



## **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**

**1<sup>ST</sup> JULY 2008**

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**Minutes of the Ordinary Meeting of the Boddington Shire Council held in the Council Chambers  
on Tuesday 1 July 2008 commencing at 4.00pm.**

**1. DECLARATION OF OPENING**

The Shire President, Cr Carrotts, declared the meeting open at 4.08pm.

**2. ATTENDANCE**

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

Mr G Sherry	Chief Executive Officer
Mrs C Martin	Director of Corporate Services
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Mr S Thompson	Town Planning Consultant
Mr P Bradbrook	Special Projects Manager
Mr G Donhardt	Works Supervisor

**APOLOGIES** - Nil

**VISITORS**

Mr Mark Casserly, CCS  
Mr Clint Klymovich, Acting Manager, Dept Sport & Rec, Peel  
Ms Toni Collins  
Ms Penny John

**3. DISCLOSURE OF FINANCIAL INTEREST**

Cr Hoek                      Item 8.1.1 (Proximity Interest)

**4. PUBLIC QUESTION TIME** - Nil

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**5.1 Mr Mark Casserly - Recreation Needs and Feasibility Assessment Report**

Mr Casserly presented to Council the process and conclusions of his Recreation Needs and Feasibility Assessment of the Shire of Boddington.

The study commenced with an extensive review of existing facilities throughout Boddington.

Surveys and a public meeting analysed the community's current use of the existing facilities and their thoughts on the need for additional facilities. Walking was identified as the most common recreation activity, walk trails were the most commonly used facility, an indoor/heated swimming pool was the facility that most responded as missing and the Tennis courts was the most common choice for a facility working well.

The study recommends, as part of an overall master plan:

- the construction of staged development of a two court indoor facility;
- associated function area with crèche and kitchen facilities;

- associated but separately accessible gymnasium;
- development of a second oval; and
- development of new change rooms that can service both ovals;
- provides for areas for relocation of tennis and swimming pool facility if required ad

Importantly the study identifies that the new facilities would be constructed in a staged manner and the financial cost reflects an increasing cost associated with delays in construction associated with cost increases.

## 5.2 Ms Penny John – Lot 20 Bannister Road - Change of Use

Ms John outlined justification for her redevelopment of the Lot 20 Bannister Road property and commended the redevelopment as having a positive impact on the town of Boddington.

## 6. CONFIRMATION OF MINUTES

### 6.1 ORDINARY MEETING OF COUNCIL HELD 17<sup>th</sup> JUNE 2008

Council Resolution                      165/08                      Moved              Cr Flaherty

That the minutes of the Ordinary Meeting of Council held on 17th June 2008 be confirmed as a true record of proceedings with the amendments that:

1. Cr Veitch was in attendance.
2. Resolution 159/08 was moved by Cr Veitch.
3. Resolution 161/08 was carried 7/0.
4. Resolution 162/08 was moved by Cr Flaherty and seconded by Cr Hardie.
5. Resolution 163/08 was moved by Cr Hardie.

Seconded                                      Cr Hoek                      Carried              7/0

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

### 7.1. ELECTED MEMBERS' REPORT - Nil

## 8. REPORTS OF OFFICERS/COMMITTEES

Cr Hoek declared a Proximity Interest in that she is the owner of property adjoining part of proposed upgrade of Lane Poole to National Park and left the Council Chambers at 5:05pm.

### 8.1 *Town Planning Consultant's Report*

<b>8.1.1              Proposal to upgrade parts of the Lane Poole Reserve to National Park</b>
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Location:	Reserves 39820 and 39822
Applicant:	Department of Environment and Conservation
File Ref. No:	10.3.2
Disclosure of interest:	Nil
Date:	24 June 2008
Author:	Steve Thompson

#### Summary

**The proposal to upgrade parts of the Lane Poole Reserve to National Park is supported.**

## Background

The Department of Environment and Conservation (DEC) have invited the Shire's comments on the proposal to upgrade parts of the Lane Poole Reserve to National Park. Correspondence from DEC is set out in Attachment "A" and it provides background information to the proposal.

## Comment

No objection is raised with the proposal given the land has the current purpose of "Conservation Park", Alcoa supports the change of purpose and it is a relatively small area impacted in this Shire. While noting this, it is suggested the following points could be raised with DEC on the proposal and its proposed future management of the land:

- Whether legal and practical access will be retained to enable landowners to access freehold properties and the community to access key recreational areas and whether this is proposed to be reflected in future Management Plans?
- Whether DEC has considered the possible impacts of any possible access track rationalisation and fire management onto adjoining and nearby freehold land?
- Whether DEC has sufficient resources to effectively manage feral animals and weeds on an on-going basis in the proposed Lane Poole National Park?

## Consultation

Consultation is being undertaken by DEC.

## Statutory Environment

Conservation and Land Management Act.

## Policy Implications - Nil

## Financial Implications

There are no direct financial implications given DEC are ultimately responsible for the management of National Parks.

## Economic Implications

These are expected to be minimal given the current "Conservation Park" purpose which is expected to allow minimal commercial uses on the subject land. In time, the creation of the National Park may assist to promote the local/regional tourism sector.

## Social Implications

These are expected to be minimal provided access issues are suitably addressed.

## Environmental Considerations

The proposal should result in positive environmental outcomes.

