



'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
20 May 2021

At 5:33pm

Council Chambers
39 Bannister Rd, Boddington

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1. DECLARATION OF OPENING:

Cr Garry Ventris, Shire President, declared the meeting open at 5:33pm.

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

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr G Ventris	Shire President
Cr E Schreiber	Deputy Shire President
Cr C Erasmus	
Cr S Manez	
Cr E Smalberger	Departed the meeting at 6:40pm and did not return
Cr I Webster	

Mr G Stanley	Acting Chief Executive Officer
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Mr J Atkins	Manager of Works & Services
Ms L Bryant	Economic & Community Development Officer

Ms T Hodder	Executive Officer (minutes)
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Visitors: Melanie Durack (PHCC)
Helen Parsons (PHCC)

2.1.2 Apologies

Nil.

2.1.3 Leave of Absence

Nil.

3. DISCLOSURE OF FINANCIAL INTEREST:

Cr E Smalberger declared a Financial Interest in Item 8.6.6 as she is the owner of the property on which the LARP activities take place.

Cr Samreid Manez declared an Interest Affecting Impartiality in Item 8.6.5 as his partner is the daughter of the applicants.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil.

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Shire President read out question from Mr Rod McSwain presented a question for tabling at the meeting.

Question:

As there appears to have been an increase in mental health issues, along with the use of drugs & alcohol since the beginning of the COVID19 pandemic, does the Shire of Boddington have a policy in place to know if employees are operating equipment, mechanical or otherwise, with either alcohol or drugs in their system, or with a medical condition? If not, will a policy be considered? else what is the potential liability to ratepayers and in what form?

Mr Garry Ventris, Shire President: This will be taken on notice. There is a current drug and alcohol policy; it does not cover random breath testing. A written response will be provided.

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Mr William McGrath: (question to Mr Jeff Atkins) As you were involved in the Foreshore Development Project, was the Foreshore project mismanaged?

Mr Atkins (Manager Works & Services): No

Mr William McGrath: Did it come in under budget? Not counting the carpark.

Mr Jeff Atkins: The carpark was not part of the Phase 3 contract. I was not privy to the council's budget for the item. There were adjustments regarding extras above the contract and I expect council had a contingency fund to deal with variation. As far as the budget I had, Phase 3 came in on budget.

Shire President: Mr Atkins would not be privy to the shire budget.

Mr William McGrath: (question for Cr Erasmus). When and if, what is the timeframe, regarding the aged care facility?

Cr Erasmus: We have a consultant on board. The beds are regulated by federal budget so we have not received any funding from the Federal Government. Boddington falls under the Peel Region, which was allocated 50 beds by the Federal Government to Aegis, which is building their facility and no more beds will be allocated until after that facility is built, then we can apply for beds– we will not know until the end of next year when the question of beds will be determined.

Our consultant Juliet Grist advises building the unit is not an issue; we can also use our own funds, but then it must be staffed and run.

Staffing is difficult as we must offer accommodation and Boddington & the Boddington Shire do not have enough houses. If we are lucky, we will have an outcome until 2024.

Mr William McGrath: So the issue of kangaroo taking money from the aged care, does not make sense. \$100K for the kangaroo is not a lot of money compared to the aged care project. Nothing stands out on the foreshore - the kangaroo would stand out. I feel it is a missed opportunity.

Mr Rod McSwain: In regards to Item 8.6.6, in tonight's agenda - the sea containers. Doesn't this shire asset have to go to tender? Is that the case, as it was not made public.

Cr Garry Ventriss, Shire President: The sea containers are not surplus to requirements; they are on loan with an MOU attached to it. Once the LARP finishes up, if it does, the sea containers still belong to the Shire of Boddington – no money has changed hands.

Mr Rod McSwain: (questions given to EA) In regards to Item 10.1.1 in the 18 March 2021 minutes, where Council approved the request for sponsorship for the Medieval Festival. The Acting CEO stated 'the event will have a positive economic benefit to the town with hospitality and accommodation businesses being the main beneficiaries.' The definition of the work 'will' is expressing inevitable events. What research was done or information was received to enable you to make that statement?

Mr Graham Stanley, Acting CEO: I didn't do any deep research into that. The choice of word 'will' was pedantic; it seemed obvious that, when attracting over 1,000 people to town on a weekend, it is likely accommodation would be needed. Previously that has been the case. If the event grows eventually, there will be more economic benefit, particularly to the hospitality industry, whether accommodation or food.

