

Minutes

1. DECLARATION OF OPENING:	2
2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	2
3. DISCLOSURE OF FINANCIAL INTEREST:	2
4. PUBLIC QUESTION TIME:	2
4.1 MRS ROBYN HENDRIKS – AUDIT OF COUNCIL CARBON FOOTPRINT	2
4.2 MS ROBYN ANDERSSON – SOLAR ORIENTATION OF THE MEDICAL CENTRE	3
5. PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS:	3
6. CONFIRMATION OF MINUTES:	3
6.1 ORDINARY MEETING OF COUNCIL HELD ON 15 TH JULY 2008.....	3
7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:	3
7.1 ELECTED MEMBERS REPORTS	3
8. REPORTS OF OFFICERS AND COMMITTEES:	4
8.1 PLANNING CONSULTANT:	4
8.1.1 SHIRE OF COLLIE DRAFT PLANNING STRATEGY	4
8.1.2 DRAFT STATE PLANNING POLICY 3.6 DEVELOPMENT CONTRIBUTIONS FOR INFRASTRUCTURE	6
8.1.3 CROSSMAN TOURIST VILLAGE – LOT 1 CORNER ALBANY HIGHWAY AND CROSSMAN ROAD, CROSSMAN.....	12
8.1.4 PROPOSED COMMERCIAL UNITS - LOT 8 CORNER FORREST STREET AND BANNISTER ROAD.....	19
8.2 ENGINEER:	26
8.3 SPECIAL PROJECTS MANAGER:	26
8.3.1 MEDICAL CENTRE – LICENCE TO OCCUPY PREMISES (HOME & COMMUNITY CARE) & LEASE AGREEMENT	26
8.3.2 STREET NAME – HUNTLY RISE ESTATE	28
8.3.3 SUBDIVISION LOT 101 BANNISTER ROAD BODDINGTON	30
8.4 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR:	32
8.5 DIRECTOR OF CORPORATE SERVICES:	32
8.5.1 MONTHLY FINANCIAL STATEMENTS JUNE 2008.....	32
8.6 CHIEF EXECUTIVE OFFICER:	33
8.6.1 HOTEL CARPARK GARDEN BEDS.....	33
8.6.2 DEED OF CONSENT – RESERVE 42266	36
9. ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	38
10. URGENT BUSINESS WITHOUT NOTICE (WITH THE APPROVAL OF THE PRESIDENT OR MEETING):	38
10.1 LATE ITEM – APPROVAL TO CONSIDER.....	38
10.2 5 FORREST STREET – OFFER TO PURCHASE	39
11. CONFIDENTIAL ITEMS:	40
12. CLOSURE OF MEETING:	40

1. DECLARATION OF OPENING:

The Shire President, Cr Carrotts, declared the meeting open at 4.02pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

ATTENDANCE

Cr PR Carrotts	President
Cr E Flaherty	Deputy President
Cr EK Hoek	
Cr GJ Day	
Cr SW Patten	
Cr AJ Hardie	
Cr DN 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	Planning Consultant
Mr P Bradbrook	Special Projects Manager

APOLOGIES

Nil

VISITORS

Ms R Hendriks
Ms R Andersson
One other elector

3. DISCLOSURE OF FINANCIAL INTEREST:

Cr. Carrotts	Item 8.6.1	(Proximity Interest)
Cr. Hoek	Item 8.1.4	(Proximity Interest)
Cr. Hoek	Item 8.6.1	(Proximity Interest)
Cr. Veitch	Item 8.1.4	(Impartiality Interest)
Cr. Veitch	Item 8.6.1	(Impartiality Interest)

4. PUBLIC QUESTION TIME:

4.1 Mrs Robyn Hendriks – Audit of Council Carbon Footprint

Ms Hendriks asked if Council had considered an audit of Council's carbon emissions. In light of increasing evidence of global warming, Council and the wider community have had a requirement to reduce green house gas emissions.

Cr Carrotts took the question on notice.

4.2 Ms Robyn Andersson – Solar Orientation of the Medical Centre

Ms Andersson asked what measures Council had considered to improve the solar orientation of the new Medical Centre to be constructed adjacent to the Boddington Hospital. Ms Andersson reminded Council that the correct orientation of a building could significantly reduce ongoing heating and cooling costs over the life of the building.

Mr Peter Haas, Environmental Health Officer/Building Surveyor advised that, given the orientation of the site, the optimal benefits of good solar orientation would be difficult to achieve. However Council is continuing to work with the architect to provide as energy efficient building as possible and a building that would meet energy saving design requirements of the Building Code.

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

Nil

6. **CONFIRMATION OF MINUTES:**

6.1 Ordinary Meeting of Council Held on 15th July 2008

Council Resolution 172/08 Moved Cr Flaherty

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

Seconded Cr Veitch Carried 7/0

7. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:**

Nil

7.1 Elected Members Reports

Nil

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

8.1.1 Shire of Collie Draft Planning Strategy

Location:	Shire of Collie
Applicant:	Shire of Collie
File Ref. No:	10.10.2
Disclosure of Interest:	Nil
Date:	4 July 2008
Author:	Steve Thompson

Summary

The Shire of Collie Draft Local Planning Strategy is supported as it seeks to protect infrastructure and resources that benefit the Shire of Boddington.

Background

The Shire of Collie has invited comments from this Shire and other stakeholders on their Draft Local Planning Strategy (Draft LPS) by 16 July 2008. An extract of the Draft LPS is provided in Attachment "A", while the full report is available to Councillors on request or alternatively on the Shire of Collie website.

As Councillors are aware, the Shire of Boddington borders the Shire of Collie.

Comment

It is suggested the Draft LPS provides a sound strategic framework for the Shire of Collie and its approach suitably addresses areas of interest to the Shire of Boddington. In particular, this includes its approach to:

- protecting the catchment of the Harris River Dam (this serves Boddington, Ranford and parts of the Crossman Corridor as well as other towns in the Great Southern) through the land planning process and restricting the clearing of native vegetation; and
- protecting the buffers of power stations and the associated coal resource.

Additionally, the approach of the Draft LPS is supported in relation to protecting and enhancing the environmental values of the Shire of Collie, maintaining the character of rural roads, and promoting appropriately located tourist development.

Consultation

Consultation is being undertaken by the Shire of Collie.

Statutory Environment - Planning and Development Act

Policy Implications - Nil

Financial Implications - Nil

Economic Implications

There is various key infrastructure and resources located in the Shire of Collie that benefits the Shire of Boddington and other areas.

Social Implications - Nil

Environmental Considerations

The Draft LPS should assist to produce positive environmental outcomes including protecting drinking water resources.

Strategic Implications – These are outlined in this report.

Options

1. Support the Draft LPS;
2. Support the Draft LPS with modifications;
3. Not support the Draft LPS; or
4. Defer (this will result in the submission being late).

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.1

Council Resolution 173/08 Moved Cr Flaherty

That Council:

1. **Thank the Shire of Collie for the opportunity to comment on the Draft Local Planning Strategy; and**
2. **Advise the Shire of Collie that it supports the Draft Local Planning Strategy given it seeks to protect key infrastructure and resources, that benefit the Shire of Boddington, in particular drinking water from the Harris River Dam and the supply of power.**

Seconded Cr Hardie Carried 7/0

8.1.2 Draft State Planning Policy 3.6 Development Contributions for
Infrastructure

Location: Applies across Western Australia
Applicant: Western Australian Planning Commission
File Ref. No: 10.10.12
Disclosure of Interest: Nil
Date: 7 July 2008
Author: Steve Thompson

Summary

The Shire of Boddington should make a submission to the Western Australian Planning Commission on the Draft State Planning Policy 3.6 Development Contributions for Infrastructure.

