



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 APRIL 2008

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Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chambers on Tuesday 15th April 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	
Cr GJ Day	
Cr DN Veitch	
Cr SW Patten	

Mr G Sherry	Chief Executive Officer
Mrs C Martin	Director of Corporate Services
Ms L Hall	Executive Assistant
Mr P Bradbrook	Special Projects Manager (4.05pm – 6.37pm)
Mr R Belton	Town Planning Consultant (5.15pm – 5.32pm)
Mr S Thompson	Town Planning Consultant (5.15pm – 5.32pm)

APOLOGIES

Cr AJ Hardie

VISITORS

Mr Greg Robertson
Ms Darralyn Esbary
Ms Tania Dawson
Ms Annette Dix
Ms Rosie Cornell

3. DISCLOSURE OF FINANCIAL INTEREST - Nil

4. PUBLIC QUESTION TIME - Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

- 5.1 Mr Greg Robertson, Peel Development Commission made a presentation to Council regarding the sustainability of the Boddington Youth Centre and sought Council support to continue the operations of the Youth Centre.
- 5.2 Ms Darralyn Esbary, NRMO, Hotham Catchment Landcare, gave a Power Point presentation on Hotham Catchment Landcare's significant achievements to date.
- 5.3 Ms Annette Dix, Social Responsibility Manager, Boddington Gold Mine gave a presentation and a general update on the Boddington Gold Mine Project.

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF COUNCIL MINUTES HELD 1ST APRIL 2008

Council Resolution	87/08	Moved	Cr Flaherty
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That the minutes of the Ordinary Meeting of Council held on 1st April 2008 be confirmed as a true record of proceedings.

Seconded	Cr Veitch	Carried	6/0
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7. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION** - Nil

7.1. **ELECTED MEMBERS' REPORT** - Nil

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

8.1 *Town Planning Consultant's Report*

8.1.1 Cash-in-Lieu Payment – Lot 90 Hill Street, Boddington

Location: Lot 90 Hill Street, Boddington
Applicant: Impact Design
File Ref. No: 133495
Disclosure of interest: Nil
Date: 8th April 2008
Author: Steve Thompson

Summary

It is recommended that Council accept the valuation of \$430,000 and a cash-in-lieu payment of \$50,629 for public open space provision.

Background

A condition of the residential subdivision approval required the provision of at least 1739m² as a 'Reserve for Recreation' (public open space). The Western Australian Planning Commission (WAPC) approves a cash-in-lieu contribution for public open space (POS) in accordance with Section 153 of the Planning and Development Act 2005. In response to the above, the applicant arranged a licensed valuer to value the property and determine what the cash-in-lieu amount should be. The valuer submitted a comprehensive report to the Shire and confirmed the 'as is' value of the property is \$430,000 and that the developer should contribute \$50,629 to the Shire of the cash-in-lieu payment.

Comment

The valuation and the associated assessment of the cash-in-lieu payment are acceptable given the site's high development costs and the recent 'flattening' of the overall property market.

Upon payment of the \$50,629, this will satisfy Condition 4 of the subdivision approval issued by the Western Australian Planning Commission.

Consultation - Nil

Statutory Environment

Planning and Development Act 2005, Shire of Boddington – Town Planning Scheme No. 2.

Policy Implications

No policy implications at this time. In the future, Council may require the development of a Local Planning Policy relating to the provision of POS and cash-in-lieu payments.

Financial Implications

The developer's payment will be held in reserves and needs to be spent on upgrading/acquiring POS in the vicinity of the subdivision.

north providing a link in the foreseeable future, the subdivider of Lot 5 will need to upgrade Reserve Road between the subject land and Newmarket Road;

- the proponent advises that reticulated water can not be provided to the site given the considerable distance to the town water supply. Further, the existing town supply can only serve areas below the 275 metre contour. Most of the subject land is however above the 275 metre contour; and
- the site was gazetted as “Rural Residential” on 27 April 2007.

