



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

6TH MAY 2008

TABLE OF CONTENTS

1.	Declaration of Opening.....	2
2.	Attendance, Apologies and Leave of Absence.....	2
3.	Disclosure of Financial Interest.....	2
4.	Public Question time.....	2
5.	Petitions/Deputations/Presentations/Submissions.....	2
6.	Confirmation of Minutes.....	3
6.1	Ordinary Meeting of Council Minutes held 15 th April 2008.....	3
7.	Announcements by Presiding Member without discussion.....	3
7.1	Elected Members' Reports.....	3
8.	Reports of Officers/Committees.....	3
8.1	Town Planning Consultants Report.....	3
8.1.1	Subdivider Contributions – Twin Bridges and Crossman Heights.....	3
8.1.2	Rural Residential Lots and Water Supplies.....	6
8.1.3	Lot 305 Days Road / Crossman Road, Boddington – Proposed Subdivision.....	13
8.1.4	Proposed Subdivision Lot 25 Crossman Road.....	16
8.1.5	Proposed Subdivision Lot 15 Mistletoe View, Crossman.....	17
8.1.6	Proposed Subdivision Lot 31 Mistletoe View, Crossman.....	19
8.2	Engineer's Report – Nil	
8.3	Special Projects Manager's Report.....	20
8.3.1	Department of Education & Training – Boundary Adjustment.....	20
8.3.2	Caravan Park – Feature Survey.....	22
8.3.3	Boddington Main Street Upgrade Study – Expressions of Interest.....	24
8.3.4	Tenders for Self Propelled Multi Wheeled Pneumatic Tyred Roller.....	26
8.3.5	Quotes to Provide Motorised Footpath Sweeper.....	28
8.3.6	Tenders to Widen, Construct & Seal Robins Road (2,350 metres) – Tender No. 06-2007/08.....	30
8.3.7	Reserve List of Street Names for Future Subdivisions.....	31
8.3.8	Department for Planning and Infrastructure – Proposed Freehold Lot 500 (Shire Depot).....	34
8.3.9	Proposed Boddington Seniors Village – Call for Expressions of Interest to Develop & Manage.....	36
8.4	Principal Environmental Health Officer/Building Surveyor's Report.....	37
8.4.1	Dilapidated Fence. Lots 16 & 1384 Bannister Road, Boddington.....	37
8.5	Director of Corporate Service's Report.....	39
8.5.1	Overdraft Facility.....	39
8.5.2	Hotham Landcare Catchment Funding.....	41

8.6	Chief Executive Officer's Report.....	43
8.6.1	Road Name – Carrotts Link.....	43
8.6.2	Deed of Easement – Drainage Lot 90 Hill Street.....	46
8.6.3	Boddington Lot 1817 – Crown Lease J105600.....	47
8.6.4	Formation of Peel Region Organisation to Facilitate Cooperation.....	48
9.	Elected Members' Motions of which previous notice has been given - Nil	
10.	Urgent business without notice (with the approval of the President or meeting) - Nil	
11.	Closure of meeting.....	51

Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chambers on Tuesday 6th May 2008 commencing at 5.03pm.

1. DECLARATION OF OPENING

The Shire President, Cr Carrotts, declared the meeting open at 5.03pm.

2. ATTENDANCE

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

Mr G Sherry	Chief Executive Officer
Mrs C Martin	Director of Corporate Services
Ms L Hall	Executive Assistant
Mr P Bradbrook	Special Projects Manager (5.03pm – 6.10pm)
Mr R Belton	Town Planning Consultant (5.03pm – 5.38pm)
Mr S Thompson	Town Planning Consultant (5.03pm – 5.38pm)
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Mr G Donhardt	Works Supervisor (arrived 5.30pm)

APOLOGIES

Cr E Flaherty	Deputy President
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VISITORS - Nil

3. DISCLOSURE OF FINANCIAL INTEREST - Nil

4. PUBLIC QUESTION TIME - Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS – Nil

6. **CONFIRMATION OF MINUTES**

6.1 **ORDINARY MEETING OF COUNCIL MINUTES HELD 15TH APRIL 2008**

Council Resolution 93/08 Moved Cr Veitch

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

Seconded Cr Patten Carried 6/0

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

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

8. **REPORTS OF OFFICERS/COMMITTEES**

Cr Veitch advised that the next meeting of the Peel Harvey Catchment Council will be held in the Council Chambers at the Shire of Boddington on the 15th May 2008 commencing at 9.00am. Morning tea and lunch will be provided and the cost incurred, covered by the PHCC. More interested persons are encouraged to attend.

Cr Veitch attended the Regional Road Group Meeting at Eaton on the 21st April 2008. Concerns were expressed over allocated funds that have not been used and may be lost.

A LEMC meeting was held on the 28th April 2008. Cr Veitch said there appeared to be too much division within the Committee. Continuity and prioritising finances was needed to allocate funds donated by Mining Companies appropriately.

Cr Day and the CEO met with Mark Casserley in Perth on the 1st May 2008 for discussions on the proposed Indoor Recreation Centre and what current buildings could be integrated into the new complex.

Cr Patten and DCS attended a Hotham Landcare Meeting in Wandering on the 21st April 2008. Cr Patten reported that Committee received 5 applications for the recently advertised position of Natural Resource Management Officer. The Committee will be conducting interviews on the 3 most suitable applicants shortly. Funding for the position is still just for 3 months.

8.1 ***Town Planning Consultants Report***

8.1.1 Subdivider Contributions – Twin Bridges and Crossman Heights

Location: Twin Bridges and Crossman Heights Estates
Applicant: Various
File Ref. No: 136559 and 136775
Disclosure of interest: Nil
Date: 21st April 2008
Author: Steve Thompson

Summary

It is recommended that Council establish its approach to upgrading existing roads within the Twin Bridges and Crossman Heights Estates with the cost to be fully met by subdivider.

Background

Twin Bridges and Crossman Heights are existing Rural Small Holding estates that were subdivided to a minimum lot size of 10 hectares. Attachment "A" shows the estate's location. Both estates were created some time ago without sealed roads with the exception of Crane Rise, the entrance road to the Crossman Heights Estate.

Council's Local Planning Strategy supports subdivision and re-subdivision of these estates to a minimum lot size of 4 hectares, subject to a proponent justifying that all proposed lots are suitable and capable of development in the opinion of Council, other agencies and ultimately the Western Australian Planning Commission (WAPC). A key issue arising from anticipated substantial re-subdivision is the standard of the existing roads, ensuring safety and determining who pays for the required upgrading.

The WAPC has recently issued two conditional subdivision approvals in the Twin Bridges estate which included the following condition:

"The applicant making a contribution towards the upgrading of Twin Bridges Place, to the satisfaction of the Western Australian Planning Commission. (Local Government)".

A similar condition is anticipated for subdivisions proposed for the Crossman Heights Estate.

Comment

There is a need to clarify Council's position in the short-term, given subdividers who have received a conditional approval will be shortly seeking clearance.

Given the approach set out in the Local Planning Strategy, the Shire expects that additional subdivision applications will be received for the Twin Bridges estate and subdivision applications will be received for Crossman Heights.

Additional subdivision and associated development will, of course, place added impact on the existing roads due to increased traffic. It is also expected that there will be increasing pressure applied to the Shire to upgrade (seal) the roads, given new residents to the area increasingly expect higher standards for servicing including road construction.

In line with many local government authorities in Western Australia and Australia, it is suggested there is a need to adopt a "user pay" system for upgrading the existing roads in these estates (designing, constructing, sealing and draining). This is because the subdividers are creating the impacts and are receiving the benefits of the subdivision. It is highlighted that ratepayers should not be subsidising upgrading the roads which are all cul-de-sacs and are not planned to be upgraded by Council in the foreseeable future.

Based on the above, it is recommended that subdividers in these estates pay a financial contribution to upgrade the roads that represents full cost recovery (i.e. no subsidy from the ratepayers via the Council).

The Shire's Consulting Engineer has provided a cost estimate for upgrading Twin Bridges Road to a sealed standard. The road is 1.4km in length and is typically 9 metres wide. Based on expected volumes, to achieve required safety and meet Council Policy, the Consulting Engineer recommends that the roads should be 9 metres wide with 2 x 1.2 metre wide shoulders, requiring an additional 100mm of gravel and a sealed top. The Consulting Engineer estimates the cost is approximately \$123,000, however this figure does not account for design and supervision fees which would bring the cost to approximately \$130,000 (in 2007/2008 dollars).

It is expected that the Twin Bridges Estate could be re-subdivided to achieve an additional 14 lots (there are constraints due to flooding on some sections of the estate). This equates to approximately \$9,285 per lot. Accordingly it is suggested that to clear the relevant conditions for WAPC reference numbers 136559, 136775 and future subdivision applications in the Twin Bridges Estate, that subdividers pay the Shire \$9,285 for each additional lot created prior to the clearance of the Deposited Plan.

The Shire's Consulting Engineer has also provided a cost estimate to upgrade Pardalote Road/Mistletoe View. These roads are 1.8km in length and are typically 6 metres in width. Based on expected volumes, to achieve required safety and meet Council Policy, the Consulting Engineer recommends that the roads should be 6 metres wide with 2 x 1.2 metre wide shoulders, requiring an additional 100mm of gravel and a sealed top. The cost estimate is approximately \$118,000 (in 2007/2008 dollars) which does not account for design and supervision fees which would bring the cost to approximately \$125,000.

A preliminary estimate is that re-subdivision of the Crossman Heights Estate could achieve approximately 25 new lots. This equates to a cost of approximately \$5,000 per lot. No cost would be payable where proposed lots access the existing sealed road (Crane Rise).

It is suggested that road upgrading for either estate should occur only when there is sufficient monies collected from subdividers to warrant construction. This may take a number of years and the Council should make this position clear to landowners in the estates.

Consultation

No public consultation has occurred given there is no legal requirement nor is it Council practice to advertise subdivision applications. The current request comes as a result of the WAPC imposing subdivision conditions at the recommendation of Council. It is suggested there is a need to prepare a Planning Policy relating to developer/subdivider contributions which would be subject to community and stakeholder consultation.

Statutory Environment

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

Policy Implications

It is suggested there is a need to prepare a Planning Policy on developer/subdivider contributions in the short term to provide increased clarity of Council's position and provide increased certainty for everyone with an interest in the matter.

Financial Implications

The key implication is the standard of existing roads within the estates and clarifying who pays for required upgrading. A suggested approach to clarifying who is responsible for upgrading is set out in this report. As noted in this report, the cost estimates reveal there are considerable costs to meeting expected standards.

Should future subdivision/development occur, this will increase Shire responsibilities and costs, however it will be partially off-set through increased rates. Council should, in time, adequately increase budget accounts for the upgraded infrastructure that will be created to ensure it is appropriately maintained.

Economic Implications

Subdivision applications, if approved and implemented, will result in additional subdivision/development and will assist to provide economic benefits to the local economy and support additional/enhanced services.

Social Implications

Landowners intending to subdivide will be required to pay a financial contribution following being granted conditional subdivision approval but prior to the creation of titles.

Environmental Considerations

The proposed interim position does not raise key environmental issues. It is arguable that sealing the roads with enhanced drainage could improve water quality leaving the estates.

Strategic Implications

The sites are identified as 'Rural Small Holding' (SH2) in the Local Planning Strategy. The subdivision applications, if implemented, will assist to provide Boddington with additional rural small holding lots in the short term.

Options

- Subdividers to pay 100% of the required upgrading;
- Subdividers to meet the majority of the cost with the Shire to meet design and supervision costs;
- Subdividers/Shire to both contribute (say 50% each);
- The Shire to meet the costs 100%; or
- Council does not upgrade roads.