## Strategic Implications - Nil

## Options

1. Support proposal;
2. Not support proposal; or
3. Defer.



- 22 October 2007 - the Shire's then Consultant Engineer and Consultant Planner met with the applicant. At this meeting, the applicant was advised there were various drainage issues with the submitted design, along with a need to address the approach to public open space (POS) for the site. The applicant advised that they would commission a consultant engineer to address drainage issues.
- 4 December 2007 - the WAPC agreed to extend the period of consideration for the application to 21 January 2008 to provide time for the following to be resolved:
  - "The Minister's approval of Amendment No 9 to the Shire of Boddington Town Planning Scheme No. 2. Drainage management for the proposal being supported by the Shire of Boddington."
- 6 March 2008 – the Shire receives a preliminary drainage analysis from McDowall Affleck (consultant engineers and project managers).
- 12 May 2008 – the Shire receives a drainage report from McDowall Affleck.
- 13 June 2008 – the WAPC refers an amended subdivision plan to the Shire seeking a response by 2 July 2008.

Relevant matters relating to the site and application include:

- the application proposes 57 lots ranging in size between 320m<sup>2</sup> and 743m<sup>2</sup> along with a POS site of 2,610m<sup>2</sup> and a drainage basin;
- the site is 4.7886 hectares in area and is largely cleared;
- the subject land is adjacent to residential development and current rural land;
- the site is zoned "Residential" which is predominantly coded R15, with a smaller area in the north-east section coded R40, in the Shire of Boddington Town Planning Scheme No. 2 (TPS2). The site was subject to Scheme Amendment No. 9 which was recently gazetted. The Council sought to increase the density of the R15 area to R25, however this was not supported by the Minister for Planning and Infrastructure;
- a density of R15 in the Residential Design Codes of Western Australia (R-Codes) equates to a minimum lot size of 580m<sup>2</sup> and an average lot size of 666m<sup>2</sup>. A density of R40 equates to a minimum lot size of 200m<sup>2</sup> and an average lot size of 220m<sup>2</sup>;
- most of the site is located within the mining buffer with the buffer boundary typically located on the boundary between the R15 and R40 lots;
- extracts of the Council's Local Planning Strategy (LPS), which are relevant to this application are provided in Attachment "D"; and
- the proposed lots will be fully serviced.

### Comment

The subdivision application is supported subject to conditions.

The key issues with the application are summarised below:

### *Mining Buffer*

As mentioned, most of the subject land is located within the mining buffer and land within the buffer is zoned "Residential R15". This is not a common situation in this Shire. The main other site, which is undeveloped and with a R15 coding within the buffer, is Lot 1 on the corner of Farmers Avenue and Bannister-Marradong Road.

The LPS identifies the current application site as "Future Urban" (page 20) where it states "This area is located within the 1,200m buffer set back and no development will be permitted until the bauxite deposits have been exploited and rehabilitation commenced, and with the agreement of DOIR." A similar approach is set out on page 37 where the site is in sub-precinct T4. The site is identified as "townsites (urban land)" as precinct T4 on Figure 7.2 – Upper Hotham Precinct.

At this stage, the adjacent bauxite deposits have not been exploited.

The Shire has recently received the advice of the Department of Industry and Resources on the subdivision application (see Attachment "E" – note this advice was made on the original and now superseded plan). In summary, the Department recommends that residential subdivision within the buffer be accompanied by a Section 165 Notification that states "This lot is located within the 1,200 m of future bauxite mining operations."

It is highlighted that unless land is already zoned for residential or rural living purposes, it is suggested that the Council should seek to ensure that future subdivision is compatible with the mining buffer. Accordingly, the Council's recommendation on this application will only create a precedent for undeveloped and already zoned residential and rural living land within the buffer. For land currently zoned "Rural", it is suggested that the Council should not support any residential or rural living scheme amendment until mining issues are appropriately addressed.

After weighing up advantages and disadvantages of creating residential lots within the buffer, it is suggested the application is appropriate for reasons including:

- the land is already zoned for residential purposes and it is arguable whether it is appropriate to retrospectively limit subdivision and associated development;
- the Department of Industry and Resources do not object to the application (this partially addresses page 20 of the LPS);
- there was implied support for residential subdivision/development through consideration of Scheme Amendment 9 which did not "down zone" the site's zoning to prevent residential subdivision;
- the Council has previously supported R25 for this land; and
- notifications will advise owners of future mining operations.

It is highlighted that should the Council support the application, it will reflect a departure from the LPS.

### *Drainage Fill*

McDowall Affleck considers that the amended plan and associated approach to drainage will provide an appropriate drainage solution for the site which will not have undesirable off-site impacts. At the time of writing this report, no Shire consultant engineering advice had been received on the amended plan and associated drainage report and it is hoped this can be reported to Council at its meeting.

Based on the above, various drainage and fill conditions are set out in the recommendations. The intent of the conditions are to ensure there is appropriate stormwater management and nutrient stripping for the proposed subdivision that satisfactorily addresses stormwater control and meets high environmental standards. Future detailed engineering design will need to, amongst matters, show how the POS will be usable for recreation purposes and provide advice on its likely availability throughout the year and what areas will be typically used for drainage.



### *Public Open Space*

The proposed subdivision and associated development will generate additional demands for POS. The application proposes 2,610m<sup>2</sup> of POS which is anticipated to have a dual use for recreation and drainage.

It is considered preferable to not create a series of small areas of POS, but rather create well located and more usable POS areas. While noting this, given the negotiations to date, no objections are raised to the proposed POS on the application site. The subdivision, if approved, should also include a condition requiring a cash-in-lieu payment for any POS shortfall which is currently 2,178.6m<sup>2</sup>.

### *Paths*

There will be a need for footpaths/dual use paths within the subdivision which should be provided in accordance with the WAPC's Liveable Neighbourhood document.

### Consultation

The WAPC invites comments from the Shire and other government agencies at the subdivision stage.

Recently, widespread community consultation occurred through advertising Scheme Amendment No. 9.

### 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.

The Council should adequately increase budget accounts to ensure that the POS is appropriately maintained.

### Economic Implications

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

### Social Implications

These were largely addressed at the scheme amendment stage. 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.

Notifications on the title will advise owners of future mining operations.



