



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

17TH JUNE 2008

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**Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chambers
on Tuesday 17th June 2008 commencing at 4.04pm.**

1. DECLARATION OF OPENING

The Shire President, Cr Carrotts, declared the meeting open at 4.04pm.

2. ATTENDANCE

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

Mr G Sherry	Chief Executive Officer
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Ms T Columb	Executive Assistant
Mr S Thompson	Town Planning Consultant (until 5.18pm)
Mr P Bradbrook	Special Projects Manager (until 4.30pm)
Mr G Donhardt	(from 5.25pm)

APOLOGIES

Mrs C Martin	Director of Corporate Services
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VISITORS

Ms Toni Collins	(until 4:28pm)
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3. DISCLOSURE OF FINANCIAL INTEREST

Cr Hardie	Item 8.1.2 (Direct Financial Interest)
Cr Hardie	Item 8.1.3 (Direct Financial Interest)
Cr Carrotts	Item 8.1.3 (Direct Financial Interest)

4. PUBLIC QUESTION TIME - Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS - Nil

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF COUNCIL HELD 3rd JUNE 2008

Council Resolution	152/08	Moved	Cr Patten
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That the minutes of the Ordinary Meeting of Council held on 3rd June 2008 be confirmed as a true record of proceedings.

Seconded	Cr Flaherty	Carried	7/0
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7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION - Nil

7.1. ELECTED MEMBERS' REPORT - Nil

8. REPORTS OF OFFICERS/COMMITTEES - Nil

8.1.1 Proposed Road Closure – Little Road

Location: Off Harvey Quindanning Road (Locality Plans Attached to Agenda)
Applicant: P. Ganfield
File Ref. No: RN 7
Disclosure of interest: Nil
Date: 9th June 2008
Author: Ray Belton

Summary

Formal closure of the portion of Little Road north of the Murray River is recommended.

Background

In November 2006 Council agreed to initiate the closure of that portion of Little Road shown on the plans attached to the Agenda.

The Land Administration Act requires that all affected service authorities be notified of any proposed closure to protect their possible long term interests in the Crown Land Reserve.

Comment

None of the service authorities objected to the proposed closure. The delay processing the closure has come about by Western Power not responding. Any closure can not be finalised until all referral authorities have formally replied.

Consultation

The following authorities were written to:
Telstra, Alinta Gas, Water Corporation, CALM and Western Power

Statutory Environment

Council now needs to formally resolve to finalise the closure and indemnify the Department of Planning and Infrastructure against any cost that may arise (adjustment of survey documentation, title deeds etc). These costs should be borne by the beneficiary of the closure (i.e. Mr P. Ganfield).

Policy Implications

An access easement will be retained over the closed portion to allow service authorities (Western Power & CALM) to enter the crown land to the north should they wish to.

Financial Implications – Nil – Beneficiary to pay any costs

Economic Implications - Nil

Social Implications

The public at large rarely used this road.

Environmental Considerations - Nil

Strategic Implications - Nil

Options

1. Proceed with closure; or
2. Not proceed with closure

OFFICER RECOMMENDATION – ITEM 8.1.1

Council Resolution **153/08** **Moved** **Cr Flaherty**

That Council:

- 1. request the Minister for Planning and Infrastructure to close that portion of Little Road north of the Murray River subject to an access easement being retained over the closed portion: allow Western Power and specific landowners of 564, 563, 1208 and 562 to utilise access to their properties.**
- 2. indemnifies the Department of Planning and Infrastructure against any costs in the process, with these costs being borne by the beneficiary of the closure.**

Seconded **Cr Veitch** **Carried** **7/0**

Cr. Hardie declared a Direct Financial Interest in Items 8.1.2, in that he is the property owner, and 8.1.3, in that he has received an offer to purchase land relevant to 8.1.3, and left the Council Chambers at 4:19pm.

8.1.2 Proposed Subdivision - Lot 502 Crossman-Dwarda Road, Crossman

Location: Lot 502 (on Deposited Plan 56842) Crossman-Dwarda Road, Crossman
Applicant: Survey WA Pty Ltd
File Ref. No: 137725
Disclosure of interest: Nil
Date: 11 June 2008
Author: Steve Thompson

Summary

A seven lot subdivision of Lot 502 Crossman-Dwarda Road is recommended for approval subject to standard conditions.

Background

The subject land is a large holding of approximately 678 hectares which is located east of Albany Highway (see Attachment "A"). The site contains considerable remnant vegetation and parts are steeper sloping.

The application is to subdivide the property to create 7 lots, with 6 lots of 40.47 hectares each and one lot of 435 hectares. Supporting information provided by the applicant is set out in Attachment "B", while Attachment "C" shows the plan of subdivision.

The site is zoned "Rural" and it is included within the Boddington East Precinct of Council's Local Planning Strategy (LPS). A relevant objective from the LPS is "To permit limited subdivision over non productive rural land" and the relevant development and land management guideline is to "Allow for subdivision to minimum of 40ha over land east of Albany Highway that is clearly non productive by virtue of topography, remnant vegetation or soil type" (pages 43 and 44).