OFFICER RECOMMENDATION – ITEM 8.1.1

Council Resolution 94/08 Moved Cr Veitch

That Council:

1. **endorse subdividers within the Twin Bridges Road estate paying \$9,285 per lot prior to the creation of the titles with this amount being adjusted each financial year in line with the Consumer Price Index;**
2. **endorse subdividers within the Crossman Heights estate paying \$5,000 per lot prior to the creation of the titles with this amount being adjusted each financial year in line with the Consumer Price Index; and**
3. **prepare a Planning Policy on developer/subdivider contributions for consideration seeking community and stakeholder consultation.**

Seconded Cr Hardie Carried 6/0

8.1.2 Rural Residential Lots and Water Supplies

Location: Applies to all new Rural Residential Lots
File Ref. No: 10.10.13
Disclosure of interest: Nil
Date: 21st April 2008
Author: Steve Thompson

Summary

The purpose of this report is to encourage Council to establish its interim position relating to new rural residential lots (between 1 hectare and 4 hectares in area) as to whether they should be connected to reticulated water or rely on on-site water supply.

Background

1. WAPC Policy

The Western Australian Planning Commission (WAPC) has recently changed Development Control Policy 3.4 relating to water supply for rural residential lots between 1 hectare and 4 hectares in area. 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.”

The Shire has been working with relevant State Government agencies to address implications of the policy.

The WAPC typically imposes a condition requiring new lots (for residential, commercial and industrial uses) below 1 hectare in area to be connected to reticulated water, while lot sizes above 4 hectares (especially for rural living use) do not typically require connection to reticulated water and rely on on-site water supply.

2. Shire of Boddington Town Planning Scheme No. 2 (TPS2)

There are various provisions of TPS2 which are relevant to the matter and these are outlined below: Section 1.6 sets out the following objectives of TPS2:

- “1.6.1 To encourage and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area.
- 1.6.2 To provide guidance and controls for possible future residential, special residential, commercial, industrial, rural and special rural development within the Shire of Boddington.
- 1.6.3 To adopt a set of policies which will achieve the stated objectives.”

Section 9.6 sets out the process for the Council preparing, amending or rescinding a Planning Policy.

Appendix 6 of TPS2 set out legal requirements for existing Rural Residential Zones. The requirements relating to water vary for the zones and are set out below:

- Rural Residential Zones 1 and 2, Crossman Road (between Boddington and Ranford and south of Ranford)

“For lots of 2 hectares or more no dwelling shall be occupied unless a roof water tank of capacity of not less than 90,000 litres is incorporated in the approved plans, and no dwelling unit shall be considered fit for human habitation unless such a tank has been installed and is operating.

This clause shall not apply where:

- (i) The lots created within the zone are supplied by normal Water Supply Authority mains.
- (ii) The developer has produced evidence from some competent professional authority which satisfies Council that an adequate potable on-site water supply is available.”

- Rural Residential Zone 3 - Newmarket Road (Old Boddington Golf Course)

“No dwelling shall be constructed or approved for construction unless an approved method of effluent disposal and a minimum of 92,000 litres water storage tank have been incorporated into the approved plans. No dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating. To ensure adequate catchment exists to collect rain water, Council shall require that each lot has a minimum of 120m² of roof catchment.”

- Rural Residential Zone 4 – Crossman Road and Day Road

No mention of water provision.

- Rural Residential Zone 5 – Crossman Road (south side)

No mention of water provision.

- Rural Residential Zone 6 – Crossman Road (north side)

“For all lots not connected to reticulated water, no dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres domestic tank or other approved potable water supply and storage facility is established with the dwelling. To ensure adequate catchment exists to collect rain water, Council shall require that each lot has a minimum of 120m² of roof catchment.”

- Rural Residential Zone 7 – Reserve Road

As per Rural Residential Zones 1 and 2.

3. *Shire of Boddington Local Planning Strategy*

The Rural Residential area that will be impacted by the WAPC policy change is outlined in Attachment “1” which is an extract of the Council’s Local Planning Strategy. Areas identified as “Rural Small Holding” (typically 4 – 10 hectare lots) can be developed with on-site water supplies.

Attachment “1” (Figure 7.2 of the LPS) also outlines, in relation to areas identified as “rural residential”, that they are subject to “reticulated water to be provided for lots of 4ha or less”.

Page 30, relating to infrastructure and services, notes:

“Identification of synergies in provision of infrastructure is an important concept in the Shire so as to reduce capital infrastructure costs.

Aims:

- To ensure local infrastructure and services are of a standard suitable to meet the needs of the community.
- To identify and facilitate the provision of infrastructure and services provided by others”.

Section 4.7 states in part the following:

“The Shire’s water supply is delivered via the Great Southern Town Water Scheme. Water from Harris Dam in Collie is pumped to a tank on Three Mile Hill near Boddington and then gravity fed into the townsite reticulation system.

The gravity fed water reticulation supply system feeds both the towns of Boddington and Ranford. Considerable upgrades will be required to the water supply system if intensive rural-residential development is proposed. To cater for the major urban expansion in areas identified above the current limit of supply, a booster pump station or elevated tank will be required.

Water supply services will need to be upgraded to cater for the major urban expansion area abutting the eastern boundary of the town. Water Corporation is investigating the design and works programming for this project”.

Pages 32 and 35 state the following for the “Upper Hotham Precinct” (selected sections only):

Objectives – Upper Hotham Precinct

- To provide for urban growth and maximise the use of existing services and infrastructure associated with the Shire’s main population centre, where such growth will not restrict mining.
- To provide opportunities for rural-residential and rural-small holding activities in areas within reasonable proximity to town in order to stimulate the use and growth of existing commercial and other facilities and to reduce possible adverse impacts of intensive subdivision within the Shire’s main rural and agricultural areas.

Land use considerations

- The reticulated water supply system through the precinct from Ranford to the Albany Highway provides the opportunity for more intensive rural-residential development in proximity to Crossman Road, but will require considerable upgrades of services if any extensive developments are proposed.

Development and Land Management Guidelines (for Rural Residential land use)

- Promote a range of lot sizes in subdivision proposals appropriate to the physical conditions of the site and the general capability and suitability of the land for its intended purpose.
- A range of lot sizes will be considered.
- A minimum lot size of 1ha will be considered where there is reticulated water available. Where there is not reticulated water available, a minimum lot size of 4ha will be considered.”

Appendix “A” of the Local Planning Strategy contains the Physical Characteristics Study Land Assessment from the 1997 Local Rural Strategy. Of relevance are the details set out in Attachment “2” along with the following from pages 44 and 45:

- Outside areas serviced by scheme water, prospective purchasers or subdivided lots need to be advised that they will be obliged to make their own arrangements to provide a satisfactory potable water supply. Should domestic water supply need to be obtained solely by harvesting rainwater, Agriculture WA data (Laing, 1990) provide an indication of the house or shed roof areas required. Within the Boddington area this information indicates that a storage tank of 110kL capacity, and fed by a 600m² rooftop (galvanised iron), is required to satisfy a water demand of 600 L of water per day with 98% reliability. This demand is close to the water needs of an average household of four people.
- In many situations, domestic water supply is likely to be based on a combination of rainwater harvested from rooftop catchments, and groundwater bores. Where this occurs, large lot sizes are generally recommended to maximise the probability of obtaining a suitable source of groundwater as a supplementary water supply.”

4. Recent Rural Residential Subdivision

The Council at its meeting on 15 April 2008 considered a rural residential subdivision application (WAPC 137293) for Lots 5 and 6 Reserve Road, Boddington where it resolved to support subject to various conditions including:

11. the subdivider, or a competent professional, demonstrates to the satisfaction of the Council and the Department of Water that future households will have sufficient potable and non-potable water. In particular, to confirm what minimum size roof catchment and minimum water storage capacity are required for an average household based on anticipated rainfall for Boddington;

12. a notification is included on each Certificate of Title advising landowners in perpetuity that reticulated water is not available to the lot and that a minimum roof catchment (detailed as a result of investigations in Condition 12) is required to be provided by the landowner prior to occupation;”

It was noted in the report, amongst matters, that:

- 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;
- the site was gazetted as “Rural Residential” on 27 April 2007 with the associated Subdivision Guide Plan showing most lots around 1 hectare in area; and
- 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. It is suggested that Council support does not provide a wide spread precedent given the circumstances of the site, subdivision guide plan and zoning.

5. Water Capacity of Boddington-Wandering Pipeline

Recent meetings held with Water Corporation reveal that there is limited capacity in the pipeline for new subdivisions (residential, rural residential) in the Shire of Boddington with the available capacity set aside for Wandering. This follows a contributory scheme for water supply for the Ranford locality not being pursued.

Comment

The WAPC policy change raises a number of issues for Council to consider and some of these are outlined below:

- ensuring that ongoing problems are not created to future residents and the Shire including running out of water, not meeting health requirements, inadequate fire protection especially when most experts predict lower rainfall in the coming years/decades. Accordingly, there is a need to obtain up-to-date modelling from relevant agencies given the Shire’s most up-to-date information is over a decade old;
- considering visual impact of future development on lots created without reticulated water, especially on sites that are on key roads, tourist routes and “gateways” to the Boddington/Ranford townsites such as Bannister – Marradong Road and Crossman Road which have high landscape values. Should the updated roof catchment area increase (from what the Council/Shire has typically required in the past) and be to substantial (such as over 300m²), implications include that development may not easily proceed due to high costs, the standard of development could decrease with landowners constructing large or multiple outbuildings to achieve the roof large to achieve the roof catchment and the potential for “over development” of lots of 1 ha. A related consideration is that the potential for inappropriate development may culminate in a decrease in the overall attraction and loss of character of the area for both residents and visitors;
- it appears there is limited opportunity for potable quality groundwater in many parts of identified rural residential areas either due to higher salinity or non availability;
- the timing of releasing additional rural residential lots in the shorter term versus considering longer term implications of supporting numerous rural residential lots without reticulated water;
- ensuring that more intensive rural residential subdivision and development are located closer to the Boddington townsite in areas that can be effectively serviced in accordance with WAPC State Planning Policy 3 – Urban Growth and Settlement;
- not supporting “leap frog” subdivision unless appropriately serviced and coordinated with adjoining/nearby land. Progressive and planned expansion of rural residential areas is preferential to

the establishment of adhoc and uncoordinated subdivision, as it assists to ensure that infrastructure (including reticulated water) is provided in an efficient manner;

- provisions and objectives in TPS2 and statements in the Local Planning Strategy; and
- consistency in decision making by Council and the WAPC.

Based on an assessment of relevant information, the following interim approach is suggested to be adopted by Council for new rural residential subdivisions proposing lot sizes between 1 and 4 hectares:

- (a) that Council will recommend to the WAPC to impose a condition requiring connection to the reticulated water system in accordance with the Local Planning Strategy unless all matters set out in part “b” are appropriately justified; and
- (b) the Council will only consider supporting on-site water provision where a proponent addresses the following in writing to the satisfaction of Council:
 - i) the site (including the majority of proposed lots) is located above the 275 metres contour;
 - ii) demonstration that the provision of reticulated water is not practical and reasonable which includes a feasibility analysis;
 - iii) the subject land and future house sites are well screened from Bannister-Marradong Road and/or Crossman Road;
 - iv) the site is capable and suitable of accommodating the proposed density of subdivision/development including addressing relevant planning, environmental and servicing requirements;
 - v) the submission of a Fire Management Plan, prepared by a competent professional, at the time of applying for subdivision approval;
 - vi) the subdivider, or a competent professional, demonstrates to the satisfaction of the Council and the Department of Water that future households will have sufficient potable and non-potable water. In particular, to confirm what minimum size roof catchment and minimum water storage capacity are required for an average household based on anticipated rainfall for Boddington; and
 - vii) the subdivider agrees to include a notification on each Certificate of Title advising landowners in perpetuity that reticulated water is not available to the lot and that a minimum roof catchment (detailed as a result of investigations set out in “vi”) is required to be provided by the landowner prior to occupation.