5. **Temporary cul-de-sac heads being designed and constructed to the satisfaction of the Western Australian Planning Commission; (LG)**
6. **The road reserve, in the south-west section of the site, being extended to the southern boundary of Lot 200, to the satisfaction of the Western Australian Planning Commission; (LG)**
7. **Parallel embayment car parking bays being provided abutting the POS to the satisfaction of the Western Australian Planning Commission; (LG)**
8. **Footpaths and/or dual use paths being provided within the subdivision in accordance with Liveable Neighbourhoods to the satisfaction of the Western Australian Planning Commission; (LG)**
9. **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)**
10. **Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the applicant/owner's cost. (LG)**
11. **An Urban Water Management Plan shall be prepared and implemented as part of the subdivisional works to the specification and satisfaction of the Shire of Boddington. The subdivider shall design and construct a stormwater disposal system to the satisfaction and to specifications approved by the Shire of Boddington in a manner which is in accordance with the Stormwater Management Manual for Western Australia (February 2004); (LG)**
12. **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; (LG)**
13. **The land being graded and stabilised; (LG)**
14. **Measures shall be taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site works; (LG)**
15. **A Dust, Noise and Vibration Control Management Plan shall be submitted to, and approved by, the Shire of Boddington prior to the commencement of any site works; (LG)**
16. **The finished ground levels at the boundaries of the lot(s) the subject of this approval are to match or otherwise co-ordinate with the existing and/or proposed finished ground levels of the land abutting; (LG)**
17. **The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works; (LG)**
18. **The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted; (LG)**
19. **Uniform fencing along the boundaries of the drainage basin are to be constructed to the satisfaction of the Western Australian Planning Commission; (LG)**
20. **The provision of 4,786.6m<sup>2</sup> in area (and/or a or cash-in-lieu payment), in a position to be agreed with the WAPC, being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005,**

such land to be ceded free of cost and without any payment of compensation by the Crown;  
(LG)

21. A Detailed Area Plan is to be prepared and approved for lots zoned Residential R40; (LG)
22. Certification by the Fire and Emergency Services Authority of Western Australia that subdivision reticulation plans meet specifications and that hydrant fire fighting services will be installed to the satisfaction of the Western Australian Planning Commission; (FESA)
23. Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision; (WC)
24. Suitable arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lot/s shown on the approved plan of subdivision; (WC)
25. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lots shown on the approved plan of subdivision; (WP) and
26. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificates of Title of all proposed lots coded R15 advising of the existence of a hazard or other factor. Notice of this Notification is to be included on the Deposited Plan. The notification to state as follows:

"This lot is within 1200m of future bauxite mining operations." (DOIR)

Advice:

- (i) In relation to Conditions 1 - 19 (inclusive), relevant aspects of Condition 21 and in accordance with Section 295 of the Local Government Act (1967), the subdivider shall provide the Local Government for approval engineering drawings showing the proposed construction works prior to commencing works.
- (ii) The applicant is advised that with regard to Condition 10, the Shire of Boddington will require a contribution of \$2,000 per lot for the purpose of funding the upgrading of the townsite's drainage infrastructure to adequately service further residential subdivisions, such as this application.
- (iii) With regard to Condition 21, the Detailed Area Plan is to address all relevant matters, including paving, manoeuvring spaces, lighting, fencing, planting and crossover location.
- (iv) The subdivider, in consultation with the Shire of Boddington, is encouraged to produce Building and Landscaping Design Guidelines for the subject land.
- (v) Uniform fencing is to be provided along the boundaries of all lots

Seconded

Cr Hardie

Carried

7/0

<b>8.1.3</b>	<b>Change of use from former Post Office to Restaurant and proposed accommodation unit – Lot 20 Bannister Road</b>
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Location: Lot 20 Bannister Road, Boddington  
Applicant: Penny John  
File Ref. No: BAN 20  
Disclosure of interest: Nil  
Date: 24 June 2008  
Author: Steve Thompson

### Summary

**Conditional Planning Approval is recommended for a change of use from the former post office to a restaurant along with a proposed caretaker's dwelling at Lot 20 Bannister Road.**

### Background

The applicant seeks planning approval to change the use of a commercial site, which contains from an existing building, from its former use as a post office to a restaurant. The applicant is also seeking approval for an accommodation unit (caretaker's dwelling). The site's location is shown in Attachment "A", while details submitted by the applicant are set out in Attachment "B". This provides background details to the proposal which are not repeated in this report.

The site is zoned "Commercial" in the Shire of Boddington Town Planning Scheme No. 2 (TPS2), where a restaurant is an "AA" use (means that the use is not permitted unless the Council has granted planning approval). A restaurant is defined in TPS2 as "means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant".

The car parking standard for the Commercial Zone in TPS2 is 1 bay per 40m<sup>2</sup>.

The floor space of the existing building is approximately 195m<sup>2</sup>. The driveway is approximately 5 metres wide.

### Public Consultation

The Shire administration invited public comment on the planning application through writing to adjoining/nearby landowners and Main Roads Western Australia. At the time of preparing this item, five (5) submissions had been received and they are provided in Attachment "C". In summary, one submission is in support, two submissions raise issues/concerns and two submissions (from the Boddington Hotel and solicitors for the hotel) oppose the application.

The key issues raised through the consultation process include:

- impact on existing businesses;
- car parking;
- environmental health considerations and noise impacts; and
- appearance of the caretaker's dwelling.

The applicant was given the opportunity to respond to issues raised and recently advised the following:

1. "It is not anticipated that noise generated from operating a restaurant will be excessive - it's not as if we will be having live rock and roll bands! A restaurant in a commercial area is naturally going to create some noise but as the patrons will mainly be inside the noise will be contained. Meals will probably not be served after 9pm so it is not likely clients will remain much after 10pm."

