



SHIRE OF BODDINGTON

'The Council and Staff of the Shire of Boddington, in partnership with the community, are committed to operating effectively and efficiently to provide quality lifestyle opportunities that encourage population growth and development'

COUNCIL MINUTES

15TH JANUARY 2008

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Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chamber on Tuesday 15th January 2008 commencing at 4.00pm.

1. DECLARATION OF OPENING

The Shire President, Cr Carrotts, declared the meeting open at 4.00pm.

2. ATTENDANCE

Cr PR Carrotts	President
Cr E Flaherty	Deputy President
Cr EK Hoek	
Cr GJ Day	
Cr DN Veitch	
Cr SW Patten	
Cr AJ Hardie	

Mr P Bradbrook	Chief Executive Officer
Ms L Hall	Executive Assistant
Mr R Belton	Town Planning Consultant (4.00pm – 4.50pm)

APOLOGIES - nil

VISITORS

Mrs Kerry Fisher	Boddington District Hospital
Alan Stewart	Greg Rowe & Associates
Ms Wendy Hughes & Mr Colin Donovan	Boddington Miniskips

3. DISCLOSURE OF FINANCIAL INTEREST - nil

4. PUBLIC QUESTION TIME - nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Mrs Fisher gave a presentation on permanent aged care at the Boddington Hospital, explaining that there is only a capacity for 5 residential permanent aged care residents in the 16 bed hospital due to safety and staffing issues.

Mr Stewart from Greg Rowe and Associates for Nullaga Pastoral Company gave a deputation in support of “in-principle” approval for Rural Small Holding re-zoning on Lot 573 Soldiers Road, Agenda item 8.1.2.

Ms Hughes and Mr Donovan requested approval from Council to have 24 hours access to the Boddington Tip Site due to the increasing demand for removal of putrescible waste at all hours of the day and night. They justified the request by demonstrating the larger income Council was receiving from them as the demand grew – supporting item 8.5.4 on this Agenda.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF COUNCIL HELD 18TH DECEMBER 2007

Council Resolution	01/08	Moved	Cr Flaherty
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That the minutes of the Ordinary Meeting of Council held on 18th December 2007 be confirmed as a true record of proceedings.

Seconded	Cr Veitch	Carried	7/0
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7. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION** - nil

7.1. **ELECTED MEMBERS' REPORT**

Cr Carrotts announced that some Councillors met with Minister for Minerals and Energy, Hon. Fran Logan at the Boddington Gold Mine Gatehouse early in the afternoon and that useful discussions took place.

8. **REPORTS OF OFFICERS/COMMITTEES** - nil

8.1 *Town Planning Consultant's Report*

8.1.1 Proposed Grouped Dwelling – Lots 98 & 99 Bannister-Marradong Road

Location: Adjacent to Prussian Park
Applicant: WA Country Builders
File Ref. No: BAN 98 & 99
Disclosure of interest: nil
Date: 4th January 2008
Author: R.J. Belton

Summary

A Grouped Dwelling strata proposal is recommended for approval subject to the finalisation of Amendment documentation and development provisions.

Background

- Lots 98 & 99 are part of a rezoning proposal put up by Boddington Gold Mine to recode the lots from 'R10' to 'R25' to accommodate the design plan lodged.
- Council supported the rezoning and there is a provision in the Scheme that requires Council to give notice of any grouped or multiple dwelling before considering the application.
- A sign was placed on the site and the three adjoining owners were informed in writing of the proposed development.

Comment

- One submission was received from the owners of Lot 102 requesting a fence of the same material as that currently being erected on their property. i.e. colorbond being installed along their common boundary.
- The Scheme Amendment recoding the site to 'R25' has not been finally gazetted and technically Council cannot formally approve the application. Any approval will need to be subject to the finalisation of Amendment No. 9.

Consultation

The Shire Engineer and the Principal Environmental Health Officer / Building Surveyor have some concerns regarding site drainage which can be addressed as a condition of Planning Approval.

Options

- Refuse the Application
- Defer the Application pending final gazettal of Amendment No. 9.