The above approach is considered a better outcome for future residents and the Boddington area especially in the medium to longer term. While the provision of on-site water provision is supported where possible, it is suggested it should typically be complimentary to reticulated water for the vast majority of rural residential lots below 4 hectares.

One disadvantage of the suggested interim position is that there may be various smaller scale subdivisions, especially in the eastern section of the area identified as “Rural Residential” in the Local Planning Strategy, that may not be able to proceed until Water Corporation or other service providers upgrade the infrastructure, larger subdivisions proceed or a collective approach is undertaken by landowners who also have rural residential subdivision potential. While noting this, it is highlighted that the Local Planning Strategy sets out the requirement for lots less than 4 hectares to be serviced by reticulated water in any event.

Consultation

Consultation on the review of WAPC Policy DC3.4 was undertaken by the WAPC, while the Shire consulted on the Local Planning Strategy. The Consultant Planner recently spoke with DEVX regarding their proposed approach to provision of water for rural residential lots and there has been internal consultation with relevant Shire staff.

The proposed Planning Policy will be subject to community and stakeholder consultation subject to Council agreeing to its public release.

Statutory Environment

Planning and Development Act and TPS2.

In time, it may be appropriate to amend TPS2 to include a provision requiring all new houses (on existing lots that are not connected to reticulated water) to legally require a minimum roof catchment and water storage based on advice from competent professionals and the Office of Water relating to anticipated rainfall for Boddington. The only suggested exceptions are where on-site water provision is specifically outlined and supported in Appendix 6 of TPS2.

Policy Implications

A Local Planning Policy will be required in the short term outlining Council's position relating to rural residential lots and water supply to increase certainty for everyone with an interest and assist in consistent decision making.

Financial Implications

The provision of reticulated water does add to the cost of creating new rural residential lots with costs varying depending on various factors including the location of the subject land, distance to services, number of lots created and opportunities for other subdividers to pay a proportion of the cost to upgrade/extend the service. In many cases, the cost of providing reticulated water is passed onto the initial purchasers of the lots compared to lots that have on-site water provision. In comparison, it is expected that the cost of meeting on-site water provision through appropriate roof catchment will be a considerable future cost to landowners if not addressed at the subdivision stage.

Economic Implications

The release of additional rural residential lots and associated dwellings will assist to provide economic benefits to the local economy supporting additional and enhanced services.

Social Implications

These include affordability of land/housing, retaining/enhancing the character of Boddington/Ranford and creating a "sense of place".

Environmental Implications

On-site water provision is considered sustainable where there is sufficient and reliable rainfall in the short to longer term which addresses domestic, land management and fire management needs.

Strategic Implications

Identified rural residential areas were strategically chosen in the Local Planning Strategy to be close to the Boddington/Ranford townsites and be near services (including the potential to connect to an upgraded reticulated water supply).

Options

1. Support interim position;
2. Support interim position with modifications;
3. Not support interim position; or
4. Defer.

Council Resolution 95/08

Moved Cr Hardie

That Council:

1. **Adopt the interim position, relating to new rural residential subdivisions proposing lot sizes between 1 and 4 hectares as follows:**
 - (a) **that Council will recommend to the Western Australian Planning Commission to impose a condition requiring connection to the reticulated water system in accordance with the Local Planning Strategy unless all matters set out in part “b” are appropriately justified; and**
 - (b) **the Council will only consider supporting on-site water provision where a proponent addresses the following in writing to the satisfaction of Council:**
 1. **the site (including the majority of proposed lots) is located above the 275 metres contour;**
 2. **demonstration that the provision of reticulated water is not practical and reasonable which includes a feasibility analysis;**
 3. **the subject land and future house sites are well screened from Bannister-Marradong Road and/or Crossman Road;**
 4. **the site is capable and suitable of accommodating the proposed density of subdivision/development including addressing relevant planning, environmental and servicing requirements;**
 5. **the submission of a Fire Management Plan, prepared by a competent professional, at the time of applying for subdivision approval;**
 6. **the subdivider, or a competent professional, demonstrates to the satisfaction of the Council and the Department of Water that future households will have sufficient potable and non-potable water. In particular, to confirm what minimum size roof catchment and minimum water storage capacity are required for an average household based on anticipated rainfall for Boddington; and**
 7. **the subdivider agrees to include a notification on each Certificate of Title advising landowners in perpetuity that reticulated water is not available to the lot and that a minimum roof catchment (detailed as a result of investigations set out in “6”) is required to be provided by the landowner prior to occupation.**
2. **Prepare a Draft Planning Policy based on the above principles, for consideration by Council seeking consent to publicly advertise.**

Seconded

Cr Veitch

Carried

6/0

8.1.3 Lot 305 Days Road / Crossman Road, Boddington – Proposed Subdivision

Location: Lot 305 Days Road / Crossman Road
 Applicant: Survey WA Ltd
 File Ref. No: 137235
 Disclosure of interest: Nil
 Date: 22nd April 2008
 Author: Steve Thompson

Background

The Western Australian Planning Commission (WAPC) has referred subdivision application No. 137235 to the Shire for comment. The site’s location is shown in Attachment “A”, while details provided by the proponent are set out in Attachment “B”.

Relevant matters relating to the site and application include:

- the site is 5.2 hectares in area;
- the proposal is to create 3 lots of 1.02ha, 1.02ha and 3.16ha;
- the site contains an existing dwelling and multiple sheds;
- the proponent advises “My client is prepared to establish water tanks on lots 51 and 52 as the Water Corporation are not allowing further access to the existing water main”; and
- the site is zoned “Rural Residential” (in Rural Residential Zone No. 4) and the guide plan for the zone is shown in Attachment “C” which shows 2 lots for the subject land of 2ha and 3.45ha.

Appendix 6 of TPS 2 for Special Rural Zone No. 4 states “Subdivision should generally be in accordance with the Subdivision Guide Plan adopted by Council and endorsed by the Shire Clerk, or any variation approved by the Commission.”

Council’s Local Planning Strategy (LPS) shows the site in the “Upper Hotham Precinct” and identified as “Rural Residential”. Page 32 of the LPS states:

“The reticulated water supply system through the precinct from Ranford to the Albany Highway provides the opportunity for more intensive rural-residential development in proximity to Crossman Road, but will require considerable upgrades of services if any extensive developments are proposed.”

The LPS states on (page 35) that “A minimum of 1ha will be considered where there is reticulated water available. Where there is not reticulated water available, a minimum lot size of 4ha will be considered.

Item 8.1.2 of Council’s Agenda of 6th May 2008, regarding rural residential lots and water, provides background information which is not repeated in this item.

Comment

The proposed 3 lot subdivision is not supported given:

- it is inconsistent with the adopted guide plan for Special Rural Zone No. 4;
- the site is located on a key gateway to Boddington and visual impact is a key consideration;
- there is a need to consider estates/precincts “holistically” rather than considering separate subdivision applications on an adhoc basis (the Shire has received preliminary inquiries to subdivide nearby land to 1 ha); and
- limited justification has been put forward by the proponent justifying the proposal.

Instead, support is given for a 2 lot subdivision, provided both proposed lots are connected to the reticulated water system, in accordance with Council’s Local Planning Strategy and the Council’s interim position on addressing the WAPC’s recent change to Policy DC3.4 (in item 8.1.2). This is because the site is technically able to connect to the reticulated water system and no detailed justification has been given by the proponent supporting on-site water provision.

Subject to resolution of the water issue, there is the potential for some lots in this estate/precinct to be reduced to 1ha provided that relevant land suitability and land capability matters are approximately addressed. However, to address legal requirements of the Shire of Boddington Town Planning Scheme No. 2 (TPS2), there is a need to prepare a new Subdivision Guide Plan for the estate/precinct to support additional and/or smaller lots, which has to occur through a scheme amendment. The scheme amendment process will provide the opportunity to properly consider environmental, servicing, landscape and other planning matters and enable residents, the community, government agencies and other stakeholders to assess the proposal and consider implications.

Consultation

Nil at the subdivision stage, as there is no legal requirement to do so. Previously, widespread community consultation occurred at the scheme amendment state. To achieve additional and smaller lots than outlined in the guide plan, this will require a scheme amendment which will be publicly advertised.

Statutory Environment

Planning and Development Act and TPS 2. The land is zoned "Rural Residential" and as such, subdivision down to 2 hectares in this zone can be permitted as per the guide plan.

Policy Implications

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

The proposed subdivision complies in part with the site's present zoning (the guide plans shows 2 lots but not 3 lots) and the application is generally consistent with the Local Planning Strategy (except the proponent does not intend to connect proposed lots to the reticulated water system).

Financial Implications

The key implication is the provision of reticulated water and exploring options for this subdivision and others in the area to feasibly connect.

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 provide economic benefits to the local economy supporting additional and enhanced services.

Social Implications

These were addressed at the scheme amendment stage.

Environmental Considerations

There is minimal implications given the site is essentially cleared and future development can accommodate flood risk.

Strategic Implications

1. The proposed 3 lot subdivision raises the need to prepare a new guide plan for the estate/precinct.
2. To appropriately address matters key matters associated with making Boddington a desirable place to live, work, invest and visit including visual impact and servicing.

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.

Policy Implications

Council should continue to minimise the number of crossover locations along Crossman Road.

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations

The flood line (222 m contour) will ensure that most buildings are isolated back from the Hotham River.

Strategic Implications - Nil

Options

1. Support;
2. Not support; or
3. Support with conditions.

OFFICER RECOMMENDATION – ITEM 8.1.4.

Council Resolution 97/08 Moved Cr Veitch

That subdivision of Lot 25 Crossman Road be supported, subject to:

1. **Building envelopes being identified on the approved subdivision plan above the 100 year Flood line prescribed by the Department of Water;**
2. **Crossovers to be constructed to the satisfaction of Council; and**
3. **An appropriate notice being placed on all created titles informing owners of the building location constraints evolving from the 100 year flood limit.**

Seconded Cr Hardie Carried 6/0

Mr Donhardt entered the Council Chambers at 5.30pm.

8.1.5 Proposed Subdivision Lot 15 Mistletoe View Crossman

Location: Crossman Highlands Estate
Applicant: T & M Bailey
File Ref. No: 137460
Disclosure of interest: Nil
Date: 30th April 2008
Author: R.J. Belton

Summary

The proposed subdivision of Lot 15 is supported, subject to the proponents' contributing towards the future upgrading of Mistletoe View.

Background

Lot 15 is 12.47 ha in area and contains a single dwelling. It is zoned 'Rural Small Holding', which permits lot sizes to a 4 ha. minimum.

The application is for 3 allotments, all with extensive road frontage.

Comment

The land has been largely cleared with healthy remnant vegetation located on the steeper slopes of the site.

A Western Power line is located along the southern boundary of the property.

Council should require a contribution towards the cost of upgrading Mistletoe View, resulting from the increased traffic generated by the two extra lots being created.

Consultation

Applicant has furnished an orthophoto plan and a site analysis.

Statutory Environment

The area was zoned Rural Small Holding for this type of 'lifestyle' development in Amendment No. 11.

Policy Implications

The proposal complies with Council's Planning Scheme and Local Planning Strategy.

Financial Implications

Council will need to upgrade the road system if the number of allotments is going to increase as a result of the Rural Small Holding zoning.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations

The building envelopes have been located on cleared land and there will be a presumption against the removal of any remnant vegetation.