2. Refuse disposal will comply with Clause 15 of the Health (Food Hygiene) Regulations Act 1993.
3. Two staff parking bays will be provided at the rear of the property as well as tandem parking in the driveway. As the majority of business will be conducted after normal business hours there should be sufficient street parking available. People do of course have the option of walking.
4. Any additional buildings or renovations will comply with Town Planning and Council's requirements.

We make no comment relating to those comments received in regard to competition.”

### Comment

Following an assessment of the application and submissions, the following are considered to be the key issues with the application.

#### *A) Impact on Existing Businesses*

While it is noted that the Boddington townsite and surrounding area has various eating establishments and licensed premises, it is highlighted that decisions relating to the supply of these establishment is a market decision (provided the proposal also gains a liquor license from the Department for Racing, Gaming and Liquor). It is considered that “anti-competitive” practices and decision-making is not consistent with the planning system and the decisions of tribunals and courts in Western Australia and Australia.

TPS2 does not provide any legal basis to use “competition” as a legitimate planning reason to refuse an application. Therefore, the Council is required to assess each planning application on its merits against relevant planning consideration (including traffic impacts, amenity, land-use compatibility, servicing etc). Further, the Council is not in a position to limit the number of licensed premises in an area or per year. For existing eating establishments and licensed premises to flourish, they will be required to continue to provide a product/service that locals and tourists are seeking, which is appropriately priced and effectively marketed.

It is suggested that objectors to the application (and other stakeholders) will have an opportunity to put forward their views as part of the application for a liquor license with the Department for Racing, Gaming and Liquor.

#### *B) Car Parking*

It is agreed that car parking is an issue and there will be insufficient car parking bays on site and sometimes immediately adjoining the site. While noting this, it is suggested there are limited options for this site and application for reasons including:

- the historic level of development on the site;
- since subdivision of the site, which occurred years ago, the site is unable to provide sufficient on-site car parking bays for most commercial uses;
- the former commercial use of a post office would have arguably produced greater traffic and car parking demands over a 24 hour period than a restaurant – although a restaurant will have greater impacts for parts of the day/evening;
- limited new floor space is proposed for the site from what is existing;
- TPS2 sets out car parking requirements (Appendix 2 – Site and Development Requirements Table) based on the Commercial Zone and does not differentiate between various commercial uses including retail, office and restaurant; and;

- the Council has the opportunity to marginally increase on site parking provision through supporting a slightly amended design.

The site currently could realistically provide 2 car parking bays (tandem bays which are not ideal) in the driveway. Parking opportunities are limited due to the location of outbuildings on the site. The applicant proposes that 4 car parking bays could be provided on site as set out in Attachment "B". It is suggested that if the caretaker's dwelling is constructed, that the site will only be able to accommodate 3 car parking bays. This assumes the removal of the existing outbuilding (which is approximately 65m<sup>2</sup>) and a relocation of the caretaker's dwelling to the north to allow vehicles to appropriately manoeuvre and enter/leave the site in a forward gear.

If an application was received for a new commercial building, on a vacant site, with floor space of 195m<sup>2</sup>, TPS2 would require the applicant to provide 5 car parking bays (1 bay per 40m<sup>2</sup>) or a cash-in-lieu payment.

It is highlighted that the restaurant is appropriately located within the town centre and the use is legally possible in the Commercial Zone.

It is common throughout Western Australia for commercial lots not to have sufficient on-site car parking. It is also common for other Local Government Town Planning Schemes to set out standards for car parking provision for restaurants such as 1 car parking bay per 4 patrons. When Council reviews its Town Planning Scheme, it may chose to adopt a different approach to car parking numbers for different land uses in the town centre.

#### *C) Health and Noise Considerations*

Should the Council grant planning approval, the applicant will need to appropriately address planning conditions and separately apply and gain building and health approvals. These approvals will go into greater detail including how food waste will be effectively managed.

It is noted that adjoining residents have not objected to the application.

It is suggested that the Council should be satisfied that appropriate planning conditions are imposed to control the impact of the development. It is also noted that other legislation can appropriately regulate the proposed activity, although there is a need for effective on-going management by the proponent.

It is difficult to predict possible noise impacts at this stage. It is suggested it will largely come down to how effective the operator is at managing guests. If there are issues, these will be investigated and reported as appropriate to Council.

#### *D) Appearance of Caretaker's Building*

It is suggested that the design of the proposed accommodation unit (caretaker's dwelling) is not appropriate for the main street of Boddington and is not consistent with the Council's Boddington Town Centre Design Guidelines. One redeeming feature is that the proposed structure is largely screened from Bannister Road by existing buildings. It can be better screened through moving the structure northwards to also address vehicle manoeuvring.

Should the Council wish to approve the caretaker's dwelling, it is suggested that it limit the time period to 3 years. Following this, the applicant would need to re-apply for Planning Approval and provide appropriate justification as to its suitability or otherwise will need to remove the structure from the property.

### *E) Conclusion*

While appreciating the submissions received objecting to the application, following assessment of the application against TPS2 and noting that the site is a former commercial use, it is concluded that the planning application should be conditionally approved.

#### Consultation

Consultation was recently undertaken by the Shire.

#### Statutory Environment

Planning and Development Act, Liquor Licensing Act, and TPS2.

#### Policy Implications

None at this stage. In time, it is suggested there is a need to develop a Local Planning Policy on car parking and vehicular access.

#### Financial Implications - Nil

#### Economic Implications

The development, if approved, can assist to provide economic benefits to the local economy including enhancing tourism and job creation.

#### Social Implications

The main issues are considered to be possible impacts from the operators not effectively managing their customers, especially in regards to noise impacts.

#### Environmental Considerations - Nil

#### Strategic Implications

There is a need to develop a townsite strategy to assist in more orderly and planned development and the coordinated provision of infrastructure and services. This, in turn, will assist Council in its planning, the Shire with its service delivery and will provide increase certainty for other stakeholders.