Mr Rod McSwain: In the minutes in that item 10.1.1, 18 March, 2021, it referred to consultation. I can say that there was no consultation with the hospitality and accommodation businesses. The motel was not informed, despite an expected 2000 people to attend. On that premise, is the shire prepared to pay compensation or at least apologise to the hospitality and accommodation businesses on the basis that the Acting CEO statement was misleading and the outcome was totally different to what he stated and upon which Council made a decision regarding the \$5,000.

Cr Garry Ventriss, Shire President: Perhaps you could have advertised more?

Mr Rod McSwain: What was the criteria for sponsoring the Medieval Festival retrospectively and now that the precedent has been set, how many other clubs and organisations is Council expecting to apply for retrospective sponsorship as a result of their events also being cancelled due to the Covid 19 lockdown and/or crowd restrictions? At least one other club could have applied.

Cr Garry Ventriss, Shire President: Which Club?

Mr William McGrath: The Bowl Over for Cancer.

Mr Graham Stanley, Acting CEO: Did you apply for any funding from the Shire?

Mr William McGrath: I didn't know that we were eligible to apply for funding.

Mr Graham Stanley, Acting CEO: Last year the Medieval Festival applied for funding and were approved by council; the event was cancelled due to Covid, so this year it reapplied and Council suggested a \$5,000 donation and this was approved. The funding was not retrospectively approved. The sponsorship request was submitted prior to the Medieval Festival going ahead.

Mr Rod McSwain: Was there a clause referring to it would lapse if the event did not ahead?

Mr Graham Stanley, Acting CEO: The event did go ahead this year.

Mr Rod McSwain: No, last year - how many years do you carry it forward if an event is cancelled year on year?

Mr Graham Stanley: The funding was for this year's Medieval Fair, not last year's event.

Mr Rod McSwain: You said the sponsorship was last year's.

Mr Graham Stanley: No, the councillors approved sponsorship last year, the event was cancelled, they did not pay it so this year, when council received the request for sponsorship, they agreed to pay it.

Cr Erasmus: When the town has events, these benefit your business.

Mr Rod McSwain: I don't believe money should be carried forward from year to year.

Mr Graham Stanley, Acting CEO: The Community Strategic Plan refers to a main aim of the Council to drive tourism and one way is to encourage event tourism. Council decided to do something in accordance with this and decided to help make the Medieval Fair a successful event. The feedback we received was very positive. Most events start of small.

Mr Rod McSwain: I agree with that but money should not be carried forward year on year.

Mr Graham Stanley, Acting CEO: It wasn't carried forward, it came out of this year's budget for sponsorships and donations. You can't spend last year's budget unless you carry the figure forward.

Mr Rod McSwain: May I dispute the Medieval Fest was a total success? I spoke to a guest who stayed at the Motel on 17 April, witnessed someone verbally abusing an elderly citizen. Will the council distance itself from the event and order the funding to be returned? What steps has the Council taken to ensure the wellbeing of this citizen?

Mr Graham Stanley, Acting CEO: Why didn't you advise the Shire?

Mr Rod McSwain: I have; it is here.

Mr Graham Stanley, Acting CEO: How can we take any action if this is the first we've heard of it?

Cr Smalberger: This is the first time I've heard of it. The rodeo has fights and the Shire still supports them.

Garry Ventris, Shire President: Are you asking us to distance ourselves from the Lions Club because they hold the Rodeo and there are fights there?

Mr Rod McSwain: The council does not financially support the Rodeo.

Mr Graham Stanley, Acting CEO: Council has paid for new toilets etc.at the Rodeo Grounds.

Mr McSwain asked that the following be minuted:

(document given to EA)

Mr McSwain advised that he needs to attend council meetings to ensure his questions are addressed as he is ignored by councillors. He advised he is still waiting on a response from Graham Stanley, Acting CEO since August of last year.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:

Peel Harvey Catchment Council presentation by Melanie Durack (PHCC) and Helen Parsons (PHCC).

Melanie Durack and Helen Parsons departed Chambers at 640pm.

4 visitors left. 1 remained.

Cr Smalberger left the meeting at 6:40pm & did not return for the remainder of the meeting.

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Thursday 15 April 2021

COUNCIL DECISION – 6.1.1

COUNCIL RESOLUTION: 43/21

Moved: Cr Manez

That the minutes of the Ordinary Meeting of Council held on Thursday 15th April 2021 be confirmed as a true record of proceedings.

Seconded: Cr Erasmus

Carried: 5/0

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT
DISCUSSION:

Nil.

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

Nil.