Strategic Implications - Nil

Options

1. Support;
2. Not support; or
3. Support with conditions.

OFFICER RECOMMENDATION – ITEM 8.1.5

Council Resolution 98/08 Moved Cr Hardie

That the subdivision of Lot 15 Mistletoe View be approved subject to:

1. **All buildings being located 20 metres from any new boundary;**
2. **An adequate on site water collection system being installed for domestic consumption;**
and
3. **The proponent contributing towards the upgrading of Mistletoe View.**

Seconded Cr Veitch Carried 6/0

8.1.6 Proposed Subdivision Lot 31 Mistletoe View, Crossman

Location: Crossman Highlands Estate
Applicant: W Eke & P Smith
File Ref. No: 137342
Disclosure of interest: Nil
Date: 30th April 2008
Author: R.J. Belton

Summary

The proposed subdivision of Lot 31 Mistletoe View is supported, subject to the proponent incorporating a reciprocal access cross easement over the dual battleaxe leg and contributing towards the upgrading of Mistletoe View.

Background

The proposal is to subdivide a 10 ha allotment into 2 lots – 5.3 ha and 4.7 ha respectively. A residence and outbuilding exist on the proposed northern lot, with a water tank positioned in elevated northwest corner of the property. The flatter portion of the land has been cleared of remnant vegetation (orthophoto plan attached). A dam and viticulture plantation exist on the proposed southern allotment.

Comment

Lot 31 has access to Mistletoe View via a battleaxe leg that varies in width between 12 & 18 metres. It will be necessary to create a cross easement access right over this dual access leg between the Mistletoe Road cul-de-sac road and the southeast corner of proposed Lot 101.

Consultation

The proponents were advised to forward a site analysis report and provide an orthophoto subdivision plan.

Statutory Environment

The area was zoned 'Rural Small Holding' when Council approved Amendment No. 11.

Policy Implications

The lot sizes proposal complies with the 'Rural Small Holding' provisions of Amendment no. 11.

Financial Implications

The subject land lies in one of the areas Council is requiring road upgrading contributions from developers, and a road improvement condition should be applied.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations

Building Envelopes have been proposed over cleared land, and there will be a presumption against the removal of any remnant vegetation.

Strategic Implications - Nil

Options

1. Support;
2. Not support; or
3. Support with conditions.

OFFICER RECOMMENDATION – ITEM 8.1.6

Council Resolution 99/08 Moved Cr Veitch

That the subdivision of Lot 31 Mistletoe View be approved subject to:

1. All buildings being located 20 metres from any new boundary;
2. A reciprocal cross easement right being inserted on both titles for the dual battleaxe leg linking Mistletoe View and the south east corner of proposed Lot 101;
3. An adequate on site water collection system being installed for domestic consumption; and
4. The proponent contributing towards the upgrading of Mistletoe View.

Seconded Cr Hardie Carried 6/0

Mr Belton and Mr Thompson left the Council Chambers at 5.38pm.

8.1 Project Manager's Report

8.3.1 Department of Education & Training – Boundary Adjustment

Location: Boddington District High School – Pollard Street
Applicant: Department of Education & Training
File Ref. No: 3.3.2A
Disclosure of interest: Nil
Date: 17 April 2008
Author: Peter Bradbrook

Summary

Council is to consider a boundary adjustment of the Boddington District High School.

Background

The Department of Education & Training has requested a boundary adjustment, as a consequence of an approach by Council to determine whether the Department would require more land to cope with the Boddington Gold Mine Expansion. A copy of the letter and plan provided is included in the agenda.

It has been intended to construct the proposed Long Day Care Centre near the Boddington District High School, rather than on Lots 151 and 152 Bluegum Close, which can be retained for residential purposes once gifted to Council by the Boddington Gold Mine.

The Department of Education & Training was contacted to ascertain if it would require more land to allow expansion if necessary because of increased school numbers. The Department's response was to provide Council with an indication of where the Long Day Care Centre could be built, without restricting the growth of the school.

Council's Acting Chief Executive Officer and the Special Projects Manager met with representatives from the Department of Education & Training on April 10th, at which time it was pointed out that the Department had built over their boundary in three instances i.e.

- Service parking for the covered assembly area/canteen;
- The bus set down exit road to Pollard Street; and
- The half court basketball and volleyball courts – which are located where the Future Teaching Block is shown on the accompanying plan.

The Department's representatives advised they would immediately apply to Council for a boundary adjustment on the western side of the school to rectify the situation that the service parking and exit road are outside their boundary. The Department is also interested in discussing further boundary adjustments to the south-east corner of the school, once the exact location of the Long Day Care Centre has been determined.

Comment

During the discussions with the representatives they were informed that the Long Day Care Centre may be erected east of the school boundary, on the area used by the Riding Club. The Riding Club has been contacted concerning this and has indicated a willingness to forfeit some of the land available for riding.

They then suggested they might come to an arrangement whereby they contribute towards establishing the parking area to assist in serving some of their needs also.

The representatives were also informed that the Indoor Sports Complex Committee were considering constructing the proposed Complex over the existing sealed parking area behind the northern football oval goal posts. They expressed a concern that it would affect the traffic flow to and from the school. The Committee has since determined not to continue with this location.

The plan supplied by the Department shows an area, hatched green, which they may wish to acquire. If agreed to this would have an impact on the option currently under consideration by the Indoor Sports Complex Committee.

It was also ascertained that the school site is not a Reserve. It was actually purchased freehold by the Department of Education & Training from the State Government and they would need to purchase any further land they require in the same manner. Council would not be compensated for giving up portion of the Recreation Reserve.

Consultation

Director of Corporate Services, Mal Parr & Philip Newnham of the Department of Education and Training.

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

The Department of Education & Training will pay all costs associated with the boundary adjustment.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

The boundary adjustment will ensure that the exit road is the responsibility of the Department of Education & Training to maintain. The adjustment will also correct an error that has allowed service parking to encroach on to the Recreation Reserve.

It is being suggested that a feature survey of the Caravan Park Reserve is undertaken, which will provide an indication of where new sites could be developed and where (if there is one) a further ablution block could be constructed.

The public toilets could be replaced with an ablution block, but this would be unsatisfactory unless a public toilet block was built elsewhere, close to the Hotham River picnic area. Likewise, the public toilet block could be converted with a similar result i.e. another public toilet block would be required.

The solution may be to extend the existing toilet block to cater for the increased numbers. Provided all caravans/campers are no more than ninety metres from the ablution block this would be satisfactory.

(Bearing in mind that, should the Long Day Care Centre be constructed near the Boddington District High School, it is intended that the Playgroup should also be assimilated into this project, thus freeing up the grounds of the old Police Station – but not the building itself unless shifted to another site to preserve its heritage value. If the building remained it could be used as a ‘games room’ or ‘television lounge area’).

Consultation – with the Chief Executive Officer, the Caretakers and the PEHO/BS.

Statutory Environment

The *Caravan Parks & Camping Grounds Act 1995* and the *Caravan Parks & Camping Grounds Regulations 1997*, specify the distance between sites, distance from ablutions, number of ablutions required, etc.

Policy Implications - Nil

Financial Implications

The cost expected is between \$5,000 and \$8,000 to have a feature survey undertaken, without any assurance that the State Government will provide funding for any proposed extension.

Economic Implications

Unless there are sufficient bays provided for permanents and tourists there will be an economic implication on local businesses. Council will also lose income and, once the ‘permanents’ have departed, it may take time to attract Caravan Clubs back to Boddington.

Social Implications - Nil

Environmental Considerations

There is a possibility that any expansion could require some trees to be removed, but until the survey is complete and a design prepared this is an unknown aspect of any development. The Caravan Park is connected to the town sewerage system so there would be no leaching of waste water into the Hotham River.

Strategic Implications

Boddington suffers from a shortage of accommodation, which hinders occasions such as the Lions Rodeo and the Music Festival. An increase in any type of accommodation should be welcomed.

Options

Council can:

1. adopt the officers recommendation and subsequently consider future options for management of the Caravan Park;

2. adjust the officers recommendation to complete the survey in 2008/09 financial year; or
3. reject the officers recommendation and not consider renovations/expansion of the Boddington Caravan Park.

OFFICER RECOMMENDATION – ITEM 8.3.2.

Council Resolution 101/08 Moved Cr Hardie

That Council:

1. **endorses a feature survey of the Boddington Caravan Park being undertaken to assist with determining possible future Caravan Park/Camping Ground expansion; and**
2. **allocates up to \$10,000 for out of budget expenses associated with obtaining a feature survey of the Boddington Caravan Park in 2008/09.**

Seconded Cr Veitch Carried 6/0

8.3.3 Boddington Main Street Upgrade Study – Expressions of Interest
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Location: Bannister Road Boddington
File Ref. No: 10.11.3
Disclosure of interest: Nil
Date: 24th April 2008
Author: Peter Bradbrook

Summary

Council is to consider Expressions of Interest received to complete the DoIR funded Main Street Upgrade Project.

Background

When the first submission was made to the State Government for a Social Infrastructure Package, to assist Council to cope with the Gold Mine Expansion, no consideration was given to upgrading the Main Street. This was because it had been indicated that the Gold Mine traffic would travel to Kwinana via Albany Highway, thus no heavy traffic associated with the mine would travel on Bannister Road. Council is also now aware of the growth of residential population of Boddington and the problems that this increase will impose on Bannister Road

Since that time it has been ascertained that the Gold Mine Road Trains will indeed travel along Bannister Road to the Bunbury Port, thus a different scenario to that originally imagined has resulted.

There are now several issues of concern as a consequence and prospective aspirants have been asked to address these. These issues detailed in the Scope of Works included:

- road width
- footpath width
- traffic calming devices
- underground power
- parking (including for over length vehicles)
- footbridge (attached to Bannister Bridge over the Hotham River)
- drainage
- signage, pavements and footpath, decorative street lighting, street furniture and street are

- appropriate street trees and garden species
- public toilets
- playgrounds
- tourist information bay(s)
- RSL – Anzac Memorial Gardens
- road train turnaround – southern entrance to town.

DoIR believes this is one project that would probably receive favourable consideration by Treasury, for funding from the next round of Social Infrastructure funding, because the additional traffic, from the proposed urban development and the Boddington Gold Mine.

Comment

The issues mentioned above are the issues identified, however the Scope of Works clearly indicated that these were to be included but the study is not limited to these. Other issues uncovered during the study should be mentioned in the final report.

The following Expressions of Interest have been received to undertake the Main Street Upgrade Study:

SJB Town Planning and Urban Design, based in Pakenham St Fremantle	\$29,750 Ex. GST
Connell Wagner based in Adelaide Terrace Perth	\$36,502 Ex. GST
Cardno BSD based in Bagot Road Subiaco	\$65,000 Ex. GST

Note: i)Connell Wagner states “we propose to engage a sub consultant to research, make recommendation on, and provide indicative costings for improvements to the appearance of Bannister Road. This shall include:

- Drainage;
- Signage, pavements and footpath, decorative street lighting, street furniture and street art; and
- Appropriate street trees and garden species.

As such, this proposal does not include the methodology for the ‘Appearance’ items of work, and the proposed fee does not include allowance for these works or for the management of the sub consultant”. However, I contacted Ms Louise Round from Connell Wagner to ascertain the probable cost of this additional work and she estimated no more than \$5,000 plus GST. The CEO and I believe this may prove to be an underestimation.

ii) Cardno BSD states “This quote excludes charges by other utilities such as Alinta or Western Power for project related information and excludes a detailed structural engineering review of the issues associated with the footbridge adjacent to the existing Bannister Bridge over the Hotham River. This additional structural engineering task can be undertaken as a variation to this scope by Cardno Buckland subject to additional information being made available”.

The Scope of Work included ‘Foot bridge (attached to Bannister Bridge over the Hotham River) as an issue to address under safety. It appears that at least two of the firms are under the impression the bridge already exists. This can be rectified at the initial meeting with the successful applicant.