#### Options

1. Approve with no conditions;
2. Approve with conditions;
3. Refuse; or
4. Defer.



Council Resolution

168/08

Moved

Cr Flaherty

That Council approve the Planning Application to change the use of Lot 20 Bannister Road, Boddington from a former post office to a restaurant and the development of a new caretaker's dwelling subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Where the Planning Approval has lapsed, no further development is to be carried out;
2. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions including Conditions 3 and 10) or otherwise amended by the Council and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the Council;
3. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed, drained and marked out to the satisfaction of the Council (including addressing Condition 10 to enable vehicles to enter and leave the site in a forward gear). These areas are to be constructed prior to the occupation of the land and/or buildings for their approved purpose and those areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of the Council.
4. The vehicular crossover between the subject land and Bannister Road is to be designed, constructed, sealed and drained to the satisfaction of the Council prior to occupation;
5. Provision shall be made at the time of the development to the satisfaction of the Council for adequate disposal of roof water, water from paved areas and all other stormwater prior to occupation. The drainage facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Council;
6. All stormwater and drainage run off is to be connected through a silt pit to a Council stormwater legal point of discharge prior to occupation of the development for its approved purpose to the satisfaction of the Council;
7. Rubbish bin storage areas are to be located, designed and constructed to the satisfaction of the Council prior to occupation of the development;
8. No building is permitted over the sewerage line without the approval of Water Corporation.
9. The operator is to ensure that noise levels are considerate of adjoining properties and are to be especially low in volume between 9.00pm and 8.00am;
10. The caretaker's residence is to be located to the north of the submitted location to provide opportunities for vehicles to enter and leave the site in a forward gear and to reduce visual impact of the building from Bannister Road;
11. The caretaker's residence is only granted approval for a three (3) year period;
12. The existing outbuilding of approximately 65m<sup>2</sup> is removed from the site prior to occupation and/or development;

13. The existing building and proposed caretaker's residence are to be painted or clad in colours set out in the Boddington Town Centre Design Guidelines.

**Advice**

- A) The proponent is advised that this Planning Approval is not a Building Licence. A Building Licence must be formally applied for and obtained from Building Services before the commencement of any site and/or development works.
- B) The proponent is advised that the approved development must comply with all relevant provisions of the Health Act, 1911 (as Amended) and the Building Code of Australia.
- C) The proponent is advised that Section 39 & 40 (Liquor Licensing Act, 1988) 'Certificates of Local Planning Authority' will also need to be issued to facilitate the operation of the proposed Liquor Store. These Certificates may be issued by the Shire at the written request of the proponent, subject to proven or expected compliance with the Conditions of Planning Approval. An administration fee will be charged for each Certificate, in accordance with adopted Council 'Fees and Charges' Schedules.
- D) The proponent is advised that additional requirements may be imposed by the Liquor Licensing Division of the Department of Racing, Gaming and Liquor. It is recommended that the proponent consult with the Liquor Licensing Division, either directly (on 1800 634 541) or via the website: [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au) for further information.
- E) The operator should ensure that the area adjoining the site is kept in a neat condition which is free of litter and other disused materials.
- F) Part 14 of the Planning & Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

Seconded

Cr Veitch

Carried 7/0

**8.3.1 Social Infrastructure Package – Second Allocation**

File Ref. No: 3.3.2A  
Disclosure of interest: Nil  
Date: 24 June 2008  
Author: Peter Bradbrook

Summary

**Following a meeting with the Finance Committee responsible for the initial endorsement of submissions for social infrastructure funding, relevant to the Boddington Gold Mine Expansion, Council is asked to reassess the projects to be submitted in the second allocation for funds from the State Government.**

Background

On 1<sup>st</sup> April 2008 Council resolved as follows:

“That Council identify the following projects for funding from the second round of the Social Infrastructure Package from the State Government, with the Special Projects Manager to ascertain the costs of the projects to be included in the final submission:

1. Purchase of Lot 11 Bannister Road for Parking;
2. Development of Lot 11 Bannister Road (level, construct, seal and line mark);
3. Council's proportion of small flood plain study (Weir to William Street);
4. Staff Accommodation (Four houses plus one Duplex);
5. Indoor Sporting Complex & Redevelopment of Site;
6. Contribution towards Repair Town Dam Wall;
7. New Medical Centre;
8. Caravan Park Extensions – Inc. New Ablutions;
9. Contribution towards extending scheme water to Ranford - to allow urban development;
10. Widen, construct & seal Farmers Avenue, additional to seal Robins Road and reseal town roads where drainage work occurred;
11. Additional Staff and Consultants;
12. Main Street Upgrade – Inc. Underground Power; and
13. Funding for a minimum of two passing lanes on Pinjarra-Williams Road – between Boddington and Dwellingup within the Shire of Boddington boundary”.

On 3<sup>rd</sup> June Council received a request from the Peel Development Commission (PDC) to submit a draft Project Initiation Proposal Summary Sheet (PIPPS), for each project to be included in the second submission, by 13<sup>th</sup> June. The PIPPS were completed and submitted to PDC as required, albeit that accurate funding had not been ascertained for several projects. (Initially we were informed that the submission was not required until September).

PDC then arranged for a meeting to be held between the Finance Committee (comprising Stephen Cummins, Tony Whittaker and Greg Robertson), and Council representatives, on 18<sup>th</sup> June. The Shire President, Cr Carrotts, Chief Executive Officer, Mr Sherry and the Special Projects Manager, Mr Bradbrook, represented Council at this meeting.