Background

The Western Australian Planning Commission (WAPC) has invited comments from this Shire and other stakeholders on their Draft State Planning Policy 3.6 Development Contributions for Infrastructure (Draft SPP) by 16 July 2008. The Draft SPP is provided in Attachment "A".

Developer/subdivider contributions are increasingly common across Western Australia and recognise infrastructure funding issues for local government.

The Shire of Boddington Town Planning Scheme No. 2 (TPS2) provides the ability to prepare Local Planning Policies and it also includes Appendix 14 Development Contribution Plans (DCP). Appendix 14 provides the framework for establishing a developer contribution regime. At this stage, the only DCP relates to Lot 8016 Bannister Marradong Road (see Attachment "B").

The finalised SPP will influence the proposed Shire of Boddington Developer Contributions Local Planning Policy.

Comment

The Draft SPP raises various issues and some of the key matters relating to the Shire of Boddington are outlined below.

A) Overview of Draft SPP

It is highlighted that a DCP does not have effect until it is incorporated as a schedule to the scheme and the DCP area is identified on the Town Planning Scheme map. The Draft SPP sets out the principles for cost contributions, the area to which the cost contributions apply, a cost apportionment schedule which apportions cost to owners in the area, the method for determining cost contributions, liability of owners, payment of cost contributions and administration of funds by establishment of a reserve account in accordance with the Local Government Act 1995 for each development contribution area.

Section 5.3 states, in part, "Where local governments are seeking development contributions beyond the standard provisions outlined in appendix 1, they must be supported by a development contribution plan for the relevant development

contribution area or by a voluntary agreement between a developer and the relevant local government...The condition(s) must be consistent with the principles outlined in section 5.2.”

The Draft SPP requires developer contributions to be collected through area based contribution rates (typically for small to medium size developments). A Developer Contribution and Staging Plan will be required for larger scale developments.

B) Supported sections

Pleasing aspects of the Draft SPP, compared to former WAPC policy, include:

- the inclusion of community infrastructure (set out in sections 5.1, 5.5, Appendix 3 and Attachment A3.1);
- Attachment A3.1, related to a Development Contribution Area (DCA), includes the ability to include administrative costs and a percentage of planning and design costs; and
- section 5.1 states that development contributions can be sought for “the total replacement of infrastructure once it has reached the end of its economic life”.

C) Required strategies and plans

The Draft SPP requires the Shire to adopt a sound strategic approach. While this is supported, a key concern is that the Draft SPP requires various strategies and plans to be funded and finalised before “non standard” developer contributions will be legitimised. The names of the required strategies and plans that the Shire may need to prepare and fund include a Stormwater Management Plan, Strategic Path Plan (or a Walking & Cycling Plan), a Strategic Road Plan, and a Community Infrastructure Development Contribution Plan.

D) Not suited to non-urban areas and to smaller local government authorities

It is suggested that the Draft SPP is aimed at urban areas and is not as well suited for smaller non-metropolitan local governments without access to substantial staff and financial resources. Further, the Draft SPP disadvantages the Shire of Boddington given this municipality is likely to experience a period of unprecedented growth and yet may not be able to seek necessary “non-standard” developer contributions for a period of at least 2 – 3 years. This is until necessary strategies and plans are funded (which are unbudgeted), undertaken and the associated scheme amendment is gazetted.

The Draft SPP only applies to “new and established urban areas” (section 2) which provides no high order policy support for contributions in non-urban areas including rural residential estates and applying contributions for road upgrading in rural areas. It is also suggested that the preparation of a DCA/DCP for rural areas may present considerable challenges. It is also not clear whether the State Administrative Tribunal will support developer contributions for road upgrading in non-urban areas if no specific reference (and ideally with a clear level of support) is included in the SPP.

Various local governments in WA, especially in non-metropolitan areas, apply what is described as a “merit assessment” methodology with developer contributions based on guidelines as opposed to specific contribution rates per precinct/catchment or land area etc.

The following formula could apply where the Shire has not prepared a Strategic Road Plan to upgrade the road and where a development is proposed (this approach could also be used with modification to other infrastructure such as paths):

$$\begin{array}{rcccl}
 & & \text{Determine traffic impacts of} & & \\
 & & \text{application} & & \\
 \text{Developer} & & \text{-----} & & \text{Shire} \\
 \text{Contribution} & = & \text{Existing traffic volumes on road} & = & \text{identified} \\
 \text{for road} & & + \text{projected traffic impacts of} & \text{X} & \text{level of} \\
 \text{upgrading} & & \text{other development accessing} & \text{\%...} & \text{service for} \\
 \text{etc.} & & \text{road (within ? years) based on} & & \text{road} \\
 & & \text{development potential in Town} & & \text{(based on} \\
 & & \text{Planning Scheme/Local} & & \text{traffic} \\
 & & \text{Planning Strategy} & & \text{volumes,} \\
 & & & & \text{type of} \\
 & & & & \text{traffic,} \\
 & & & & \text{safety etc)} \\
 & & & & \text{and} \\
 & & & & \text{associated} \\
 & & & & \text{costs to} \\
 & & & & \text{meet this} \\
 & & & & \text{standard} \\
 & & & & \\
 & & & & \text{= \$} \\
 & & & & \text{contribution} \\
 & & & & \text{paid by} \\
 & & & & \text{developer}
 \end{array}$$

An alternative formula is set out below:

$$\frac{\text{Number of lots/units for the individual landholding}}{\text{Total number of lots within the precinct/sub-precinct}} \times \text{Total cost of road upgrading}$$

It would be extremely useful if the WAPC could endorse an agreed approach to developer contributions in non-urban areas. Additionally, it is suggested that the Council seek the WAPC to endorse the use of Local Planning Policies to guide developer contributions in urban areas to at least 31 December 2011 to enable time to prepare required DCA/DCP.

E) A one size fits all is not appropriate

Given the diversity of Western Australia and even of the Shire of Boddington (including landform, land uses and lot sizes), a “one size fits all” approach to apportioning costs using a DCA/DCP is not considered to be appropriate.

For example, it is suggested that a different methodology to a DCA/DCP may apply to determining a development’s impacts on road infrastructure in an urban area compared to a non-urban area (although the same legal principles would apply).

In an urban area, a Strategic Road Plan (or similarly name) which identifies required new or upgraded infrastructure for the area/precinct is likely to form the basis for an area contribution rate for roads. The location of new development and likely densities/numbers can be relatively accurately determined in an urban area. This is not as straight forward in non-urban areas where the location of more intensive development is more “footloose” and it is more difficult to predict development and timing. Accordingly, the lower level of density, lower level of development, larger

distances and nexus considerations also represent challenges in non-urban areas and a different methodology or methodologies are suggested (such as set out in section "D" above).

F) Suggested changes to the Draft SPP

It is preferable that the WAPC support a general "enabling" provision in local government schemes which enables Councils to prepare a Local Planning Policy on Developer Contributions which is based on the established legal principles of demonstrated need, nexus, transparency, equity, certainty, efficiency, consistency, right of consultation and review and accountability without the requirement for "upfront" studies and plans.

In terms of certainty, the Local Planning Policy should outline where contributions are typically required and not required, even if it does not set out the exact amount liable to developers. It is suggested the Draft SPP (and associated Local Planning Policies) should outline the principles/process and provide associated flexibility as opposed to addressing specifics (such as the actual standard or financial contribution) in order that the SPP can be effectively implemented at a local government level.