Comment

The subdivision application is generally consistent with the Subdivision Guide Plan associated with Scheme Amendment No. 8. Accordingly, conditional approval is recommended.

The key issues with the application are the upgrading of Reserve Road (recommended to be fully met by the subdivider given the subdivision creates the impact and gains the benefit) and whether the site can be subdivided into lots below 4 hectares without connection to scheme water.

The Shire is working with relevant State Government agencies to address implications of the recent changes to WAPC Development Control Policy 3.4 relating to water supply. The relevant section of the policy is set out below:

“When approving lots for rural-residential development (1-4ha) the WAPC 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 WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC 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.”

It is hoped that a report can be presented to Council on this matter shortly. In the meantime, it is suggested there is a scope for Council to support the subdivision without scheme water given:

- the site is zoned “Rural Residential” and the Subdivision Guide Plan shows most lots around 1 hectare in area;
- the site is distant from the town water supply and much of the site is above the 275 metre contour. Accordingly, it is not practical to provide a reticulated water supply; and
- as outlined above, WAPC policy now provides opportunities to consider on-site water provision. To ensure this does not create an ongoing problem to the Shire or to future residents, it is recommended that the roof catchment of a future dwelling/outbuilding on each proposed lot is sufficient and that this roof area is technically justified by a suitable practitioner. Further, that this minimum roof catchment area is included on the Certificate of Title in perpetuity and the necessary minimum roof catchment is provided prior to occupation.

Consultation

Nil at the subdivision stage. Previously, widespread community consultation occurred at the scheme amendment stage.

Statutory Environment

Planning and Development Act and the Shire of Boddington Town Planning Scheme No. 2. The land is zoned “Rural Residential” and as such, subdivision down to 1 hectare can be permitted provided satisfactory arrangements are made to provide a water supply to the proposed lots.

Policy Implications

It is expected that a Local Planning Policy will be required in the short to medium term outlining Council's position relating to rural residential lots and water supply.

The proposed subdivision complies with the present zoning of the land and does not conflict with the Local Planning Strategy.

Given the topography of the land, a high standard of engineering construction will be essential. Further, a Bush Fire Management Plan will be necessary to be prepared and implemented prior to the issue of titles.

Financial Implications

A key implication is who pays for the required upgrading of Reserve Road. Given the subdivider creates the impact and receives the benefit, it is recommended that the subdivider meets the entire cost of the upgrading to a sealed standard. There are no plans for the Shire to upgrade Reserve Road.

Economic Implications

The application, if approved and implemented, will result in the additional release of rural residential lots and associated dwellings that will assist to provided economic benefits to the local economy supporting additional and enhanced services.

Social Implications

These were addressed at the scheme amendment stage.

Environmental Implications

There exists an extensive system of dams in the northern section of the property from an earlier aquaculture project. These will have to be removed and carefully rehabilitated.

There must remain a presumption against the removal of any vegetation other than for access, fire management or construction purposes.

Strategic Implications

1. The approved Structure Plans for Lot 8016 to the north provides for a connection to the subject land.
2. Provision has been made for possible access points to adjoining Lot 6 to the west and 8016 in the north east.
3. The application, if approved and implemented, can provide Boddington with an important supply of rural residential lots in the short term.

Options

1. Recommend refusal;
2. Recommend approval with conditions (with or without the requirement for connection to a reticulated water supply);
3. Recommend approval with no conditions; or
4. Defer, pending resolution of Council's overall approach to addressing rural residential lots and water provision.

8.1.3 Proposed Road Name Change – Lots 90 & 43 Hill Street, Boddington

Location: Lot 90 & 43 Hill Street, Boddington
Applicant: T. Gelissen
File Ref. No: 135757
Disclosure of interest: Nil
Date: 9th April 2008
Author: Ray Belton

Summary

The developers of Lot 43 Hill Street seek the naming of the internal road servicing adjoining Lot 90 to be changed from “CARROTTS” to “LOFTHOUSE”. Approval of the request is recommended.