Each of the foregoing projects, plus the construction of a modern Youth Centre, was discussed at the meeting, with the following recommendations:

- Items 1, 2, 10 and 12 Main Street Upgrade; including the purchase and development of Lot 11 Bannister Road for parking, underground power and townsite traffic management; to be amalgamated as one project and submitted. Prepare Business Case.

- Item 3 – Small flood plain study (Weir to William Street) - Delete - no longer applies as Department of Industry & Resources has agreed to pay for this study.
- Item 4 – Staff Accommodation – Submit - Council to determine number of residences needed for executive staff and others, reassess amount requested and prepare Business Case justifying the need.
- Item 5 – Indoor Sporting Complex – Council to submit Business Case. Report from CCS Strategic Management should accompany application.
- Item 6 - Delete. Acquisition of Town Dam cannot be attributed to Gold Mine Expansion and would not receive funding.
- Item 7 – New Medical Centre – Delete – Project has already been allocated \$450,000 by the State Government and ‘second bites’ would not be considered favourably by Treasury.
- Item 8 – Caravan Park Extensions – Delete – Proposed extensions cannot be directly attributed to the Gold Mine Expansion and would not receive funding.
- Item 9 – Contribution towards extension of scheme water to Ranford – Delete – difficult to prove is attributable to Gold Mine Expansion. Plenty of other residential land being developed. Pressure should be brought to bear on Water Corporation to extend scheme water and recover capital cost as new properties connect.
- Item 11 – Additional Staff & Consultants - Delete - Funding has been approved for additional staff and consultants through to 30<sup>th</sup> June 2009. Some designations approved i.e. Community Development Officer and Ranger not yet appointed. Funds saved can be used for other staff appointments considered necessary.
- Item 13 – Passing Lanes - Delete – Not a local road and Main Roads would need to apply for funding for this project. The Regional Manager for Main Roads had commented at the BGM Infrastructure Group and BGM Strategic Planning Committee meetings earlier in the day that ‘Climbing Lanes’ were marginally justified, rather than passing lanes. (Climbing Lanes are almost identical to passing lanes; except that they are all ‘up hill’ to take advantage of trucks slowing down). Each climbing lane would cost around \$1.5 million. PDC to arrange political assistance i.e. Minister for Peel to approach Minister for Transport & Infrastructure to have additional funds allocated for the purpose.
- New Item – Youth Centre – Submit - Finance Committee thought this project might receive assistance as supporting Youth is a popular theme. Prepare Business Case for Capital and Operating costs.

#### Comment

The advice given to Council was to concentrate on those projects that stand a chance of approval, rather than waste time compiling documentation, costs, etc. on projects that would not be considered. In doing so, a far more complete submission can be prepared, providing a better chance of projects receiving endorsement by Treasury.

Although only four submissions are recommended preliminary estimates suggest these alone could total \$18.5 million. (Staff Accommodation \$3m, Main Street Upgrade \$2m, Indoor Sporting Complex \$12m and Youth Centre \$1.5m (including coordinator’s wages)).

Consultation – Cr Carrots, Stephen Cummins, Tony Whittaker, Greg Robertson, Gary Sherry

Statutory Environment – Nil

Policy Implications - Nil



Mr Peter Haas declared an Impartiality Interest as applicants are family friends.

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

##### **8.4.1 Temporary Caravan Accommodation – Lot 132 Mitchell Crescent**

Location: Lot 132 Mitchell Crescent Ranford  
Applicant: Ms S Skewes & Mr A Lane  
File Ref. No: MIT 132  
Disclosure of interest: Impartiality interest as applicants are family friends  
Date: 23 June 2008  
Author: Peter Haas

#### Summary

#### **To gain approval to camp in a caravan on Lot 132 Mitchell Crescent Ranford.**

#### Background

An application has been received from Ms Skewes and Mr Lane requesting Council permission for their family to live in a caravan in a shed on site prior to building their house. They wish to take this action because they have no residence to move into whilst waiting to finalise their building plans and to commence building.

In their application they have stated that they are waiting for their house plans to be drawn and returned to them prior to submitting them to Council. Mr Lane and I have been discussing building aspects of the house for some time. The shed is hooked up to a functioning septic tank system and a shower toilet and wash trough has been installed in the shed.

#### Comment

It is expected that Council will receive more applications of this nature in the future because of the lack of and high cost of available housing. I am aware of one other application that will be submitted in the near future.

The Health Act requires that a building not erected as a dwelling not be converted into one without permission of the local government and provision made for sewerage disposal. The Health Act provision under Section 144 is the reason why it is insisted that a caravan is located on the site in respect to temporary accommodation inside a shed.

Under Regulation 11(2) of the Caravan Park & Camping Grounds Regulations, Council can only approve camping on land for up to 3 months in any 12 month period or 12 months if the person camping is building their residence as an owner builder and has a building licence issued to do so. To camp for any longer period of time requires approval from the Minister for Local Government.

Because they do not have a building licence to build their house as an owner builder Council can only grant approval to camp on the land for three months.

Council could approve their application to camp on the site for three months and once they have submitted their building licence application as an owner builder grant them approval to camp on the site for 12 months.

Council may also wish to look at delegating the power to approve these sorts of applications to be performed by an authorised person. This can be done under Regulation 6 of the Caravan Park & Camping Grounds Regulations. Council officers who are currently authorised persons and working for the Shire under the Act are Rod Pett and myself. Council may wish to add other officers to this list due to the number that are on the original list that have left the Shire's employment.

Consultation - Nil

Statutory Environment

Caravan Park & Camping Ground Regulation 1997 Regulation 11(2) and 6 (attached).

