

# Minutes

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**1. DECLARATION OF OPENING:**

The Shire President, Cr Carrotts, declared the meeting open at 4.07pm.

**2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

**ATTENDANCE**

Cr PR Carrotts	President
Cr E Flaherty	Deputy President
Cr EK Hoek	
Cr GJ Day	(from 4:25pm)
Cr SW Patten	
Cr AJ Hardie	(from 4:08pm)
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 (until 5:17pm)
Mr G Donhardt	Works Supervisor (from 5:25pm)

**APOLOGIES**

Nil

**VISITORS**

Ms R Andersson  
Ms R Thompson  
Ms H Oliver  
Ms J Snutt  
Ms L Carrotts  
Ms N Royce  
Ms D North  
Mr A Howe

**3. DISCLOSURE OF FINANCIAL INTEREST:**

Cr. Carrotts	Item 8.1.5	(Direct Financial Interest)
Cr. Day	Item 8.1.5	(Proximity Interest)
Cr. Hoek	Item 8.4.2	(Direct Financial Interest)

#### **4. PUBLIC QUESTION TIME:**

##### **4.1 Questions on Notice**

At the Ordinary Meeting of Council held on 15<sup>th</sup> July 2008, Ms Robyn Hendriks asked if Council had considered an audit of Council's carbon emissions. Cr Carrotts took the question on notice.

Council has not formally considered an audit of Council's carbon emissions and at present does not have plans to do so. Council is currently actively involved in a number of environmental projects including:

- Introducing kerbside recycling to reduce waste volumes at the Boddington Refuse Disposal Site; and
- Contribution to the Hotham Land Care Committee at a budgeted cost of \$15,000;

**Cr Hardie entered the Chambers at 4:08pm.**

##### **4.2 Ms R Thompson – Proposed Industrial Zone Lot 708 Goldmine Rd**

Ms Ros Thompson asked the following questions:

Question 1: Why is Council considering a second industrial area in Boddington when the current industrial area on Farmers Ave is not fully utilized?

Response: Council is considering this proposal because the area was identified in Council's Local Planning Strategy.

Question 2: Where is the evidence that a second industrial area in Boddington is needed?

Response: Council has had expressions of interest in industrial land in Boddington from various businesses over time. This interest has specifically been for larger lots of flat land, which is not available in the current light industrial area.

Question 3: Why is Council considering supporting an industrial area within 1 kilometre of an established residential life style estate?

Response: Council identified this area through extensive public consultation associated with the preparation of Council's Local Planning Strategy. This strategy was again supported by a resolution of Council on 18 March 2008 which specifically supported industrial zoning to the west of Boggy Brook.

Question 4: Has Council considered the problem of acid sulphate soils? Has there been any checking for acid sulphate soils given that they are known to be present in the vicinity?

Response: Council has not considered the problem of acid sulphate soils in this area. Council does not have the technical knowledge to complete such testing. This is a matter for the EPA to consider as part of the rezoning process.

Question 5: Is the rezoning for Light Industry or up to Heavy Industry?

Response: While Council's Town Planning Scheme does not have the term 'Heavy Industry', the expected uses are expected to be those associated with the term 'Light Industry'.

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

5.1 Mr A Howe - TPG

Mr Andrew Howe made a short presentation regarding Agenda Item 8.1.3 – Industrial Rezoning on Gold Mine Road on behalf of proponent.

5.2 Ms Carrotts - Contours Gym Lot 5 Bannister Road.

Ms Lisa Carrotts asked if Council would consider granting more flexible operating hours for the gym due to hot weather conditions in the summer when considering Agenda Item 8.1.2.

**6. CONFIRMATION OF MINUTES:**

**6.1 MINUTES OF MEETING HELD ON 5<sup>th</sup> August 2008:**

6.1 Ordinary Meeting of Council Held on 15<sup>th</sup> July 2008

**OFFICER RECOMMENDATION – ITEM 6.1.1**

**Council Resolution      187/08      Moved      Cr Flaherty**

**That the minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> July 2008 be confirmed as a true record of proceedings with the amendment that Resolution 172/08 read 1<sup>st</sup> July 2008 and not 15<sup>th</sup> July 2008.**

**Seconded                      Cr Veitch              Carried      6/0**

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

Nil

## 7.1 Elected Members Reports

Cr Veitch reported that on the Occupational Health and Safety Committee meeting on the 22<sup>nd</sup> July, 2008 there were no reports.

There has only been one incident where a truck damaged a portion of the kerb opposite the BP Service station: this was fixed shortly after Council was notified

Cr. Veitch expressed concern over the proposal raised at the Peel Zone of WALGA meeting for a simultaneous 4 year term for all Councillors. This proposal is a possible response to reduce the costs of compulsory voting in Local Government Elections.

## 8. REPORTS OF OFFICERS AND COMMITTEES:

Cr. Day entered Chambers at 4:25pm.

### 8.1 TOWN PLANNING CONSULTANT:

#### 8.1.1 Proposed Subdivision - Lot 131 Crossman Road, Crossman

Location:	Lot 131 Crossman Road, Crossman
Applicant:	Scanlan Surveys Pty Ltd
File Ref. No:	137979
Disclosure of Interest:	Nil
Date:	28 July 2008
Author:	Steve Thompson

#### Summary

**A two lot subdivision of Lot 131 Crossman Road is recommended for approval subject to standard conditions.**

#### Background

Lot 131 is 12.07 hectares in area and is zoned "Rural Small Holdings" where a minimum lot size of 4 hectares is supported subject to the applicant demonstrating the application's suitability and capability. The site's location is shown in Attachment "A".

The application is to subdivide the property to create 2 lots of 5.2178 hectares and 6.8582 hectares. Details provided by the applicant are set out in Attachment "B".

#### Comment

The application is consistent with the Shire of Boddington Town Planning Scheme No. 2 (TPS2) and the Council's Local Planning Strategy. The subject land is considered both suitable and capable of accommodating low density rural living including that no new additional crossover will be created from the site onto Crossman Road. Accordingly, conditional approval is recommended with standard conditions.

#### Strategic Implications

The site is identified as "Rural Small Holding" in the Local Planning Strategy.

### Statutory Environment

The land is zoned "Rural Small Holding" in TPS2 which allows for conditional support of the proposed subdivision.

### Policy Implications

The proposal complies with Council's Local Planning Strategy.

### Financial Implications - Nil

### Economic Implications

The application, if approved and implemented, will create an additional rural small holding lot and an additional dwelling that will assist to provide economic benefits to the local economy supporting enhanced and additional services.

### Social Implications

These were addressed at the scheme amendment stage.

### Environmental Considerations

These are expected to be minimal given the future dwelling on proposed Lot 91 is located outside of the floodplain and a future dwelling will require minimal clearing of replanted banksias.

### Consultation

The Western Australian Planning Commission (WAPC) invites comments from the Shire and other government agencies at the subdivision stage. Previously, community consultation occurred through the Shire advertising Scheme Amendment No. 11.

### Options

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

### Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.1
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**Council Resolution      188/08      Moved      Cr Flaherty**

**That the subdivision of Lot 131 Crossman Road, Crossman (WAPC 137979) be supported subject to:**

1. **a shared crossover to proposed Lots 90 and 91 being constructed and drained by the subdivider to the satisfaction of Council with associated shared rights of access being suitably addressed;**

2. the battleaxe access leg being constructed and drained to Council's satisfaction with associated shared rights of access being suitably addressed;
3. the building envelope on proposed Lot 91 being identified; and
4. the subdivider installing firebreaks to the satisfaction of Council.