Background

- At its meeting on the 1st April Council agreed to name “CARROTTS PLACE” for the cul de sac in the Subdivision of Lot 90 Hill Street (attachment ‘A’).
- In November 2007 Council supported the subdivision of adjoining Lot 43 (plan at attachment ‘B’).
- The owner/developers of Lot 43 have objected to the name approved by Council for reasons outlines on (attachment ‘C’) and are asking Council to name the road “LOFTHOUSE HEIGHTS”.

Comment

The fundamental criteria and requirement of the Geographical Names Committee for approving street names after persons are:

- i the person should be deceased;
- ii the person should have been of some standing in the community; and
- iii the name being put forward is not in use in the locality.

Mr & Mrs Gelissen has submitted the following information about Mr Jeff Lofthouse:

“Jeff Lofthouse was a prominent member of the Boddington Lions Club and held the Treasury position for a number of years. Jeff also ran a successful business with his partner Margaret in Boddington. Jeff served in the armed forces and reached the rank of major”.

Consultation

- The developers of Lot 90 are prepared to forfeit “CARROTTS PLACE” as long as modifications Council may take will not entail delays in the release of their lots.
- The Geographic Names Committee officers will put the issue “on hold” awaiting Council’s decision.

Statutory Environment

The name “LOFTHOUSE” appears to meet the Geographic Names Committee’s standards.

Policy Implications

- There is merit in a street name having local relevance or significance. An example of where this has not happened is in using ‘Stagbouer’ for a short rural cul de sac off Morts Road, where perhaps it should have been allocated to a road or street closer to the Stagbouer timber mill site off Forrest Street.

- Harold Carrotts was Shire President from 1970 – 1980 and as such is to date the longest ever serving Shire President. It can reasonably be argued that he deserves a more important regional connector road, rather than a short internal subdivisional road.

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

Options

- Agree to the name “LOFTHOUSE HEIGHTS”; or
- Retain “CARROTTTS PLACE”

OFFICER RECOMMENDATION – ITEM 8.1.3

Moved Cr Flaherty

That

1. The proposed road connecting “BATT LINK” through Lots 90 & 43 be named “LOFTHOUSE HEIGHTS”;
2. The Geographic Names Committee be requested to endorse “LOFTHOUSE” as an approved name for the subdivision over Lots 90 & 43 Hill Street; and
3. The name “CARROTTTS” be retained for a more important Road in keeping with Mr Harold Carrott’s status and standing in the community, reflecting his 10 year Shire Presidency.

Motion lapsed due to lack of a seconder.

8.3 Special Projects Manager’s Report

8.3.1 Child Care Centre – Proposal to Transfer Land – BGMMCo to Shire of Boddington
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Location:	Lots 151 & 152 Blue Gum Close Boddington
Applicant:	Boddington Gold Mine Management Company
File Ref. No:	8.1.14
Disclosure of interest:	Nil
Date:	8 th April 2008
Author:	Peter Bradbrook

Summary

Correspondence has been received from the Boddington Gold Mine Management Company (BGMMCo) relating to the proposed transfer of Lots 151 and 152 Blue Gum Close to the Shire of Boddington, as a contribution towards the proposed Long Day Care Centre. Council needs to consider the ‘non-binding’ offer.

Background

The need for a Long Day Care Centre was originally proposed by a representative of the Boddington Gold Mine. Negotiations took place and BGMMCo offered two residential lots in Bannister Road, on which the Long Day Care Centre could be built. (The Child Care Centre was not initially a priority for Council and BGMMCo was requested to contribute towards the project).

It was decided that this site was not appropriate for the proposed Centre and that closer to the District High School was preferred. It would also have used up two valuable residential lots. Council suggested that if the two lots were 'gifted' to Council, Council would contribute an amount equal to their value towards the construction of the Centre. By doing so the lots would still be available for residential purposes.

