



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

5TH FEBRUARY 2008

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Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chambers on Tuesday 5th February 2008 commencing at 4.05pm.

1. DECLARATION OF OPENING

The Shire President, Cr Carrotts, declared the meeting open at 4.05pm.

2. ATTENDANCE

Cr PR Carrotts	President
Cr E Flaherty	Deputy President
Cr EK Hoek	(Arrived 4.12pm)
Cr GJ Day	
Cr DN Veitch	
Cr SW Patten	
Cr AJ Hardie	
Mr G Sherry	Chief Executive Officer
Mrs C Martin	Acting Director of Finance /Deputy Chief Executive Officer
Ms L Hall	Executive Assistant
Mr P Bradbrook	Special Projects Manager (4.05pm – 4.14pm)
Mr R Belton	Town Planning Consultant (4.05pm – 5.20pm)
Mr J O’Keefe	Town Planning Consultant (4.05pm – 5.20pm)
Mr G Donhardt	Works Supervisor (Arrived 5.05pm)

APOLOGIES - Nil

VISITORS

Ms Ros Thomson	Shire of Boddington Elector
Mr Stephen Dodds	Shire of Boddington Elector

3. DISCLOSURE OF FINANCIAL INTEREST

Cr Carrotts	Item 8.1.1	(Proximity Interest)
Cr Hoek	Item 8.1.1	(Proximity Interest)
Cr Flaherty	Item 8.1.5	(Financial Interest)
Cr Carrotts	Item 8.1.5	(Financial Interest)
Cr Carrotts	Item 8.1.9	(Proximity Interest)
Cr Hoek	Item 8.1.9	(Proximity Interest)

4. PUBLIC QUESTION TIME - Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF COUNCIL HELD 15TH JANUARY 2008

Council Resolution 14/08 Moved Cr Flaherty

That the minutes of the Ordinary Meeting of Council held on 15th January 2008 be confirmed as a true record of proceedings.

Seconded Cr Hardie Carried 6/0

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

7.1. **ELECTED MEMBERS' REPORT**

8. **REPORTS OF OFFICERS/COMMITTEES**

Cr Carrotts reported that he, Cr Hoek, the Chief Executive Officer and the Special Projects Manager attended the Aged Person Committee Meeting this morning.

Cr Veitch attended the WALGA Peel Zone Meeting on the 31st January.

Cr Veitch also attended the Peel Climate Change Conference in Mandurah on the 23rd January; and spent 2 days with the Harvey Catchment Council in Albany on the 20th and 21st January.

Item 8.3.1 was brought forward to allow the Special Projects Manager to leave the meeting early.

8.3 *Special Projects Manager's Report*

8.3.1 Expressions of Interest – Proposed Child Care Centre

Location: Reserve 14977 – Boddington Recreation Reserve
Applicant: Special Projects Manager
File Ref. No: 4.4.5
Disclosure of interest: Nil
Date: 31st January 2008
Author: Peter Bradbrook

Summary

Expressions of Interest have been invited to undertake a Needs & Feasibility Study to justify the viability of constructing a Childcare Centre in Boddington. Expressions of Interest closed on 30th January 2008. Four submissions were received for consideration.

Background

To satisfy requirements of Treasury, Expressions of Interest were invited via *The West Australian* on 5th and 12th January 2008 to undertake a Needs & Feasibility Study into the viability of constructing and operating a Childcare Centre in Boddington. The fee for the Study to be funded from the \$500,000 allocation received from the Social Infrastructure Package by the Department of Industry & Resources (DoIR).

Boddington Gold Mine (BGM) initiated the idea that a Child (Long Day) Care Centre was required in Boddington. Subsequently, BGM has agreed to donate two residential lots in Bluegum Close to Council, with the value of the two lots being allocated towards the construction of the Centre. (Council has previously agreed that the Centre should be built on the Recreation Reserve, near the school, rather than lose two residential lots, which are desperately needed). BGM currently is preparing a Memorandum of Understanding in relation to this transaction and the MOU is with the company's solicitors to ensure it commits Council to spending the funds on a Child Care Centre.