It transpires that both Connell Wagner and Cardno BSD have more experienced traffic specialists on staff than does SJB Town Planning and Urban Design, who intend engaging the Australian Roads Research Board (ARRB) for assistance

Background

Council's second hand roller is no longer usable, spending more time being repaired than actually operating with new roads being developed, because of urban and rural subdivisions, a more reliable roller is urgently required for the works crew. The purchase is considered a priority by Council.

On 1st April 2008 Council resolved to invite tenders to supply a self propelled multi wheeled pneumatic tyred roller. Tenders closed on 24th April 2008 and Council needs to reach a decision on the item to be purchased. An amount of \$185,461 remains unallocated from the Government's Social Infrastructure Package.

Six tenders have been received to supply Council with a compliant roller. A copy of the appropriate page from the Tender Register for Tender No. 07-2007/08 is contained in the agenda.

Comment

After taking into account detail relating to cost, availability, referee support, warranty, maintenance and service, plus other features mentioned in the submissions, the Work Supervisor's preference is to purchase an AMMANN AP240 from Conplant AMMANN Australia, which has a local office/workshop at 17 Mercantile Way in Malaga, although their head office is in Smithfield NSW.

The AMMANN AP240 originates in the Czech Republic. The four page tender received accompanies the agenda. To reach the minimum 20,000kg specified in the specification sheet purchasing the steel modulated ballast for \$8,704 would be necessary. This will bring the total price, after trade-in of \$17,000, to \$133,579, plus GST. This remains a lower price than three of the other tendered machines. The remaining two PT-240R's are understood to both be Ingersoll Rand rollers, and not preferred by the Works Supervisor.

The AMMANN AP240 has a Cummins 4B4.5-C99 diesel engine rated at 2200 rpm (74kw). There is a standard full machine warranty of 24 months/2000 hours or, for an additional \$3,896, this can be extended to 36 months/3000 hours. Further details relating to this item of plant will be available at the Council meeting.

Consultation

Mr Greg Donhardt Works Supervisor, Mr Peter Naylor CEO Shire of Cuballing and Mr Peter Clarke CEO Shire of Yilgarn. (Both the Shires of Cuballing and Yilgarn own an AP240 and were satisfied with performance and service)

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

It is intended that this purchase is funded from the Shire's Social Infrastructure allocation for the purchase of plant and equipment. There will be no direct financial implication for Council.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Purchase of a new roller will enable the works crew to prepare roads more appropriately for sealing and to maintain gravel roads and undertake shoulder reconditioning.

Options

Council can select any of the rollers submitted for consideration or reject all tenders and continue to hire a wheeled roller.

Council Resolution 103/08 Moved Cr Veitch

That Council accept the tender of Conplant Ammann Australia for the purchase of an AMMANN AP240 Roller with the optional 4,000kg steel modulated ballast and Extended Power Train Warranty for up to \$154,475 (GST exclusive), the trade in of Council's existing Roller for at least \$17,000 (GST exclusive) being a changeover price of up to \$137,475 (GST exclusive), subject to the purchase being approved by the Social Infrastructure Package Finance Committee or the Department of Industry & Resources.

Seconded Cr Hardie Carried 6/0

8.3.5 Quotes to Provide Motorised Footpath Sweeper

File Ref. No: 07-2008/08
Disclosure of interest: Nil
Date: 29 April 2008
Author: Peter Bradbrook

Summary

Council is to consider quotations for the purchase of a motorised footpath sweeper.

Background

\$800,000 was allocated from the State Government's Social Infrastructure Package for the purpose of acquiring plant and equipment. Prior to this agenda item Council had purchased a mulcher, traxcavator and front end loader. After these purchases an amount of \$253,359 remains for plant and equipment purchases; subject to the following provision:

DoIR advises that as \$400,000 was approved for the purchase of the traxcavator, although only \$328,920 was spent on the purchase, Council needs to apply for the difference (\$71,080) to be made available for another project. The mulcher was estimated to cost \$50,000 but ended up costing \$53,182. Therefore, an amount of \$67,898 (\$71,080 - \$3,182) has been overestimated and must now be applied for.

According to DoIR an amount of \$614,539 has been spent of the \$800,000 allocation. The difference, \$185,461, plus the \$67,898, represents the \$253,359 mentioned above. Note: The front end loader caused no such problem as we applied for the exact amount after purchasing the machine.

On 1st April 2008 Council resolved to invite quotations to supply a Motorised Footpath Sweeper. Quotations closed on 24th April. Three quotations were received; two from the same company.

Comment

The three quotations received to supply a footpath sweeper were as follows:

Rosmech Sales & Service Pty Ltd located at 30 Stanbel Road Salisbury Plain SA quoted on a SCARAB MINOR VM for \$187,964.70, including GST. They also quoted to supply the AZURA CONCEPT sweeper for \$180,853.20, including GST.

The Tennant Company at Unit 2, Block Y, 391 Park Road Regents Park NSW has quoted to supply a Model 6650 Tenant Motorised Footpath Sweeper for \$81,950, including GST.

A copy of the Shire's Specifications for the provision of a Motorised Footpath Sweeper accompanies this agenda item. A copy of the quotation from the Tennant Company is also provided. Council will note that

everything requested, other than the Roll Over Protection Bar, will be supplied or is available. It also recommended that Council enters into the Silver Service Program to ensure the machine is maintained regularly.

The quotations from Rosmech Sales & Services Pty Ltd are well in excess of \$100,000 and Council would need to invite tenders to allow acceptance of either of these quotes. The reason quotations were invited, rather than tenders, was because information had been obtained to suggest a suitable footpath sweeper could be purchased for less than \$100,000. The Sweepers from Rosmech also appear more elaborate and able to sweep roads in addition to pathways.

Note the offer from Tennant to supply two years of free servicing and 10 free brushes if ordered before the end of May.

Consultation

Mr Ron Hendricks from City of Joondalup, who indicated that the City was very satisfied with the Tennant 6650, although its holding capacity was smaller than they would like and they find they need dump sites around the city, from which the debris is picked up later. However their machine works seven days per week, which will not be the case in Boddington.

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

The purchase will be paid for from the Social Infrastructure Package; provided the \$67,898 is approved by Treasury and/or DoIR. If not approved the acquisition is unlikely to proceed.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

The availability of a footpath sweeper will enable Council to maintain its dual use pathways and footpaths free of debris i.e. leaves, honky nuts, gravel, soil, etc. This will eliminate complaints that the paths are neglected and, in some instances, present a hazard i.e. twisting an ankle on a honky nut.

Options

The receipt of only one quotation that Council can afford to purchase from the Social Infrastructure Package restricts the options to either purchasing this machine, deciding not to proceed with the purchase or re-advertising.

OFFICER RECOMMENDATION – ITEM 8.3.5.

Council Resolution	104/08	Moved	Cr Hardie
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That Council:

- 1. accepts the quotation to purchase a Tennant 6650 motorised footpath sweeper at a cost of up to \$81,950, including GST, and**
- 2. the acceptance of the Silver Service maintenance program for the footpath sweeper from Tennant at a cost of \$471 per call (performed every 100 hours or at least 4 times per annum),**

subject to the purchase being approved by the Social Infrastructure Finance Committee or the Department of Industry and Resources.

Seconded

Cr Hoek

Carried 6/0

8.3.6 Tenders to Widen, Construct & Seal Robins Road (2,350 metres) – Tender No. 06-2007/08
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Location: Robins Road – from Farmers Avenue to Refuse Site Entrance
Applicant: Special Projects Manager
File Ref. No: Road No. 13
Disclosure of interest: Nil
Date: 30 April 2008
Author: Peter Bradbrook

Summary

Council is to consider tenders for the construction and sealing of Robins Road.

Background

The State Government's Social Infrastructure Package contains \$200,000 to upgrade local roads. Council resolved on 4th March 2008 to invite tenders to widen, construct and seal Robins Road, as a consequence of the additional traffic resulting from the Gold Mine Expansion, following confirmation from the Department of Industry & Resources that funding of this project has been endorsed. Tenders closed on 28th April 2008.

Robins Road continually experiences significant corrugations. Because of the additional traffic generated by the Gold Mine this is likely to continue indefinitely. Sealing the road will remove the continual attention required to maintain the road to a satisfactory standard.

Comment

The following tenders were received to undertake the widening, construction and sealing of Robins Road:

		<u>Time for Completion</u>
Buckleys Earthworks & Paving (Mandurah)	\$253,346.25 plus GST	3.5 weeks
Jaycole Construction (Serpentine)	\$245,000.00 plus GST	6.0 weeks
Tasman Civil (Midland)	\$410,209.64 plus GST	12.0 weeks
Westflow Investments Pty Ltd (Boddington)	\$291,424.00 plus GST	10.0 weeks

Plus a Non-Conforming tender from Westflow Investment Pty Ltd \$280,144.00 plus GST

Consultation – Mr Greg Donhardt & Mr Richard Summerfield (Shire of Serpentine-Jarrahdale) Mr Summerfield indicated that Jaycole Construction would be capable of completing the widening, constructing and sealing of a rural road.

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

\$200,000 is available from the Social Infrastructure Package, which is obviously insufficient. It will be necessary to approach the Department of Industry & Resources for the additional funds required to enable the job to be completed. If the roller and the sweeper are purchased as per the foregoing items there would be \$41,384 remaining from the plant and equipment allocation. An application to transfer this amount and a further \$3,616 from the stormwater drainage allocation would cover the additional cost if the lowest tender was accepted.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations

There will be some removal of suckers from the eastern side of Robins Road. The Works Supervisor advises that this side has been cleared previously.

Strategic Implications

Robins Road leads to the Refuse Disposal Site. With increased traffic, resulting from additional commercial, industrial and residential waste, the road is becoming busier with corrugations being continually evident. Sealing the road will eliminate continual grading of the road.

Options

Council can:

1. accept the officers recommendation or;
2. not accept the officers recommendation, reject all tenders and consider alternative methods of completing this task for up to \$200,000; or
3. not accept the officers recommendation, reject all tenders and not complete this project.

OFFICER RECOMMENDATION – ITEM 8.3.6.

Council Resolution	105/08	Moved	Cr Veitch
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That Council accept the tender of Jaycole Construction to widen, construct and seal Robins Road from Farmers Avenue to the Refuse Disposal site entrance for up to \$245,000 (GST exclusive) subject to the road being completed by the 31st December 2008 and the purchase being approved by the Social Infrastructure Finance Committee or the Department of Industry and Resources.

Seconded	Cr Hardie	Carried	6/0
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8.3.7 Reserve List of Street Names for Future Subdivisions

File Ref. No: 12.7.8
Disclosure of interest: Nil
Date: 22 April 2008
Author: Peter Bradbrook

Summary

Council is to consider additional names to be added to the Shire of Boddingtons Reserve List of Street Names for future subdivisions.

Background

On 18th March 2008 Council resolved to submit 14 names to the Geographic Names Committee for endorsement, as future street names for the Shire of Boddington. Three of these names were excluded from the list approved by the Committee; McRae, Gordon & Marri. A further eight names were identified as existing in neighbouring shires (Atkinson, Bottlebrush, East, Eucalypt, Redgum, Sandalwood, Vagg and Wandoo) and Council needs to check with the committee before allocating these street names. Consequently, additional street names may be required and further names are presented for consideration.

The Geographic Names Committee has been approached to ascertain why McRae, Gordon and Marri were not approved. It has since been ascertained that Marri had been allocated to an unmade road at the end of Banksia Crescent. Marri can still be used in the Gold Mine subdivision.

Comment

The following names are submitted for consideration. They have all deceased, other than Mr GWYNNE and note the remarks relating to HALL & MARLIN. Comments relating to each are shown alongside.