Should the WAPC not support the above, it is suggested the Council should seek to be able to use "interim" measures (that are agreed and are included in the Draft SPP) until 31 December 2011.

Consultation

Consultation is being undertaken by the WAPC.

Statutory Environment

Planning and Development Act and TPS2. Unless the Draft SPP is modified, the Council will need to undertake a scheme amendment to establish a DCP to be able to obtain non-standard developer contributions.

Policy Implications

The finalised SPP will strongly influence the proposed Shire of Boddington Developer Contributions Local Planning Policy. There are significant policy implications if Council were to prepare a DCP which may, for instance, require the review and/or preparation of new plans and strategies.

Financial Implications

These could be significant and wide-ranging in the ability for the Shire to recoup some of the infrastructure costs that are attributable to new development.

Unless appropriate developer contributions are sought, the Shire is expected to become less financially sustainable and it will place increased pressure to appropriately maintain existing levels of infrastructure, services and facilities (let alone deal with the issues of increased development, subdivision, population, impacts/demands on infrastructure, services and facilities etc). It is therefore suggested that contributions from developers will become increasingly important in this municipality.

Not obtaining appropriate developer contributions is expected to result in:

- sub-standard services, infrastructure and facilities that may also present increased safety issues;
- pressure for Council to meet associated costs which may be unbudgeted and do not feature in Council's Strategic Plan or Council's Plan for the Future;
- funding impacts on other Shire operational matters (which could impact the Shire undertaking its statutory requirements);
- placing pressure on the Council being financially unsustainable; and
- equity issues for the local community.

The Draft SPP, unless modified, also raises the prospect of the Council needing to fund relevant strategies and plans which are not budgeted. It is suggested that the Council may need to budget in the order of \$250,000 (and possibly considerably more) to develop a Developer Contribution Plan and the associated studies addressing relevant infrastructure, such as drainage, roads, paths, public open space and community infrastructure, for the urban areas of Boddington and Ranford. There would be other costs associated with staff time and project management in progressing the studies and the associated scheme amendment/s. It is noted that the Draft SPP does provide the ability to recoup relevant costs of preparing technical reports through inclusion of a DCP that is incorporated into a Town Planning Scheme.

It is not clear what the WAPC expects of local government in regard to possible strategic and/or infrastructure studies for non-urban areas.

Economic Implications

Finalisation of the SPP is anticipated to result in wide ranging economic implications and some of these are outlined in this report and in the attached Draft SPP.

Social Implications

Finalisation of the SPP is anticipated to result in wide ranging social implications and some of these are outlined in this report and in the attached Draft SPP. A DCP will provide the Council with the capacity to recoup infrastructure costs for community infrastructure which is attributable to new development.

Environmental Implications - Nil

Strategic Implications

These are outlined in this report.

Options

1. Support the Draft SPP;
2. Support the Draft SPP with modifications;
3. Not support the Draft SPP; or
4. Defer (this will result in the Shire missing the submission deadline).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.2

Council Resolution **174/08** **Moved** **Cr Flaherty**

That Council:

- 1. Thank the Western Australian Planning Commission for the opportunity to comment on the Draft State Planning Policy 3.6 Development Contributions for Infrastructure;**
- 2. Advise the Western Australian Planning Commission that it supports aspects of the draft policy, however it has concerns with the following:**
 - a) the draft policy is aimed at urban areas and is not as well suited to smaller non-metropolitan local governments without access to substantial staff and financial resources;**
 - b) the cost and time to prepare required strategies and plans will disadvantage the Shire of Boddington at a critical time in its development due to unprecedented mining activity and associated development;**
 - c) the draft policy provides no high order policy support for contributions in non-urban areas including in Rural Residential and Rural Small Holding Zones and applying contributions for road upgrading in rural areas;**
- 3. The Council requests that the Western Australian Planning Commission modify the draft policy through:**
 - a) The policy applying also to non-urban areas;**
 - b) clarifying that road contributions in non-urban areas are supported by the WAPC and ideally agreeing to supported methodologies;**
 - c) supporting the inclusion of a general “enabling” provision in local government schemes which supports the ability to request or impose developer contributions (provided they are based on established legal principles); and**
 - d) endorsing the use of Local Planning Policies to guide developer contributions in urban areas, to at least 31 December 2011, to enable time to prepare required Developer Contribution Plans.**

Seconded **Cr Hardie** **Carried** **7/0**

8.1.3 Crossman Tourist Village – Lot 1 corner Albany Highway and Crossman Road, Crossman

Location: Lot 1 corner Albany Highway and Crossman Road, Crossman
Applicant: Ketch Nominees Pty Ltd
File Ref. No: ALB 1
Disclosure of Interest: Nil
Date: 8 July 2008
Author: Steve Thompson

Summary

Conditional Planning Approval is recommended for a proposed roadhouse, restaurant/function centre, 2 dwellings (but not 3 of the proposed 5 dwellings), 6 farm stay cabins and other incidental development at Lot 1 corner Albany Highway and Crossman Road.

Background

The applicant seeks planning approval for new commercial development that includes a roadhouse, licensed restaurant/function centre, 5 dwellings and 6 farm stay cabins in the first stage. The submitted site plan also shows a future stage/s that includes a further 19 farm stay cabins however these are not part of this current Planning Application.

The applicant also seeks Council support to rezone the site from “Rural Small Holdings” to “Special Use” to facilitate uses including a range of tourist accommodation and other uses.

The site’s location is shown in Attachment “A”, while some of the details submitted by the applicant are set out in Attachment “B” (This provides background details to the application which are not repeated in this report).

The Council at its meeting on 4 March 2008 resolved the following:

“That Council grants ‘approval in principle’ to the submission for a Tourist Village on Lot 1 Albany Highway as lodged conditional upon:

1. A more detailed formal Development Application being lodged for assessment and referral to Main Roads WA; and
2. The proponent forwarding an indicative layout for the total final development of the site.”

The site has been used for a filling station and roadhouse for many years although it has not operated for a while. Approval was granted at one stage for a caravan park.

The land is currently zoned “Rural Small Holdings” in the Shire of Boddington Town Planning Scheme No. 2 (TPS2). This zoning came into effect on 23 November 2007 through Scheme Amendment No. 11 which rezoned a large part of the Crossman Corridor including the subject land.

Public Consultation

The Shire administration invited public comment on the planning application through writing to adjoining/nearby landowners and other stakeholders. At the time of preparing this item, six (6) submissions had been received (all from State Government agencies) and they are provided in Attachment "C". In summary, no objections are raised although there is a need to address more detailed considerations including wastewater disposal and drainage.

Comment

The Planning Application is largely supported given its proposed use is typically similar to its former use, the application is appropriately located, the applicant appears to have appropriately addressed relevant planning considerations (at this stage of the process) and no objections were received during the consultation process. While noting this, the key issues with the application are outlined below:

A) Consistency with TPS2

Attachment "D" provides an extract of TPS2 relating to the Zoning Table. In summary, most proposed uses are legally permitted for the site's current Rural Small Holding zoning (often following public advertising) including a roadhouse, restaurant, single house, caretaker's dwelling, office, shed and staff amenities. Other uses which are not listed in TPS2 include a children's play area and beer garden and these can also be legally approved following public advertising.

Most forms of holiday accommodation are not permitted in the Rural Small Holding Zone including a caravan park, holiday cottage and motel. "Farm stay" is however an "AA" use (means that the use is not permitted unless the Council has granted planning approval). Farm Stay is defined in TPS2 as "means buildings used for the short term accommodation of tourists and holiday makers and includes halls and other buildings for the amenity of the residents but does not include a hotel or a motel." TPS2 does not define how many buildings can be used for farm stay. The former and current Consultant Planner have advised the applicant that up to six (6) buildings are considered appropriate (however this was subject to agreement by Council). Numbers beyond this are not considered to be an incidental use or were ever anticipated on any farming or Rural Small Holding Zone property in the municipality.