Other funding for the Child Care Centre will be sourced from the Regional Partnerships Programme and Lotterywest, who have both agreed that funding would be available. The State Government's Social Infrastructure Package has an allocation of \$100,000 towards the building, whilst the Boddington Bauxite Mine has agreed to contribute some \$40,000 towards furnishings and fittings. Council is not committed to contributing other than to managing the project.

Advice from the Federal Department of Families, Community Services and Indigenous Affairs is that a considerable allocation towards operating costs will be available via 'sustainability assistance' programme,

whilst parents that will use the facility must also contribute to the cost. Therefore, the Centre should not cost Council anything for operating the facility.

It is intended that a not-for-profit organisation, such as YMCA or Wanslea operates the Centre. What does need to be determined is who maintains the facility after it is built. It may be that the operator has responsibility to do so, or it may fall back on Council which, if it does, will simply be a community service provided for the benefit of residents; not unlike the swimming pool, library or recreation facilities.

Comment

The Terms of the Projects prepared by the Department for Communities, and supplied to applicants interested in making a submission, were:

“The consultant will be required to research and undertake stakeholder consultations, reporting and making recommendations on the following aspects:

Phase 1: Needs assessment & justification

At this juncture, based on outcomes of Phase 1, the contract manager will either authorise the contractor to progress to Phase 2, or terminate the study.

Phase 2:

Building type and capacity

Site location and layout

Building and set up costs

Staff levels

Staff recruitment and retention

Staff accommodation

Models of service delivery i.e. what components of child care could/would be offered (eg. Child care for children aged 0-6 years, before and after school care and vacation care for children aged 6-12 years)

Models of management and implications

Integration of Boddington Bear Occasional Child Care Centre into new service

Funding mechanisms for:

Capital infrastructure costs

Fittings, furnishings and operational equipment costs

Operational costs including child care benefit

Potential co-location benefits, including cost benefits

Business Plan detailing first 5 years' operation and extrapolating to 10 years

The Project Timelines are:

1. Needs assessment and justification report to be delivered within 4 weeks of contract being awarded;
2. A draft report comprising coverage of all specified aspects is expected within 10 weeks of contract being awarded; and
3. A final report, considering stakeholder review of the draft, is to be delivered by the end of week 13.

Four Expressions of Interest have been received, as follows:

Pitcher Partners Consulting (WA) Pty Ltd, located in St George's Terrace Perth – quoted \$44,000 exc. GST to complete Phase 1 and \$52,000 exc. GST to complete Phase 2.

SGS Economics and Planning Pty Ltd, located in Melbourne (with offices in Sydney, Brisbane, Canberra and Hobart) – quoted \$19,875 exc. GST to complete Stage 1 and \$29,163 exc. GST to complete Stage 2.

STAMFORDS, located in St. George's Terrace Perth (with offices in Sydney & Melbourne) – quoted \$8,000 exc. GST to complete Phase 1 and \$12,100 exc. GST to complete Phase 2 and has added a further Phase (3)

– to complete a Business Plan for the Centre) costing \$4,700. (The Business Plan was requested as part of Phase 2)

TILBRIE CONSULTING, located in Rockingham – quoted \$23,273 exc. GST for Phase 1 and \$23,273 exc. GST to complete Phase 2, plus an additional \$4,500 inc. GST for a consultant architect and travel and accommodation.
(Total \$55,700 inc. GST)

I have spoken to Tony Whittaker from DoIR concerning the selection of the consultant and the method of funding and was advised that DoIR would like to sight the Expressions of Interest before a final decision is reached. DoIR will not necessarily accept the lowest tender.

Consultation

As can be seen, STAMFORDS are by far the lowest tenderer. Their submission contained details of many projects that they had been involved in and also provided three references. At the time of preparing this agenda item I had only managed to speak to one of these. The referee I spoke to was very complimentary about the firm stating they were 'very accommodating', had a 'broad range of skills', 'maintained relationships', 'continually communicated' and 'did not leave the project to juniors'.