THORNE – Both Lotti (deceased 22/08/2006) and Garnet (09/09/2000) were elders of the Noongar people. The Thorne family has resided in the Boddington district for many years.

PRICE – Leo (20/10/2001) and Myrtle (12/05/2006) although not living in Boddington at the time of their deaths both were buried in the Boddington Cemetery. Their two sons drowned in the Hotham River during the fifties when the family did live in Boddington.

PYKE - John (25/11/2005). John lived in Boddington for more than 50 years and died in office whilst a Shire of Boddington Councillor. Descendents remain in Boddington.

PATTEN - Daphne (27/06/2003) and Herbert Benjamin (5/02/1997) – prominent farming family in the Boddington District. Descendents still reside in Boddington.

AUSTIC - Ken (04/09/2001) – prominent businessman in Boddington. Hospital Board member. Town Square named in his honour. Family still remains in Boddington.

HAMES – Reg - Not buried locally. Served as Medical Practitioner for Shire of Boddington for 7-8 years, ceasing shortly before his death in 2007.

KARAFIL – John (14/09/2002) – migrated from Albania. Along with brother Mick became prominent primary producers with large holdings in Shire of Boddington. Popular inaugural member of Boddington Lions Club.

STEVENS – Nada (14/09/2000) – pioneer woman and prominent primary producer in Shire of Boddington. Son became Shire President and still resides in Boddington.

O'DEA – Athol (22/09/2006) – prominent citizen of Boddington. Resided in district for many years.

THOMPSON – Arthur James (12/12/1996) – prominent family name in Boddington. Several of his prodigy still reside in Boddington.

HENRICKSON – Laurie (08/2002 – cremated) – prominent family name in Boddington. Relatives still reside in Boddington.

GWYNNE - Ron (Suffering from very bad Alzheimer's disease) Last Secretary of the Marradong Road Board (1956 – 1961). First Shire Clerk of the Shire of Boddington (1961 – 1966). Original Rat of Tobruk.

HALL – several members of the Hall family have been buried locally. Descendents still live in Boddington. Hall's Cottage is recorded in the shire's Municipal Heritage Inventory as the first shop in Boddington. (Note: The inventory gives no reason as to why the Cottage was called Hall's. It was originally built and operated by a family called Taylor).

MARLIN – during preparation of this item it has been pointed out that MARLIN was given to an original estate in the Marradong locality by an English gentleman, who acquired the estate whilst still in England. The name MARLIN was given to a local road, which extends into the Shire of Williams, however the Williams Shire called the road Marradong Road and, eventually, the entire road was called Marradong and MARLIN

was excluded as a street name. Former local families in the area would like the name reinstated on the list of street names.

The local Cemeteries Register has been perused to uncover the above names. They are all considered to be prominent names in the history of the shire.

Councillors have been asked to submit six names each for consideration to add to the list, if there are names not already mentioned under Background.

Consultation

Some local families - individually

Statutory Environment

The Geographic Names Committee has the final say in which names can be utilised. Council has the right to submit names for consideration.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications

The names submitted for consideration do recognise several prominent families that have resided in the Boddington district for many years.

Environmental Considerations - Nil

Strategic Implications - Nil

Options

That Council

1. accept the officers recommendation;
2. accept the officers recommendation with amendment; or
3. not accept the officers recommendation.

OFFICER RECOMMENDATION – ITEM 8.3.7.

Council Resolution

106/08

Moved

Cr Veitch

That Council submits the following names to the Geographic Names Committee for endorsement as future street names for the Shire of Boddington:

- **Thorne**
- **Price**
- **Pyke**
- **Patten**
- **Austic**
- **Hames**
- **Karafil**
- **Stevens**
- **O'Dea**
- **Thompson**
- **Henrickson**

- Gwynne
- Hall
- Marlin

Seconded

Cr Patten

Carried 6/0

8.3.8	Department for Planning and Infrastructure – Proposed Freehold Lot 500 (Shire Depot)
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Location: Reserve 20758 – Depot Site
 Applicant: Department for Planning and Infrastructure
 File Ref. No: R20758
 Disclosure of interest: Nil
 Date: 29 April 2008
 Author: Peter Bradbrook

Summary

Council is to consider the possible purchase of Lot 500 Johnstone Street, Boddington.

Background

Towards the end of 2006 Council wrote to the Minister for Peel, Hon. David Templeman, asking that he arrange for the Works Depot site, Reserve 20758, to be ‘gifted’ to Council to allow residential development for staff. The request was referred to the DPI, which advised on 16 July 2007 that a valuation of \$360,000 plus GST had been placed on the site, should Council wish to purchase the Reserve freehold. Further costs included document preparation fee of \$96.00 and registration fee of \$85.00.

On 27 July 2007 correspondence was sent to the DPI asking verification of the cost, with an indication that our Town Planning Consultant having suggested that they may have been unaware a ‘significant proportion’ of the lot was within the 1,200 buffer zone and this could affect the valuation.

On 30 October 2007 the DPI advised that Landgate Valuation Services had confirmed that the valuation of \$360,000 was still valid on the basis of ‘as is’ and the current use being “industrial”. DPI mentions that Council is aware that the buffer zone does not restrict development of the land for industrial purposes with restrictions only applying to residential development.

DPI continues: “If the intention from Council is to rezone to “residential” the issue can be further considered in respect to future residential potential of the land and would need to involve the following:

- A Hypothetical Development Valuation;
- A determination of the exact location of the buffer zone and where it intercepts the subject land; and
- An accurate determination of the cost of investigation and remediation of the site due to possible contamination.”

It appears that this latter correspondence was not referred to a Council meeting, although it may have been raised at a Briefing Session and no further action was taken.

Council has now received further correspondence from DPI asking if Council has further considered the proposal in respect to rezoning and further negotiations regarding the valuation. DPI has included a copy of the location of the buffer zone, which indicates not as much of the site is affected as was thought. (A copy is provided)

Comment

With the soon to be available five lot residential subdivision in Pollard Street, and the two lots being transferred to the Shire of Boddington by the Boddington Gold Mine, the urgency for residential lots has been alleviated to some extent.

It is being suggested that DPI is informed that Council does not wish to proceed with the purchase or rezoning of Reserve 20758. If, at some future time, Council believes the land should be developed for residential purposes the Chief Executive Officer suggests Landcorp could be requested to develop the site. Who would be responsible for reversing any contamination of the site in this instance would need to be determined.

Council's Town Planning Consultant, Mr Belton has since advised that his initial assessment of the 6000m² left outside the buffer zone indicates Council could develop up to 25 units on the site, possibly strata titled, if the site was rezoned R40. This would require the Minister's approval. It is realised that Council would need to borrow to develop the site and there are no assurances the units would sell quickly. Whether it could be an extension of the proposed Seniors Village, thus making management of the Village more attractive, is food for thought.

Consultation – with Chief Executive Officer and Mr Belton

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

By the time the transaction to purchase and rezone the site was completed there should be ample private residential lots available for purchase. Too many lots will likely reduce the price of residential lots, which would be good for buyers but not so for developers.

Council cannot commence to redevelop this site until after the Council Works Depot is relocated. Council can reconsider possible residential redevelopment of this site when the location is nearer to completion.

Options

Council can either purchase or not purchase the site. It would be pointless in continuing to have the site 'gifted' to Council as it is highly unlikely to happen, based on past experience.

OFFICER RECOMMENDATION – ITEM 8.3.8

Council Resolution 107/08 Moved Cr Patten

That Council notifies the Department for Planning & Infrastructure that it does not wish to proceed with the proposed freehold purchase of Lot 500 on Deposited Plan 55398, Reserve 20758 vested in the Shire of Boddington for the purpose of a 'Depot Site' at this time.

Seconded Cr Hardie Carried 5/1

8.3.9 Proposed Boddington Seniors Village – Call for Expressions of Interest to Develop & Manage

Location: Lot 165 Forrest St Boddington
Applicant: Aged Persons Committee
File Ref. No: Reserve 41045
Disclosure of interest: Nil
Date: 30 April 2008
Author: Peter Bradbrook

Summary

Council is to consider inviting Expressions of Interest to develop and manage a Seniors Village on Reserve 41045.

Background

The need for local aged facilities has been recognised for many years. In the course of discussions with representatives from the Department of Employment and Consumer Protection, aged care providers, members of the community, committee members and councillors it has been accepted that the way forward should be by developing a Seniors Village for the over 55's.

Research has suggested that there may be an aged care provider interested in assisting with the development and management of a Seniors Village on Reserve 41045 which, it is estimated, will currently allow approximately 38 residential units to be built, together with a community facility and BBQ area.

Comment

Council has been informed that the State Government will sell the site freehold to Council for \$800,000. It has been suggested that we may be able to negotiate this figure downwards, with the intent of keeping the 'fixed loan' price of the units at an affordable level. Arrangements are underway to pursue this possibility.

However, Council does not have the finances to proceed with the project and would need to raise a significant loan to proceed with developing the site. (38 units @ \$300,000 represents \$11,400,000. Even at \$250,000 per unit – which would be difficult to achieve - \$9,500,000 would be required). The Chief Executive Officer advised the Aged Persons Committee that Council may not be able to raise these funds. Should, as has been suggested, Council build only 10 units with its own resources, as a first stage, the cost would be around \$5,000,000 as the power, water, sewerage, roads, etc. would need to be installed for all 38 units at the commencement of the project.

The Aged Persons Committee therefore recommends that Council invite Expressions of Interest, as per the format included at Attachment A. This will at least enable Council and the Committee to determine whether there are one or more aged care providers interested in developing and managing the site. If there are no responses Council may need to proceed with a staged development as a last resort. The public meeting on 23rd April certainly decided that the sooner the seniors' village was constructed the better.

Consultation – with six of the eight members of the Aged Persons Committee; two being absent.

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

Should the Expressions of Interest be successful there will be minimal cost to Council. Some costs that may be incurred are: advertising costs, transfer fees on purchasing the Reserve freehold, legal

fees entering into a contract with an Aged Care Provider and further transfer fees if the site is sold to the provider. Council may be able to recover the costs involved when selling the site.

condition and pre used materials were used without the approval of Council). A period of twenty eight days was given for both of the owners to either remove the fence or erect a fence that complies with the requirements of the Local Law. This has not been complied with.

Comment

It should be borne in mind that the fence at issue here is the old iron boundary fence from the front of the properties to Mr Hsu's carport. The chain mesh fence also on this property is still in reasonable condition and is not part of the Notice.

I have spoken to Mr Hsu about the reasons behind the work not being carried out and he has advised that he can not get agreement with Mr Gallego. Mr Gallego has approached the CEO and has stated that he can not get agreement from Mr Hsu to replace the fence. It is possible that they may not agree to any suggestion from the other party and it may be prudent for Council to invoke the requirements of the Local Law in 15 (3) and enter onto the properties and remedy the breach and recover the expenses in a court of competent jurisdiction.

Council can enter the property to remove the fence and also rebuild a sufficient fence. All the costs and actions are recoverable. Given the difficulties between the two parties, it is suggested that Council remove the existing fence, construct a sufficient fence and recover the costs.

Council would need to enter onto the properties with the contractor to gain a quote to replace the fence and then to carry out the work. This would require Notice to be given to both owners from the entry to quote and the entry to carry out the work.

Consultation

Chief Executive Officer -Mr G Sherry,
Director Corporate Services – Mrs C Martin,
Mr Hsu and Mr Gallego

Statutory Environment

Shire of Boddington – Local Law Relating to Fencing Part 6 No. 15 outlines the process regards Notice and action that can be taken should Notice not be complied with.

Council has served notice on both Mr Hsu and Mr Gallego that their dividing fence is in breach of Council's Local Law Relating to Fencing, and given 28 days to remedy the breach.