Comment

The application is considered consistent with the Shire of Boddington Town Planning Scheme No. 2 and the LPS. Accordingly, conditional approval is recommended with standard conditions addressing matters including access, fire management and locating future buildings in appropriate locations (avoiding high fire risk areas, avoiding clearing remnant vegetation and appropriately setback from watercourses).

Consultation

Nil at the subdivision stage as there is no legal requirement to do so. Previously, community consultation occurred through the LPS.

Statutory Environment

The land is zoned "Rural" and in an area of the LPS which allows for conditional support for the proposed subdivision.

Policy Implications

The application complies with the LPS.

Financial Implications

Nil at this stage. The proposed lots are proposed to access an existing sealed road.

Economic Implications

The application, if approved and implemented, will create additional lots and additional dwellings that will assist to provide economic benefits to the local economy supporting enhanced and additional services.

Social Implications - Nil

Environmental Considerations

More detailed environmental assessment is expected to be undertaken on the application by the Department of Environment and Conservation and the Western Australian Planning Commission including determining if there is any rare and/or threatened vegetation. From the Shire's perspective, subject to the applicant appropriately addressing recommended conditions, there is expected to be minimal environmental impact given it is proposed that future dwellings will be located on cleared land.

Strategic Implications - Nil

Options

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

Council Resolution 154/08 Moved Cr Flaherty

That the subdivision of Lot 502 on Deposited Plan 56842 Crossman-Dwarda Road, Crossman (WAPC 137725) be supported subject to:

- 1. crossovers being constructed by the subdivider to the satisfaction of the Council with associated shared rights of access being suitably addressed;
2. the battleaxe access leg being constructed to the Council’s satisfaction;
3. building exclusion areas being identified for all proposed lots to the satisfaction of the Council;
4. a Bushfire Management Plan being prepared by a suitably qualified Fire Management Consultant which is appropriately implemented; and
5. suitable arrangements being made to advise prospective purchasers of clearing limitations associated with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Seconded Cr Patten Carried 6/0

Cr. Carrotts declared a Financial Interest in Item 8.1.3, in that his wife has listed the block in question for sale in her capacity as a real estate agent, and left the Council Chambers at 4.25pm.

Deputy President Cr Flaherty took the Chair.

8.1.3 Strata Subdivision – Lot 66 Christie Street, Ranford

Table with 2 columns: Field (Location, Applicant, File Ref. No, Disclosure of interest, Date, Author) and Value (Lot 66 Christie Street, Ranford, Swan Surveys Pty Ltd, 591-08, Nil, 11 June 2008, Steve Thompson)

Summary

An application for a 6 lot strata subdivision of Lot 66 Christie Street, Ranford is recommended to be deferred to appropriately address relevant issues. Should this occur, approval is recommended subject to typically standard conditions.

Background

The Western Australian Planning Commission (WAPC) has recently referred a strata subdivision application 591/08 to the Shire for comment. The site’s location is shown in Attachment “A”, details provided by the proponent are provided in Attachment “B”, while Attachment “C” includes a plan showing possible future subdivision/development of the site and area.

Relevant matters relating to the site and application include:

- the site is 1.597 hectares in area and is largely cleared;
• the site has legal and practical access to Christie Street via an existing battleaxe access leg;
• the subject land adjoins residential and rural residential development and is near a Parks and Recreation Reserve;

- the site is predominantly zoned “Special Residential” (and is identified as “R5”), while a small portion of the property near Christie Street is zoned “Residential R10” in the Shire of Boddington Town Planning Scheme No. 2 (TPS2);
- a density of R5 in the Residential Design Codes of Western Australia (R-Codes) equates to a minimum lot size of 2000m². The application proposes 6 lots all just above 2000m² in area;
- proposed vehicular access is via an access way, to be 4 metres wide, that is proposed to be common property; and
- the site is identified as “townsites (urban land)” in Council’s Local Planning Strategy.

Comment

It is highlighted that the subject land currently has subdivision potential down to lot sizes of 2000m², given the provision of reticulated sewerage to Ranford and this site is not considered feasible in the foreseeable future. While noting this, the application as submitted raises a few issues that need appropriate consideration. It is suggested that many of these issues could be suitably addressed if the proposal was a subdivision application to create freehold titles rather than the current application which is to create strata titles. Issues associated with the application are outlined below.

Vehicular, pedestrian and cycling connectivity: The application provides limited connectivity (also known as “permeability”) to adjoining properties and areas which is considered best practice in residential design as set out in the “Liveable Neighbourhood” document (WAPC policy). While the associated plan submitted by the applicant (in Attachment “C”) is useful, it also highlights that the subject land is essentially an “island” and there are no opportunities to directly access areas to the east, west and south. In time, access to the west will be reasonable should the proposed Right of Way (R.O.W) in the northern part of the site be ceded to the Shire and this is developed into a public road with the subdivision of adjoining Lot 65 Christie Street.