Seconded                      Cr Hardie                      Carried    7/0

**Cr Carrotts declared a Direct Financial Interest in Item 8.1.2 in that he owns the property in question and left the Council Chambers at 4:26pm.**

**Cr Flaherty took the Chair.**

8.1.2      Proposed change of use – Lot 5 Bannister Road, Boddington
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Location:	Lot 5 Bannister Road, Boddington
Applicant:	Lisa Carrotts
File Ref. No:	BAN5
Disclosure of Interest:	Nil
Date:	28 July 2008
Author:	Steve Thompson

Summary

**Conditional Planning Approval is recommended for a change of use from a shop to a women's fitness centre at Lot 5 Bannister Road.**

Background

The applicant seeks planning approval to change part of an existing commercial building, formerly used as a shop (including at times selling baby ware, sporting goods and computers), to a woman's fitness centre. The applicant proposes hours of operation between 7.00 - 11.00am and between 3.00 - 7.00pm. The site's location is shown in Attachment "A", while the site plan submitted by the applicant is set out in Attachment "B".

The site also contains the Boddington Tyre Service and the Landmark Office. The women's fitness centre is proposed to use an existing shop of 54m<sup>2</sup>.

The site is zoned "Commercial" in the Shire of Boddington Town Planning Scheme No. 2 (TPS2). The proposed land use is not listed in the Zoning Table of TPS2 and is best described as a "use not listed". Section 3.2.5 of TPS2 states the following:

"If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and therefore follow the 'SA' procedures of Clause 6.3 in considering an application for planning approval; or

- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.”

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

Comment

The Planning Application is conditionally supported given it is a use that is suitable in the Boddington town centre, it is expected to have minimal impacts if appropriately managed by the operator and the use will promote a healthier community. The suggested key issues are outlined below.

*A) Car Parking*

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

- the existing level of approved development on the site;
- the former use of a shop may have arguably produced greater traffic and car parking demands over a 24 hour period than a fitness centre – although a fitness centre will have greater impacts for parts of the morning and early evening;
- no new floor space is proposed for the site from what is existing; and
- TPS2 sets out car parking requirements (Appendix 2 – Site and Development Requirements Table) based on the Commercial Zone which does not differentiate between various commercial uses.

The applicant owns adjoining Lot 6 and advises there are opportunities for clients to park on this site.

While it is suggested that no additional car parking bays or cash-in-lieu payments should be required in this instance, this application provides the Council with the opportunity to seek the upgrading of parking and associated drainage on the subject land. In line with how the Council recently determined the change of use for the Old Post Office site, recommended conditions include upgrading on-site car parking and access.

*B) Noise Considerations*

The brick building is well located to minimise possible noise impacts on residential areas. While noting this, the proposed use could create noise impacts from music - especially if windows and/or doors are open. It is difficult to predict possible noise impacts at this stage. It is suggested it will largely come down to the effectiveness of the operator. If there are issues, these will be investigated and reported as appropriate to Council.

Should the Council grant planning approval, the applicant will need to appropriately address planning conditions. 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/operator.

### *C) Conclusion*

Following assessment of the application against TPS2 and noting that the premises are an approved commercial use, it is concluded that the Planning Application should be conditionally approved.

### 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. The Shire is currently seeking submissions from consultants to prepare the townsite strategy.

### Statutory Environment

Planning and Development Act and TPS2.

### Policy Implications

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

### Financial Implications - Nil

### Economic Implications

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

### Social Implications

The development, if approved and implemented, can assist to promote healthy lifestyles. The main issue is considered to be possible noise impacts from music onto adjoining/nearby properties.

### Environmental Considerations - Nil

### Consultation

There is no legal requirement to publicly advertise this planning application, although the Council may seek to require public advertising prior to determining the application.

### Options

1. Approve with no conditions;
2. Approve with conditions;
3. Refuse; or
4. Defer (require public consultation to be undertaken).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.2

**Council Resolution            189/08            Moved    Cr Veitch**

**That Council approve the Planning Application to change the use of a portion of Lot 5 Bannister Road, Boddington from a former shop to a women's fitness centre 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 existing car parking spaces, access ways and vehicle manoeuvring areas on Lot 5 Bannister Road are to be designed, constructed, drained and marked out to the satisfaction of the Council by 5 August 2009. These areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of the Council.**
- 4. 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 by 5 August 2009. The drainage facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Council; and**
- 5. 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.**

Advice

- A) The proponent is advised that this Planning Approval is not a Building Licence.**
- 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 operator is to ensure that noise levels are considerate of adjoining and nearby properties at all times which comply with the Environmental Protection (Noise) Regulations 1997 (and any associated amendments).
- D) 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 Pattern    Carried    5/1

**Cr. Carrotts returned to Council Chambers at 4:30pm.**

8.1.3	Scheme Amendment No. 21: Proposed Industrial Zone - Lot 708 Gold Mine Road, Boddington and modification to the Zoning Table
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Location:    Lot 708 Gold Mine Road, Boddington  
Applicant:    TPG Town Planning and Urban Design  
File Ref. No:    10.10.4.21  
Disclosure of Interest:    Nil  
Date:    29 July 2008  
Author:    Steve Thompson

Summary

**It is recommended that Council accept the scheme amendment documentation, subject to modifications, to rezone a portion of the subject land from "Rural" to "Industrial" in accordance with Council's Local Planning Strategy and amend the Zoning Table to prohibit future caretaker's dwellings in the Industrial Zone.**

Background

The Council, at its meeting on 18 March 2008, resolved the following:

"That Council agree to initiate an Amendment to Boddington Town Planning Scheme No 2 to rezone Part of Lot 708 Soldiers Road, west of the stream-line, from "Rural" to "Industrial" and "Parks & Recreation" subject to consultation with the relevant service and environmental authorities and lodgement of Amendment documentation to the satisfaction of Council."

The applicant has recently provided scheme amendment documentation with an extract set out in Attachment "A" which includes an Indicative Concept Plan along with the locality plan. Background details which are set out in Attachment "A" are not repeated in this report. The applicant's full report is available to Councillors on request.

The scheme amendment request is slightly different to that considered by Council on 18 March 2008. The first change is the recommended modification to the Zoning Table of the Shire of Boddington Town Planning Scheme No. 2 (TPS2) to prohibit new caretaker's dwellings in the existing industrial area on Farmers Avenue/Assay Terrace and for this proposed new industrial area. This change was recommended by the Consultant Planner with background details set out in Attachment "B" which is the Western Australian Planning Commission (WAPC) Planning Bulletin 70 Caretakers'

Dwellings in Industrial Areas. Should Council accept this amendment, which is finally gazetted, this will not take away the rights of existing approved caretaker dwellings in Farmers Avenue/Assay Terrace.

The second change is that the applicant is now proposing to delete the "Parks and Recreation" Reserve adjoining Boggy Creek. Page 9 of the applicant's documentation states:

"It has been determined that this area will remain as part of the remnant Lot 708 and as such will not place a maintenance burden on the Shire".

The above modification is supported, although there is a need to consider whether or not areas adjoining Boggy Creek, adjacent to the proposed industrial area, should be revegetated and appropriately maintained. This matter is raised further in the "Comment" section.

The scheme amendment proposes to facilitate subdivision to create in the order of 19 industrial lots ranging between approximately 3,770m<sup>2</sup> to 2.6 hectares.

The Council's Local Planning Strategy identified this site as being suitable for industrial purposes. The preferred uses are generally associated with the gold mine, given its proximity to the mine and its location on the main access route to the mine.

Overall, the land that is subject to this scheme amendment request is flat to gently sloping and is traversed by Boggy Creek.