Because of the difference in fees I have not contacted anyone from the other three interested firms. However, I consider that any of the four firms could undertake the Study if awarded the contract, although it may be difficult to establish a satisfactory relationship with the Melbourne based firm.

I noticed in STAMFORDS submission that they had carried out some consultancy work for the Shire of Katanning. I contacted the CEO who advised that the project was handled by another officer but there were no problems with the firm or he would have been aware of them. 'They did what they had to do', was his comment.

Options

Council can nominate the preferred applicant, which could be any of the four that submitted an Expression of Interest. At this point in time we are only awarding Phase 1, with Phase 2 to follow if deemed appropriate.

Statutory Environment

The funding for this Study is being provided by the State Government via DoIR. There is no statute preventing Council from proceeding with the construction of a Child (Long Day) Care Centre.

Policy Implications – Nil

Financial Implications

No Council funds are involved with the conduct of the Needs & Feasibility Study

Economic Implications - Nil

Social Implications

It is obvious that parents who require child care whilst they are at work, will appreciate having a Child Care Centre. BGM believes it will be able to attract and retain workers who rely on such a facility.

Environmental Considerations - Nil

Strategic Implications – Nil

Cr Hoek joined the meeting at 4.12pm.

Consultation

Liaised with the proponent re plans etc.

Options

- Refuse the application;
- Approve the application; or
- Approve the application with conditions

Statutory Environment

Council does have the power to reduce or waive its statutory development standards if it is satisfied that approval “would be consistent with the orderly and proper planning of the locality” and “the non compliance would not have any adverse effect upon the likely future development in the locality”. (Clause 4.4)

Policy Implications

- With the population of the Shire expected to double in the next 5-10 years, it can be reasonably expected that the Hotel patronage will enjoy a similar increase.
- Council required on site parking for the two latest commercial re-developments opposite the hotel.

Financial Implications - Nil

Economic Implications - Nil

Social Implications

The existing external drinking area is limited to the front verandah of the Hotel.

Environmental Considerations

The gardens to be removed as part of this development are part of the landscaping requirement for the original approval issued in 1984.

Strategic Implications - nil

OFFICER RECOMMENDATION – ITEM 8.1.9

Motion **Moved** **Cr Hardie**

That Council approves the extension to the outdoor drinking area of the Boddington Hotel subject to:

- 1. lodgement of plans for building approval;**
- 2. provision of additional 7 parking bays; and**
- 3. payment of \$123.00 Development Application fee.**

Seconded **Cr Patten**

Amendment **Moved** **Cr Day**

That the motion be amended by deleting “provision of additional 7 parking bays; and 3”.

Seconded **Cr Veitch** **Carried** **3/2**

The amended motion became the substantive motion

Council Resolution 17/08 Moved Cr Day

That Council approves the extension to the outdoor drinking area of the Boddington Hotel subject to:

- 1. lodgement of plans for building approval;**
- 2. payment of \$123.00 Development Application fee.**

Seconded Cr Veitch Carried 4/1

Reason for Difference between Recommendation and Resolution: Due to the goodwill the Hotel has provided by allowing the general public and businesses to utilise the car park, along with the Hotel providing a shuttle bus service which reduces the parking bays used, and the fact that the car park is never full, Council decided to waive the condition for provision of 7 additional parking bays.

Crs Hoek and Carrotts returned to the Council Chambers at 4.30pm.

8.1.2 Subdivision of Rural Land – Revision of WAPC Policy

Location: n/a
Applicant: n/a
File Ref. No: 10.10.3.3
Disclosure of interest: Nil
Date: 21st January 2008
Author: R.J. Belton

Summary

A revised rural subdivision policy document has been forwarded to Council by the Western Australian Planning Commission which could affect Council's "Rural Residential" provisions set out in the Local Planning Strategy. Council will need to liaise with the Western Australian Planning Commission re the introduction of this revised policy document.