Need for a coordinated approach: It is suggested there is a need to consider areas “holistically” and appropriately address issues rather than considering separate subdivision applications on an adhoc basis. Additionally, the site has the potential for further re-subdivision (following a scheme amendment and the provision of reticulated sewerage). This will increase pressure for convenient and safe pedestrian links to off-site areas.

Cash-in-lieu for public open space (POS): The proposed subdivision and associated development will generate additional demands for POS. Given there is a recreation reserve nearby to the east, a cash-in-lieu payment is considered appropriate. Alternatively, as set out in the “Strategic Implications” section, it is suggested that facilities such as a park or oval will be required in Ranford due to expected population growth and consideration will be required in time as to the preferred location/s.

On-site effluent disposal: Should the application be approved, it is recommended that a condition include preparing an appropriate geotechnical report demonstrating the suitability of the property for on-site effluent disposal.

Rubbish collection: It is not clear how this subdivision will be serviced such as whether a bin collection pad will be provided near Christie Street. At this stage, no Shire engineering advice was available regarding the appropriateness and ease of rubbish and recycling collection by a rubbish truck to the proposed subdivision.

The use of a rubbish truck leaving Christie Street is not considered appropriate with this current design for reasons including land tenure and insufficient space for vehicle turning. It is not clear if the proponent proposes the R.O.W to be dedicated with the Shire. If this occurs, a rubbish truck could legally access part of the length of the current battleaxe access leg (but not onto private property – the majority of the proposed access way is proposed to be common property). However, at this point, there would be insufficient area to turn a rubbish truck around and it is too great a distance to reverse. Typically, most operators do not favour reversing either in or out of properties due to factors including safety of children.

Extracts Road: The applicant's proposal to set aside a R.O.W on the southern boundary, for a future east-west public road (Extracts Road), is supported provided this land is ceded to the Shire free-of-cost. It is suggested that consideration be given to the subdivider making a financial contribution, at this stage, for 50% of the cost of sealing and draining Extracts Roads where it adjoins Lot 66 Christie Street. The subdivider to the south of Lot 66 would be required to pay the other 50% of the cost. This cost to the subdividers of Lot 66 could be "deferred" to when the site is re-subdivided and proposed lots will gain legal and practical access to Extracts Road. If this occurred, it is suggested that a notification is included on the title advising owners of their future liabilities to contribute should they subdivide.

At this stage, it is recommended that Council advise the WAPC that the application be deferred pending suitable resolution of issues, in particular accessibility to adjoining areas. Should this be suitably addressed, it is considered that the application can be conditionally approved.

Consultation

Meeting with the applicant.

Statutory Environment

Planning and Development Act and TPS2.

Policy Implications - Nil

Financial Implications

None at this stage. It will be imperative, for example, that the subdivider is required to install appropriate drainage systems that achieve effective stormwater control that meets best practice environmental standards.

Economic Implications

The application, if approved and implemented, will release additional residential lots and associated dwellings. This will assist to provide economic benefits to the local economy supporting enhanced and additional services.

Social Implications

The additional population resulting from implementation of the subdivision should add to the strength of the community and make better use of available services. However, it will also tend to create the demand for increased levels of service and it will be important that service providers keep pace with the demands. Additionally, the Council should, in-time, consider the need for relevant community and associated services at Ranford.

Environmental Considerations

There does not appear to be any key environmental issue given the land is cleared, it is already zoned for residential use and it is intended to be fully serviced (other than reticulated sewerage). It is suggested the key environmental issues ensuring there is suitable on-site effluent disposal and associated management of stormwater.

Strategic Implications

The application, if approved and implemented, is expected to provide Boddington with a supply of residential lots in the shorter term.

There is a need to ensure the subdivision is appropriately coordinated with adjoining development.

There is a need to develop a Boddington-Ranford Townsite Strategy (this was supported by Council at its meeting on 20 May 2008) to assist in more orderly and planned development and the

coordinated provision of infrastructure and services. It is highlighted that there is the potential for considerable additional subdivision and development at Ranford and consideration needs to be given to the future provision of community services (amongst matters). Currently, Ranford has limited community services and it is expected it will need, in-time, active POS (oval, basketball court) passive POS (conservation areas/open space); children's playground, a possible community centre, walk trails, dual-use paths. Additionally, consideration needs to be given to identifying a location for a small commercial area (possibly a deli/general store) and clarifying with the Department of Education whether the existing Boddington Primary School has sufficient capacity to accommodate the future expected growth of Boddington/Ranford.