8.2 MANAGER FINANCIAL SERVICES:

8.2.1 Monthly Financial Statements – April 2021

Disclosure of Interest:	Nil
Date:	14 May 2021
Author:	D Long – Finance Consultant
Attachments:	8.2.1A Monthly Financial Statements – April 2021 (under separate cover)

Summary

The Monthly Financial Report for 30 April 2021 is presented for Councils consideration.

Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

Comment

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves; and
- (j) Loan Borrowings Statement.

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income. Attached to this report is a copy of the month by month cumulative budget estimates, set out in the Statement of Financial Activity format.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance

commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 30 April shows a closing surplus of \$1,090,797.

Statutory Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

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

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

COUNCIL DECISION – 8.2.1

COUNCIL RESOLUTION: 44/21

Moved: Cr Manez

That Council receive the monthly financial report for the period ending 30 April 2021.

Seconded: Cr Erasmus

Carried: 5/0

8.2.2 List of Payments – March 2021

Disclosure of Interest:	Nil
Date:	17 May 2021
Author:	Nola Lloyd
Attachments:	8.2.2A List of Payments (CONFIDENTIAL) under separate cover

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 April 2021 is presented in Attachment 8.2.2A.

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 – 8.2.2

COUNCIL RESOLUTION: 45/21

Moved: Cr Webster

That Council adopts the list of payments for the period ending 30th April 2021; at Attachment 8.2.2A.

Seconded: Cr Schreiber

Carried: 5/0

8.3 PRINCIPAL ENVIRONMENTAL HEALTH
OFFICER/BUILDING SURVEYOR:

Nil at this time.

8.4 MANAGER WORKS & SERVICES:

8.4.1 Removal of Trees on Hill Street

Disclosure of Interest: Nil
Date: 13 May 2021
Author: Jeff Atkins (Manager Works & Services)
Attachments: 8.4.1A Aboricultural Report (Under Separate Cover)

Summary

Trees on Hill St are causing damage to public footpath, Drainage infrastructure and private property

Background

Trees have been causing damage for many years

Comment

Request from local resident to remove trees.
Complaints from locals about the condition of the footpath and it's only a matter of time before someone injures themselves.

Strategic Implications

If not removed the drainage will be damaged.
Open to legal action for slips trips and falls.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Cost of removing trees
Replacing with suitable species.
Removal and replacement of existing footpath

Economic Implications

Nil

Social Implication

The trees make Hill St very attractive, when removed they will be missed until replacements have grown.

Environmental Considerations

Loss of mature trees

Consultation

Open for community feedback. Arborist report

Options

Regularly replace footpath, drainage infrastructure and property fences.

Remove Liquid Amber Trees

Voting Requirements – Simple Majority

COUNCIL DECISION – 8.4.1

COUNCIL RESOLUTION: 46/21

Moved: Cr Webster

That Council

Remove all Liquid Amber trees on Hill Street.

Seconded: Cr Erasmus

Carried: 5/0

8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

Nil.

8.6 ACTING CHIEF EXECUTIVE OFFICER:

8.6.1 Action Sheet

Disclosure of Interest: Nil
Date: 12 May 2021
Author: Graham Stanley, Acting Chief Executive Officer

Purpose of Report

To bring forward Councillors information the Action Report with actions taken on previous Council resolutions.

Meeting Date	Meeting Name	Resolution Number	Responsible Officer	Subject	Date Completed	Comments Current Status
15/4/21	Ordinary Council Meeting	8.6.2	Graham Stanley	Actions performed under delegated authority for the Month of March 2021	14/4/21	Complete
15/4/21	Ordinary Council Meeting	8.6.3	Graham Stanley	LOAF Application- RSL Boddington sub branch	21/4/21	Letter sent to RSL advising of – successful application
15/4/21	Ordinary Council Meeting	8.6.4	Graham Stanley	LOAF Application – Boddington Family /Support Group	21/4/21	Letter sent advising of - successful application
15/4/21	Ordinary Council Meeting	10.1.1	Graham Stanley	Request for Sponsorship- Boddington Country Muster 2021	Pending	pending
15/4/21	Ordinary Council Meeting	11.1.1	Graham Stanley	Confidential Item - Adjustment to New CEO Contract	Pending signature	Pending

For information only.