#### Comment

##### *A) Overview*

The submitted scheme amendment documentation is considered appropriate subject to minor modifications as set out below:

- the Indicative Concept Plan to conceptually show key replanting areas;
- the Indicative Concept Plan to show an access track/public access way between the proposed eastern lots and Boggy Creek for emergency access and opportunities for walking/recreation by workers etc. (In time, this may link with walk trails to the south of Gold Mine Road to connect the industrial area with rural lifestyle areas and the Boddington townsite);
- deleting references to caretaker's dwelling being possibly permitted in areas outside of the odour buffer; and
- reformatting the document to ensure compliance with the Town Planning Regulations, including setting out the amendment to the Zoning Table.

##### *B) Revegetation and Landscaping*

There will be a need for appropriate revegetation/landscaping to assist in minimising visual impact of future development from Gold Mine Road and the lifestyle subdivision to the east. It is expected that the replanting will occur along the southern boundary of

the industrial estate and on the eastern boundary of proposed lots (suggested for lots both west and east of the future new road).

It is suggested there are opportunities, through the proposed industrial estate, to enhance Boggy Creek adjacent to the proposed industrial area. The current proposal is for the land east of the industrial estate, including Boggy Creek, to continue to be used for farming. Given the degraded nature of this area, which is highlighted in the environmental report provided in the applicant's documentation, there are environmental benefits for the locality as well as improved water quality in the Hotham River if this area is appropriately enhanced.

The Local Planning Strategy (page 30), in relation to environment and conservation, includes the following aim:

“To ensure the natural and cultural environments of the Shire are protected and that the principles of environmentally sustainable development are promoted.”

Based on the above, besides the Indicative Concept Plan to be modified to conceptually show key replanting areas, it is suggested that prior to the Council considering final adoption of Scheme Amendment No. 21, that the applicant provides advice on how Boggy Creek, adjoining the proposed industrial estate, will be environmentally enhanced and appropriately maintained.

*C) Water supply and wastewater disposal*

The applicant advises (page 10) that:

“It is envisaged that future on site water requirements will be met by the provision of reticulated water to the relevant Department of Water standards. Sewerage requirements will be dealt with on site through septic tanks which are appropriate for the density, scale and nature of the proposed development.”

WAPC Development Control Policy 4.1 Industrial Subdivision requires new industrial lots to be connected to reticulated water. It is suggested that the provision of reticulated water is required for the proposed industrial estate for reasons including fire management, wash-down and other purposes. This should, of course, be supplemented with on-site tanks.

It is expected that waste water will be disposed of on-site given the site is distant from the reticulated sewerage system. The actual method of disposal is to be determined and there is a requirement for a geotechnical report to be provided as part of the subdivision application.

*D) Next steps*

Should the Council accept the documentation and the minor modifications are suitably undertaken, the Shire will then seek environmental clearance from the Environmental Protection Authority. If this is obtained, the scheme amendment will be publicly advertised and submissions assessed. Following this, the Council will consider whether or not it will support final adoption (with or without modifications). Finally, the WAPC will make a recommendation to the Minister for Planning and Infrastructure who will make the final decision on Scheme Amendment No. 21.

Should the Scheme Amendment be gazetted, the next stage is the subdivision application where more detailed investigations and assessments are undertaken.

#### Strategic Implications

The site is identified as "Industry" in the Local Planning Strategy. The proposal, if approved and implemented, will assist to provide Boddington with an important supply of industrial lots in the short to medium term.

#### Statutory and Policy Environment

Planning and Development Act, Town Planning Regulations, and TPS2. Relevant policies include State Planning Policy 4.1 State Industrial Buffer Policy, Development Control Policy 4.1 Industrial Subdivision and Planning Bulletin No. 70 Caretakers' Dwellings in Industrial Areas.

#### Policy Implications

The proposal complies with the objectives of the Local Planning Strategy to develop an industrial estate that will benefit the increased mining activity expected to continue over the coming years.

#### Financial Implications

Should future subdivision/development occur, this will increase Shire responsibilities and costs, however it will be partially off-set through increased rates. Following subdivision, the Shire will accept responsibility for usual infrastructure if appropriately designed and constructed. The Council should, in time, adequately increase budget accounts for the new infrastructure that will be created and transferred into Shire management.

#### Economic Implications

The scheme amendment (and associated subdivision and development), if approved and implemented, will increase the range of industrial lots and premises in Boddington, assist to increase monies spent locally and assist with job creation.

#### Social Implications

The site is convenient to industrial activities already being generated by the Gold Mine and assists to minimise traffic conflict within the town.

The scheme amendment will be publicly advertised and adjoining landowners, the local community and relevant agencies consulted prior to Council considering whether or not to finally adopt the amendment.

#### Environmental Considerations

The key environmental issues raised with the scheme amendment request include drainage/water management, effluent disposal, fire management and compatibility with adjoining/nearby land uses. Environmental issues will be considered at the scheme amendment stage by relevant agencies, the community and the Council. Should the scheme amendment be gazetted, more detailed consideration of environmental issues

will occur at the subdivision and development stages including through the applicant submitting various management plans.

#### Consultation

The Consultant Planner has liaised with the applicant regarding earlier draft documentation with the vast majority of the changes suitably undertaken. No public consultation has yet occurred at this stage of the planning process. Once Council accepts the documents and provided environmental clearance is given by the Environmental Protection Authority, the scheme amendment will be publicly advertised in accordance with the Planning and Development Act and the Town Planning Regulations.

#### Options

- Accept the scheme amendment documentation as presented by the proponent;
- Accept the scheme amendment documentation subject to modifications;
- Defer consideration of the scheme amendment and require additional information; or
- Not accept the scheme amendment documentation.

#### Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.3
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**Council Resolution            190/08            Moved    Cr Flaherty**

**That:**

1. **Council agree to adopt an amendment to the Shire of Boddington Town Planning Scheme No. 2 to rezone Part of Lot 708 Gold Mine Road, Boddington from “Rural” to “Industrial” and amend the Zoning Table for the Industrial Zone for caretaker’s dwellings being an “IP” (incidental) use to an “X” use (not permitted) subject to:**
  - a) **the Indicative Concept Plan to conceptually show key replanting areas;**
  - b) **the Indicative Concept Plan to show an access track/public access way between the proposed eastern lots and Boggy Creek for emergency access and opportunities for walking/recreation by workers etc.;**
  - c) **deleting references to caretaker’s dwelling being possibly permitted in areas outside of the odour buffer; and**
  - d) **reformatting the document to ensure compliance with the Town Planning Regulations, including setting out the amendment to the Zoning Table.**

2. **Prior to the Council considering final adoption of Scheme Amendment No. 21, the applicant is required to provide written advice on how Boggy Creek, adjoining the proposed industrial estate, will be environmentally enhanced and appropriately maintained.**

**Seconded**                                      **Cr Hardie**                                      **Carried**                                      **6/1**

8.1.4	Crossman Tourist Village – Lot 1 corner Albany Highway and Crossman Road, Crossman
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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:	30 July 2008
Author:	Steve Thompson

Summary

**Conditional Planning Approval is recommended for a proposed roadhouse, restaurant/function centre, 2 dwellings, 6 farm stay cabins, office and other incidental development at Lot 1 corner Albany Highway and Crossman Road.**

Background

A) Council resolution

The Council considered the Planning Application at its meeting on 15 July 2008 where it resolved:

“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.”

B) *Recent events*

The Shire Engineer has liaised with Main Roads Western Australia (MRWA) on access and parking issues, with the end result being that planning approval is recommended with some modified and additional conditions (from that recommended to Council on 15 July 2008) to clarify requirements and required upgrading of relevant infrastructure by the applicant.

The applicant has also recently submitted a slightly revised site plan (which supersedes the previous site plan) and correspondence as set out in Attachment “A”. The main changes are reducing the number of dwellings from 5 to 2 and proposing an office.