It is recommended that a request for approval 'in principle' to rezone the subject land to 'Rural Small Holding 2' in accordance with Council's Local Planning Strategy be approved subject to the preparation of documentation to Council's satisfaction.

Background

Council's recently adopted Local Planning Strategy incorporated the subject land in sub precinct SH2 in the Upper Hotham Precinct. The Local Planning Strategy allows for a Rural Small holding land use with an average size lot of 10ha with a minimum of 5ha in this locality and would need to take into consideration the proximity of the Mineral Resource priority area, the 1200m buffer area as well as the Construction Camp and possible future industrial development to the east.

Comment

- Council has created a "Rural Small Holding Zone 1" for the SH1 (4 ha minimum) area along the Crossman Corridor.
- This proposal seeks to create a "Rural Small Holding Zone 2" to incorporate the different provisions for sub precinct SH2.
- The type of rural development envisaged is shown on the attached photo overlay plan.

Consultation

The approach at this stage from the proponent aims at getting an "in principle" reaction from Council before embarking on an extensive liaising and consultation process involving the relevant instrumentalities and authorities.

Options

- Agree to 'in principle' rezoning
- Not agree to 'in principle' rezoning
- Request full documentation before consideration

Statutory Environment

This agenda item does not seek to formally adopt an Amendment to Town Planning Scheme No. 2. It essentially seeks advice as to whether the proponent should proceed to prepare a fully documentation rezoning proposal for Council's consideration.

Policy Implications

Council is not bound to formally adopt a proposal it has given "approval in principle" to. The approach from the proponent complies with the provisions of the Local Planning Strategy and seeks guidance from Council as to whether they should proceed in the general manner proposed.

Financial Implications

Preparation of Amendment documentation is time consuming and expensive. It is not unreasonable or unusual for a proponent to approach Council at this initial stage for an "in principle" response.

Economic Implications - nil

Social Implications

The proposal will need to be advertised and all abutting owners and relevant authorities consulted before the exercise is completed.

Environmental Considerations

The southern boundary of the land abuts the Hotham River and the development guidelines will need to make provision for the protection of the riverine environment.

Strategic Implications

The provisions for the 'Rural Small Holding Zone 2' will be formulated around the development guidelines set out in Council's Local Planning Strategy.

OFFICER RECOMMENDATION – ITEM 8.1.2

Council Resolution **03/08** **Moved** **Cr Flaherty**

That Council agrees in principle to rezone Lots 573 Soldiers Road and Lots 1210 and 464 Old Soldiers Road from "Rural" to "Rural Small Holding 2" in Town Planning Scheme No. 2 subject to the preparation of documentation to Council's satisfaction.

Seconded **Cr Patten** **Carried** **5/2**

Mr Belton left the Council Chambers at 4.50pm.

Principal Environmental Health Officer/ Building Surveyor's Report

8.3.1 Request for Comment: Variation to Licence Conditions, BGM Wetmess

Location: Lot 708 Soldiers Road, Boddington
Applicant: Dept of Racing, Gaming, and Liquor
File Ref. No: SOL 708
Disclosure of interest: Nil
Date: 10th January 2008
Author: Allan Mortimer

Summary

The Department of Racing, Gaming and Liquor has received an application from Universal Sodexho to vary the licence conditions pertaining to the Boddington Gold Mines Wetmess to gain approval to sell takeaways (max 6 per person) to residents and their guests at the mine site.

Background

Universal Sodexho, the company operating the wetmess at the BGM Accommodation Village, is seeking a variation to the current licence to enable residents of the village and their guests, to purchase up to 6 takeaways. The current licence only allows the company to sell alcohol for consumption at the wetmess.

Comment

In the application to the Department the company has indicated that currently, if residents wish to purchase alcohol for consumption in their units, they have to travel to Boddington some 14 kilometres away. Although not stated in the application this could in some cases lead to consumption of alcohol prior to returning to the village.

Consultation – with the Chief Executive Officer

Options

Summary

The Department of Industry & Resources (DoIR) and the Peel Development Commission (PDC) have both been trying to get Treasury to release the remainder of the \$7.3 million allocated to Boddington for Social Infrastructure as they believe it will be easier to access. Experience to date indicates this is not the situation.