8.6.2	Actions Performed Under Delegated Authority for the Month of April 2021
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File Ref. No: GOVN000
Disclosure of Interest: Nil
Date: 17 May 2021
Author: Acting Chief Executive Officer
Attachments: Nil

Summary

To report back to Council actions performed under delegated authority for the month of April 2021

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 April 2021

Affixing of Common Seal

One off delegations by CEO

Authorisation to call Tenders

Building Permits issued

Health

Development Applications

Subdivision Applications

Land Administration

Comment

The following tables outline the action performed within the organization relative to delegated authority for the month of April 2021 and are submitted to Council for information.

Common Seal	
Date Affixed	Documentation
13/04/2021	Adoption of Local Planning Scheme 3

One off Delegations by CEO			
Date	Action		
01/04/2021	Permission to consume alcohol - Boddington Football Club for 10/04/2021		
07/04/2021	Permission to consume alcohol - Boddington Football Club (Home football game and function) for various dates		
15/04/2021	Permission to consume alcohol on 15/04/2021 - Boddington Football Club (Training)		
Authorisation to call Tenders - Nil			
Date	Action		
Peter Haas - PEHO			
Building Applications - March 2021			
Application No.	Applicant	Lot & Street	Type of Building Work
3323	Focus Demolition 67 Miguel Road Bibra Lake	Lot 29 No 55 Crossman Road Ranford	Demolition of fire damaged dwelling and sheds
2875E2	E Laxon Po Box 221 Boddington	Lot 133 No 14 Fawcett Place Ranford	Building Permit Extension
3324	Department of Biodiversity Conservation and Attractions, Parks and Wildlife Service Locked Bag 104 Kensington	Lot CM7893 White Horse Hills Duncan	Verandah addition to hiking shelter & water tank
3325	Evolution Building Pty Ltd 27 Marchant Drive Bibra Lake	Lot 25 No 160 Fairway place Boddington	Dwelling
3326	Evolution Building Pty Ltd 27 Marchant Drive Bibra Lake	Lot 25 No 160 Fairway place Boddington	Second Dwelling
3327	C Porter 4 Blue Gum Close Boddington	Lot 138 No 4 Blue Gum Close Boddington	Shed
3328	Landmark Engineering & Design Pty Ltd 26 Wildfire Road Maddington	Lot 62 No 18A Pollard Street Boddington	Disabled Toilet & Shower for Swimming Pool
Health - Nil			
Steve Thompson - Town Planning Consultant			
Development Approvals			
Application No.	Applicant	Lot & Street	Type of Approval
A276	B Clements	Lot 5, No 7 Nichols Place	Outbuilding
A55	J Chamberlain	Lot 13813, 1120 Crossman Road	Home business (research & development, private lab)
A1102	T Paridaens	Lot 104, No 8 Assay Tce	Bliss Dermal Clinic

Subdivision Applications - Nil			
Application No.	Applicant	Lot & Street	Action
160536	Absinth Pty Ltd	Lot 304 & 305 Forrest St & River Road	Referral Response
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: 47/21

Moved: Cr Manez

That Council accept the report outlining the actions performed under delegated authority for the month of April 2021.

Seconded:

Cr Erasmus

Carried: 5/0

8.6.3 Local Government Ordinary Elections October 2021

File Ref. No: GOVN021
Disclosure of Interest: Nil
Date: 15 May 2021
Author: **Graham Stanley, Acting Chief Executive Officer**
Attachment: Nil

Summary

The next local government ordinary elections are to be held on 16 October 2021.

Background

The last Local government elections held for the Shire of Boddington were conducted as a postal ballot by the WA Electoral Commission.

Comment

Council has received a cost estimate from Western Australian Electoral Commission (WAEC) for the 2021 election if conducted as a postal ballot is \$16,500 inc GST, which has been based on the following assumptions:

- 1,250 electors
- Response rate of approximately 60%
- 4 vacancies
- Count to be conducted at the offices of the Shire of Boddington
- Appointment of a local Returning Officer
- Regular Australian Post delivery service to apply for the lodgement of election packages

An additional amount of \$250 will be incurred if Council decides to opt for the Australia Post Priority Service for lodgement of election packages. Given our recent experiences with mail deliveries from Perth regularly taking 7 days to arrive I suggest that the Priority Service should be considered

Costs not incorporated in this estimate include:

- non-statutory advertising (ie any additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns ; and
- one local government staff member to work in the polling place on Election Day.
- any additional postage rate increase by Australia Post;
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and Council should note that this is an

estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election, Council will be advised as early as possible.