The Planning Application proposes 5 dwellings (called various names by the applicant) to enable on-going/permanent accommodation (not short-stay use for tourists). It is highlighted that the Council can only legally approve a maximum of 2 dwellings for the site (a single house and caretaker's dwelling) and it will be necessary to exclude the additional 3 dwellings from any possible approval issued by the Council.

Should the applicant wish to gain a Planning Approval for 7 or more holiday accommodation units or additional dwellings, it will be first necessary to amend TPS2 (rezone the site). It is suggested that the site should be rezoned to a "Special Use" Zone with appropriate permitted uses identified and with according appropriate development standards/conditions established. It is recommended that Council advise the applicant that it will favourably agree to adopt a scheme amendment for additional tourist accommodation providing relevant planning considerations are appropriately addressed. The applicant will need to appropriately justify more than 3 dwellings on the property as this is non-typical and the Shire's settlement strategy is to encourage permanent and more intensive housing in and around Boddington/Ranford. Alternative

options include designing and making application for a larger home that provides opportunities for various key staff to reside in.

B) Heavy haulage access

Crossman Road, which is a Shire managed road, is not available to heavy haulage vehicles above a semi-trailer (which have "as of right" access). To enable efficient and safe access to the development, heavy haulage trucks will need to use a small section of Crossman Road. It is suggested that the Council support the use of heavy haulage vehicles on Crossman Road only between Albany Highway and the Crossman Road crossover to Lot 1 corner Albany Highway/Crossman Road. The operator should appropriately advise future clients and suppliers, who have heavy haulage vehicles, to not use Crossman Road west of the roadhouse.

At the time of writing this report, no consultant engineering advice was available. The parking design and associated vehicle turning area will need to meet Austroads Standards with details shown on the Building Licence. This includes ensuring that the design ensures that heavy haulage vehicles leaving the site onto Crossman Road do not cross over onto the west bound lane in order to increase safety for road users.

C) Drainage

The applicant will need to submit appropriate drainage details to address matters including ensuring there is no pooling of water from the subject land onto Crossman Road and Albany Highway (to maximise the safety to road users) Additionally, the drainage design should reduce or manage nutrient export from the site in line with best practice.

D) Fire management

Five (5) metre building setbacks are proposed to the northern and western boundaries. Based on a performance basis, it appears that the proposed measures set out by the applicant (including fire hydrants, fire hose reels, connection to reticulated water, on-site water storage and proposed loop access way) will enable appropriate fire management.

Consultation

Recently undertaken by the Shire seeking landowner and stakeholder comment. The former and existing Consultant Planners have also met with the applicant on various occasions.

Statutory Environment

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

Policy Implications - Nil

Financial Implications

The development, if approved and implemented, is expected to result in increased rates to the Shire.

Economic Implications

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

Social Implications

The proposed expansion will improve the range of services that have been offered in the past.

Environmental Considerations

Waste disposal will need to comply with Shire and Department of Health requirements, while drainage should meet best practice requirements.

Strategic Implications

This property is located at an increasingly busy intersection and the proposed uses are overall well suited to the locality.

Options

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.3

Motion

Moved Cr Flaherty

That Council approve the Planning Application for a roadhouse, licensed restaurant/function centre, single house, caretaker's dwelling, office, shed, staff amenities, children's play area, beer garden, 6 farm stay cabins and supporting infrastructure on Lot 1 corner Albany Highway and Crossman Road, Crossman subject to the following conditions:

- 1. This approval does not include 3 of the 5 dwellings proposed for the site or the proposed second stage 19 farm stay cabins;**
- 2. 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;**
- 3. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (does not include 3 of the 5 dwellings proposed for the site or the proposed second**

- stage 19 farm stay cabins), addressing all conditions, 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;
4. 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 to meet Austroads Standards with details to be shown on the Building Licence. 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;
 5. The vehicular crossover/s between the subject land and Crossman Road are to be designed, constructed, sealed and drained to the satisfaction of the Council prior to occupation;
 6. The vehicular crossover between the subject land and Albany Highway is to be designed, constructed, sealed and drained to the satisfaction of Main Roads Western Australia prior to occupation;
 7. The design of the vehicle manoeuvring areas are to ensure that heavy haulage vehicles leaving the site onto Crossman Road do not cross over onto the west bound lane with details to be shown on the Building Licence;
 8. 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;
 9. 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;
 10. Rubbish bin storage areas are to be located, designed and constructed to the satisfaction of the Council prior to occupation of the development;
 11. The development is connected to the reticulated water system prior to occupation;
 12. The applicant is to demonstrate that the approved development and the subject land can appropriately accommodate waste water disposal to the satisfaction of the Council and the Department of Health;
 13. The submission of a Landscape and Planting Plan to the satisfaction of the Council prior to 15 January 2009;

14. The site is landscaped and planted in accordance with the approved Landscape and Planting Plan prior to occupation;
15. The landscaped and planted area shall be maintained to the satisfaction of the Council at all times.

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. Additionally, the development is required to comply with other legislation administered by relevant State Government agencies including that relating to the design and management of fuel storage.
- 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 for further information.
- E) In relation to Condition 1, the Council will favourably consider adopting a scheme amendment to provide opportunities for tourist accommodation and ancillary uses, however further justification is required for 3 or more dwellings on the subject land.
- F) In relation to Conditions 4, 5, 6, 8 and 9, the design should ensure that there is no pooling of water from the subject land onto Crossman Road and Albany Highway to ensure there are no safety implications to road users. Additionally, the drainage design should reduce or manage nutrient export from the site.
- G) In relation to Condition 6 and drainage conditions, Main Roads Western Australia advise that the existing access (including culvert) adjacent to the Albany Highway and Crossman Road intersection be removed. In its place, a table drain is to be constructed to the new proposed access point

120 metres west of the intersection. A culvert is to be suitably installed at this new driveway.

- H) Main Roads Western Australia advice that no further access points are developed abutting Albany Highway and all design and construction costs are to be met by the proponent.
- I) The Council supports the use of heavy haulage vehicles on Crossman Road only between Albany Highway and the Crossman Road crossover to Lot 1 corner Albany Highway/Crossman Road. The operator should advise appropriately advise future clients and suppliers, who have heavy haulage vehicles, to not use Crossman Road west of the roadhouse.
- J) 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.
- K) The operator should seek to ensure that customer and service vehicles are appropriately parked on the subject land and not within adjoining road reserves.
- L) 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.

Council Resolution 175/08 Moved Cr Flaherty

That the Motion lie on the table until Council receives further information relating to ingress/egress of vehicles and parking, in particular, truck parking, on the site.

Seconded Cr Hardie Carried 7/0

Cr. Hoek declared a Proximity Interest in 8.1.4 in that she owns property adjacent to Lot 8 corner of Forrest Street and Bannister Road and left the Council Chambers at 4.41pm.

Cr. Veitch declared an Impartiality Interest in that his son-in-law owns property adjacent to Lot 8 corner of Forrest Street and Bannister Road.

8.1.4	Proposed commercial units - Lot 8 corner Forrest Street and Bannister Road
-------	--

Location:	Lot 8 corner Forrest Street and Bannister Road, Boddington
Applicant:	Watervale Investments Pty Ltd
File Ref. No:	FOR 8
Disclosure of Interest:	Nil
Date:	8 July 2008
Author:	Steve Thompson

Summary

Conditional Planning Approval is recommended for a proposed commercial development at Lot 8 corner of Forrest Street and Bannister Road.