Options

1. Recommend refusal;
2. Recommend approval with conditions;
3. Recommend approval with no conditions; or
4. Defer.

OFFICER RECOMMENDATION – ITEM 8.1.3

Council Resolution

155/08

Moved

Cr Veitch

That:

1. **the strata subdivision of Lot 66 Christie Street, Ranford (WAPC 591-08) is deferred until the design is suitably modified to provide appropriate vehicular, pedestrian and cycling connectivity to surrounding areas which will support coordinated subdivision/development.**
2. **Following suitable resolution of point 1, and should the Western Australian Planning Commission agree to approve the application, the Council seeks the inclusion of the following conditions:**
 - A) **the applicant/owner is to provide a geotechnical report that demonstrates that each lot is physically capable of development including for on-site effluent disposal (LG);**
 - B) **suitable arrangements being made for the design and construction of a stormwater management system at the full cost of the owner/applicant. The stormwater management system is to be designed to protect the water quality and ecology of the downstream surface and groundwater receiving environment (LG);**
 - C) **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 provided free of cost (LG);**
 - D) **the land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission (LG);**
 - E) **the proposed vehicular common driveway is constructed to a sealed standard with all associated drainage being designed and constructed to the satisfaction of the Western Australian Planning Commission (LG);**
 - F) **satisfactory arrangements being made with the Shire of Boddington to ensure that the land within the subdivision is stabilised to prevent sand/dust blow and to ensure that no earthworks are performed when a wind greater than 15km/hour is blowing unless such work has been authorised (LG);**

8.3 Project Officer's Report

8.3.1 BGM Management Company Pty Ltd – Proposal to Transfer Land to Shire for Childcare Centre

Location: Lots 151 and 152 Bluegum Close Boddington
Applicant: BGM Management Company Pty Ltd
File Ref. No: 8.1.14
Disclosure of interest: Nil
Date: 11th June 2008
Author: Peter Bradbrook

Summary

Council is to endorse a non-binding offer submitted to BGM Management Company Pty Ltd to transfer Lots 151 and 152 Bluegum Close to the Shire of Boddington, as a contribution towards the proposed Long Day Care Centre.

Background

Boddington Gold Mine (Boddington Gold Mine) originally raised the need for a Long Day Care Centre in Boddington as an attraction to potential employees at the Gold Mine site. Prior to this it had not been a project intended by Council.

BGM subsequently offered two lots upon which the Long Day Care Centre could be built. Council decided that it would be preferable to construct a Centre in close proximity to the Boddington District High School and negotiated with BGM that, if they transferred the lots to the shire, Council would contribute the value of the lots towards the proposed Centre. With residential land being in short supply it seemed more prudent to retain the residential land and construct the Centre on the Recreation Reserve. The vesting order for the Recreation Reserve was altered to 'Recreation and Community Centre' which, so we were informed, would accommodate the proposed Long Day Care Centre.

Under 'Purpose' in the attached offer it is specified that "the Land must be formally valued by an independent valuer approved by BGMMCo and the outcome of the valuation will be the value for the purpose of the shire selling or developing the land for other purposes". Council has verbally been notified that the value of the land has been established as \$310,000.

Comment

A Child Care Centre Construction Committee (CCCCC) has been meeting to progress this project. Representatives from Council, BGM, PDC, the Department for Families and the Education Department are on the committee, whilst representatives have been invited from Boddington Bear Occasional Child Care and the Playgroup, although they are not usually represented.

The Department of Industry & Resources is funding a Needs & Feasibility Study, currently being undertaken by STAMFORDS Advisors and Consultants. The Needs phase has been completed and appears to justify the need quite clearly. The Feasibility phase should be completed by the end of June.

Besides the \$310,000 value placed on the two lots, Council has allocated \$100,000 from the Government's Social Infrastructure Package, while Worsley Alumina has pledged \$40,000 for furniture and fittings.

The Australian Government recently committed to establishing up to 260 additional Early Learning and Care Centres across Australia by the end of 2014. Where possible, the additional centres will be located on school, TAFE, university or other community land. The Boddington CCCC believes

the Long Day Care Centre must be near the District High School to accommodate before and after school care.

The Australian Government has already chosen the first 38 Early Learning and Care Centres and in 2008-2009 will invest \$114.5 over four years to build them. The remaining 222 centres will be rolled-out progressively by the end of 2014. Boddington has been nominated for one of these centres by both the Department for Families and the Department of Industry & Resources. Council has also nominated directly via a website inviting nominations, brought to our attention by STAMFORDS Advisors and Consultants.

The offer from BGM Management Pty Ltd has some conditions upon which the Australian Government funded Centres could impact upon, i.e.

- The LDCC must be community run;
- The retention of 20% of Long Day Care Places and Playgroup Places for children of BGM staff;
- The requirement that BGMCo has the right to be represented on the management committee of the LDCC.

However, contact has been made with a representative of BGM Management Pty Ltd who is confident that the conditions can still remain applicable, whether the local authority, State Government or Federal Government constructs the Centre. In any case, the representative has assured Council that the funds i.e. \$310,000, would not be withdrawn provided the Centre is built.