C) *The proposal*

The applicant seeks planning approval for new commercial development that includes a roadhouse, licensed restaurant/function centre, 2 dwellings, office 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 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). 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);
- no objections were received during the consultation process; and
- recent advice from MRWA and the Shire Engineer raise no objection to the application subject to the inclusion of relevant conditions.

While noting this, the key issues with the application are outlined below.

#### *A) Consistency with TPS2*

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 applicant has recently modified the application to reduce the number of dwellings from 5 to 2 which is supported and is consistent with TPS2.

Should the applicant wish to gain a Planning Approval for 3 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.

Based on recent MRWA and Shire Engineer advice, various planning conditions are required to ensure the safety for road users and to require the applicant to meet the costs of required upgrading of relevant infrastructure as a result of the impacts created by the development.

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 8.1.4

**Council Resolution            191/08            Moved    Veitch**

**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 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 including the amended site plan received on 28 July 2008 (does not include 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, and to suitably address erosion control and to minimise disturbance on the natural topography, 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 located, designed, constructed, sealed and drained at the applicant's expense to the satisfaction of the Council prior to occupation;**
- 6. The vehicular crossover between the subject land and Albany Highway is to be located, designed, constructed, sealed and drained at the applicant's expense 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 which includes addressing the treatment of the interface of the site with Crossman Road;
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;
16. The proponent is to remove the existing access arrangement near the intersection of Crossman Road and Albany Highway to the satisfaction of the Council and Main Roads Western Australia prior to occupation;
17. The applicant is to upgrade Crossman Road at the two access points to the satisfaction of Council prior to occupation; and
18. The boundary of the property, along the frontage of Albany Highway and Crossman Road, is to be suitably fenced or bollards installed prior to occupation to prevent access from these roads other than in locations agreed to by the Council and Main Roads Western Australia.

**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](http://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 9 and 17 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) In relation to Condition 17, the light vehicle access off Crossman Road is to be upgraded to the satisfaction of the Council and include sealed asphalt

surface. The heavy vehicle access is to be upgraded to the satisfaction of the Council and include sealed pavement.

- I) 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.
- J) 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 appropriately advise future clients and suppliers, who have heavy haulage vehicles, to not use Crossman Road west of the roadhouse.
- K) 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.
- L) The operator should seek to ensure that customer and service vehicles are appropriately parked on the subject land and not within adjoining road reserves.
- M) Before any road, drainage or landscaping works associated with the development commences on site, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the approval.
- N) Occupation of the premises is not permitted until all conditions are appropriately addressed to the satisfaction of the Council.
- O) 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 Hoek              Carried              7/0

Cr Day declared an Proximity Interest in item 8.1.5, in that he owns property adjacent, and left the Council Chambers at 4:45pm.

**8.1.5 Proposed Subdivision - Lot 12 Days Road, Ranford**

Location: Lot 12 Days Road, Ranford  
Applicant: Scanlan Surveys Pty Ltd  
File Ref. No: 137977  
Disclosure of Interest: Nil  
Date: 29 July 2008  
Author: Steve Thompson

Summary

**A three lot subdivision of Lot 12 Crossman Road is recommended for refusal given the application is premature as the land has not been rezoned to “Rural Small Holding”.**

Background

Lot 12 is 12.0794 hectares in area and is zoned “Rural”. The site’s location is shown in Attachment “A”. The application is to subdivide the property to create 3 lots each of approximately 4 hectares in area. Details provided by the applicant are set out in Attachment “B”.

Comment

While the land is identified as “Rural Small Holding” in the Council’s Local Planning Strategy, the land is zoned “Rural” in the Shire of Boddington Town Planning Scheme No. 2 (TPS2). Accordingly, it is considered that the application is premature until the land is suitably rezoned to “Rural Small Holdings” for reasons including:

- it is inconsistent with State Planning Policy No. 2.5 Agriculture and Rural Land Use Planning including section 5.3.1(1) which states in part “Land identified in the local planning strategy as being suitable for closer settlement in rural areas should be zoned...“Rural Smallholdings” for a residential use in association with a rural pursuit”;
- it is inconsistent with Western Australian Planning Commission (WAPC) Development Control Policy 3.4 Subdivision of Rural Land including section 3.1 which states “It is WAPC policy that the subdivision of rural and agricultural land for closer settlement (rural-residential and rural-smallholdings) and more intensive agricultural uses should be properly planned through the preparation of regional and local planning strategies and provided for in local planning schemes prior to subdivision”; and
- rezoning the land provides the opportunity for the WAPC, Council, the community and stakeholders to appropriately assess planning, environmental and servicing issues for the precinct and the subject land in a holistic manner including matters such as developer contributions, fire management and flooding.

Given the time required to rezone the site, it is suggested that deferral is not an option. Accordingly, it is recommended that Council recommend to the WAPC that the application be refused.



### Strategic Implications

The site is identified as "Rural Small Holding" in the Local Planning Strategy, however there is a requirement to rezone the land prior to subdivision. The scheme amendment process will provide the opportunity to consider relevant planning issues for the precinct in greater detail including the standard of roads and how upgrading will be funded.

### Statutory Environment

The land is zoned "Rural" in TPS2. There has been a requirement to rezone other land identified as Rural Small Holding in the Local Planning Strategy, namely the area in the Crossman Corridor (Amendment No. 11) and the area centred on Old Soldiers Road (Amendment No. 20) prior to subdivision applications being approved.

### Policy Implications

The site is identified as "Rural Small Holding" in the Local Planning Strategy.

### Financial Implications

None at this stage.

### Economic Implications

In time, additional rural small holding lots and additional dwellings will assist to provide economic benefits to the local economy supporting enhanced and additional services.

### Social Implications

It is suggested these will be addressed at the scheme amendment stage.

### Environmental Considerations

It is suggested these will be addressed at the scheme amendment stage.

### Consultation

The WAPC invites comments from the Shire and other government agencies at the subdivision stage. The Consultant Planner advised the applicant of zoning issues with this application and provided the applicant the opportunity to provide supporting details. At the time of preparing this report, no supporting details have been provided.

### Options

1. Not support (recommend that the WAPC refuse the application);
2. Support;
3. Support with conditions; or
4. Defer.

### Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.5

**Council Resolution**            **192/08**            **Moved**            **Cr Flaherty**

**That the Council advise the Western Australian Planning Commission that it recommends it should refuse the subdivision application for Lot 12 Days Road, Ranford (WAPC 137977) for the following reasons:**

- 1. the application is considered premature given the land is zoned “Rural” and not “Rural Small Holdings”;**
- 2. it is inconsistent with State Planning Policy No. 2.5 Agriculture and Rural Land Use Planning;**
- 3. it is inconsistent with WAPC Development Control Policy 3.4 Subdivision of Rural Land; and**
- 4. rezoning the land provides the opportunity for the WAPC, Council, the community and stakeholders to appropriately assess planning, environmental and servicing issues for the precinct in a holistic manner.**

**Seconded**                            **Cr Veitch**            **Carried**                            **6/0**

**Cr Day returned to Council Chambers at 4:46pm.**

**8.1.6 Superlot subdivision & upgrading of River Road, Ranford - Lot 8016**

Location:	Lot 8016 River Road and Bannister-Marradong Road
Applicant:	DevX
File Ref. No:	135658
Disclosure of Interest:	Nil
Date:	29 July 2008
Author:	Steve Thompson

Summary

**The applicant seeks the Shire to waive Condition 2 of the subdivision approval relating to the upgrading of River Road, however it is suggested that minor upgrading and a written undertaking are required to fulfil the condition.**

Background

The Council considered the superlot subdivision of the “Ellis” property at its meeting on 4 September 2007. The report in part states “The Consultant Engineer has recommended that River Road be sealed from Mitchell Crescent down to the Old Tip Site.” The Council resolved “That the proposed subdivision of Lot 8016 Bannister-Marradong Road be approved subject to upgrading of River Road from Mitchell Crescent to Reserve No. 23353 (Old Tip Site) to the satisfaction of Council.”