Background

The applicant seeks planning approval for the development of a new commercial development comprising either 4 or 5 commercial units for the anticipated use of offices and restaurant. The application also implies the demolition of the existing buildings (residence, outbuildings and former commercial building). It is understood that part of the site was previously used by a butcher.

The site's location is shown in Attachment "A", while the plan submitted by the applicant is set out in Attachment "B".

The site is 993m² in area. The application proposes a total floor space of approximately 588m² (this includes all internal floor area) along with 80m² for verandas. The total site coverage of new buildings/structures is approximately 668m².

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". An office is a "P" use (means that the use is permitted by the Scheme).

The application proposes 7 on-site car parking bays and also notes there are opportunities for on-street car parking. The car parking standard (for on-site provision) for the Commercial Zone in TPS2 is 1 bay per 40m².

Public Consultation

The Shire administration invited public comment on the planning application through writing to adjoining/nearby landowners. At the time of preparing this item, no submissions had been received.

Comment

Following an assessment of the application, the following are considered to be the key issues:

A) Impact on Existing Businesses

As noted in the report to Council on 1 July 2008 for the change of use of the old post office to a restaurant, 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 any concerned stakeholder will have an opportunity to put forward their views as part of any future application for a liquor license to the Department for Racing, Gaming and Liquor.

B) Car Parking

Given the planning application is proposing to demolish the existing buildings (which includes a dwelling and outbuildings) and substantially increase the commercial floor area, it is suggested that the application be assessed as if it were a vacant site. Accordingly, in accordance with TPS2, a floor area of 588m² requires the provision of 15 car parking bays (1 bay per 40m²). The application proposes 7 on site car parking bays leaving a short fall of 8 car parking bays.

It is suggested that no car parking provision is required for the veranda. However, should there be any separate planning application to use a portion of the veranda area for commercial purposes (such as alfresco dining); the provision of car parking will be separately assessed. It is also suggested that no “credit” be given to adjoining on-street car parking bays in accordance with the approach for other development.

It is suggested that, at times, there may be insufficient car parking bays on site and sometimes immediately adjoining the site. Accordingly, the developer and future tenants/staff will have to manage this including encouraging tenants/staff not to use the car parking bays in peak periods. This may require parking a slight walk away from the site to enable use of on-site car parking bays by customers and clients.

The Council has various options on car parking including:

- accepting the application as submitted and not requiring any cash-in-lieu payment (not supported);

- accepting the application as submitted and requiring a cash-in-lieu payment (preferred option provided it meets the true cost of the Council providing car parking elsewhere in the town centre. This will include the cost of land for the 8 car bays, an associated allowance for vehicular turning areas, plus the construction costs of sealing and draining the car park and vehicle turning areas); or
- seeking additional or the full requirement of on-site car parking provision (not supported as this is a “high profile” site in the town centre opposite the Shire Administration Centre/Council Chamber where it is considered preferable to locate well designed buildings rather than have extensive areas of car parking).

It is highlighted that offices and a restaurant are appropriately located within the town centre and both uses are 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 choose to adopt a different approach to car parking numbers for different land uses in the town centre.

Should Council accept a cash-in-lieu payment, it is suggested that the amount be calculated at the time of payment. Currently, based on a recent valuation by a Certified Practising Valuer, the value of land per m² in the Boddington town centre is \$440. The Shire’s Work Supervisor has also recently advised that the cost of car parking construction is approximately \$70m² (includes base course and compaction, 25mm hot mix, drainage, kerbing and line marking). Therefore, the combined cost per m² is currently around \$510. The area associated with the 8 car parking bays and associated vehicle turning area is approximately 170m² which equates to a current cost of approximately \$86,700. Should the developer make the payment in the coming months or in say 2 years time, the costs will be recalculated based on recent land valuation and construction costs.

At the time of writing this report, no consultant engineering advice was available. The car parking design and associated vehicle turning area will need to meet Austroads Standards with details shown on the Building Licence.

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 and landowners 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 (especially the restaurant). 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 for the restaurant, although it is noted that it will be sited a considerable distance from off-site dwellings. 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) Design considerations

It is suggested that the proposed design will enhance the main street of Boddington, on a high profile site, and is consistent with the Council's Boddington Town Centre Design Guidelines. The proposed verandas, which are located on private property, will assist to increase environmental comfort for customers and other users. It is further suggested that the proposed design is an enhancement from the existing buildings and structures. The new development will also be enhanced through car parking areas being sealed and drained.

E) Other planning matters

The application complies with Appendix 2 of TPS2 "Site and Development Requirements Table" with the exception of car parking (which is suggested can be addressed through a cash-in-lieu payment) and landscaping. TPS2 requires a minimum of 10% of the site to be set aside for landscaping. This standard can be varied to encourage quality development and where the Council is satisfied that it is consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality. It is suggested that landscaping can be reduced through the developer meeting the costs of paving between the building line and the kerb to the satisfaction of Council.

F) Conclusion

Following assessment of the application against TPS2 and the Council's Boddington Town Centre Design Guidelines, 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

Should a cash-in-lieu payment be provided by the developer for a short fall in car parking provision, the Council is required in the shorter term to provide land for a public car park within the Boddington town centre.

Economic Implications

The development, if approved and implemented, will further increase the range of commercial floor space in Boddington. The proposal will assist to promote the

Boddington town centre and assist to increase monies spent locally and assist with job creation.

Social Implications

The main issue is considered to be possible impacts from the operators of the restaurant not effectively managing their customers, especially in regard 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. Depending on the level of detail set out in the proposed townsite strategy, there may in time be a need for a separate detailed car parking and traffic management strategy for the Boddington town centre.

Options

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.4

Council Resolution 176/08 Moved Cr Flaherty

That Council approve the Planning Application for a commercial development incorporating proposed office and a restaurant uses and the associated demolition of existing buildings and structures at Lot 8 corner Forrest Street and Bannister Road, Boddington 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, 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 to meet Austroads Standards with details to be shown on the Building Licence. 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 Forrest Street 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 sewerage lines without the approval of Water Corporation;
9. The operator/s of the restaurant/s 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 existing buildings are to be removed from the site prior to occupation and/or development;
11. The proposed building is to be painted or clad in colours set out in the Boddington Town Centre Design Guidelines;
12. The developer is to make a cash-in-lieu payment for 8 car parking bays (with the area based on Austroads standards) and 50% of the land area for required vehicular turning areas (in accordance with Austroads). The cash-in-lieu payment is to be in accordance with commercial land values in the Boddington town centre plus the construction costs of sealing and draining the car park and associated vehicular turning area to the satisfaction of the Council prior to occupation;

13. The applicant constructs an appropriate footpath along the length of the site's frontages to the satisfaction of the Council.

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 restaurant/s. 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 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) In relation to Condition 12, the amount will be calculated at the time of payment.
- G) In relation to Condition 13, the Council supports the footpath being constructed of red brick pavers which should match the colour that are already found on Bannister Road (between George and Forrest Streets), they should extend from the kerb to the property boundary and they should be designed to withstand commercial vehicles driving on them. Additionally, the paving within the road reserve and on private property should be designed to meet Australian Standards using wheelchairs etc.
- H) At this stage, no car parking provision is required for the veranda. However, should there be any separate planning application to use a portion of the veranda area for commercial purposes (such as alfresco dining); the provision of car parking will be separately assessed.