Consultation – Annette Dix (BGM)

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

Council is not committed to contributing any funds towards this project. If the Federal Government selects Boddington as a site, and locates the Centre on the school grounds, there will be no future maintenance costs either. Authorities have been informed that Council would likely approve adjusting the boundary between the school and the Reserve (No. 14977) – if the Centre can't be accommodated within the existing school boundary -so that the Centre is located within the school grounds. If the facility were located within school grounds it would also remove any Council responsibility for arranging management and staffing of the Centre.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Provision of a Long Day Care Centre will be welcomed by men and women who might obtain mining appointments if appropriate child care was available.

Options

Council can accept the Offer from BGM Management Company Pty Ltd as presented, suggest amendments or reject the offer outright.

Peter Bradbrook left Chambers at 4:30pm.

8.4 *Principal Environmental Health Officer/Building Surveyor's Report*

8.4.1 Trader's Permit

Applicant: Mr Bill Munday
File Ref. No: 7.2.3
Disclosure of interest: Nil
Date: 9th June 2008
Author: Peter Haas PEHO/BS

Summary

Council to consider approval of a Trader's Permit.

Background

An application for a Traders Permit has been received from a Mr Bill Munday to sell boxed chilled lamb from the Boddington Hotel Car Park.

Comment

Attached for Council's information is a copy of Mr Munday's application and the relevant clauses of the Activities On Thoroughfares & Trading In Thoroughfares & Public Places Local Law.

From speaking to Mr Munday I have ascertained that he wishes to trade in the Hotel Car Park on a Wednesday similar to the fish van but he has not nominated the times he intends trading. He wishes to sell chilled boxed lamb from a chiller van that he will rent through a rental company.

In determining the merits of the application Council would need to consider items outlined in clause 5.5 of the local law (attached) and may wish to get public comment on the proposal prior to issuing the permit.

A precedent has been set with allowing the fish van to trade in the same area.

I can foresee no problems with the intent of the application other than competition with the local supermarket with the sale of a meat product but as outlined above a similar precedent has been set with the fish van trading in this area. I would therefore recommend the application to Council subject to the conditions outlined in the Officer Recommendation.

Consultation

Mr Munday

Statutory Environment

The Activities On Thoroughfares & Trading In Thoroughfares & Public Places Local Law as well as the Health (Food Hygiene) Regulations and Health (Meat Hygiene) Regulations cover the aspects related to this application

Policy Implications - Nil

Financial Implications

There is a fee of \$320 per annum or \$25 per day set under Council's fees and charges for trading in a public place.

Economic Implications

A local business being established and commencing operations in the town with the requisite flow on effect. This business may cause a decrease in custom, in the product it sells, to the local supermarket.

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Council will need to be mindful if it wishes the products retailed to be sold in this manner or sold via a shop front. It would be preferable that business is conducted via a permanent structure but there are insufficient buildings suitable to conduct these activities and the outlay involved may be cost prohibitive to those concerned. This type of activity may eventually lead to a shop being constructed should there be the demand.

Options

Not approve the application

Reconsider the application after a period of public consultation

Approve the application subject to conditions

OFFICER RECOMMENDATION – ITEM 8.4.1

Motion **Moved** **Cr Flaherty**

That Council :

1. seek public comment on this application; and
2. Consider any public comment prior to making a decision on the application.

Seconded **Cr Patten** **Lost** **3/4**

ALTERNATIVE RECOMMENDATION – ITEM 8.4.1

Council Resolution **158/08** **Moved** **Cr Hardie**

That Council approves Mr Munday’s application for a Traders Permit to sell boxed, chilled lamb subject to the following conditions:

1. **Trading takes place in the hotel car park and written permission from the owner is forwarded to Council prior to commencement of trading;**
2. **Compliance with Health (Food Hygiene) Regulations requirements with respect to the finishes of the van and handling of the product;**
3. **Hand washing facilities to the satisfaction of the PEHO/BS be provided;**
4. **Trading time be restricted to day light hours and on days nominated by the applicant with the permission of the owner; and**
5. **Payment of the \$320.00 fee prior to trading commencing.**

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

8.4.2 Keeping a Horse within the Townsite

Location: Lot 12 No. 21 Crossman Road Boddington
Applicant: S Bednarek
File Ref. No: CRO 12
Disclosure of interest: Nil
Date: 10 June 2008
Author: Peter Haas PEHO/BS

Summary

Council to consider granting permission to keep a horse in the townsite

Background

An application has been received from Ms Sarah Bednarek to keep a miniature horse on her property at 21 Crossman Road Boddington. The property is located within the town site boundary and Council's Health Local Laws does not permit the keeping of horses within the town site without approval of Council. Ms Bednarek has made this request because she is part of a charity organisation, Save Equus, that saves horses around WA and the miniature is one of those horses.

The horse in question is about knee high and is the approximate size of a large dog.

Comment

I have inspected Ms Bednarek's property and am satisfied that she is able to keep the horse. Ms Bednarek she has supplied letters from her neighbours stating that they do not have an objection to the keeping of the miniature horse on the property.

