/or local food stall holders
8	Morning Teas	August - December Jan - June	Morning tea (with gold coin donation) for any member of the community
9	Welcome to Boddington Morning Tea	February	Welcome morning tea for newcomers to Boddington Advertised – free event – with welcome bag of information
Report of Event 1-7 Outcomes with SWAT analysis			

CONTINGENCY PLAN if Restrictions are imposed and Rodeo does not proceed

1. Zoom Bingo
2. Zoom Stargazing
3. Zoom Cooking Classes
4. Possible Outdoor Music Event – Main Street – Picnic Style with social distancing
5. One on one training for digital access to own computer, iPad or tablet
6. Group training where possible for digital access to own computer, iPad or tablet

CONTINGENCY PLAN if Lockdown is implemented

7. Compassionate Community
   a. Phone Contact with people in age-related lock-down
   b. Phone Contact with people in medical-related lock-down
   c. Obtain Grocery orders by phone, take payment (as before) and arrange volunteer drivers to deliver to homes.
8. Zoom Cooking Classes and similar to keep community cohesion
9. Zoom Bingo
10. Other as identified

Prepared and presented 10 July 2020
Chair: John Allert
Coordinator: Susan Henderson

OPEN Mon-Fri. 9am to 3pm

9. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS MOTION HAS BEEN GIVEN:

Nil at this time.

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

10.1.1 Adopt list of payments for June 2020

Disclosure of Interest:	Nil
Date:	16 July 2020
Author:	Graham Stanley, Acting CEO
Attachments:	10.1.1A List of Payments – June 2020 (CONFIDENTIAL)

Summary

The Local Government (Financial Management) Regulations 1996 require the preparation of a List of Payments made from the Council's bank accounts.

Background

A list of the payments made in each month is to be prepared and presented to a meeting of Council in the following month.

This list of payments is to be reviewed by Council separately from the monthly financial statements. This will ensure that the requirement of the Financial Regulations for the list of payments made in one month to be presented to the Council meeting in the following month, will be met even if the financial statements are not presented to that meeting.

Councillors have the opportunity to query or inspect invoices before the meeting to satisfy themselves before the item comes before Council.

Comment

The List of Payments for the month of June 2020 is presented in Attachment 10.1.1A.

Statutory Environment

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(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.

(2) A list of accounts for approval to be paid is to be prepared each month showing —
   (a) for each account which requires council authorisation in that month —
      (i) the payee's name; and
      (ii) the amount of the payment; and
      (iii) sufficient information to identify the transaction; and
   (b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —
   (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
   (b) recorded in the minutes of that meeting.

Policy Implications - Nil

COUNCIL DECISION – ITEM 10.1.1

COUNCIL RESOLUTION: 73/20 **Moved Cr Hoffman**

That council adopts the list of payments for the period ending 30 June 2020; at Attachment 10.1.1A

Seconder: Cr Smalberger **Carried: 5/0**

The visitors left at 6.26pm.

COUNCIL RESOLUTION: 74/20 **Moved: Cr Schreiber**

That Council declares the meeting closed to members of the public to allow for discussion of confidential matters in accordance with sections 5.23(2)(b), (c) and (e) of the *Local Government Act 1995* as Item 11.1.1 refers to a contract entered into by the Shire

Seconder: Cr Ventris **Carried 5/0**

11. CONFIDENTIAL ITEM:

11.1.1	Confidential – Request for Rent Relief – 46 Johnston Street Boddington

COUNCIL DECISION – ITEM 11.1.1

COUNCIL RESOLUTION : 75/20 **Moved: Cr Schreiber**

that Council adopt the recommendation in the confidential schedule.

Seconded: Cr Erasmus **Carried: 5/0**

COUNCIL RESOLUTION: 76/20 **Moved: Cr Hoffman**

That Council declares the meeting reopened to the public.

Seconded: Cr Schreiber **Carried: 5/0**

12. CLOSURE OF MEETING:

There being no further business, Garry Ventris, Shire President declared the meeting closed at: 6:33pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting on 20 August 2020

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GARRY VENTRIS
(Shire President)