Background

- The Western Australian Planning Commission has a "Development Control Policy 3.4" governing subdivision of rural land covering the following matters –
 1. Retention of rural character and agricultural landholdings
 2. Prevailing lot sizes
 3. Significant physical division
 4. Public utilities and ancillary uses
 5. Boundary realignments
 6. Farm rationalisation
 7. Conservation of heritage buildings and places
 8. Conservation of biodiversity and natural heritage
 9. Homestead lots
- In December 2007 the Commission updated the policy with regard to a number of areas Including:
 - boundary realignments and rationalisation
 - creation of "homestead" lots
 - creation of "conservation" lots
 - prevailing lot sizes
 - water supply for lots under 4ha

Comment

- A number of these changes could affect the situation regarding rural subdivision around Boddington and the provisions in Council's Local Planning Strategy.
- For approximately five years the Commission has enforced a policy requiring a reticulated 'scheme' water supply for all "Rural Residential" (lifestyle) lots under 4ha. The newly adopted water supply policy (clause 3.2) states:

"When approving lots for rural-residential development (1-4ha) the Western Australian Planning Commission will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the Western Australian Planning Commission may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable the Western Australian Planning Commission may consider the cost differential between a reticulated and alternative water supply, and the reliability of an alternative water supply.

The reliability of alternative water supplies in different localities needs to be confirmed by available models".

- Note the wording of the policy is very subjective and is intentionally flexible to give the Commission and Council a degree of flexibility in this area.

Consultation

Initial discussions have been held with Western Australian Planning Commission officers. It will be necessary for Council and the Commission to have some measure of agreement as to where it may be considered "practical and reasonable" to require water connections.

Options

None – This is a Western Australian Planning Commission policy which Council is obliged to comply with.

Statutory Environment

Any condition requiring connection to a 'scheme water supply' could be the subject of an appeal to the State Appeal Tribunal and it would be in Council's interests to define areas within which it would be prepared to allow an alternative water supply system.

Policy Implications

- Council will need to ascertain, in accordance with Western Australian Planning Commission criteria, and possibly in conjunction with Watercorp infrastructure planning, which areas it would be prepared to support for rural subdivision down to 1ha without 'scheme' water.
- Annual rainfall and size of roof catchments may have to be taken into consideration.

Financial Implications

Development costs would be markedly reduced where scheme water is not required providing earlier and cheaper release of land.

Economic Implications – as above

4. Two designated wheelie bin stands being allocated, constructed and marked adjacent to the Hotham Avenue kerb to the satisfaction of Council for the use of units 5 & 6.

Seconded

Cr Hardie

Carried 7/0

8.1.4 Proposed Survey Strata Subdivision Lots 23 & 24 Hotham Avenue

Location: Corner Hill and Hotham Street
Applicant: R & J Callaghan
File Ref. No: 2089-07
Disclosure of interest: Nil
Date: 22nd January 2008
Author: R.J. Belton

Summary

An application for a strata survey subdivision over a 6 unit medium density development is recommended for conditional approval.

Background

This survey strata application is over the grouped dwelling proposal on the subject land (see agenda item 8.1.3). Four of the lots have frontage to a vested road. Lots 5 & 6 will use the “common” land driveway to access Hotham Avenue.

Comment

- The “common” land driveway is not a road and as such will not be the responsibility of Council. It will remain in the ownership of the Strata Corporate Body and can only be used for access.
- The concrete footpath on Hotham Avenue and Hill Street is relatively new and is in good condition.

Consultation

Liaised with the Shire Engineer. The site needs to be properly drained with driveways and access being designed to Council standards. Provision should be made for ‘wheelie bin’ removal.

Options

- Support;
- Not support; or
- Support conditionally

Statutory Environment

The proposal accords with the Residential zoning and coding.

Policy Implications

The subdivision will essentially enable the proponents to dispose of each unit with its own strata title.

Financial Implications - Nil
Economic Implications – Nil

Background

- At its meeting of the 6th November 2007 Council considered the possibility of initiating a “Contributory” development scheme over 29 allotments in the Ranford locality currently zoned “Rural Residential”. Council resolved that the matter “lay on the table” until a public interest meeting had been held and possible funding for the projects had been investigated.
- A public meeting was held on the 27th November and it was agreed that the matter be further investigated. An Engineering Consultant was commissioned to provide a professionally prepared cost estimate to provide a scheme water supply to the subject area.