It should be noted that the property would not be big enough to keep a full sized horse and that should Council approve this application that this condition be put on the approval as well as a condition for the regular removal of manure.

Consultation

Ms Sarah Bednarek – the applicant

Statutory Environment

Health Local Laws

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

Options

Approve the keeping of a miniature horse with conditions on Lot 12 No. 21 Crossman Road Boddington; or

Not approve the application

Company	Kerbside Collection Price	Community (Bulk Bin) Collection Price	Total Cost Kerbside (Based on 620 services)	Total Cost Community (bulk bin) Recycling (based on 10 bins)
Cleanaway	<i>\$3.40 (ex GST)</i> per rateable service per fortnight not per lift <i>\$3.74 (inc GST)</i> per rateable service per fortnight	<i>\$58.75 (ex GST)</i> per service per fortnight <i>\$64.625 (Inc GST)</i> per service per fortnight	\$97.24 per bin per annum \$60,288.80 for the service	\$1,680.25 per service per annum \$16,802.50 for the service
Green Recycling	<i>\$3.53 (ex GST)²</i> per service per fortnight <i>\$3.883 (Inc GST)²</i> per service per fortnight	<i>\$54.60 (ex GST)</i> per service per fortnight <i>\$60.06 (Inc GST)</i> per service per fortnight	\$100.958 per bin per annum \$62,593.96 for the service	\$1,561.56 per bin per annum \$15,615.60 for the service
Avon Waste	<i>\$123.55 (Inc GST)</i> per bin per annum	<i>\$4,004.00 (inc GST)</i> per bin per annum	\$76,601 for the service <i>(note - service provided twice per month not fortnightly)</i>	\$40,040.00 for the service <i>(note – service provided twice per month not fortnightly)</i>

Notes

- Green Recycling in their tender has additionally set a sliding scale for the provision of the 240 litre MGB to amortise the cost of the bins. It is intended to pass this cost onto the lift rate for any additional bins. They have included this because of the difficulty to price additional bins over the life of the contract. The scale is outlined below

Year	Additional lift cost due to decreased contract period bin amortisation
Year 2	\$0.05
Year 3	\$0.28
Year 4	\$0.61
Year 5	\$1.56

Other information provided by the tenderers such as collection days and where the materials will be taken to are listed in the table below

Company	Materials Recovery Facility Location	Collection Day
Warren Blackwood Waste	MRF Manjimup or Katanning	Not Specified
Boddington Miniskips	Cleanaway MRF Mandurah	Thursdays
Cleanaway	Mandurah MRF Tims Thickett	Not Specified
Green Recycling	Bunbury MRF Picton	Kerbside – Tuesday Bulk bin – Thursday
Avon Waste	MRF York	Twice per month day not specified

As part of their tender Green Recycling has offered an alternative rise and fall price calculation as opposed to CPI. The calculation formula is shown in attachment B for Councils information. In the formula they have nominated the percentages as follows A – Fixed 30%, B – Labour & Repair 36% and C – Fuel 34%.

Cleanaway as part of their tender has assumed separate components for diesel fuel, labour and general costs with the diesel fuel component adjusted quarterly with reference to prices at the date of tender.

With the price of petrol and diesel going up this could be a fairer way for the contractors to factor in the rise of costs to provide the services.

I am intrigued with the bulk bin arrangement offered by Warren Blackwood Waste and have contacted Mr Klaus Mueller from the Shire of Manjimup to discuss the concept. He was very happy with the bins and outlined the advantages such as a decrease in litter around the bins, rain can not readily penetrate onto the recycled material, it restricts large items being disposed of and it recycles sea containers. The only disadvantage he could see was that the bin could not be filled but with the shifting up of the access lids (which the company is prepared to do as well as to fit a step on the side of the bin to account for the raised access lid) you are able to at least $\frac{3}{4}$ fill the bin.

The only unknown is how often the bin would need to be emptied. If it was emptied once per month the yearly cost per bin would be \$9,420. I would envisage that one bin would be placed outside the Shire depot and two bins at the gold mine.

With the bulk bin recycling, the Boddington Gold Mine and BBM sponsor the current bins and they could be approached to continue sponsorship with the new system. It appears that both mines sponsor a total of \$600 per month. This figure varies from month to month because the current contractor is charging a sorting fee that varies with the amount of recyclables collected.

Consultation

Mr K Gorry – Green Recycling
Mr P Webb – Warren Blackwood Waste
Mr D Wyatt – Cleanaway
Mr A Fisher – Avon Waste
Ms W Banks – Boddington Miniskips
Mr K Mueller – Shire of Manjimup

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

Costs of providing the service tendered for will need to be factored into the budget. Reduced costs of management of waste at the Boddington Waste Disposal site are to be anticipated.

Economic Implications - Nil

Social Implications

Provision of a service to residents that will make their efforts to recycle easier with the subsequent decrease in waste to the tip

Environmental Considerations

Drop in levels of waste going to the tip site with the subsequent decrease in having to handle the waste and its environmental impact.