The Western Australian Planning Commission (WAPC) imposed two conditions on the subdivision approval including Condition No. 2 which states:

“Arrangements being made with the local government for the upgrading and/or construction of River Road. (Local Government)”.

The applicant has requested that the Shire waive Condition No. 2 as set out in Attachment "A" which also contains the subdivision approval and superlot plan.

As Councillors are aware, watercourses traverse River Road. At times, water sits on portions of River Road near these watercourses.

#### Comment

The applicant's request is noted and it raises some important points. It is suggested that rather than simply waiving the condition or requiring River Road to be sealed, between Mitchell Crescent and the old tip site (as set out by Council on 4 September 2007), that Council require the subdivider to install culverts on River Road (between Mitchell Crescent and Reserve 23353) to clear Condition No. 2. It is suggested this is appropriate for reasons including:

- it will improve water flow and assist to improve the safety of road users in the interim until rural residential and/or residential subdivision occurs;
- it is suggested the culverts can be designed to accommodate future road alignments;
- it links the upgrading to the superlot subdivision and the current subdivider as opposed to other entities or subsidiaries;
- it represents an appropriate outcome, at the superlot stage, without the requirement for Deeds of Agreement or notifications on title which add time and expense;
- it represents a "compromise" between the goals of the applicant and the Council which is appropriate for the creation of the superlots; and
- sealing of River Road, between Mitchell Crescent and Reserve 23353, will be required when rural residential and/or residential subdivision occurs. It is recommended that Council seek a written undertaking from the subdivider that they will advise prospective purchasers of the superlots of their future obligations to upgrade River Road.

#### Strategic Implications

The subject land, once subdivided, will provide Boddington with a significant amount of residential and rural residential lots in the short to longer term.

#### Statutory and Policy Environment

Planning and Development Act and TPS2.

An extract of WAPC Development Control Policy 1.1 Subdivision of Land – General Principles relating to superlot subdivisions is provided in Attachment "B". Section 3.4.2(4) is of relevance relating to the practice of notifications on title or requiring a legal agreement. Rather than these methods, it is recommended that the subdivider installs required culverts and informs prospective purchasers of their obligations to upgrade River Road when residential and/or rural residential subdivision occurs.

Policy Implications

There is a need to develop a comprehensive Planning Policy on developer contributions.

Financial Implications

None at this stage.

Economic Implications - Nil

Social Implications

These were addressed at the scheme amendment stage.

Environmental Considerations

Any construction needs to minimise the impact on native vegetation wherever possible and practical.

Consultation

The WAPC invites comments from the Shire and other government agencies at the subdivision stage. Previously, community consultation occurred through the Shire advertising Scheme Amendment No. 13.

Options

1. Support the applicant's request;
2. Support the applicant's request with modifications;
3. Not support the applicant's request; or
4. Defer.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.6
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<b>Council Resolution</b>	<b>193/08</b>	<b>Moved</b>	<b>Cr Flaherty</b>
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**That Council advise the applicant, in relation to Condition No. 2 of the Western Australian Planning Commission approval for Lot 8016 (WAPC 135658), of the following:**

1. **instead of requiring River Road to be sealed between Mitchell Crescent and Reserve 23353 (old tip site), the Council will require the subdivider to install culverts on this section of road to the satisfaction of Council. This work is required, amongst matters, to improve safety for road users and is to be undertaken prior to the Shire clearing this condition. Prior to undertaking any works, plans are to be submitted to the Shire and approval gained; and**

2. **prior to clearing this condition, the Council will require a written undertaking from the subdivider that they will advise prospective purchasers of the superlots that:**
- (a) **the Council will require River Road to be appropriately designed, sealed and drained by the initial subdivider (either west or east of River Road) which create new lots that gain access to River Road between Mitchell Crescent and Reserve 23353 (old tip site); and**
  - (b) **the initial subdivider will need to seek possible reimbursement from other subdividers, west and/or east of River Road, who may create impacts and gain the benefits of an upgraded River Road (between Mitchell Crescent and Reserve 23343).**

**Seconded**

**Cr Hardie Carried**

**6/1**

8.1.7	Proposed Workshop and Storage Shed – Lot 25 Assay Terrace, Boddington
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Location:	Lot 25 Assay Terrace, Boddington
Applicant:	Graham Thompson
File Ref. No:	ASS25
Disclosure of Interest:	Nil
Date:	29 July 2008
Author:	Steve Thompson

Summary

**A Planning application for a workshop and storage shed on Lot 25 Assay Terrace is recommended for conditional approval. It is also recommended that Council advise the applicant to ensure that required approvals are obtained before undertaking site works otherwise legal action may be required to enforce compliance.**

Background

The application is for a large workshop and storage shed of nearly 1,000m<sup>2</sup>. The site's location is shown in Attachment "A", while plans submitted by the applicant are set out in Attachment "B".

The site is 6,659m<sup>2</sup> in area and is zoned "Industrial" in the Shire of Boddington Town Planning Scheme No. 2 (TPS2), where Industry-General and Industry-Light are a "P" use (means that the uses are permitted by the Scheme).

Separate to the Planning Application, the applicant has undertaken unauthorised earthworks without gaining necessary Shire approvals. The Shire has written to the applicant advising not to undertake any further work until appropriate approvals are obtained.

It is highlighted that any person who undertakes unauthorised work commits an offence under TPS2 and is potentially liable to the penalties prescribed under the Planning and Development Act. Section 223 of the Planning and Development Act, 2005 states that a penalty for an offence is "Unless otherwise provided, a person who

commits an offence under this Act is liable to a penalty of \$50,000 and, in the case of continuing such an offence, a further fine of \$5,000 for each day during which the offence continues.”

#### Comment

The Planning Application is supported subject to conditions.

While the shed is large and may create visual impacts, it complies with site and development requirements of TPS2 and is appropriately located in the Industrial Zone. To minimise visual impact, the shed is proposed to be coloured green. It is suggested there is a need for a landscape plan to be prepared, prior to the issue of the Building Licence, which shows the location and type of landscaping. Not only is landscaping a requirement of TPS2, it will also enhance the appearance of the site and the industrial area.

The applicant's site plan does not clearly show required car parking areas as set out by TPS2. TPS2 requires 1 car parking bay per 50m<sup>2</sup> of floor space, therefore 20 car parking bays are required to be identified and shown on the Building Licence. Given the amount of scouring by water run-off into the Assay Terrace road reserve, it is recommended that the crossover be sealed which will also assist to promote the appearance of the industrial area.

Given the size of the shed and the creation of more impervious surfaces, the applicant will need to appropriately install drainage to the satisfaction of the Council.

#### *Unauthorised earthworks*

In regard to the unauthorised earthworks, it is recommended that the Council advise the applicant that no earthworks are to be undertaken until necessary approvals are obtained. Should this advice be ignored by the applicant on this site or other sites that the applicant is involved, the Council may be forced into taking necessary legal steps to enforce compliance with TPS2 and the Planning and Development Act.

#### Strategic Implications - Nil

#### Statutory Environment

Planning and Development Act and TPS2.

#### Policy Implications

Council requires all Development Applications in the Light Industrial Area to be presented to Council. In time, it is suggested there is a need to develop a Planning Policy on car parking and vehicular access.