The current procedure required by the *Local Government Act 1995* is that WA Electoral Commissioner's written agreement has to be obtained before the vote by Council is taken to undertake a postal election. In providing the cost estimate to Council, the WA Electoral Commissioner has advised that to facilitate the process, Council can take this letter including the cost estimate as the WA Electoral Commissioner's agreement to be responsible for the conduct of the ordinary elections in 2021 for the Shire of Boddington, in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. This agreement is subject to the proviso that the Shire of Boddington also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

Strategic Implications – Nil
Statutory Environment

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements are made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for –
 - (a) an election; or
 - (b) all elections held while the appointment of the person subsists.

** Absolute majority required.*
- (3) An appointment under subsection (2) –
 - (a) is to specify the term of the person's appointment; and
 - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

[Section 4.20 amended by No. 64 of 1998 s. 19(1); No. 49 of 2004 s. 16(4) and 32(1)-(4).]

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a –
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election.

* Absolute majority required.

(3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

(5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.

(6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.

(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

[Section 4.61 amended by No. 64 of 1998 s. 25; No. 49 of 2004 s. 16(4) and 32(5).]

Policy Implications - Nil

Financial Implications

Conducting a postal voting election is more costly to the Shire of Boddington than conducting a voting in person election.

Economic Implications - Nil

Social Implications

Postal voting is known to be more convenient for both local residents and absentee owners. This form of voting will provide all registered voters with a postal voting package and not require the voter to make contact or visit the Shire Office. Given that a number of elections in Boddington have now been postal elections and have been well accepted by the electors it would be a retrograde step to go back to holding an in-person election. This is particularly the case in the COVID-19 era where postal elections minimise the face to face contact required to hold an election.

Environmental Considerations – Nil

Consultation

West Australian Electoral Commissioner

Options

Council can resolve:

1. The Officer's Recommendation; or
2. Move to appoint a Returning Officer to conduct a voting in person election, noting that the written approval of the WA Electoral Commissioner is required to appoint someone other than a Shire employee.

Voting Requirements - Absolute Majority

COUNCIL DECISION 8.6.3

COUNCIL RESOLUTION: 48/21

Moved: Cr Webster

That Council declares that,

1. in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2020/21 Shire of Boddington ordinary elections together with any other elections or polls which may be required.
2. in accordance with section 4.61(2) of the *Local Government Act 1995*, the method of conducting the 2021 Shire of Boddington election will be as a postal election.
3. It opts to use the Australia Post *Priority Post* service for the mailing of election packages at an additional cost of \$250.

Seconded: Cr Schreiber

Carried: 5/0

8.6.4 Use of Common Seal

Applicant:	Leanne Bryant, Economic & Community Development Officer
File Ref. No:	
Disclosure of Interest:	Nil
Date:	20 May 2021
Author:	Economic & Community Development Officer, Leanne Bryant
Attachments:	8.6.4A Draft Common Seal

Summary

Council to consider endorsing new Policy – Use of Common Seal.

Background

The Shire of Boddingtons policy manual currently does not have a policy to provide guidelines on the affixing of the Common Seal to ensure a balance of good governance with operational efficiencies.

Comment

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the following applies to the use of the Common Seal.

9.49A of the *Local Government Act 1995*

- a. the Common Seal cannot be affixed to a document except as authorised by the Council (or, if the power is delegated, as authorised by the CEO); and
- b. the Common Seal must be affixed to a document in the presence of:-
 - (i) the Shire President (or, if Section 5.34 applies, by the Deputy Shire President); and

- (ii) the CEO or a senior employee authorised by the CEO.

Each of whom is to sign the document to attest that the Common Seal was affixed.

Strategic Implications

Nil

Statutory Environment

9.49A of the *Local Government Act 1995*

Policy Implications

Establishment of a new policy to meet statutory requirements.

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Consultation

Acting Chief Executive Officer

Discussed at Councillor Information session Thursday 6 May 2021

Options

Council can resolve

1. Council may adopt the policy as presented,
2. Amend the policy and then adopt the amended Policy; or
3. Council may reject the policy.

Voting Requirements - Simple Majority

COUNCIL DECISION – ITEM 8.6.4

COUNCIL RESOLUTION: 49/21

Moved: Cr Erasmus

That Council adopts:

1. The draft Common Seal Policy as presented.

Seconded: Cr Manez

Carried: 5/0

USE OF COMMON SEAL

Policy Statement

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the following applies to the use of the Common Seal.

9.49A of the *Local Government Act 1995*

- a. the Common Seal cannot be affixed to a document except as authorised by the Council (or, if the power is delegated, as authorised by the CEO); and
- b. the Common Seal must be affixed to a document in the presence of:-
 - (i) the Shire President (or, if Section 5.34 applies, by the Deputy Shire President); and
 - (ii) the CEO or a senior employee authorised by the CEO.