BGMMCo went along with this, however then decided that rather than contributing the two lots along Bannister Road (Lots 98 & 99), which are zoned R25 are outside the buffer zone and thus have a higher residential capacity (as can be seen by the fact that Rural Builders are building five units on the two lots), they are now contributing the two lots in Blue Gum Close, which are zoned R10, to Council, as they are located within the Bauxite Mine buffer zone and can only accommodate two residential units immediately.

Consequently, it could be expected that the value of the lots in Blue Gum Close would be less than for the two in Bannister Road, resulting in the Gold Mine contribution to the Long Day Care Centre being less than would have been the case otherwise. (This is purely an assumption as prospective buyers may possibly prefer to live in a cul-d-sac than along the main road and be willing to pay a premium for either lot in Blue Gum Close!).

A letter has now been received concerning the transaction and a copy is contained in the agenda.

Comment

There are some areas of concern within the correspondence received including:

- The LDCC must be community run. I believe it is intended to appoint a community committee to oversee the operations of the LDCC but that the Centre could be 'run' by an outside body i.e. YMCA or Wanslea. This should be acceptable to BGMMCo;
- Have flexible opening hours that reflect the requirements of local full time employment opportunities including the BGM mine site. (Early on there was a suggestion that there may be a requirement for a 24 hour Long Day Care Centre to provide care for each of the twelve hour shifts. It is generally considered that it would be too costly to provide 24 hour care with trained staff being very scarce. More than likely the Centre will be opened from 5.30am – 6.30pm to cater for the 6.00am – 6.00pm shift, or something similar);
- The correspondence requires a minimum of 38 long day care places and at least 20 playgroup places. No decision has yet been reached on the size of the facility as Council and the Child Care Centre Construction Committee is still awaiting the report on the need for the Centre from Stamfords Consultancy. Of the 38 long day care places and 20 playgroup places BGMMCo require that at least 20% i.e. 8 and 4 places respectively be reserved for children of BGM staff. This should not present a problem, but if those places are not taken up by children of BGM staff the operator should have the right to accept other children to fill the Centre and/or BGMMCo needs to pay to reserve the places if not filled by children from their staff. This is the most contentious requirement.
- Any acceptance by the Shire of this offer is on the basis it accepts that this offer does not constitute a legally binding obligation on the part of BGMMCo, the Trust or the Boddington Joint Venturers to transfer the Land to the Shire even if fully accepted by the Shire. Until such time as a final sale agreement is executed, neither BGMMCo, the Trust nor the Boddington Joint Venturers are obliged to complete any transaction with the Shire concerning the transfer of the Land. BGMMCo reserves its right to cease negotiations with the Shire concerning the transfer of the Land at any time and for any reason without any compensation being payable by BGMMCo, the Trust of the Boddington Joint Venturer or their respective affiliates.

Taking this condition into account, Council should be reluctant to enter into any arrangement to construct a Long Day Care Centre until the two lots in Blue Gum Close have been transferred to the Shire of Boddington's ownership. The priority stipulation I see in the arrangement is that the lots are transferred from BGMMCo to the Shire with the following proviso:

“That a contract to build an appropriate Long Day Care Centre on Lots 151 and 152 Blue Gum Close or the Recreation Ground (near the school), or at another townsite location should either of these two locations prove impractical, be entered into by the Shire of Boddington prior to 31st December 2009 otherwise Lots 151 and 152 Blue Gum Close will revert to BGMMCo’s ownership at Council’s expense, unless BGMMCo is prepared to extend the period due to extenuating circumstances”.

This clause ensures that Council can’t merely ‘sit on the lots’ but will need to enter into a contract within the next 20 months to actually build the Child Care Centre.

Consultation - Nil

Statutory Environment

The *Local Government Act 1995* allows Council to build a Child Care Centre and to arrange management.