Background

Treasury has suggested that DoIR make application for Treasury to release the total funds remaining from the Social Infrastructure Package and Council could then apply directly to DoIR as reimbursement is required, suggesting this could be a simpler and faster process. This has not proven to be the case.

The PDC has also been approaching Treasury, via the Minister for Peel, to have the funds released to them so that they can distribute the funds as required.

The catch is that Treasury want 'firm' costings for all projects relating to expenditure on:

- Extensions and renovations to the Administration Centre
- Construction of a new Medical Centre
- Construction of a Child Care Centre
- Development of the LIA and relocation of the Works Depot
- Plant & Equipment
- Road Construction/Maintenance
- Main Street Upgrade
- Additional Staff & Consultants

It is not possible to provide 'firm' costings for these projects. The original application for \$20.5 million was submitted upon encouragement from DoIR that we made certain everything that could be thought of was applied for. All of the projects submitted were based on 'estimates' only.

As only \$7.3 million was received, allocations for projects were reduced, some in the knowledge that funds could be obtained from the Federal Government's Regional Partnerships Programme and from Lotterywest.

Until it was decided DoIR should apply for the entire allocation in bulk Council was receiving reimbursements for expenditure on items applied for i.e. drainage upgrade, mulch, traxcavator & transportable office.

Comment

Despite trying, I cannot provide 'firm' costings for all of the projects up front. Some can be supplied. However, I would like Council's support to revert back to making individual applications as reimbursements are required. This was, after all, much simpler as it turns out.

To give an indication of the difficulty involved in supply costings up front: The LIA lots require surveying, drainage, earthworks installation of head works (water and power), construction of sealed road, installation of street lights and the Works Depot requires levelling (two or three tiers), security fencing, connection of power and water, erection of new buildings, sealing of area, etc. I cannot provide accurate costings of this project.

We have an application in for several hundred thousand dollars towards staff and consultants costs, but the funds are being held up pending submission of accurate costings. Council will run out of operating costs if this continues!

Despite me indicating that I would prefer to revert back to the previous method of applying for funds I believe a Council resolution supporting this position may be the only way of achieving this action.

Consultation

The problem has been mentioned to the Shire President and the Deputy Shire President.

Background

BGM received notices for Lot 148 Wuraming Avenue, Lot 82 Hotham Avenue and Lots 75 and 77 Prussian Way. Each of these lots has a residence on it and, I believe, the houses were vacant at the time – resulting in some dry growth around the premises.

BGM indicates it was unaware of its responsibilities in relation to lots containing residences.

Comment

A significant number of infringement notices were issued following the inspection in November. Some have since been cancelled. We had correspondence from some new property owners advising that they had not received any notice. This would have been the case for persons purchasing property after rates notices had been issued in August 2007.

As a result of this advice, our Senior Finance Officer, who is responsible for Rates, has been requested to send a ‘welcome’ package to each new property owner, when notification of the change is received. This package contains a copy of the Annual Firebreak Notice. In future, no one will be able to argue that they were not advised.

I’m not sure that BGM can use this defence. Newmont and AngloGold have owned the mine for 2 - 3 years and would have received Rate Notices, accompanied by the Fire Break Order, prior to 2007. However, staff did change the method of advising ratepayers, by including the information in a booklet accompanying the rate notices.

I believe this to be unsatisfactory and have suggested that, in future, we supplement the booklet with a single two-sided page clearly indicated URGENT INFORMATION to ensure the details are read. I presume that many ratepayers would not read the booklet in its entirety and probably miss the important Fire Break information.

It is likely this has happened at the Newmont Office in Subiaco. Staff have probably put the book aside and not read the contents.

Consultation

Annette Dix rang before Christmas and I advised her to submit a letter.

Options

Council can enforce the infringements or, in a show of good faith (with the intent of encouraging more cooperation), cancel the infringements on this occasion. (The fact that Council has been disappointed with BGM Management Pty Ltd to date should not cloud the issue).

Statutory Environment

Bush Fires Act 1954 give Council the power to issue and cancel Bush Fire Infringement Notices.

Policy Implications - nil

Financial Implications

Council would lose \$1,000, which was not budgeted for in any case.