#### Financial Implications

Nil at this stage. Should the applicant not comply as advised by Council, the next step is to direct the applicant to comply. Should the applicant not comply with the direction, it is suggested the Council will then take legal action to enforce compliance. Legal expenses are already budgeted for and there may be the opportunity to recoup the cost of Council's legal expenses from the applicant.

Economic Implications

The development, if approved and implemented, will increase the range of industrial floor space in Boddington, it can assist to increase monies spent locally, and it can assist with job creation.

Social Implications

The proposed location and size of the shed is expected to create a visual impact.

Environmental Considerations

There is a need for effective drainage and landscaping.

Consultation - Nil

Options

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.7

**Motion** **Moved** **Cr Hardie**

**That Council approve the Planning Application for a workshop and storage shed on Lot 25 Assay Terrace, 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. **Twenty (20) car parking spaces along with access ways and vehicle manoeuvring areas are to be located, designed, constructed and drained to the satisfaction of the Council 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 Assay Terrace 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 with details to be provided with the Building Licence. 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. The submission of a Landscape and Planting Plan to the satisfaction of the Council prior to 7 November 2008;
  8. The site is landscaped and planted in accordance with the approved Landscape and Planting Plan prior to occupation;
  9. The landscaped and planted area shall be maintained to the satisfaction of the Council at all times; and
  10. The provision of certification from a practicing engineer, prior to the issue of a Building Licence, certifying that earthworks recently undertaken are structurally sound to the satisfaction of Council. If the works are not structurally sound or provide risks to adjoining property, the applicant is to appropriately rectify to the satisfaction of 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 operator should seek to ensure that customer and service vehicles are appropriately parked on the subject land and not within the adjoining road reserve.



- D) 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.
- E) That Council advise the applicant that all relevant approvals need to be obtained prior to commencing site works on Lot 25 Assay Terrace, Boddington or on any other site the applicant is involved with in the Shire of Boddington. Should this advice be ignored, the Council may be forced into taking necessary legal steps to enforce compliance with the Shire of Boddington Town Planning Scheme No. 2 and the Planning and Development Act.

Seconded Hoek

Council Resolution 194/08 Moved Cr Hoek

That the Motion lie on the table until Council can consider an engineer's certification of the construction of the retaining wall, receive preliminary drawings of site drainage and receive an updated site plan showing landscaping, levels, car parking and access.

Seconded Cr Flaherty Carried 7/0

Mr Thompson left Council Chambers at 5:17pm.

## **8.2 ENGINEER:**

Nil.

## **8.3 SPECIAL PROJECTS MANAGER:**

Nil.

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## **8.4 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/ BUILDING SURVEYOR:**

### **8.4.1 Temporary Caravan Accommodation**

Location:	Lot 105 Mitchell Crescent Ranford
Applicant:	J & S Prandl
File Ref. No:	MIT 105
Disclosure of interest:	Nil
Date:	25 July 2008
Author:	Peter Haas PEHO/BS

#### **Summary**

#### **To gain approval to camp in a caravan on Lot 105 Mitchell Crescent Ranford**

#### **Background**

An application has been received from Mr & Mrs Prandl requesting Council permission to live in a caravan in a shed on Lot 105 Mitchell Crescent Ranford prior to building their house on the Lot.

They also intend applying to Council to camp on the property for a twelve month period once they have received building licence approval to build their residence as an owner builder.

#### **Comment**

Council has approved a similar application at Lot 132 Mitchell Crescent at its meeting 1<sup>st</sup> July 2008. Mr Prandl has been having discussions with me over the past few months regarding the building of a residence on the property as an owner builder.

It should be noted that under Regulation 11(2) of the Caravan Park and Camping Grounds Regulations 1997 Council is able to approve camping on land for up to three months in any twelve month period of up to 12 months if a building licence has been issued as an owner builder. Camping for any longer than the time frames specified need to be approved by the Minister for Local Government.

#### **Strategic Implications**

It is expected that further applications of this type will be received over the next few months and the policy dealing with these sorts of applications has been reviewed and will be presented to Council for endorsement in the future

#### **Statutory Environment**

Regulation 11(2) of the Caravan parks and Camping Grounds Regulation 1997.

#### **Policy Implications**

An amended policy is to be presented to Council for endorsement

Financial Implications – Nil

Economic Implications - Nil

Social Implications

Enables people to live on their block whilst sorting out design and final details of the house they wish to build thus creating a sense of security for the infrastructure built on the property.

Environmental Considerations - Nil

Consultation

Mr & Mrs Prandl

Options

1. Approve the application subject to the provision of ablution facilities
2. Not approve the application

Voting Requirements - Simple majority

OFFICER RECOMMENDATION – ITEM 8.4.1

**Council Resolution            195/08            Moved    Cr Patten**

**That Council approve the application from Mr & Mrs Prandl to camp on Lot 105 Mitchell Crescent Ranford until 5 November 2008 subject to the following conditions:**

1. **Camping to be in a caravan; and**
2. **Ablution facilities to be provided.**

**Seconded                            Cr Flaherty            Carried    7/0**

**Cr Hoek declared a Direct Financial Interest in Item 8.4.2. in that she is employed by the Boddington Old School and left the Chambers at 5:20pm.**

8.4.2 Surplus items Boddington Town Hall

Location:                            Boddington Town Hall  
Applicant:                            Boddington Old School  
File Ref. No:                        8.1.5  
Disclosure of Interest:            Nil  
Date:                                    25 July 2008  
Author:                                Peter Haas PEHO/BS

Summary

**To gain Council's approval to gift items that are being stored in the Town Hall to the Boddington Old school**

Background

A request was received from the Badminton Club for permission to clean out the items stored at the Town Hall to enable the club to more readily access the stage to teach their juniors the sport.

An advertisement was placed in the Boddington News advising that it was intended to clean out items from the Town Hall and for those groups who were storing items at the hall to come and claim them or advise that they were the owners. As a consequence the Arts Council, the Kindy Gym and Fitness Group contacted me and advised what items they owned.

There are a number of paintings and the piano that are currently placed in the hall that do not seem to be serving any purpose.

#### Comment

As a consequence of trying to locate the owner of the paintings I contacted Cr Hoek at the Old School to ascertain if she was aware of the status of the paintings.

The out come of the discussion was if they were surplus to requirements the Old School would be happy to receive them and display them. I also discussed the piano with Cr Hoek who advised that there was a person who is doing piano lessons and the donation of the piano would be appreciated.

It should be noted that the items mentioned above have not been seen or used for years and it would be better to relocate them to where they would be seen and used and free up space in the Town Hall.

The piano is included on Council's asset register valued at \$500. Should Council wish to dispose of the piano, a wider advertising may be appropriate. Alternatively, Council could arrange for the piano teacher to access the hall to utilise the piano.

Strategic Implications – Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implications – Nil

#### Social Implications

These items are currently sat in the Town Hall doing nothing and are slowly deteriorating. They would be better to be out in the community where they would be used and appreciated by the public.

Environmental Considerations - Nil

#### Consultation

Cr Hoek

#### Options

1. Approve the donation of the paintings and piano to the Boddington Old School
2. Not approve the donation

#### Voting Requirements

Simple majority

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OFFICER RECOMMENDATION – ITEM 8.4.2

**Council Resolution**            196/08            **Moved**    **Cr. Flaherty**

**That Council provide the paintings and piano stored at the Boddington Town Hall to the Boddington Old School subject to the Old School making their own arrangements to remove these items from the Hall, with ownership of the items remaining with Council.**

**Seconded**                            **Cr Veitch**            **Carried**            **6/0**

**Cr Hoek returned to Chambers at 5:25pm.**

**Mr Donhardt entered Chambers at 5:25pm.**

## **8.5 DIRECTOR OF CORPORATE SERVICES:**

### **8.5.1 Monthly Financial Statements June 2008**

Applicant:                            Shire of Boddington  
Disclosure of interest:            Nil  
Date:                                    8<sup>th</sup> 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

The Operating Statement, Statement of Financial Position, Statement of Cash flow, Statement of Financial Activity, Bank Reconciliations and List of Payments are submitted for the month of June, 2008.