Strategic Implications

The provision of this service will fit into Councils Zero Waste Plan once it is adopted and is an integral part of this plan

Comment

The balances in the Reserves Sub- Accounts are as follows as at 31st May 2008:

RESERVE TYPE	AMOUNT	DETAILS
Leave	\$ 39,044	The 2007/08 budget stated that we were going to transfer out \$25,000 from this Reserve. Given that Council's Liability is not fully cash backed, Council should not transfer funds out. Recommendation - Transfer in up to \$20,000
Plant	\$ 72,515	2007/08 Budget provided that \$65,000 be transferred out. However, given that all our plant replacement has not been funded from Council funds, then Council needs to transfer a funds into this Reserve to allow for replacement of plant as per the Plant Replacement Program established by the Manager of Works and Services. Recommendation - Transfer up to \$70,000.
Building	\$ 71,385	2007/08 Budget provided for a \$50,000 transfer to this Reserve. Recommendation - Transfer in up to \$100,000.
LOAF	\$ 22,366	No transfer required.
Ambulance Replacement	\$ 8,583	Recommendation - Transfer in up to \$2,000.
LIA Development	\$ 17,326	No Transfer required.
Aged Housing	\$ 31,027	2007/08 Budget provided for a \$50,000 transfer to this Reserve. Recommendation - No Transfer required.
Refuse Site	\$ 41,653	Transfer in up to \$10,000
School Resource Sharing	\$ 19,582	
Road Works	\$ 2,562	No Transfer required.
Centenary Celebrations	\$ 5,680	2007/08 Budget provided for a \$3,000 transfer to this Reserve. Recommendation - Transfer in \$3,000.
BGM Expansion	\$318,406	2007/08 Budget provided for a \$50,000 transfer to this Reserve. Recommend no transfer, but utilise the existing funds in this Reserve in the 2008/09 to purchase the Blue Gum Close land to the total of \$310,000.

Consultation - Nil

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

The impact of transferring funds from unrestricted cash as year end allows for long term strategic planning and provides a financial support for specific areas of need.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

The transfer of surplus funds into Reserves at year end is to be considered as part of Council's focus to become more strategic and focus on long term planning requirements when surplus funds are available in line with our Strategic Plan for the Future.

Options

That Council adopts to transfer funds from the Municipal Account to Reserves prior to 30th June 2008.
That Council does not adopt to transfer funds between Municipal and Reserve Accounts.

OFFICER RECOMMENDATION – ITEM 8.5.2

Council Resolution **162/08** **Moved** **Cr Carrotts**

That Council transfer funds from the Municipal Account to the following Council Reserve accounts prior to 30th June 2008:

1.	Leave Reserve	20,000
2.	Plant Reserve	70,000
3.	Building Reserve	100,000
4.	Ambulance Replacement Reserve	2,000
5.	Refuse Site Reserve	10,000
6.	Centenary Celebrations Reserve	3,000

Seconded **Cr Flaherty** **Carried** **7/0**

8.6 Chief Executive Officer's Report

8.6.1 Road Names

File Ref. No: 12.7.8
Disclosure of interest: Nil
Date: 12 June 2008
Author: Gary Sherry

Summary

Council is to consider an additional name to be added to the Shire of Boddington's Reserve List of Street Names for future subdivisions.

Background

While Council gets to choose which names to use for new streets, roads and parks within the Shire of Boddington, each name must be approved by the State Government's Geographic Names Committee.

The Geographic Names Committee maintains a list of approved names for each Shire and when a new street is constructed the local council chooses one of these approved names.

It is important that Council have supply of agreed future road names. Delays to the issuing of final survey diagrams can occur where Council has not approved appropriate road names.

Following recent changes Council currently has the following names on the Geographic Names Committee (GNC) approved list:

- Atkinson
- Batt
- Bottlebrush
- Drabble
- Carrotts
- East
- Eucalypt
- Haynes
- John
- Sandalwood
- Vagg
- Wattle

At their Ordinary Meetings on the 6th and 20th of May 2008 Council resolved to submit additional names including:

- Austic
- Gwynne
- Hall
- O'Dea
- Mokine
- Kyarra
- Marlin
- Hames
- Karafil
- Stevens
- Warrendyte
- Patten
- Price
- Pyke
- Rosedale
- Grassdale
- Thompson
- Thorne
- Henrickson
- Westover
- Matlock

Comment

Given the Shire of Boddington's continued development, additional street names will be required and Council has sought public submissions for such.

Ms Val Bralich has provided the following:

I wish to submit the name Bosse as a suggestion for one of the new Street Names. This is the family name of my late Grandparents who settled in Boddington with their eight children. My Grandparents had their seven sons enlist in the armed forces and they all fought in the Second World War.

Henry William and Francis Aoa Bosse died in 1954 and are buried in the Marradong cemetery. Their sons names are included on the Boddington RSL honour role as serving in the army and air force. Many of their descendents still live in Boddington.