Given that compliance has not been achieved within 28 days, Council is now entitled to enter the lots, remedy the breach and recover the costs of doing so.

Policy Implications - Nil

Financial Implications

Costs of engaging a contractor to supply and install the fence and costs on any court action, should it be necessary, to recover the costs from both owners

Economic Implications - Nil

Social Implications

Tidy up of a fence that is an eyesore and in a dilapidated condition.

Environmental Considerations - Nil

Strategic Implications - Nil

OFFICER RECOMMENDATION – ITEM 8.4.1

Council Resolution 109/08 Moved Cr Hardie

That Council engages a contractor to replace the used iron boundary fence only between Lots 16 and 1384 Bannister Road with a steel sheeting fence that complies with the requirements of the First Schedule of the Shire of Boddington – Local Law Relating to Fencing, and recover the costs from the owners of these lots.

Seconded Cr Veitch Carried 5/1

8.5 Director of Corporate Service's Report

8.5.1 Overdraft Facility

Applicant: Shire of Boddington
Disclosure of Interest: Nil
Date: 15 April 2008
Author: Carmel Martin

Summary

Council is to consider authorising out of budget liability for an Overdraft Facility to ensure the Shire of Boddington is not placed into short term financial difficulty.

Background

Due to considerable infrastructure growth within Boddington it has been identified that the Shire of Boddington may need to cover considerable costs in advance prior to reimbursement from funding authorities. The time difference between paying creditors and receiving funding could place the Shire of Boddington in short term financial difficulty.

Comment

In July 2007 a transfer of \$200,000 was made from Council's Reserves Bank Account to the Municipal Bank Account. At that time, the Reserves Bank Account had over \$600,000 in funds, whilst the Municipal Bank Account had a low balance prior to rates monies being received. The funds were transferred back in August 2007. This was highlighted by the Auditor in the Financial Management Review conducted March 2008. S6.11(2)(b) of the Local Government Act 1995 prohibits a change in the use of money placed into a reserve account unless such change in use has been disclosed in the annual budget or Council gives one month's public notice of the change in use and approves the change in use by absolute majority.

The use of reserves funds was not disclosed in the 2008 budget nor did Council approve or give public notice of the change in use.

After completion of the Annual Budget Review it has become apparent that an Overdraft Facility may be required to enable cash flows out resulting from infrastructure projects in progress, and to provide bridging finance in the short term prior to when monies are received from 2008/09 rates being raised.

Approval is sought for an Overdraft Facility to enable the payment of creditors in the short term whilst funding has not been received for projects. As approval for an Overdraft Facility was not authorised as part of the 2007/08 budget, the Shire of Boddington is required to give 30 days public notice.

Consultation

CEO, Mr Jules Ueckermann – Auditor for UHY Haines Norton, National Australia Bank and Mr Peter Hayes the Department of Local Government and Regional Development.

Statutory Environment

Local Government Act 1995:

6.20. Power to borrow

(1) Subject to this Act, a local government may —

- (a) borrow or re-borrow money;
- (b) obtain credit; or
- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (“**power to borrow**”) and details of that proposal have not been included in the annual budget for that financial year —

- (a) unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

(3) Where a local government has exercised a power to borrow and —

- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,

the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month’s local public notice is given of the proposed change of purpose.

* Absolute majority required.

Policy Implications - Nil

Financial Implications

This is an out of budget liability item.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

Options

That Council

1. resolves to adopt an Overdraft Facility; or
2. does not adopt an Overdraft Facility.

Council Resolution 110/08 Moved Cr Hardie

That Council:

1. obtains an Overdraft Facility of up to \$500,000 as an out of budget liability and give the required 30 days notice prior to raising the facility; and
2. authorises the signing and sealing of the necessary approval documentation.

Seconded Cr Veitch Carried 5/1

8.5.2 Hotham Landcare Catchment Funding

Location: Boddington, Cuballing and Wandering Shires
 Applicant: Shire of Boddington
 File Ref. No: 10.2.2
 Disclosure of interest: Nil
 Date: 24th April 2008
 Attachment: Funding Statement Forecast to 30/09/08
 Author: Carmel Martin

Summary

Council is to consider increasing its current contribution up to \$15,000 to the Hotham Catchment Landcare Committee, and to consider contributing one-third of the capital cost of purchasing a vehicle for use by the Landcare Officer in the 2008/09 budget year.

Background

Council currently contributes an amount of \$10,000 as our in-kind contribution towards the operating costs of the Hotham Landcare Catchment Committee. The Cuballing and Wandering Councils also contribute \$10,000 each.

The Hotham Catchment Committee feels that given the uncertainty involved in the future of this program funded by the State Government, that the Government will want to see an increase in the contribution by Local Government. A request is made to consider a contribution up to \$15,000 for the 2008/09 Budget year, taking into consideration the following factors:

1. Funding could cease from SWCC (South West Catchments Council) as at 30th September 2008 and no contribution would be required from the Shire of Boddington.
2. Funding could continue from SWCC and accordingly an increase in the contribution required from the Shire of Boddington would be requested up to \$15,000.

The Landcare Officer has use of a motor vehicle that is currently owned by the Shires of Cuballing and Wandering jointly. At the time of the decision to purchase the vehicle the Shire of Boddington was not financially able to contribute towards the purchase and opted to contribute a lease fee to both these Shires of \$1,450 per Shire.

In the 2007/08 budget year it was decided between the 3 Shires to cancel the payment of the lease fee from the Shire of Boddington to the Shires of Cuballing and Wandering. A lease fee would then be payable from Hotham Catchment to the 2 Shires of \$4,200 each. The reasoning for this was due in part to the considerable amount of surplus expected to be remaining in the Hotham Catchment funds forecast at the end of 30th June 2008. This present arrangement is confusing as the vehicle is not owned jointly by all Shires involved in the Landcare region.

The motor vehicle has now completed just over 100,000 kilometres and the desire by the Shires of Wandering and Cuballing is to buy another 4WD Dual Cab in the 2008/09 year for the Landcare Officer to use. These 2 Shires have asked Boddington if they are interested in sharing the cost of buying the replacement motor vehicle which would then lead to a combined contribution towards the vehicle by all 3 Shires.

If the Shire of Boddington agrees to contribute one-third of the capital cost of purchasing a vehicle, then a review of the lease payments payable by the Hotham Catchment to the Shires will be required. The 2007/08 lease payment to the two Shires is \$4,200 each. A three way split could be approximately \$2,800 each.

Comment

Attached is a copy of the Funding Statement for Hotham Catchment for the period 1st July 2006 to 31st March 2008. Forecasted spending to the end of the funding period of 30th September 2008 is also provided.

There is uncertainty as to whether funding will continue past 30th September 2008. Darralyn Ebsary, the current Landcare Officer, is finishing her employment with the Hotham Catchment on 30th June 2008. An advertisement for a replacement Landcare Officer has been placed and a decision to employ will be made shortly however the contract for this position is only up to 30th September 2008.

Given the increased number of small landholders within the area, the need for the continued services of a Landcare Officer becomes more critical.

Consultation

CEO, Gary Bird – CEO Wandering, Peter Naylor – CEO Cuballing, Ian Turton – Chairman Hotham Catchment Landcare Committee, and Darralyn Ebsary – Landcare Officer.

Statutory Environment - Nil

Policy Implications Nil

Financial Implications

Any funding approved will form part of the budgeted costs in the 2008/09 budget.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations

There are a considerable number of small landholders who may not be aware of the environmental impact they could place on the land if they are not adequately informed. The Landcare Officer provides the necessary tools and training to assist these landholders.

Strategic Implications - Nil

Options

That Council:

1. resolves to adopt as part of the 2008/09 Budget a one-third contribution towards the capital cost of purchasing a motor vehicle for use by the Landcare Officer appointed by the Hotham Catchment Landcare Committee;
2. resolves to adopt a Shire of Boddington Contribution to the Hotham Catchment Landcare Committee up to an amount of \$15,000 as part of the 2008/09 Budget;

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 “CARROTTS” 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.

Comment

Subsequent to the Ordinary Council Meeting held on 15 April 2008, the developer of lot 90 Hill Street sought notification of the preferred names for the two roads within this subdivision to be included in the submission of final surveys.

Given that Council has a valid resolution identifying the names Carrotts and Batt for these roads, the names were formally submitted.

Council has been advised that should they wish to alter the name of either of these roads:

1. The Geographic Names Committee would charge a fee of \$220 for a unnecessary road name change; and
2. Would incur cost of changing street signs and advertising/publicity materials produced by the developers.

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.

Mr Harold Carrotts served as Shire President from 1970 to 1980 and is to date the longest serving Shire President. It can reasonably be argued that the name Carrotts should be used to name a more important regional connector road, rather than a short internal subdivisional road in keeping with Mr Carrott’s service to and standing within the community

Council can move to establish a policy for the future allocation of names to new roads, where Council can ensure that the names with the greatest significance to the community are allocated to those geographical features of the greatest significance to the community.

Council currently has the following names on the GNC approved list:

- Vagg
- Haynes
- Redgum
- Atkinson
- Bottlebrush
- Eucalypt
- East
- Wattle
- Sandalwood
- Drabble
- Wandoo
- John

Consultation

Input has been sought from the developers of lot 90 Hill Street and the Geographic Names Committee.

Statutory Environment

To make an alternative resolution, directly contrary to Resolution 78/08 made at the Ordinary Meeting Of Council held on 1 April 2008, Council must rescind this motion.

Local Government Administration Regulations

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)
 - (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

- (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Policy Implications - Nil

Financial Implications

Council would incur costs in the region of at least \$1,000 of fees of the Geographic Names Committee and developers operating costs.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations – Nil

Strategic Implications

Options

Council can:

1. resolve to adopt the Officers Recommendation to not change the road name Carrotts Place at this time or move and accept the alternative resolutions to change the road name Carrotts Place; and
2. move to have staff prepare policy for Council to consider to manage the allocation of names to newly constructed road.

OFFICER RECOMMENDATION – ITEM 8.6.1

Motion	Moved	Cr Veitch
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That Council:

1. not pursue a change the name of “Carrotts Place” at this time; and
2. establish a policy for the future allocation of names to new roads, where Council can ensure that the names with the greatest significance to the community are allocated to those geographical features of the greatest significance to the community.

Seconded	Cr Hardie	Lost	2/4
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ALTERNATIVE RESOLUTIONS – ITEM 8.6.1

Council Resolution	112/08	Moved	Cr Hoek
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That Council accept a motion to rescind Resolution 78/08.

Seconded	Cr Day	Carried	5/1
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Council Resolution	113/08	Moved	Cr Hoek
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That Council rescind Resolution 78/08.

Seconded	Cr Day	Carried	4/2
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That Council:

1. seek to change the name of “Carrotts Place” to “Wandoo Place” and “Batt Link” to Redgum Link;
2. retain the name “Carrotts” for a more important road in keeping with Mr Harold Carrott’s status and standing in the community, reflecting his 10 year Shire Presidency; and
3. establish a policy for the future allocation of names to new roads, where Council can ensure that the names with the greatest significance to the community are allocated to those roads of the greatest significance to the community.

Seconded

Cr Hoek

Carried

5/1

8.6.2 Deed of Easement – Drainage Lot 90 Hill Street

Location: Lot 90 Hill Street
 Applicant: Barenco Developments Pty Ltd
 File Ref. No: 133495
 Disclosure of interest: Nil
 Date: 30 April 2008
 Author: Gary Sherry
 Attachment: 8.5.2 Deed of Easement

Summary

Council is consider signing and sealing a Deed Of Easement over Location 8016 to allow Council access to drainage associated with the residential subdivision of Lot 90 Hill Street.