Each of whom is to sign the document to attest that the Common Seal was affixed.

Objective:

To provide guidelines on the affixing of the Common Seal to ensure a balance of good governance with operational efficiencies.

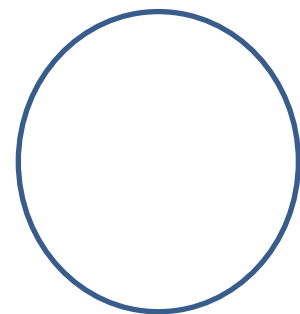
Guidelines:

The following procedures are for the secure use of the common seal:

1. The Chief Executive Officer is to have charge of the common seal and is responsible for the safe custody and proper use of it.
2. The common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire President or in their absence the Deputy Shire president and the Chief Executive Officer or a senior employer authorised by him or her.
3. The Administration is to record in a register each date on which the common seal was affixed to a document, the purpose of the document, and the number of copies sealed. A report listing the documents to which the Common Seal has been affixed is to be present to the next Ordinary Meeting of Council.
4. The wording to accompany the application of the common seal should be as follows:-

Signed on behalf of the Shire of Boddington:

Dated this (date) day of (month) (year))
 The Common Seal of the)
 Shire of Boddington)
 was hereunto affixed in the)
 presence of:)



 Shire President
 (Insert name)

Chief Executive Officer
 (insert name)

Resolution No:
Resolution Date:

Cr Manez left room at 6:58pm due to an Interest Affecting Impartiality as his partner is the daughter of the applicant.

8.6.5 Request for Extension of Lease 46 Johnstone Street

Applicant:	Neil & Katrina Dyson
File Ref. No:	CPRO016
Disclosure of Interest:	Nil
Date:	15/05/2021
Author:	Graham Stanley – Acting Chief Executive Officer
Attachments:	Nil

Summary

Council is to consider extending the lease on 46 Johnston Street with Neil & Katrina Dyson for a period of 12 months.

Background

In 2019 Neil and Katrina Dyson were granted a lease for two years over the former CEO residence at 46 Johnston Street Boddington. It was their aim to establish a home day care business and it followed an earlier development application for them to establish the business at a property in Hill Street. There were some objections from some of the neighbours in and around Hill Street, citing concerns over loss of privacy and increased traffic and associated noise. As an alternative the Shire offered the Johnston Street property which had become vacant following the then CEO moving into a new residence in Pollard Street.

The Council had been intending to sell the property but with the market in Boddington being subdued at the time, the prospect of renting the property to the Dysons appeared to be a win-win situation for both parties. The Shire would earn an income from the property and a new business providing a flexible child care service would be established by the Dysons.

A lease was signed with Mr & Mrs Dyson with the rent being \$370 per week for the first 52 weeks, \$400 per week for the second 52 weeks and if the lease was to be extended by another year \$430 for the third 52 weeks. The lease commenced on 12th August 2019. In 2020, as we know all too well Covid-19 struck. The Federal Government brought in new rules around Childcare, making childcare free and paying child care centres 50% of their income based on the fortnight ending 28/02/2020 and preventing centres from charging any additional charges. In its Covid-19 response and following a request for rent relief, the Council approved a 50% rent reduction to the Dysons which went for a period of 19 weeks in total, until the Child Care rules changed and people had to pay as previously.

Katrina Dyson has indicated that they would like to extend the lease for a further 12 months. On 19 April 2021 Katrina emailed the Shire:

To the Councillors of BODDINGTON Shire,

Our lease at 46 Johnstone St is up in August and in our contract it encourages us to apply for an extension. We are running a family day care from this facility and are almost at full capacity. I believe that we are providing a great service for the town as we provide hours outside the scope of the ELC. We have had several families utilise our service for as early as 4:30am until 7pm, also occasionally overnight. We are also providing an alternative

service for those children who struggle in a larger service, whether it is because of their young age or special needs.

We are asking for your consideration this early so that we can plan our way forward. As there is a lack of current rentals available and the process to get through planning is so long we feel that there is no other alternative than our current location. If our lease is not extended our only alternative will be to close the service.

Thank you for your consideration.

Katrina & Neil Dyson

Comment

I assume that Council will want to retain the business in town and will be in favour of extending the lease for 12 months. The Dyson's home day care service fills a need that is not met by the Boddington Early Learning Centre and it contributes to the range of services to attract families to live in Boddington.