Consultation

Council has sought public submissions for future street names.

Statutory Environment

Road Names must comply with GNC guidelines. These naming guidelines require:

- Preferred names include names of pioneers, war casualties and historical events connected with the area and names from local Aboriginal languages;
- Names with given and surname combinations, double or hyphenated names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names are avoided;
- Name duplication should be avoided;
- Names of living individuals should be used only in exceptional circumstances; and
- New names proposed must be accompanied by information as to the origin

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

Options

Council can accept the Officers Recommendation, amend the officers recommendation or not consider the matter.

OFFICER RECOMMENDATION – ITEM 8.6.1

Council Resolution	163/08	Moved	Gary Sherry
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That Council submits the name “Bosse” to the Geographic Names Committee for endorsement as a future street name for the Shire of Boddington.

Seconded	Cr Hoek	Carried	6/1
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Mr G Donhardt entered at 5:25pm.

8.6.2 Closure of Robins Road

File Ref. No: RN13 - Robins Road
Disclosure of interest: Nil
Date: 12 June 2008
Author: Gary Sherry
Attachment: 8.6.2 Deed of Sale of Land

Summary

Council is to consider the closure of Robins Road as per a requirement of the purchase of the site on which the Council Waste Management Site has been constructed.

Background

As part of the process of purchasing land from the Worsley Joint Venturers (WJV) on which Council would construct a new waste disposal site, in October 1999 Council resolved:

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved Cr Thompson

That Council agrees in principle with the draft Deed of Sale and requests Worsley Alumina to have a new deed drawn up with the required changes and authorises the Shire President (and Chief Executive Officer if required) to sign the Deed of Sale.

Seconded Cr Hoek Carried 7/0

A copy of the Deed of Sale of Land is included as an attachment for Councillors information. The relevant Clauses 12.1 and 12.2 of the Deed of Sale include:

12 Access road

- 12.1 If the Vendor gives notice to the Purchaser that it wishes to close the public road (identified in the plan contained in schedule 1) for a period required for the purpose of the Vendor's mining operations, the Purchaser must do all acts, matters and things necessary on its part to effect the closure of the road for such period.
- 12.2 The Purchaser must use its best endeavours to expedite the closure of the access road in accordance with clause 12.1.

Comment

Council has received formal notice from the WJV that they wish to have Council close Robins Road for a period from 18 July 2008 to 31 December 2018.

The section of Robins Road the WJV wish to have Council close is from south of the Council waste disposal site, through the Marradong Timber Reserve to Bannister Marradong Road.

Consultation

Council is required by the local government to give public notice of its intention to close a road for greater than four weeks and contact local landowners. Councillors may wish to suggest specific people or businesses who would benefit from direct contact from Council.

Statutory Environment

Local Government Act 1996

3.50. Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- [(3) repealed]

- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
 - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
 - (b) give written notice to each person who —
 - (i) is prescribed for the purposes of this section; or
 - (ii) owns land that is prescribed for the purposes of this section; and
 - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- [(7) repealed]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) is for the purpose of carrying out repairs or maintenance; and
- (b) is unlikely to have a significant adverse effect on users of the thoroughfare.

3.51. Affected owners to be notified of certain proposals

- (1) In this section —

“person having an interest”, in relation to doing anything, means a person who —

 - (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing;
 - (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
 - (c) is prescribed for the purposes of this section.
- (2) This section applies to —
 - (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
 - (b) draining water from a public thoroughfare or other public place onto adjoining land.
- (3) Before doing anything to which this section applies, a local government is to —
 - (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and
 - (b) allow a reasonable time for submissions to be made and consider any submissions made.
- (4) The notice is to be given —
 - (a) in writing to each person having an interest; and
 - (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice.

Policy Implications – Nil

Financial Implications

Council will have some minor financial cost from undergoing a public comment process.

Economic Implications – Nil

Social Implications

There will be some level of disruption to regular users of Robins Road.

Environmental Considerations – Nil

Strategic Implications

The closure of the road will allow WJV's mining operations uninterrupted access to the bauxite deposit in the Marradong Timber Reserve from their operation site to be constructed further east. This will be of considerable advantage to the WJV.

Options

Council can agree to the Officer's Recommendation or not.

OFFICER RECOMMENDATION – ITEM 8.6.2

Council Resolution	164/08	Moved	Cr Veitch
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That Council:

- 1. propose to close Robins from the intersection of the Robins Road and Bannister Marradong Road north to the access road from the Shire of Boddington's Waste Disposal Site from 18 August 2008 until 31 December 2018 for the purpose of allowing access for Worsley Alumina Pty Ltd to their Bauxite deposal in the area; and**
- 2. seek public submissions on the proposal until Thursday 15 July 2008.**

Seconded	Cr Flaherty	Carried	7/0
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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 OF MEETING) - Nil**
- 11. CONFIDENTIAL ITEMS - Nil**
- 12. CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 5.30pm.