Comment

- It should be noted that the figures supplied are an estimate only – it does not purport to be a highly technically accurate quote. Note that there is a 20% contingency ‘buffer’ amount inserted.
- There are 29 ‘Rural Residential’ lots in the area under consideration. At maximum yield these lots could create 268 allotments.

Consultation

The Shire Engineer was asked to comment on the figures supplied and he concludes that, given the limited scope of the figures called for, the estimate could be a little high and that it could be reduced by say \$1 million. The Special Project Manager intends to include this project in the next application to Treasury for further Social Infrastructure Funding. It is not possible to use the initial allocation as the project was not included in the original submission. It needs to be realised however, that no guarantee can be given that such a funding application would be successful.

Options

- Call owners meeting and inform them of projected costs and contribution;
- Inform owners in writing of projected costs and contribution; or
- Hold project in abeyance pending application for funding under Social Infrastructure Funding System.

Statutory Environment

Statutory action will depend on which option Council takes.

Policy Implications

Should Council agree to proceed it will need to be prepared to be responsible for project management for the life of the project. This could extend over a considerable period of time given the non compulsory nature of the exercise.

Financial Implications

The “order of” cost per lot for a reduced ‘budget’ of \$2.25 million with a full ‘yield’ of 268 lots, would engender a cost of \$8,400.00. This development cost would be realistic if there were a reasonable quick and holistic response and participation.

Economic Implications

As above

Summary

A proposal to subdivide a 2,024m² lot into two lots of 1,056m² and 968m² is supported subject to conditions.

Background

- The lot is zoned 'Residential' under the Town Planning Scheme No. 2 and is coded 'R10'. That R coding allows for average lot sizes of 1,000m², minimum of 875m², with rear battleaxe lots to achieve a minimum of 925m² to account for the area of the battleaxe access leg.
- This is an 'infill' situation, most similarly zoned and coded areas are sewerred.

Comment

- The land has a high water table. The existing dwelling was constructed in 1994 and has dual inverted leach drains behind the house, which cover a larger area than the 'septic tank' shown on the surveyor's drawing.
- A condition is necessary to ensure boundary setbacks from this on-site wastewater disposal system.
- The proposed rear battleaxe lot will require a similar system and land area to accommodate it.

Consultation - Nil

Options

- Support;
- Support subject to conditions; or
- Recommend Western Australian Planning Commission refuse the proposal.

Statutory Environment

Town Planning Scheme No. 2 'Residential' zoning.

Policy Implications

This is a 'fill in' or 'rounding off' situation, similar to the subdivision of Lot 17 to the north on Crossman Road.

Financial Implications - Nil

Economic Implications - Nil

Social Implications

The proposal provides another dwelling potentially.

Environmental Considerations

Wastewater disposal

Strategic Implications - Nil

Options

- Support;
- Support subject to conditions; or
- Recommend Western Australian Planning Commission refuse the proposal.

Statutory Environment

Town Planning Scheme No. 2 Rural Small Holdings Zone 1.

Policy Implications – Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications

The proposal will result in an extra dwelling in the Shire.

Environmental Considerations

Groundwater protection

Strategic Implications - Nil

OFFICER RECOMMENDATION – ITEM 8.1.8

That Council advises the Western Australian Planning Commission that it supports the subdivision of Lot 59 Twin Bridges Place subject to:

1. Confirmation from the Department of Water that the 217 AHD is situated as claimed in the applicant's survey; and
2. Construction of crossovers to the satisfaction of the Shire Engineer.