If not, the two alternatives are to utilise the property for staff housing for which we have a need, especially for child care centre staff or put the property on the market at this time when the market is very strong. Selling the property at this stage would be my least favoured alternative unless the funds were put towards constructing additional staff housing in Boddington.

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.

Local Government (Functions and General) Regulations 1996

Regulation 30 – (2) A disposition of land is an exempt disposition if
(g) it is the leasing of residential property to a person.

Consultation – Discussed at a Councillor Information Session 6/05/2021.

Policy Implications – Nil

Financial Implications – Rent of \$430 per week will be received in accordance with the option to extend the lease in the lease signed in August 2019.

Economic Implications – Nil

Social Implications – Approval will facilitate the continuation of a service to the community.

Environmental Considerations - Nil

Strategic Implications - Nil

Options

Council can adopt:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments to times or venues; or
3. a different schedule of meetings, giving reasons for not accepting the Officer's Recommendation.

Voting Requirement - Simple Majority

COUNCIL DECISION – ITEM 8.6.5

COUNCIL RESOLUTION: 50/21

Moved: Cr Erasmus

That Council:

Agrees to renew the lease on the residence 46 Johnstone Street Boddington with Neil & Katrina Dyson at the previously agreed rental of \$430 per week.

Seconded: Cr Webster

Carried: 4/0

Cr Manez returned to the room at 6:59pm.

Cr Smalberger had earlier submitted a written declaration of **Financial Interest** in item 8.6.6 as she the owner of the property on which the LARP activities take place.

Note: Cr Smalberger left the meeting earlier, at 6:40pm and did not return to the meeting.

8.6.6 Live Action Role Play Site Facilities – Request for Donation

Applicant:	Sam Bowden - LARPwest
File Ref. No:	CREL012
Disclosure of Interest:	Nil
Date:	15/05/2021
Author:	Graham Stanley – Acting Chief Executive Officer
Attachments:	Nil

Summary

Council is to consider making available 2 x 48’ sea containers that are surplus to requirements, for the use by Live Action Role Play Groups (LARP) that come under the umbrella of LARPwest, at LARP events held in Boddington. A memorandum of understanding between the Shire and LARPwest will be developed for signing, requiring the containers to remain in the Boddington Shire.

Background

Sam Bowden from LARPwest emailed the Shire and Councillors in February 2021 regarding Live Action Role Play Site Facilities in Boddington:

I am a long standing member of the Live Action Role Playing community based in Perth and surrounds in Western Australia. I am currently a member of the board of LARPwest, an umbrella organisation for providing insurance to LARP events and promoting the hobby in our region. I am also the logistics organiser for a new event starting in July this year, Concord LARP. I am a player also in two other events of interest, being Faith and Steel and Shattered World. I also attended the once off highly successful Village of Idiots LARP.

LARP events have been successfully hosted at the Boddington LARP site on a paddock of the Smalberger farm. The largest of these has seen just over 200 participants. While previously 2 or 3 events were planned at the site per year this will be increasing.

It is now planned for at least 5 events this year to take place over 3-4 days each at the site. These are expected to attract from 100-250 players, mostly from the Perth and Southwest regions, but some coming from interstate and internationally. In subsequent years the current plan is for 6 such events. Internationally similar events in Canada, Germany, England, and Russia can draw several thousand participants, even over 10000. While we are a long way from the size of these events and our population limits this, there is no reason we should not, give appropriate facilities, be able to expand toward and over 500 participants.

The main limiting factor on the organisation and operation of these events is the facilities available. We have constructed some and are in the process of constructing more. The better these facilities are then the more likely it is that events will grow in size and number. I have been advised that there is an opportunity to acquire, either at significant discount or as a donation to the infrastructure of the site, 2 large 48’ sea containers. These would be of significant assistance in rapidly developing the infrastructure of the site and I would ask if the opportunity to acquire them for the use of LARP, and potentially other community events, at the site would be possible. If so, it would greatly assist in organising events.

Another limit to the capacity of the site is the need to utilise portable toilets and the lack of showers. There are plans to activate an ablution block that is in situ on the site to be usable, but this requires the installation of appropriate plumbing, heating and power facilities. We are intending to initially operate toilets and hand washing using gravity fed water, but the showers will require pumps and heaters to function. Proposals for how to achieve this are being created. Importantly the waste water facilities will need to be installed, requiring council approval as is appropriate. The sooner we can have these facilities operating then once again the easier it is to organise larger and more frequent events.