Statutory Environment - Local Government Financial Management Regulations 1996

Policy Implications - Policy 9.11

OFFICER RECOMMENDATION – ITEM 8.5.1

**Council Resolution**            **197/08**            **Moved**    **Cr Flaherty**

**That:**

- 1. The Monthly Financial Statements for the month of June 2008 be received;**
- 2. The List of Payments for the month of June 2008 be received; and**
- 3. The Bank Reconciliations for the month of June 2008 be received.**

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

**8.6 CHIEF EXECUTIVE OFFICER:**

8.6.1 Election Of Representative To PDC Board

File Ref. No:                            4.32.2  
Disclosure of Interest:                Nil  
Date:                                        26 July 2008  
Author:                                     Gary Sherry

Summary

**Council is to cast a ballot in favour of their preferred nominee for the Peel Development Commission Board.**

Background

The objects of the Peel Development Commission (PDC) are to:

- Maximise job creation and improve career opportunities in the region;
- Develop and broaden the economic base of the region;
- Identify infrastructure services to promote economic and social development within the region;
- Provide information and advice to promote business development within the region;
- Seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- Generally take steps to encourage, promote, facilitate and monitor the economic development in the region.

The PDC indicates that the skills required include experience in the economic and social development of the region and qualities including decision making abilities, an ability to work cooperatively within a team environment and interests relevant to the Peel community.

Three positions on the Board of the PDC are allocated to local government with each member having a three year term. Mayor Paddi Creevey, of the City of Mandurah, is the retiring board member, with Cr Carrots and Cr Nancarrow, President of the Shire of Murray, being the other local government elected board members.

### Comment

Following the closure of the nomination period for Local Government Nominations to the Board of Peel Development Commission (PDC), two nominations have been received.

The two nominations are, listed in alphabetical order:

- Cr Noel Dew, Shire of Waroona; and
- Cr Larry Scott Shire of Waroona.

Cr Noel Dew, Shire President of Shire of Waroona, was originally elected to represent the Coastal Ward on the Waroona Shire Council in 1999. Noel has been a resident of Preston Beach for many years with his wife Irene.

Noel is extremely passionate about protecting the environment especially the beautiful but fragile coastline we have in the Shire of Waroona. Noel is always prepared to listen to and discuss ratepayers concerns and act in the best interests of the people of the Shire of Waroona. He has a positive attitude towards the future and works hard at obtaining the best result for all concerned

Cr Larry Scott has been a resident and successful business proprietor of the Waroona Pharmacy over 30 years, and also a property developer responsible for the local Robinson Estate. Cr Scott was elected to the Shire of Waroona in 2007.

Larry over the years has been involved in many sporting and community groups and believes they all have their role in providing social and economic benefit to the community and thereby increase the attractiveness of the area to potential residents. Larry is keen to represent business, community groups and the community in general

The PDC will now conduct a ballot among all local government authorities in the Peel Region to determine the preferred nominee. Council has until Friday 8 August to cast their ballot.

The information will then be submitted to the Minister for Peel who will make the final selection.

Consultation – Nil

Statutory Environment - Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Strategic Implications - Nil

### Options

Council can vote for Cr Dew or Cr Scott.

### Voting Requirement

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.1

**Council Resolution**            **198/08**            **Moved**    **Cr Flaherty**

**That Council cast their vote for Cr Larry Scott of the Shire of Waroona in the election of the Local Government Representative to the Board of the Peel Development Commission.**

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

8.6.2      Roadside Vegetation Collection Policy

File Ref. No:                        10.9  
Disclosure of interest:            Nil  
Date:                                    26 July 2008  
Author:                                Gary Sherry  
Attachment:                         10.1.2.a Draft Roadside Vegetation Collection Policy

Summary

**Council is to authorise policy to manage access to Council's reserves for collection of Flora and Fauna specimens.**

Background

Council has received an application from commercial operation seeking to access Council's road and other reserves to undertake native seed collection. The operator is an environmentally motivate organisation that adheres to the Dept of Environment and Conservation's guidelines on native seed collection and all their staff are fully licensed.

Council received two applications – Boddington Native Seeds based in Albany.

Previously granted licences – for year ending 31 March and for roads and reserves excluding Crossman Nature Reserve and anywhere DRF is present.

DRF should be expected on Roads especially where grader moves.

Policy ties to:

1. Council controls – not delegated.
2. Applications considered annually to allow consideration of effects/changes.
3. protect Council financially – safety/insurance.

Comment

Land in control of Council contains native flora and fauna. Examples include reserves vested for the purposes of conservation and road reserves containing remnant vegetation on the road side.

The flora and fauna that inhabit this land is a valuable resource in terms of preserving the local genetic stock of flora and fauna. Preserving these local provenance populations is an important way of protecting biodiversity and combating the threat to biodiversity posed by climate change.



However the resource also has a commercial value for collectors of flora and fauna specimens.

Probable courses of action for Council to manage these reserves include:

1. Full access to all. Council could reasonable expect to recover a fee for access to be used to offset Council's management costs of the fauna and flora on Council reserves. In particular collection of seed is a valuable resource.

This method would provide Council with funds from fees collected to be allocated to manage Council's native flora and fauna.

2. Restrict access. The collection of native flora and fauna will have some, probably only minor, detrimental effect on Council reserves. Restricting access to just those activities which provide the greatest benefit will preserve the native flora and fauna.

Access to the local seed stock for activities such as local rehabilitation and plantings provides considerable benefit. Seed stock with local provenance will have a better success than imported seed stock.

3. Not permit any access.

Consultation - Nil.

#### Statutory Environment

Council can control access to land, while Dept of Environment and Conservation has control over regulation and licensing of collection of flora and fauna.

Policy Implications - Nil

#### Financial Implications

The collection of flora and fauna is an industry and Council could recover a fee for access to Council land.

Economic Implications – Nil

Social Implications - Nil

#### Environmental Considerations

Access to the local seed stock for activities such as rehabilitation of local reserves will provide considerable benefit. Council reserves are often the only accessible source for such genetic material.

Strategic Implications - Nil

#### Options

Council can endorse the draft policy or not.

#### Voting Requirement

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.2

**Council Resolution**      **199/08**      **Moved**      **Cr Flaherty**

**That Council adopt the draft Policy 07.13 – Access to Council Reserves to  
Collect flora and Fauna as included at Attachment 8.6.2.a.**

**Seconded**      **Cr Patten**      **Carried**      **7/0**

**Attachment 8.6.2.a**

Policy Number: 07.13

Policy Subject: ACCESS TO COUNCIL RESERVES TO COLLECT FLORA  
AND FAUNA SPECIMENS

Policy Statement:

Council will consider giving access to collect seed, flora specimens and fauna in land vested in Council for non-profit groups whose activities will provide a benefit to the local area.

Guidelines

In accessing Council's reserves, permission will be given subject to the following conditions:

1. permission will only be granted for periods up to one year at any one time. This should not discourage applications for subsequent periods;
2. sighting by Council of proof of current public liability insurance of at least \$5 Million;
3. adherence to DEC Guidelines on native seed collection;
4. appropriate hygiene measures be followed at all times to prevent the spread of plant disease and weeds;
5. all care be taken to avoid the disturbance of fauna habitat;
6. all care be taken to avoid any disturbance that may lead to soil degradation;
7. all staff are to wear high visibility safety vests; and
8. any stationary vehicles are to use revolving amber flashing lights.