Policy Implications - Nil

Financial Implications

It has always been intended that the Long Day Care Centre would be constructed with funds other than from Council’s i.e. BGMMCo - \$250,000-\$300,000 (depending on value of ‘gifted’ lots), the Federal Government’s Regional Partnerships Programme, the State Government’s Social Infrastructure Package (\$100,000 confirmed), Lotterywest and Worsley (\$40,000 confirmed for furniture and fittings).

Funding can be obtained from the Regional Partnerships Programme and Lotterywest. What is required is the need for, and feasibility of, the Centre to be confirmed, the size of the building necessary identified, drawings prepared and costings obtained to allow grant applications to be submitted.

As for operational costs, BGMMCo has advised they will not underwrite any losses (unlike BHP Billiton with the Ravensthorpe Nickel project). The Federal Department of Families, Community Services and Indigenous Affairs will contribute a significant amount towards operational costs and the parents of the children using the service also contribute. The operational costs will not be borne by Council.

Council would need to ensure that infrastructure cover (building and contents) and public liability insurance were current at all times, but should not have to actually pay the premium, they being operational costs.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

The availability of Long Day Care will allow both parents of children to obtain employment. This will allow partners to retain their professional skills by gaining employment, whether full or part time, whilst ensuring that their children are well provided for. Some families may find it essential for both partners to work to cover mortgages, car repayments, etc. Having Child Care available will assist in attracting families to the shire.

Options

Council can:

1. accept the terms and conditions specified in the letter from BGMMCo; or
2. suggest alternative wording that does not bind BGMMCo until the Lots have been transferred to the Shire of Boddington, which appears to be their intention in item 6(f) of the undated correspondence.

That Council:

- a) informs the Boddington Gold Mine Management Company that the terms and conditions outlined in their undated correspondence is acceptable, other than Item 6(f) which appears to prevent Council from continuing the project until a final sale agreement is executed, with such transaction able to be cancelled at any time, thus placing the project in jeopardy; and
- b) suggests that a clause such as follows should be included in the agreement to protect the Boddington Gold Mine Management Company's interest in the project:

“That a contract to build an appropriate Long Day Care Centre on Lots 151 and 152 Blue Gum Close or the Recreation Ground (near the school), or at another townsite location should either of these two locations prove impractical, shall be entered into by the Shire of Boddington prior to 31st December 2009, otherwise Lots 151 and 152 Blue Gum Close will revert to BGMMCo's ownership at Council's expense, unless BGMMCo is prepared to extend the period due to extenuating circumstances”.

Given that Council has not received an official ‘Letter of Offer’ from the BGMMCo at this time, the Officer asked to withdraw this report and have Council consider the matter after receipt of an official ‘Letter of Offer’.

8.3.2 Proposed Subdivision Lot 62 Pollard Street, Boddington

Location: Lot 62 Pollard Street
Applicant: Special Projects Manager
File Ref. No:
Disclosure of interest: Nil
Date: 9th April 2008
Author: Peter Bradbrook

Summary

The proposed subdivision of the eastern portion of Lot 62 Pollard Street has been progressing, as instructed, with Scanlan Surveys Pty Ltd having completed the Field Survey, prepared the Application Plan and having lodged the application for subdivision with the WA Planning Commission. An out of budget allocation is requested to pay for the work completed.

Background

Council has been keen to obtain some residential land on which to build residences for Council staff. Lot 62 was identified as a location that could be subdivided for the purpose. It has now been ascertained that five lots can be developed, east of the drain running between the proposed site and the Boddington Swimming Pool.

The lots range in size from 441m² to 540m². Three lots would be accessed from Wuraming Avenue and two from Pollard Street. A map of the proposed subdivision is attached to the Agenda.

The Department of Housing & Works has previously indicated that it would purchase up to three lots if Council wished to sell any.