- J) **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 Hardie Carried 6/0

Cr. Hoek returned to Council Chambers at 4.50pm.

8.2 ENGINEER:

Nil

8.3 SPECIAL PROJECTS MANAGER:

8.3.1 Medical Centre – Licence to Occupy Premises (Home & Community Care) & Lease Agreement
--

Location:	Boddington District Hospital grounds Hotham Avenue
Applicant:	WA Country Health Service
File Ref. No:	7.1.4A
Disclosure of Interest:	Nil
Date:	9 July 2008
Author:	Peter Bradbrook

Summary

On 17 June 2008 Council considered a Licence to Occupy Premises for Council's new Medical Centre, received from the WA Country Health Service (WACHS), and resolved to endorse the Licence and authorise the Shire President and Chief Executive Officer to sign and seal the document. (Res. 157/08) The document has been amended and is resubmitted for endorsement.

Background

Council will recall that this item was submitted following a meeting held on 4th June 2008, at which time the representatives from WA Country Health Service Wheatbelt agreed to contribute 48% of the Outgoings attributable to the proposed new premises.

Upon submission of the document to the legal branch of the WA Country Health Service it was suggested that the title of the Agreement, 'Licence to Occupy Premises', be altered to read 'Boddington Medical Centre – Construction Contribution Agreement'. The legal people also recommend that the proposed lease agreement be attached as an annex to the Construction Contribution Agreement. The 48% contribution remains unchanged.

Both documents i.e. Boddington Medical Centre Construction Contribution Agreement and Lease Agreement (headed Schedule) are contained in the agenda.

Comment

The Contribution Agreement is straight forward in that it specifies WA Country Health Service will contribute \$320,000 towards the construction of the proposed Medical Centre/HACC Facility. There are certain standard conditions such as: funds are to be used for the sole purpose of constructing the Boddington Medical Centre in accordance with the plans; the shire must keep proper accounts and records of its receipt and use of the funds, etc.

The second document, the Lease Agreement' specifies a 20 year term with an option of 20 years at \$1 per year. Council should bear in mind that WA Country Health will contribute 48% of the outgoings and will furnish and maintain its own proportion of the premises.

The Construction Contribution Agreement will apply immediately, with the WA Country Health Service already provided its \$320,000 contribution to Council. This sum has been placed in Reserve and will accumulate interest, which can be applied to the project.

The Lease Agreement needs only be endorsed 'in principle' at this time as will not take effect until the Home & Community Care services commences to occupy their proportion of the premises.

Consultation

Sue Potocznyj, WA Country Health Service Wheatbelt & Chief Executive Officer

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

The actual construction cost of the proposed Medical Centre/HACC Facility is yet to be determined, however recent developments have extended grant opportunities i.e. Regional Investment Fund has grants between \$100,000 and \$5,000,000 and the Labor Government's program to replace the Rural Medical Infrastructure Fund increases the amount available from \$400,000 to \$500,000. With a further \$1,600,000 already identified it would appear this project should be funded through to completion without hardship.

Economic Implications - Nil

Social Implications

The HACC segment of the Medical Centre Project will be welcome addition to facilities provided for HACC clientele in Boddington. The modern facility will be appreciated by staff and clients alike and probably become a 'quasi' Senior Citizens' Centre until a purpose built Centre is provided.

Environmental Considerations - Nil

Strategic Implications - Nil

Options

Council can accept, amend or reject either Agreement presented for consideration.

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION – ITEM 8.3.1

Council Resolution **177/08** **Moved** **Cr Flaherty**

That Council endorses:

- 1. the amended Boddington Medical Centre Construction Contribution Agreement, as included as an attachment, and approves the Shire President and Chief Executive Officer affixing the common seal and signing the Agreement; and**
- 2. ‘in principle’ the Lease Agreement, as included as an attachment, and approves the Shire President and Chief Executive Officer affixing the common seal and signing the Agreement, subject to no significant amendments when it is due to become effective.**

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

8.3.2 Street Name – Huntly Rise Estate

Location:	Huntly Rise Estate Subdivision
Applicant:	Landgate
File Ref. No:	12.7.8
Disclosure of Interest:	Nil
Date:	9 July 2008
Author:	Peter Bradbrook

Summary

Council is to consider the naming of the third street in the Huntley Rise Estate.

Background

When the developers of the Huntly Rise Estate requested that Sheoak Court and Pecan Place be allocated to the two culs-de-sac in the estate, Landgate asked what the road from which the culs-de-sac run would be called. Council advised that road s would be an extension of the existing George Street.

Landgate now advises that if Council proceeds with this intention the street numbering along George Street will have to change and start from the intersection of George St and Johnstone St. Currently, the numbering starts at Lot 17 (on the corner of Hotham Ave and George St and progresses towards Johnstone St. Therefore, all existing residences in George St would require new street numbers, which would be quite an inconvenience for the property owners and/or occupiers.

Comment

The Gordon family has been contacted to ascertain their preference if Council agrees with the recommendation. Their choices in order of priority are: Gordon, Huntly and Wandoo.

Gordon was rejected earlier this year by Landgate as the Department of Environment & Conservation has a forest road by that name in the district. Huntly is not on the Register of Street Names at Landgate. Wandoo has already been rejected for the Hill Street subdivision, as it would have within 40kms of the Wandoo Street in Blackboy Springs Estate in Wandering.

Contact was again made with the Gordon family advising that Gordon and Wandoo could not be applied to the street, but that Huntly would be submitted to Council for consideration and referral to Landgate if endorsed, subject to some information being supplied to support the name. They were also asked to select two other names from names existing on the Reserve List in case Huntly was rejected. They have now requested Huntly Ave or Redgum Ave and then Eucalypt St. Both Redgum and Eucalypt have been approved by Landgate but are subject to confirmation that they are outside the 40km limit as they exist in neighbouring shires.

The information provided to support Huntly is as follows:

“Huntly is the middle name of all the Gordon boys, the first to have it in Boddington was our grandfather, well known for writing to the papers, Ronald Huntly Gordon (RHG for short). Both his sons and grandsons all have the same middle names, as it was with prior generations”.

Consultation

Town Planner & Chief Executive Officer. Mr Tim Gordon. Ms Tara Reyner at Landgate.

Statutory Environment

Council is required to submit street names to the Geographic Names Committee at Landgate, with the Committee having the final say in whether a name is acceptable or not.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Allocating a new street name will avoid inconveniencing existing owners/occupiers in George Street.

Options

- 1) Council can accept the Officers' Recommendation.
- 2) select an alternative name from the Reserve List of Street Names; or
- 3) Continue with the name George Street and renumber all existing residences in the street.

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION – ITEM 8.3.2.

Council Resolution 178/08 Moved Cr Flaherty

That Council:

- 1. endorses the submission of Huntly Avenue as the preferred name for the new road running south from Hotham Avenue to the Huntly Rise Estate to Landgate for approval;**
- 2. should Huntly be rejected by Landgate, endorse the submission of Redgum Avenue and Eucalypt Street; and**
- 3. Should Redgum and Eucalypt be unacceptable names, delegates to staff to submit an alternative name from the approved list in consultation with the Gordon family.**

Seconded Cr Patten Carried 7/0

8.3.3 Subdivision Lot 101 Bannister Road Boddington

Location: Lot 101 - Central Park/Medical Centre/IC Units
Applicant: Western Power
File Ref. No: 101BAN
Disclosure of Interest: Nil
Date: 9 July 2008
Author: Peter Bradbrook

Summary

Council's "Out Of Budget" approval is sought for costs associated with this subdivision in order to proceed with the subdivision

Background

On 18th March Council resolved as follows:

That Council:

1. endorses the surveying of Lot 101 Bannister Road into three lots, and
2. zoning of the lots be as follows:
 - a. Medical Centre site – Commercial
 - b. Independent Care Units – Residential
 - c. Playground/Picnic Area – Public Open Space

The purpose of subdividing Lot 101 Bannister Rd is to enable the existing Medical Centre site to be sold, with all or part of the proceeds being Council's contribution towards the construction of the proposed Medical Centre/HACC Facility adjacent the Boddington District Hospital. Pending the sale of the Medical Centre it is proposed a loan be raised, which would be repaid with the proceeds.