For the events that have taken place at the site the LARP community has not been charged any costs by the owners. They have donated time and considerable materials in order to have the site usable at its current state and have offered further advice and assistance to improve it. When events operate there is substantial economic benefit to town in the form of the motel being booked out along with home stay and bed and breakfast facilities similarly utilised. The tavern on site (licensed per event) purchases most of its supplies locally. Other local purchases at cafes and local stores also flow from these events.

I hope that you can see the benefit that the LARP community provides to Boddington as clearly as we have appreciated the benefit Boddington has provided to us through considering the ways in which decisions can help us to develop the LARP site to be used for more and larger events.

Comment

Much of the request is being dealt with as a town planning matter however I overlooked the request to Council for the 2 x 48 foot sea containers. The containers were purchased in 2020 out of the Entry Statements and Public Art budget. I believe that they were originally meant to be used as part of an entry statement but when designs changed they were no longer required and are surplus to requirements. Each container was purchased for \$1,610 and the cost to transport them to Boddington was \$800 each.

Currently the LARP events are held on a rural property, owned by Cr Eugene Smalberger and her husband. Public comment on a development application for facilities related to the holding of LARP events on the property closed on 15 May 2021 and is envisaged to be considered at the June 2021 Council Meeting.

The holding of LARP Events in Boddington on a regular basis has the potential to provide ongoing economic benefits to Boddington. Already the participants at these events are supporting local businesses and by the events growing in size and frequency will result in increasing economic benefits to Boddington.

There are a number of ways that the Shire could support the growth of the LARP events in Boddington by making the containers available to the LARP groups. The Shire could sell the containers to the group, donate them to the group or loan them to the group. If the group were required to purchase them then that would slow down the development of other facilities as it would reduce their funds available. A straight out donation would be clean and simple and relieve the council of any responsibilities however we would have little say in what happens to the containers in the future and there is the possibility they could be moved out of the Boddington Shire at some future date. If we loan them then we would need to do up a Memorandum of Understanding to make it clear who was responsible for what and what uses the containers could be put to.

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.

Consultation – Discussed at a Councillor Information Session 6/05/2021.

Policy Implications – Nil

Financial Implications – Foregoing possible income from the sale of the two sea containers.

Economic Implications – Nil

Social Implications – Nil.

Environmental Considerations - Nil

Strategic Implications

The recommendation will support the aims of Pillar 2 of the Shire of Boddington Community Strategic Plan to Increase Tourism as an Economic Driver by supporting event based tourism.

Options

Council can adopt:

4. the Officer's Recommendation; or
5. the Officer's Recommendation with minor amendments to times or venues; or
6. a different schedule of meetings, giving reasons for not accepting the Officer's Recommendation.

Voting Requirement - Simple Majority

COUNCIL DECISION – ITEM 8.6.6

COUNCIL RESOLUTION: 51/21

Moved: Cr Erasmus

That Council:

Agrees to make two Shire owned 48 foot sea containers available for the use of LARPwest affiliated groups, at Live Action Role Play events in Boddington on the understanding that the containers are to remain within the Boddington Shire boundaries and that the Shire draws up a Memorandum of Understanding with LARPwest over the use of the containers.

Seconded: Cr Manez

Carried: 5/0

9. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS MOTION HAS BEEN GIVEN:

Nil.

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

Nil.

Visitor and staff left the room.

11. CONFIDENTIAL

COUNCIL DECISION – ITEM 11.1.1

COUNCIL RESOLUTION: 52/21

Moved: Cr Webster

Move that pursuant to S5.23 (2) (c) as Council is about to discuss a contract entered into that the meeting be closed to members of the public.

Seconded: Cr Schreiber

Carried: 5/0

11.1.1 Appointment of Acting Chief Executive Officer-CONFIDENTIAL

COUNCIL DECISION – ITEM 11.1.1

COUNCIL RESOLUTION: 53/21

Moved: Cr Schreiber

That Council

Accept the Confidential Recommendation as contained within the body of the report to this item.

Seconded: Cr Webster

Carried: 5/0

COUNCIL RESOLUTION: 54/21

Moved: Cr Webster

Move that pursuant to S5.23 (2) (c) as Council has completed discussing a contract entered into that the meeting be re-opened to members of the public.

Seconded: Cr Erasmus

Carried: 5/0

12. CLOSURE OF MEETING:

There being no further business, Garry Ventris, Shire President declared the meeting closed at: 7:20pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting on 17 June 2021

CR GARRY VENTRIS
(Shire President)