Comment

Council does need to provide additional housing to attract professional staff to Boddington. However, retaining all five lots and having staff live ‘together’ would probably not be sensible. If Council was to dispose of some of the lots it would have funds to build residences on the remaining lots i.e. sell three and retain two. With the funds realised from the sale, plus the funds in the Gold Mine Infrastructure Reserve Fund, there would probably be sufficient to pay for two residences without raising loans.

Comment

Draft comment for Council to provide to WALGA is included as attachment 8.5.1.

This comment is required to be submitted by 16 June 2008.

Council will have the opportunity to make further comment through involvement in the Peel Country Zone of WALGA.

Consultation – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Strategic Implications – Nil

Options

Council can endorse, amend the draft comment or resolve to not submit any comment.

OFFICER RECOMMENDATION – ITEM 8.6.1

Council Resolution 92/08

Moved Cr Flaherty

That Council submit Attachment 8.6.1 Draft Shire of Boddington SSS Report Comment as Council's comment on the draft discussion document prepared by WALGA entitled *The Journey: Sustainability Into The Future, Shaping The Future Of Local Government In Western Australia.*

Seconded

Cr Hoek

Carried 6/0

WALGA Systematic Sustainability Study
The Journey: Sustainability Into The Future
Shaping The Future Of Local Government In Western Australia

Comment of the Shire of Boddington

The Shire of Boddington wishes to make the following comment on the draft discussion document prepared by WALGA entitled *The Journey: Sustainability Into The Future, Shaping The Future Of Local Government In Western Australia*.

General Comment

The Shire of Boddington would make the following general comment.

1. The six week period of comment is too short for serious response. For this reason the response of the Shire of Boddington is general in nature and not an in depth analysis of the study.
2. There are no suggestions of time frames for implementation of recommendations raised in the draft document. Implementation of the recommendations remains the key requirement for the document. These needs to be addressed.

Regional Model

In general the Shire of Boddington is supportive of the model, but believes that a number of criteria would need to be met to ensure a lasting cooperative arrangement. These criteria include:

- Similar levels of commitment from participants to the Regional Local Government;
- Relatively close geographic location and the existence of some similarities between individual local governments participating in the Regional Local Government. Grossly dissimilar or remote and disconnected local governments will struggle to form the alliances required to operate a regional local government;
- Recognition that not all issues will be solved by this model and local governments may need to be involved in several Regional Local Governments to meet their requirements. Under the WALGA model viable local governments are not included in Regional Local Governments. However to achieve sufficient economies of scale in some areas of service provision, Regional Local Governments may need to be very large and include both viable and unviable local governments. An example of this would be large, viable, city councils participating in a Regional Local Government to handle their cities waste management requirements even though they are viable local governments.
- WALGA zone boundaries must be recognised as a starting point only and not suggested as the only regional boundaries. Groups of local governments of differing WALGA zones may meet criteria to successfully establish regional local governments across or within WALGA zone boundaries.

Role of Councillor

The move to fewer Councillors, better trained and better remunerated is generally supported by the Shire of Boddington. However it must be recognised that fewer, better trained Councillors places an increased work load on those Councillors who will have existing employment, businesses or family responsibilities and most likely other leadership roles in the community.

The requirements of the still part time position of Councillor must not become so onerous that it restricts those who are able to take on the role. Even now it is difficult for those with full time employment, family or small business commitments to be a Councillor. What must be avoided is to have barriers to entry that limit Councillors to only those who have retired, are unemployed or are without family or business commitments.

Given that the fewer, better trained Councillors will have a greater workload and be required to attend training, increased remuneration will be required just to ensure Councillors are not worse off.

Finance Chapter

The Shire of Boddington supports the finance recommendations. These recommendations will improve accountability by providing comparable and standardised financial information across all of local government. Further the Shire of Boddington would encourage implementation of the recommendations as an immediate action, separate to further discussion about other sustainability issues.

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

There being no further business the Chairman declared the meeting closed at 5.42pm.