Policy Implications

Council's policy on this matter is listed below:

Policy No: 02.7

Policy Subject: SHED/CARAVAN ACCOMMODATION

Policy Statement:

With effect from 1 January 2005 Council;

- a) allows camping on site for a period of up to 12 months, in a caravan only, provided that suitable ablutions and septics are erected and provided a building permit has been issued for a dwelling on the same lot,
- b) will consider an extension of a further six months dependant on the progress of the construction of the dwelling,
- c) does not allow camping in a shed for any period of time greater than three days in any twenty-eight day period but
- d) will allow camping in a caravan located within a shed provided that suitable ablutions and septics are erected and provided a building permit has been issued for a dwelling on the same lot.

Objective:

To establish guidelines concerning the occupation of temporary accommodation during the construction of a residence and to control the use of caravans and sheds as long term temporary accommodation.

Resolution No. 59/05

Resolution Date. 19/04/2005

Financial Implications - Nil

Economic Implications

Residents are able to live on their block of land whilst preparing plans to build their dwelling.

Social Implications

May create sub standard accommodation option for those unable to afford the rents being charged for accommodation in the area.

Environmental Considerations - Nil





## Governance

Governance refers to the actual administration of Council activities and includes costs associated with the Elected Members of Council and the Administration Centre. The total operating budget for the administration of Council is \$1,102,075. Some of the larger expenditure items under this category include:

- Allowances for Elected Members \$ 54,000
- Administration Salaries and Superannuation \$ 494,536
- Office and Gardens Maintenance \$ 68,423
- Insurance \$ 46,619
- Computer Hardware / Software Maintenance \$ 49,090

All indirect administration expenses are reallocated services and facilities provided by Council to reflect more accurately the cost of providing those services and facilities. Other administration and governance of Council costs remain.

## Law, Order & Public Safety

\$105,818 has been budgeted for fire prevention and emergency services. Of this, \$54,199 will be recouped from the Emergency Services Levy, now raised annually on the Rate Notices, on behalf of FESA.

Animal Control continues to be an area of continued surveillance by our Ranger. Increased complaints have and call outs have been carried out by the Ranger including dogs wandering at large and dog attacks on livestock. To offset the cost of providing ranger services, Infringement Notices have been and will continue to be issued when the Ranger is required to deal with a dog, cat or livestock problem.

## Health

A portion of the State Government Social Infrastructure Package Funding has been allocated to constructing a new medical centre located behind the hospital. This project is to be advanced this year with partial construction to be undertaken later in the year.

## Education & Welfare

A feasibility study into the needs of a Child Care Centre within Boddington has been undertaken. The project will continue to be advanced in 2008/09, with future funding sources required to further this project to fruition as this is a service greatly needed by the community.

## Housing

Council has budgeted to build 2 houses to meet future staff needs. With the increasing shortage of housing for employees not from the region Council has decided to buy land and build 2 houses. A flood study is being conducted to establish whether land in Pollard Street is suitable for housing. Council is doing capital repairs to its existing housing also.

## Community Amenities

Recycling expenditure is expected to increase with the introduction of kerbside recycling from 1<sup>st</sup> September. This should see a decrease in use of the existing recycling bins located near the Council Depot in Johnstone Street. This expenditure helps to contain the costs involved in maintaining the Refuse Disposal Site on Robins Road, as the removal of the recycled rubbish greatly reduces the rate in which Council is required to dig pits to bury waste.

Town planning revenues are budgeted to increase for the year due to the increased level of activity through the continued growth of our region and the need for businesses and houses to be developed.

A Town Planning Scheme Management Plan is being conducted and is expected to cost approximately \$90,000.

Prussian Park is to be developed to make it a more attractive place to visit for both locals as well as people passing through our town, and will include a new playground and parking.

The new Traxcavator recently purchased and utilised at the refuse site, will have a washdown bay and high pressure cleaner purchased to ensure that this asset is maintained to increase its life.

#### Recreation & Culture

Funds have been allocated towards improving the condition of the town oval and school oval.

A self supporting loan has been budgeted to be provided to the Bowling Club to assist in the costs associated with installing a new synthetic green.

A fully funded pool blanket was installed in the 2007/08 season which should assist in reducing the costs associated with water and chemicals in the 2008/09 year.

Resurfacing of the pool concrete structure for \$69,000 will improve the quality of the pool water as well as eliminating the maintenance involved in removing constant build up of dangerous black spot which poses a real health risk to the community.

#### Transport

Council has adopted a large works schedule for the 2008/2009 period that includes major works being conducted on:

- Robins Road Sealing \$245,000 funded by the State Government.
- Harvey Quindanning Road (\$306,306) partly funded under the Main Roads Department through its Regional Road Group program.
- South Crossman Road (\$60,701) fully funded by the Roads to Recovery Grant
- Page Road Bridge works which were unable to be completed in the 2007/08 budget (\$50,002) and are funded by Main Roads
- Marradong Road (\$50,000) gravel spreading fully funded from TIRES to combat the damaging effects of logging trucks utilising this road.

In total, \$479,771 has been allocated to major road projects after funding, with a further \$380,865 allocated to the maintenance of rural and urban roads within the Boddington Shire. Council is committed to maintaining and improving roads within our locality for the benefit of the community.

Council is committed to providing pathways within the area which are safe and promote healthy lifestyles. Council's success in providing more pathways is based on funding being approved by Country Pathways. If successful, projects to be funded include:

- Farmers Avenue
- Farmers Avenue to Johnstone Street
- Foreshore Path to RSL Park
- Nichols Place to Club Drive

#### Plant and Major Capital Purchases

The following major plant purchases have been provided for in the budget: There is also provision to replace the administrative vehicles on a regular basis.

The Shire of Boddington currently has a social infrastructure submission with the State and Federal Governments requesting financial assistance to Council for administrative expenses and capital

works due the reopening of the Boddington Gold Mine. These projects are not listed as funding has not been confirmed.

As a part of the adopted Budget for 2008 - 2009 the Shire of Boddington has committed to undertake these major projects.