Economic Implications - nil

Social Implications - nil

Environmental Considerations - nil

Strategic Implications

Cancelling the infringements will encourage a more cordial relationship between Council and the company.

OFFICER RECOMMENDATION – ITEM 8.5.3

Moved Cr Flaherty

That Council agrees to cancel the Bush Fire Infringement Notices issued to Boddington Gold Mine Management Company Pty Ltd in November 2007 for Lot 148 Wuraming Ave, Lot 82 Hotham Ave and Lots 75 and 77 Prussian Way and the Company be requested to ensure that it complies with the Shire of Boddington annual Firebreak Order in future, for all properties it owns or leases.

Motion Lapsed due to lack of seconder.

8.5.4 Boddington Miniskips – Access to Refuse Disposal Site

Location:	Boddington Refuse Disposal Site Robins Road
Applicant:	Boddington Miniskips
File Ref. No:	10.8.1.5
Disclosure of interest:	Nil
Date:	8 th January 2008
Author:	Peter Bradbrook

Summary

The Owner/Manager of Boddington Miniskips intends addressing Council on being permitted access to the Refuse Site outside of the current opening hours. She would like a prompt decision.

Background

No background to the request was received in the correspondence provided. There is no justification mentioned. Council will need to listen to the Owner/Manager's presentation.

Comment

I believe making a decision in the absence of Council's Principal Environmental Health Officer (PEHO) would usually be unacceptable, however as he will not be back at work until 13th February Council may consider it necessary.

However, Council's PEHO has opposed extended opening hours and only on 18th December 2007 recommended that opening hours revert back to the five days per week. Council resolved that the matter be deferred until March 2008, to allow discussions with the Boddington Gold Mine, plus research into improving services, whilst ensuring better site efficiency in line with Government policy. This resolution is yet to be put into practice by the PEHO.

His recommendation was based on the lack of patronage over the seven day period and the opening of a Refuse Disposal Site at the Gold Mine.

Consultation - nil

Options

1. Council could reject permitting usage outside of normal operating hours.
2. Council could amend the normal operating hours to accommodate Boddington Miniskips.

3. Council could allow Boddington Miniskips usage outside of normal operating hours.(This would create a precedent and encourage others i.e. Boddington Septics to have access anytime)
4. Council could reduce the normal operating hours; as previously recommended by the PEHO.
5. Council could increase the normal operating hours; to accommodate Boddington Miniskips

Statutory Environment

Council has responsibility for the Refuse Disposal Site under the Health Act 1911.

Policy Implications - nil

Financial Implications

If Council allows access of the Refuse Disposal Site outside of normal operating hours there will be no surety that correct payment is being received for rubbish disposed of. Also, there is the possibility of others disposing of rubbish, whilst Boddington Miniskips has the gates open.

Economic Implications

There may be an impact on the applicant's business. Council needs to hear the presentation to determine if this is a severe implication.

Social Implications - nil

Environmental Considerations - nil

Strategic Implications

The fact that Boddington Miniskips would have a key to access the site at any time, outside of normal operating hours, would establish a precedent.

OFFICER RECOMMENDATION – ITEM 8.5.4

Motion Moved Cr Flaherty

That the Owner/Manager of Boddington Miniskips be informed that Council resolved on 18th December to defer reverting to previous operating hours i.e. 24 hours per week (down from 32), until March 2008, to allow discussions with the Boddington Gold Mine, plus research into improving services, whilst ensuring better site efficiency in line with Government policy. Consequently, Council needs to await the outcome of these discussions and research before determining normal operating hours and/or allowing usage outside of normal operating hours.

Seconded Cr Hardie Lost 0/7

Council Resolution 09/08 Moved Cr Flaherty

That Council grants permission for Boddington Miniskips to utilise the Refuse Disposal Site outside of normal hours, to empty miniskip bins, subject to full compliance with any conditions determined by the Tip Site Managing Contractor and the Principal Environmental Health Officer/Building Surveyor. A current Public Liability Insurance Policy for a minimum of \$10 million is to be sighted by Council's Principal Environmental Health Officer/Building Surveyor.