Background

Subdivision Approval was grant for the development of Lot 90 Hill Street Boddington, now owned by Barenco Developments Pty Ltd, in April 2007 conditional upon:

6. The land being filled and/or drained at the subdivider’s cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.

Comment

Council has now received the draft Deed of Easement over Location 8016 to allow Council access to drainage associated with the residential subdivision of Lot 90 Hill Street. This document is included at Attachment 8.5.2 for Councillor Information.

The 6 metre wide easement relates to the construction of a drain 142m in length on the north east side of lot 90 Hill Street on location 8016 to control water from loc 8016 entering the subdivision. This drain is then connected by drainage on Lot 90 Hill Street to the recently constructed town drainage system.

While this easement is over land not part of the subdivision application other easements will be required over lots within the subdivision which contain drainage.

Consultation - Nil

Statutory Environment

A Council resolution is required to authorise use of the Council seal on the document.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

Options

Council can authorise use of the Council Seal on the attached Deed or require an amended deed that provides better control of the area in location 8016.

OFFICER RECOMMENDATION – ITEM 8.6.2

Council Resolution 115/08 Moved Cr Hardie

That Council authorise the signing and sealing of the Deed of Easement included at Attachment 8.6.2. with the amendment that:

1. **clause 14.10 be amended to reflect that the Grantor be responsible for all costs of preparing the Deed of Easement.**

Seconded Cr Veitch Carried 6/0

8.6.3 Boddington Lot 1817 – Crown Lease J105600

Location: Lot 1817, Siding Road
File Ref. No: SID1817
Disclosure of interest: Nil
Date: 30 April 2008
Author: Gary Sherry

Summary

Council comment on the proposal to renew the lease over lot 1817 Siding Road is sought

Background

Lot 1817 Siding Road was granted for the purposes of “Pipeline and pumping station” on 1 July 1987 for 21 years and expires on 30 June 2008.

The lease is used by the Boddington Gold Mine for the purposes of pumping water from the Hotham River.

Comment

Council comment on the proposal to offer the current lessees a further lease of lot 1817 Siding Road for a period of 21 years for a similar purpose.

Consultation - Nil

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

There are no financial implications for Council. Council currently rates this lease, and would be expected to do so in the future.

Economic Implications

This lease is a part of the Boddington Gold Mine infrastructure.

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

Options

Council can accept the officers recommendation or resolve to alternative comment.

OFFICER RECOMMENDATION – ITEM 8.6.3

Council Resolution 116/08 Moved Cr Hoek

That Council has no objection to the proposal to offer the current lessees a further lease of lot 1817 Siding Road for a period of 21 years for a similar purpose.

8.6.4 Formation of Peel Region Organisation to Facilitate Cooperation

File Ref. No: 4.3.2
 Disclosure of interest: Nil
 Date: 1st May 2008
 Author: Gary Sherry

Summary

Council is to consider in-principal support of establishing a Peel Voluntary Regional Organisation of Councils (VROC).

Background

Resource sharing has been encouraged within the Peel Region's five local governments. In May 1999 the five local governments in the Peel Region also committed to and signed a *Regional Cooperation Agreement* which read:

"By this Regional Cooperation Agreement the undersigned Peel Region Councils shall seek to further encourage support and cooperation between their communities by emphasising mutual interests, fostering individual concepts, and recognising and supporting aspirations and goals of the individual communities, to the benefit of all and to the enhancement of the Peel Region."

Subsequently co-operation within the region has included initiatives such as the Peel Economic Development Unit, Peel Tourism Association and more recently a Risk Management Group. For a short time some of the region's Council's joined together to form the Peel Regional Council with a focus on establishing a regional waste handling facility, however the initiative lost momentum and the regional council was disbanded. There has been ongoing discussion about forming a Regional Organisation of Councils (ROC) with the Water Quality Improvement Plan proposal in 2007 creating a new impetus.

The release of "The Journey: Sustainability into the Future" by WALGA in 2008 has added a new dimension to the discussion of regional co-operation. The report discusses the structural reform agenda for local government in the West Australian context and provides comment of how local government can achieve a reform approach which does not lead to the contemporary Australian approach which is amalgamation and bigger local governments. The report proposes a move to service delivery on a regional basis as a means to implement structural reform for the local government sector. This might be through formation of a Voluntary Regional Organisation of Councils (VROC) or a more formal arrangement through a regional local government.

A VROC can develop and deliver a local government regional perspective. They do this by constituting a forum through which the experience, ideas and efforts of member Council's can be captured and cultivated. In an Australia wide context ROC's vary in size, capacity and in their selected areas of focus. However, most engage in a range of activities, which can include the following:

- Research - underpinned by the advantage of taking a regional perspective on the many issues and developments which cross local boundaries
- Regional strategies integrating economic, social, environmental and cultural development
- Resource sharing (to seek efficiencies in service delivery) is an integral part of a ROC's operation
- Advocacy - promoting and protecting their regions
- Brokering or facilitating the development and implementation of programs of central governments.

VROCs can position themselves to contribute to opportunities and priorities as they emerge. Some attempts at regional co-operation fail to maximise opportunities because the approved constitution (or other from of agreement) limits flexibility and responsiveness, leading to opportunities being missed.

In 2003 the Chief Executive Officers in the Peel Region agreed that the existing Peel Economic Development Unit, whilst focused on economic development, has provided a useful trial period of the benefits of regional co-operation. The benefits include:

- Cooperation/trust between PEDU members
- Maintaining the Peel Region identity
- Support for major projects and issuers
- Retaining the Business Development Manager – role and position
- Developing Regional Marketing Campaign Stage 2
- Understanding by members of what is happening in the region.

An examination of the creation of a VROC in 2003-2004 did not result in a new organisation because of the ambivalence of some Council's. Instead the WALGA Peel Zone was utilised as an existing opportunity for dialogue and co-operation. The focus was proposed to be as follows:

- a) Regional co-operation initiatives
- b) Management
- c) Community
- d) Development
- e) Environment
- f) Governance
- g) Transport
- h) Waste management
- i) Economic development issues for referral to PEDU.

In June 2007, the concept of a VROC for Peel was again discussed. Membership was proposed to include City of Mandurah, Serpentine Jarrahdale Shire, Shire of Murray and Shire of Waroona. Future potential members were identified as including City of Rockingham and Shire of Harvey.

A major impetus for establishing a VROC was the Water Quality Improvement Plan (WQIP) and Climate Change initiatives for the Peel Region. These initiatives require a formal regional organisation to attract supporting funds from the Federal Government. The VROC is intended to form the co-ordinated Local Government Body, suggested under the governance structure that has been proposed to implement the Peel-Harvey Water Quality Improvement Plan which is awaiting Ministerial endorsement. Initial work on developing the VROC proposal has stalled and requires renewed effort to achieve a region wide commitment.

The local governments of the Peel Region have made some progress in regional co-operation but fall considerably short of the potential achieved by other regions and would not be considered a sustainable model in terms of the WALGA report proposals for regional cooperation.

Comment

There is a strong argument that the “bigger is better” proponents of local government reform have got it wrong. This includes a lack of evidence to support the premise that bigger local governments will be more efficient and effective. But this does not mean an amalgamation approach will never be on the agenda in WA. Although the evidence to support the option is scanty there is no shortage of proponents who believe local government is incapable of achieving change and that change must be imposed.

The WALGA SSS Report has recognised that local government in Western Australia must change significantly. Concern has been expressed through the consultation process that developing a reform programme for the sector may encourage the State Government to push through its own programme, ignoring the intended voluntary nature of the 10 Year Plan.

However, the history of local government reform suggests that unless the sector is willing to show leadership, the State Government is likely to enact forced structural reform. Most often this has embodied forced amalgamations and mergers of neighbouring local governments.

There appears to be adequate benefits to the Peel Region and member Council's to consider establishing a VROC. For Councils to formally consider this opportunity, Council would require to give "in principal support" and agree to the preparation of a detailed proposal for each Council to consider.

No clear pattern is available to guarantee a successful model for regional co-operation. Indeed successes have been achieved through a variety of alternative approaches. These include ad hoc resource-sharing, ROCs and regional local governments. Research has indicated that the critical attributes which contribute to the successful ROC are the intangible factors of commitment, teamwork, regional vision, trust, openness, communication, leadership and a willingness to co-operate.

The two obvious alternatives for further consideration are a VROC and a regional Council. The following table presents a basic assessment of the attributes of each:

POSITIVES	NEGATIVES
<ul style="list-style-type: none"> The VROC provides some identity at regional level. This can have value in dealings at State and Federal level. 	<ul style="list-style-type: none"> VROCs may have less status in dealing with Federal and State policies. Especially at Federal level, the bureaucrats prefer to deal with formalised regional bodies. Indications are that the new model for regional relations from the Federal Government will emphasis linkages aligned to Regional Development Commission boundaries in WA.
<ul style="list-style-type: none"> The VROC can provide a structure within which regional activities are addressed. The VROC approach has proved valuable in a number of quite diverse circumstances across WA. 	<ul style="list-style-type: none"> VROCs, by their nature, emphasise the <u>voluntary</u> aspect of their arrangement. This means they can be unsuitable for a long term approach aimed at improving economies of service delivery.
<ul style="list-style-type: none"> VROCs can be an effective forum for maintaining a level of cohesion in the local governments of the region, in that opportunities for joint efforts are identified and pursued. 	<ul style="list-style-type: none"> Arrangements within the VROC are very susceptible to the withdrawal of one of the parties.
<ul style="list-style-type: none"> A VROC can provide a vehicle for resource sharing which is the most basic of effective models in improving economies of scale and the scope of services able to be provided for individual local governments. 	<ul style="list-style-type: none"> The absence of a strong formal structure around the arrangements can tend to lead to disruption through short term focus in an individual local government.

The Shire of Boddington has few options to consider for regional co-operation. Council is formally involved with the Peel Zone of WALGA and has informal links with the Shires of Williams and Wandering. Membership of the Peel Region also opens opportunities through the Peel Development Commission which are not available with the Shires of Williams and Wandering.

It is very likely that given the differing sizes of member Councils, the benefits of resource sharing will be different to the Shire of Boddington that to other members and not easily foreseen at this time.

Investigating resource sharing options with Peel local governments does not preclude any other options that the Council may pursue with any other Councils.

If benefits do not flow then Council would not pursue the formation of a VROC past the assessment phase.

Consultation

Chief Executives of the Peel Region have consulted on this matter. The Shire of Murray have ruled out moving to a higher level of cooperation at this time.

Statutory Environment

There are no statutory impediments to formation of a VROC. If a regional local government is formed, an Establishment Agreement must be prepared and approved by all members as well as by the Minister for Local Government.

Policy Implications - Nil

Financial Implications

Not assessed. However there is likely to be some nominal initial costs to establish a VROC. The further report proposed should include an examination of financial implications.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Participation in the assessment of possible regional cooperation initiatives will allow Council to then take steps to participate and receive the benefits of regional cooperation.

Options

Council can adopt the Officers Recommendation or not.

OFFICER RECOMMENDATION – ITEM 8.6.4

Council Resolution	117/08	Moved	Cr Patten
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That Council:

- 1. provides “in principle” support to the concept of establishing a Volunteers Regional Organisation of Councils in the Peel Region;**
- 2. supports the preparation of a detailed proposal for each Council to consider; and**
- 3. participate with other local governments who also agree “in principle” support to the concept of establishing a VROC Regional Organisation of Councils in the Peel Region to coordinate/undertake a more detailed investigation into a Peel Voluntary Regional Organisation of Councils**

Seconded	Cr Hardie	Carried	6/0
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- 9. ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN -Nil**
- 10. URGENT BUSINESS WITHOUT NOTICE (WITH APPROVAL OF THE CHAIRMAN OR MEETING) - Nil**
- 11. CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 6.40pm.