The 2008/2009 budget contains an amount of \$500,000 to be raised by way of a loan, however recent developments suggest it is more likely this amount will be required in

2009/2010. The budget does not include funds for the subdivision, although the surveying costs were paid in 2007/2008.

Western Power has now advised that an amount of \$9,814.00, including GST of \$892.18, is required to cover the work necessary to satisfy conditions applied to the subdivision. Further funds will be required to engage a Consulting Engineer to design the sewer extension to serve the lots. An approach has been made to an engineering firm for a quote to undertake this work. The cost of installing the sewer extension will then need to be funded.

Comment

Costs associated with this subdivision were, so it was thought, being debited against the new Medical Centre project in the previous financial year and it was assumed, mistakenly so it seems; this would continue this financial year.

Consequently, an allocation needs to be made to allow the subdivision to continual through to finality. It is proposed that the subdivision should continue so that this phase of the project is completed prior to construction of the new Medical Centre, to avoid any unnecessary delay.

Consultation

Chief Executive Officer

Statutory Environment

To enable the subdivision to proceed Council needs to comply with statutes such as the Town Planning Act and Land Administration Act.

Policy Implications - Nil

Financial Implications

The cost for Western Power is known, whilst the sewerage design should be no more than \$3,000, Installation of the sewer extension could be as much as \$20,000.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Continuing with the subdivision will reduce the potential for a 'backlog' of project work to accumulate next year and ensure the Medical Centre project is well advanced, although construction is unlikely to commence this financial year.

Options

Council can:

1. Endorse an out of budget expenditure
2. Reject the proposed out of budget expenditure
3. Defer the project until funds have been identified
4. Defer the project to the 2009/2010 financial year to allow an allocation to be included in the budget

Voting Requirements – Absolute Majority

OFFICER RECOMMENDATION – ITEM 8.3.3

Council Resolution **179/08** **Moved** **Cr Flaherty**

That Council approves an amount of up to \$35,000 being allocated towards the cost of subdividing Lot 101 Bannister Road Boddington (current Medical Centre).

Seconded **Cr Veitch** **Carried** **6/1**

8.4 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR:

Nil

8.5 DIRECTOR OF CORPORATE SERVICES:

8.5.1 Monthly Financial Statements June 2008

Applicant: Shire of Boddington
Disclosure of Interest: Nil
Date: 8th July 2008
Author: Carmel Martin

Summary

The Local Government (Financial Management) Regulations 1996 require the preparation of Monthly Financial Reports in such form as the Local Government considers is appropriate.

Background

In accordance with Council Policy 9.11, Council is to be presented with a Monthly Financial Report including the Operating Statement, Statement of Financial Position for the year to date together with a Bank Reconciliation Statement as at the end of the period. Also included is the list of payments for the last month of the period.

Comment

Due to staff workloads associated with adoption of Council's budget and preparation of Council's rates notices, the Operating Statement, Statement of Financial Position, Statement of Cash flow, Statement of Financial Activity, Bank Reconciliations and List of Payments have not been completed. Their Reports will be submitted at the next meeting of Council on Tuesday, 5th August, 2008.

Statutory Environment - Local Government Financial Management Regulations 1996

Policy Implications - Policy 9.11

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION – ITEM 8.5.1

Council Resolution **180/08** **Moved** **Cr Flaherty**

That the following reports be presented at the next Council meeting to be held on 5th August 2008:

- 1. Monthly Financial Statements for the month of June 2008; and**
- 2. List of Payments for the month of June 2008; and**
- 3. Bank Reconciliations for the month of June 2008; and**
- 4. Additional reconciliations will be included for Council’s information only.**

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

8.6 CHIEF EXECUTIVE OFFICER:

Cr. Carrotts declared a Proximity Interest in that he owns property adjacent to the Boddington Hotel and left the Council Chambers at 5:00pm.

Cr. Hoek declared a Proximity Interest in that she owns property adjacent to the Boddington Hotel and left the Council Chambers at 5:00pm.

Cr. Veitch declared an Impartiality Interest in that his son-in-law owns property adjacent to the Boddington Hotel.

Cr. Flaherty took the chair

8.6.1 Hotel Carpark Garden Beds

Location:	Lots 26 & 27 Bannister Road
Applicant:	Mr S Dodds
File Ref. No:	BAN 100
Disclosure of Interest:	Nil
Date:	10 July 2008
Author:	Gary Sherry

Summary

Council is to consider a request of Mr Stephen Dodds Proprietor of the Boddington Hotel, to have Council provide a gardening service to assist in maintenance of the Boddington Hotel Carpark.

Background

At the Ordinary meeting of Council held on 5 February 2008, Council resolved in the following manner:

Motion	Moved	Cr Hardie
--------	-------	-----------

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

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

Seconded Cr Patten

Amendment Moved Cr Day
That the motion be amended by deleting "provision of additional 7 parking bays;
and 3".

Seconded Cr Veitch Carried 3/2

The amended motion became the substantive motion

Council Resolution 17/08 Moved Cr Day
That Council approves the extension to the outdoor drinking area of the
Boddington Hotel subject to:

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

Seconded Cr Veitch Carried 4/1

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

Comment

Council has received the following correspondence from Mr Stephen Dodds, proprietor of the Boddington Hotel:

I would like to submit a request with regards to the Hotel Carpark garden beds. As you are well aware this carpark is used daily as a "public carpark". On any given day there are twice as many cars not belonging to Hotel Patrons as there are belonging to Patrons.

We would like to request that the Shire gardeners help to maintain the few garden beds to keep it looking nice for all that use it.

In considering this request Council should consider that:

1. a private business adjoining the carpark makes significant use of the Hotel carpark for parking and for access to and from the premises. The Boddington Hotel could seek a contribution from this business to maintain the carpark;
2. a large number of hotel patrons utilise street parking as well as that provided by the business;
3. in February recognised the public use of the Boddington Hotel's car park and resolved not to impose a planning condition to provided additional parking bays required by Council's Town Planning Scheme. With this act of goodwill by Council and should Council wish to make a contribution to carpark maintenance, will Council consider any additional payments for ongoing public use of the carpark in the future. Council needs to have finality in this issue.
4. the hotel continues to permit traders to operate from the car park;
5. Prior to agreeing to provide the service, Council would need to clearly define the service level to be provided by Council. Without clear definition, the unmet expectations of both parties will cause future issues.

If Council believes that insufficient parking is available in Bannister Road Council could impose a range of different measures such as imposing and enforcing time limits to make the more effective use of the parking space available.

Consultation - Nil

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

The completion of a gardening service to the Boddington Hotel could be costed in the region of \$30 per hour for labour with some minor plant costs.

If Council was to provide an average of three hours per week service to the Boddington Hotel, the cost of providing this service would be \$4,680 per annum in labour costs.

Economic Implications – Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications

Council has a number of private individuals who are effectively providing unregulated parking in Boddington. If Council was to provide a subsidy to one of these owners, Council should, out of fairness, consider subsidising all of these owners to the same degree.