Seconded Cr Patten Carried 7/0

Reason for Difference between Recommendation and Resolution: Councillors decided to assist the business owners by allowing access outside of normal operating hours, taking into account the income being received.

8.5.5 Change of Road Name – Soldiers Road

Location: Soldiers Road Boddington
Applicant: Mr Jeff Gibbs
File Ref. No: RN20
Disclosure of interest: Nil
Date: 9th January 2008
Author: Peter Bradbrook

Summary

At the Annual Electors Meeting for 2006/2007 Mr Gibbs suggested Soldiers Road be given a new name to avoid confusion with Old Soldiers Road.

Background

As Councillors are aware, Old Soldiers Road previously comprised the portion of Soldiers Road between Bannister-Marradong Road and the intersection where Old Soldiers Road meets Soldiers Road, in addition to the existing Old Soldiers Road. Having similar names to each other can cause confusion and the suggestion has been made to change Soldiers Road, the newer of the two roads.

The suggestion has been made that Soldiers Road be called Gold Mine Road as it is the road that leads to the Boddington Gold Mine and this would remove any confusion and give clear direction to contractors and potential employees looking for the mine site and/or camp.

Comment

It makes sense to alter Soldiers Road to another name and Gold Mine Road appears to be quite logical.

Consultation

Councillors at a Briefing Session

Options

Other names can be chosen for Soldiers Road; Council can endorse Gold Mine Road, or it can reject changing the name and retain Soldiers Road.

Statutory Environment

The name change would have to be submitted to the Nomenclature Advisory Committee for approval before it could be implemented.

Policy Implications - nil

Financial Implications

It would require the immediate acquisition of new Street signs. Other than that, brochures, maps and other printed material may need to change over time, but this can be implemented as new material is ordered. Less than \$500 would be the immediate outlay. As there is only one residence with its main gateway off of Soldiers Road changing the name should not cause any significant distress.

Economic Implications - nil

Social Implications - nil

Environmental Considerations - nil

Reason for Difference between Recommendation and Resolution: To include the holding of a workshop of the Plan prior to returning the document to Council for final endorsement.

8.5.8 Department of Local Government – Compliance Audit Return 2007

Location: Shire of Boddington
Applicant: Department of Local Government & Regional Development
File Ref. No: 4.4.2
Disclosure of interest: Nil
Date: 11th January 2008
Author: Peter Bradbrook

Summary

Each local government is required to carry out a compliance audit for the period 1 January to 31 December 2007 against the requirements included in the 2007 Compliance Audit Return document provided by the Department. The recommendation is to accept the document as presented.

Background

It is a statutory requirement that Local Authorities complete a Compliance Audit Return at the end of each calendar year.

The Compliance Audit Return is to be:

- (a) presented to Council at a meeting of the Council;
- (b) adopted by the Council;
- (c) the adoption recorded in the minutes of the meeting at which it is adopted; and
- (d) submitted to the Director General, Department of Local Government and Regional Development by 31 March 2008, along with a copy of the section of the relevant minutes.

Comment

A copy of the Compliance Audit Return for the period ended 31 December 2007 accompanies the agenda.

Where appropriate I have made comments. Generally, it appears we have complied with statutory requirements.

Consultation – with the Deputy CEO/Director of Finance

Options

Council can opt to resolve to adopt the Annual Compliance Return with alterations if it wishes – although it cannot change any information that is factual.

Statutory Environment

The Return is a statutory requirement that came into effect from January 1 2002.

Policy Implications - nil

Financial Implications – nil

Economic Implications - nil

Social Implications - nil

Environmental Considerations - nil

Strategic Implications - nil

Council Resolution 13/08

Moved Cr Flaherty

That Council adopts the Annual Compliance Return for the period 1 January – 31 December 2007, as presented.

Seconded

Cr Veitch

Carried 7/0

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

Mr Bradbrook thanked Council and staff for the farewell function held at the Quindanning Hotel and said he and his wife Carol thoroughly enjoyed the night. He also thanked staff and Council for the excellent working relationship he has experienced in his 8 years with the Shire of Boddington and acknowledged the 16 Councillors he has worked with during that time.

There being no further business the Chairman declared the meeting closed at 5.50pm.