Council Resolution 25/08 Moved Cr Flaherty

That Council advises the Western Australian Planning Commission that it supports the subdivision of Lot 59 Twin Bridges Place subject to:

1. **Confirmation from the Department of Water that the 217 AHD is situated as claimed in the applicant's survey;**
2. **Construction of crossovers to the satisfaction of the Shire Engineer; and**
3. **Contribution to road upgrading to a sealed surface, of Twin Bridges Road to the satisfaction of Council.**

Seconded Cr Veitch Carried 7/0

Reason for Difference between Recommendation and Resolution: To include a contribution being made for the upgrading Twin Bridges Road.

8.1.10 Advertising Signs – Bannister Marradong Road

Location: Bannister Marradong Road
Applicant: WA Country Builders
File Ref. No: BAN 98 & 99
Disclosure of interest: Nil
Date: 31st January 2008
Author: R.J. Belton

Summary

Two signs have been illegally erected on Bannister Marradong Road advertising real estate developments that technically cannot be approved because the appropriate zoning has not been finalised. It is recommended the retrospective approval be granted when Amendment No. 9 is formally and finally approved.

Background

- Two large signs, 2.4m x 3.6m were erected without Council approval on Lots 88, 89 & 200 Bannister Marradong Road in December 2007.
- The applicants are seeking retrospective approval.

Comment

The signs would be the largest ever erected in the town area. Copies of the signs were put up without the developments being advertised having received Council or Western Australian Planning Commission approval. The sign for the 5 villa units was placed in front of Council's Development Application notice. The subdivision over Lot 200 has not been approved by Council or the Western Australian Planning Commission and the zoning over Lot 200 has not been finalised.

Consultation

None – the signs were erected without any reference to any Council officer.

Options

- Remove the signs;
- Approve the signs; or
- Issue formal approvals after the land is formally rezoned

Statutory Environment

The signs were erected without any reference to Council. It is a moot point as to whether Council can in fact approve signage for development on land that has not been formally zoned and gazetted. Amendment No. 9 has not been "signed off" by the Western Australian Planning Commission.

Policy Implications

- If Council should issue retrospective approval for these signs a precedent will be set, and there would be a reasonable expectation for other 'advertisers' to receive a similar response from Council.
- Real estate signs do have a limited 'life' in that they are generally removed once the project is developed and sold off.

Financial Implications - Nil

In 1934 my father became secretary of the Marradong Road Board. One of the big problems he had was that the Sinclair Estate of 64,000 acres had never paid any rates. In 1935 when they total 3,500 pounds it was decided to put it up for tender and so Bunnings got it for 3,500 pounds. Later Charlie Bunning told my father they took between 2 and 3 million pounds of timber out of it. Bunnings built a mill at what became known as Tullis, probably after the way, so the road became known as the Tullis Road. The mill relocated to the Tone River in the early 60's and Lou Stagbouer had a mill in Boddington supplying Millers and got the concession in Bunnings.

The Wuraming Road remained open until the Gold mine was built and a big dam was constructed which closed it.

Strictly speaking the new sign into Gibbs off the bitumen road should be renamed the Tullis Road to restore historical accuracy. I agree it is better to rename the roads as proposed but that the Old Soldiers Road should be renamed "Tullis Road" for the reasons as outlined.

Consultation

Nil, other than that provided.

Options

Council can:

1. affirm the change in name to Gold Mine Road;
2. submit an amended change in name for Goldmine Road;
3. submit another name; or
4. reject changing the name and retain Soldiers Road.

Statutory Environment

Road names are allocated by the GNC and any suggestion by Council will be approved by the GNC according to their guidelines which include:

Suitable Names – Preferred sources of names include

- names from Aboriginal languages currently or formerly identified with the general area;
- pioneers of the State or area;
- citizens who have made a significant community contribution;
- war casualty lists;
- thematic names (eg nautical, sporting etc);
- ethnic and gender diversity is encouraged; and
- Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication.

Unsuitable Names – Names characterised as follows are to be avoided

- given/first names
- corrupted, unduly cumbersome or difficult to pronounce names;
- obscene, derogatory, racist or discriminating names; and
- company or commercialised names (unless in an historical context).

Name Duplication – Name duplication within local governments or adjoining local governments shall be avoided. In rural areas the distance should be at least 50km away.

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.