Upgrade Administration Centre	\$800,000*
New Medical Centre	\$1,990,000*^
Child Care Centre	\$450,000*
Land for Aged Care Facilities	\$800,000^
Houses (2) for Staff	\$600,000^
Land Blue Gum Close	\$310,000
Main Street Upgrade	\$116,000*
Recreation Centre	\$100,000*
Development of Light Industrial Area	\$1,200,000*
Relocate Works Depot	\$500,000*
Footpath Sweeper	\$ 74,500*
Total Major Capital Expenditure	\$6,940,500

\* Denotes jobs partially or fully funded through grant monies.

^ Denotes partial funding through a debenture loan.

The Shire of Boddington has also committed to these major road projects;

Adam Street	\$46,704
Club Drive Entry Road & Car park	\$30,850
Crossman-Dwarda Road	\$34,938
Days Road	\$28,045*
Harvey-Quindanning Road	\$306,306*
Marradong Road	\$50,000*
Morts Road to Tullis Bridge	\$31,050
River Road	\$42,850
Robins Road	\$245,000*
South Crossman Road	\$60,701*
Farmers Avenue Footpath	\$77,717*
Coolakin Creek Bridge	\$40,000
Page Road Bridge	\$50,002
Total Major Capital Expenditure on Roads & Footpaths	\$1,044,163

Capital purchases excluding roads budgeted total \$7,657,735, of which funding (including trade ins) totals \$4,753,412, a net of \$2,904,023.

Council has allocated a large portion of the budget funding for both Rural and Urban Road Maintenance and Capital improvement.

State Funding has been provided for \$1.5 million to assist with the development of the light industrial area and relocation of the existing works depot from its current location is Johnstone Street to the light industrial area.

#### Economic Services

The Economic Services programme covers areas that help to promote business and the Boddington economy. This includes Tourism and Building Control, Boddington Old School, Centrelink, Caravan Park and the Bulk Rubbish pick up.

Council continues to allocate \$10,500 each financial year to the Boddington Old School Committee for management and upkeep of the old school site and buildings. This is the third year of the renewed lease.

New fencing is to be installed at the Caravan Park, as well as some improvements to the Caretakers residence.

A one-third contribution is be made towards the capital cost of the vehicle used by the Hotham Landcare Staff. Council currently administers this project and the Landcare staff provide valuable services to the Boddington, Wandering and Cuballing shires who all utilize this service.

#### Other Property & Services

Large expenditure items within this program include the Depot Expenses, Purchase of Fuel and Oil, Plant Repairs and vehicle licenses and insurance.

The cost of fuel has risen sharply across Australia and as such, extra provision has been made. Currently, Council is being supplied fuel from a local business in a fixed contract to help reduce these costs.

No additional capital of operating expenses has been allocated for this financial year.

#### Conclusion

Council has been able to contain the rate increase to 6%, and a 5% discount is offered to ratepayers who choose to pay their rates in full before the due date. Council has maintained the annual rubbish collection fee for the first bin at \$180 plus \$30 for the recycling bins which commences as from 1<sup>st</sup> September.

With the increasing cost of materials, contractors and staff wages, this rate increase of 6% was unavoidable due to Council's revenues not matching increased costs.

It is the belief, that through this budget, Council will be able to further progress and increase community facilities provided to the community and its wider users, and increase Council owned assets. This is a tight budget that has been adopted, with a small surplus to assist Council in the situation that additional costs are received, or revenues are not as budgeted. It is hoped, that with a strong emphasis on proper use of Council resources through the financial year, savings may be made, so that the next year's budget may again have a small surplus, minimizing the rate impact for the next financial year.

#### Options

The Annual Budget for 2008/09 be deferred for further deliberations.

The Annual Budget for 2008/09 be adopted as presented.

The Annual Budget for 2008/09 be adopted as amended.

#### Statutory Environment

Council's 2008/2009 Budget document contains a number of items that require adoption by Council under the Local Government Act. They are that in accordance with:

1. As per Section 6.32 (1) of the Local Government Act 1995, Rates and Minimum Rates to be levied on all rateable property be as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value	12.3367	678
Unimproved Value	0.5678	689

2. Section 6.35 (5) of the Local Government Act 1995 requires that the Minister for Local Government's approval be sought for the imposing of a minimum payment where the number of separately rated properties in the district on which a minimum payment is imposed is greater than 50%;
3. Section 6.46 of the Local Government Act allows a discount of 5% be allowed for payment of rates in full within 35 days of the date of issue of the rate notice;



5. an 11% interest charge be levied on all overdue service charges and rubbish charges, eligible and deferred pensioners rates' excluded;
6. an administration charge of \$7 be levied for the second and each of any subsequent rates instalments;
7. the due date for instalments of rates payments be set as follows;
  - a. Two Instalment Option:
    - i. 1<sup>st</sup> Instalment due 15 August 2008; and
    - ii. 2<sup>nd</sup> Instalment due 15 December 2008;
  - b. Four Instalment Option:
    - i. 1<sup>st</sup> Instalment due 15 August 2008;
    - ii. 2<sup>nd</sup> Instalment due 15 October 2008;
    - iii. 3<sup>rd</sup> Instalment due 15 December 2008; and
    - iv. 4<sup>th</sup> Instalment due 16 February 2009;
8. Council adopt the Schedule of Fees and Charges as detailed in the 2008/2009 Draft Budget;
9. Council adopt the Revenue and Expenditure as detailed in the 2008/2009 Draft Budget; and
10. Council offer an early payment incentive prize draw for two family season passes to the Boddington Swimming Pool to all ratepayer who have paid their 2008/09 rates, any outstanding rates, rubbish charges and any other charges.

Seconded                      Cr Hardie                      Carried by Absolute Majority                      7/0

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

There being no further business the Chairman declared the meeting closed at 6:05pm.