Similarly if the maintenance of parking areas on private land is imposing a cost on Council but providing a benefit to a relatively few, Council should consider seeking to recover that cost from those who benefit from the provision of the Parking areas or by imposing a fee on the users of the parking.

Options

Council can accept the officer recommendation or not.

Voting Requirement - Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.1

Council Resolution 181/08 Moved Cr Hardie

That Council not agree to the request of Mr Stephen Dodds Proprietor of the Boddington Hotel to have Council provide a gardening service to assist in maintenance of the Boddington Hotel Carpark because:

- 1. Council has already recognised this service to the public in their Resolution 17/08; and**
- 2. other landowners in Boddington provide a similar service.**
- 3. Negotiate to provide a once only supply of plants and garden supplies to assist in the upgrading of the Car Park without any ongoing maintenance.**

Seconded Cr Veitch Carried 5/0

Cr. Hoek and Cr. Carrotts returned to Council Chambers at 5.10pm.

Cr Carrotts resumed in the chair.

8.6.2 Deed of Consent – Reserve 42266

Location: Crown Reserve 42266
Applicant: Worsley Alumina/Rail Heritage Foundation of WA
File Ref. No: 13.13.2
Disclosure of Interest: Nil
Date: 10 July 2008
Author: Gary Sherry
Attachment: Shire of Boddington Deed of Consent

Summary

To enable further progress with the ‘Tourist Train’ project Worsley Alumina requires the accompanying Draft Deed of Consent to be signed to ensure the proposed railway does not impact on their bauxite mining operations in the vicinity of the proposed railway line and terminal at Tullis.

Background

On 20 December 2005 Council considered a similar document from the Chairman of the Hotham Valley Tourist Railway, between Worsley Alumina Pty Ltd and Hotham Valley, and resolved to endorse the contents, which related to the proposed railway between Boddington townsite and Tullis Bridge.

However the Department of Planning and Infrastructure advised that their preference was for the Deed of Consent to be signed between Worsley Alumina Pty Ltd and the local government (lessor) and returned the document to be altered.

Since that time, Council has considered this matter twice before, in May 2006 and in October 2007 where Council resolved in the following manner:

Council Resolution	No. 129/06	Moved	Cr Veitch
--------------------	------------	-------	-----------

That Council endorses the Draft Deed of Consent between Worsley Alumina Pty Ltd and the Shire of Boddington relating to the proposed operation of a Tourist Railway over Mineral Lease 258SA and other mining tenements granted pursuant to the State Agreement scheduled to the *Alumina Refinery (Worsley) Agreement Act 1973*.

Seconded	Cr Hoek	Carried	6/0
and			

Council Resolution	312/07	Moved	Cr Hoek
--------------------	--------	-------	---------

That Council endorses the Deed of Consent and the accompanying Annexure A - Lessee’s Deed of Consent - prepared by Mallesons Stephen Jaques (solicitors) in relation to the Railway Reserve between Boddington and Tullis Bridge, which will give Council the care, control and management of the Railway Reserve and allow Council to lease the Railway Reserve to a lessee for a term not exceeding 21 years.

Seconded	Cr Carrotts	Carried	7/0
----------	-------------	---------	-----

Comment

Council has received an amended Deed of Consent, included as an attachment for Councillor Information, permitting Councils to grant the proposed lessee, assumed to be the Rail Heritage Foundation of WA, approval to build and operate a proposed railway within the railway reserve. The document notes that "The Shire intends to allow the public to use the Railway Reserve as a walkway and equestrian trail prior to construction of the Proposed Railway".

The Deed of Consent provides for the activities relating to the Worsley Operations to have priority over the activities of the lessee under the Lease.

The changes to the Deed of Consent from October 2007 include:

1. The Deed of Consent and the Annexure A are now collated in to one single document;
2. The interpretation section has been placed in the front of each document; and
3. The clauses relating to Bauxite Transportation System Notice in clause 8c of the Deed and clause 5.2 of the Annexure A have been amended to deal with the possibility of the lease being granted after a Bauxite Transportation System Notice has already been given under the Deed on Consent.

Council would be aware that the Deed of Consent was prepared by Worsley Alumina's solicitors and has clauses that are heavily favoured towards Worsley Alumina's operations, including:

- Clause 3.1 Priority of Worsley Operations;
- Clause 5.6 No Objection;

which are also repeated in the Lessee's Deed of Consent at Annexure A.

Consultation

Council has a long history of consultation in this matter with Worsley Alumina and the Rail Heritage Foundation of WA.

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications

The Rail Heritage Foundation of WA has funds to clear the Railway Reserve from Boddington to Tullis and to install picnic facilities near Tullis Bridge. Council has no financial obligation.

Economic Implications – Nil at this time

Social Implications – Nil at this time

Environmental Considerations - Nil

Strategic Implications

Providing certainty to the occupation by Council and any lessee of Crown Reserve 42266 will allow the future development of the public open space on this site.

Options

Council can accept the accept the Officer Recommendation or not. To not accept the Officers Recommendation would place in jeopardy any continued use of Crown Reserve 42266.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.2

Council Resolution 182/08 Moved Cr. Flaherty

That Council endorse the Shire of Boddington Deed of Consent included as an attachment and authorise the signing and sealing of the Shire of Boddington Deed of Consent.

Seconded Cr Hoek Carried 7/0

The public gallery, including Ms Hendriks and Ms Andersson, left Council Chambers at 5.12pm.

9. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

10. URGENT BUSINESS WITHOUT NOTICE (WITH THE APPROVAL OF THE PRESIDENT OR MEETING):

10.1 Late Item – Approval to Consider

Disclosure of Interest: Nil
Date: 15 July 2008
Author: Gary Sherry

Summary

Council is requested to consider a Late Agenda Items to consider the disposal of surplus equipment.

Comment

Staff are attempting to have the Agenda prepared at least a week before each Council Meeting. In completing this schedule, business of an urgent nature will arise from time to time in particular where commercial activities within the district would be delayed by Council not considering the item.

Strategic Implications - Nil

Statutory Environment

Shire of Boddington – Standing Orders Local Law 1999 – Section 4.2:

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person President, or at the request of a majority of councilors present, be read and dealt with.

Policy Implications - Nil
Financial Implications - Nil
Economic Implications - Nil
Social Implications - Nil
Environmental Considerations - Nil
Consultation - Nil

Options

Council can accept the Officer's Recommendation or not.

Voting Requirements – Simple Majority

Council Resolution **183/08** **Moved** **Cr. Hoek**

That the meeting go "In Camera".

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

OFFICER RECOMMENDATION – ITEM 10.1

Council Resolution **184/08** **Moved** **Cr. Hardie**

That the Late Confidential Agenda Item, to consider an offer to purchase Lot 5 Forrest Street, be raised without notice and decided by the meeting.

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

10.2 5 Forrest Street – Offer to Purchase

Location: 5 Forrest Street, Boddington
File Ref. No: FOR 7
Disclosure of Interest: Nil
Date: 5 July 2008
Author: Gary Sherry

OFFICER RECOMMENDATION – ITEM 10.2

Council Resolution **185/08** **Moved** **Cr. Flaherty**

That Council seek an independent valuation of 5 Forrest Street prior to consideration of making an offer to purchase the property.

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

Council Resolution **186/08** **Moved** **Cr. Flaherty**

That Council come out of camera.

Seconded **Cr Hoek** **Carried** **7/0**

11. CONFIDENTIAL ITEMS:

Nil

12. CLOSURE OF MEETING:

There being no further business, the Shire President, Cr Carrotts, closed the meeting at 5.24 pm.