Objective:

Council manages a range of property with natural vegetation including nature reserves vested in Council and road reserves. These plants are a valuable resource and this policy seeks to guide Council's responsible management.

Resolution No:

Resolution Date:

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8.6.3	Heavy Haulage Application – Robins & Ashcroft Roads – Dawson Contracting
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File Ref. No: 12.7.9  
Disclosure of Interest: Nil  
Date: 26 July 2008  
Author: Gary Sherry  
Attachment: 8.6.3a Map of Heavy Vehicle Route Approvals

Summary

**Council is to consider a request for long vehicles to use Robins and Ashcroft Roads to haul logs.**

Background

In recent years Council has considered and approved requests for long vehicles to access Councils roads including Crane Rise, Mistletoe View (October 2007), Marradong Road (December 2006) for the haulage of timber products.

Council has received an application from Forest Products Commission contractor Dawson Contracting from Donnybrook to access Robins Road and Ashcroft Road with three long vehicle combinations. Access is requested to these two roads to service haulage of forest products cleared from the Worsley Alumina mine site in the Marradong Timber Reserve.

Comment

Whilst Main Roads WA are the permit issuing authority, Council has control over access to Council's road reserve network.

Consideration for Council revolves around the condition of the road and any local safety concerns that are not related to road standard. Main Roads WA staff have advised that they respect the opinion of local government and will impose any conditions sought by Council in approving access.

However Main Roads WA also advise Main Roads WA will then inspect any road recommended by Council for approval to ensure road safety.

Ashcroft Road is not of a suitable standard or condition to accommodate long vehicles. The road is unformed, often limited to one vehicle in width and heavy traffic will have a detrimental effect on the road.

Sections of Robins Road is not of a suitable standard to take long vehicles. Parts of Robins Road are very overgrown although the northern end of the road is of a suitable condition. The northern section of the road is due to be closed in the near future.

Council has issued a contract to upgrade the northern end of Robins Road in 2008. Large amounts of long vehicle traffic through this project would be a hazard and nuisance to these works.

Consultation

Main Roads WA, Heavy Haulage Section.

### Statutory Environment

Main Roads WA control licensing of vehicles and access permit system. Local Government has input into this system.

A map showing the currently permitted roads within the Shire of Boddington is included as an attachment.

### Policy Implications

Policy No: 10.5  
Policy Subject: PERMITS FOR HEAVY VEHICLES

#### Policy Statement:

That Council permits B Doubles and Pocket Road Trains to service local industry throughout the shire provided the roads to be used are deemed suitable and a permit has been obtained from Council beforehand, subject to the following conditions being endorsed on the permits:

1. Not to travel on roads during school bus times
2. Speed limit of 60kph on gravel roads and 80kph on sealed roads
3. To avoid travelling on roads during periods of heavy fog
4. Observing particular directions in relation to bridges on any route
5. Permission to use certain roads is subject to variation at Council's discretion

### Financial Implications

Council will bear the financial cost for any additional road maintenance required from traffic of long vehicles.

### Economic Implications

The transport and haulage of the product of local industries such as mining, agriculture and forestry, all require the use of long vehicles to cost effectively move their product.

### Social Implications

Robins and Ashcroft Roads service a small rural residential area, who use Robins Road as part of their access to Boddington.

### Environmental Considerations

Removal of trees on the Robins Road may be required to improve the road condition to a standard to allow long vehicle access.

### Strategic Implications – Nil

### Options

Council can:

1. Refuse the request for access to both Robins and Ashcroft Roads;
2. Grant the request for access to both or either roads with conditions;
3. Grant the request unconditional to both or either road.

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Voting Requirement

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.3

**Council Resolution            200/08            Moved    Cr Flaherty**

**That Council advise Dawson Contracting that Council:**

- 1. will not approve access to Ashcroft Road for long vehicles; and**
- 2. will approve access to Robins Road south of Morts Road intersection upon the condition that:**
  - a. Main Roads WA inspect Robins Road and approve it for use;**
  - b. the full cost of any maintenance works required by Main Roads WA to Robins Road to permit long vehicle access be met by the applicant;**
  - c. access is not permitted during school bus times of 8.00 to 8.30 am and 3.15 to 4.00 pm;**
  - d. a speed limit of 40kph apply;**
  - e. access is not permitted on roads during periods of heavy fog; and**
  - f. signs are erected at each end of Robins Road on each day of use to advise that long vehicles are entering and using the road.**

**Seconded**

**Cr Hardie**

**7/0**

8.6.4    Bus Assembly Point – Boddington Town Hall

File Ref. No:            11.10.1  
Disclosure of Interest:    Nil  
Date:                    27 July 2008  
Author:                 Gary Sherry

Summary

**Council is to consider conditional approval use of the Boddington Town Hall Car Park for parking of employees of the Boddington Gold Mine.**

Background

Council has previously approved use of the Boddington Rodeo Ground Car park as an assembly point and parking area for Boddington Gold Mine (BGM) employees who use a BGM bus to travel to work.

BGM have advised that, at this site, there have been a few incidents of minor vandalism of vehicles, theft of a bicycle and minor injuries to employees due to

uneven ground and poor lighting. As a result of this BGM have request permission to use the car park of the Boddington Town Hall.

#### Comment

BGM seek to use the car park of the Boddington Town Hall because the area is central to town but is away from the central business district. Most employees walk to the bus and only 12 cars are expected to parked at the hall at any one time. BGM have offered to arrange to have employees use alternative parking on occasions when the hall car park is required for other activities.

Council's Boddington Volunteer Bush Fire Brigade and State Emergency Service unit also utilise the Boddington Town Hall Car Park for access to their headquarters. Access to the water standpipe will need to be maintained for private users and fire purposes. Council will need maintain this access by utilising Council's Parking Local Laws and signage.

#### Consultation – Nil

#### Statutory Environment

Shire of Boddington Parking Local Law

#### Policy Implications - Nil

#### Financial Implications

Council may need to provide and maintain additional parking signage

#### Economic Implications - Nil

#### Social Implications

Should Council agree to the BGM request, activities with small attendances at the Boddington Town Hall will need to coexist with BGM employee parking.

Moving parking for BGM employees to a more visible location, will reduce opportunities for vandalism and minor crime.

#### Environmental Considerations

That BGM provide a bus for locally based employees travelling to BGM reduces emissions associated with private cars.

#### Strategic Implications

Reducing the daily traffic to BGM has road safety and road maintenance benefits.

#### Options

Council can agree to the request or not.

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Voting Requirement

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.4

**Council Resolution      201/08      Moved      Cr Patten**

**That Council agree to the request of Boddington Gold Mine to use the Boddington Town Hall Car Park as an bus assembly area for workers travelling to the Boddington Gold Mine on the conditions that:**

- 1. Boddington Gold Mine make alternative arrangements when requested by Council to accommodate other activities in the Boddington Hall Car Park; and**
- 2. Boddington Gold Mine assist by regularly advising their employees using the car parking of the requirement to maintain access to the:**
  - a. Boddington Volunteer Bush Fire Brigade building;**
  - b. Boddington State Emergency Service Headquarters;**
  - c. Water stand pipe;**

**at all times.**

**Seconded                      Cr Flaherty      Carried                      7/0**

8.6.5      Tip Pass Policy

Disclosure of Interest:      Direct Financial Interest in that the Draft Council Policy will provide the author with a financial benefit.  
Date:                              27 July 2008  
Author:                            Gary Sherry  
Attachment:                      8.6.5.a Draft Tip Pass Policy

Summary

**Council is to consider policy to guide annual provision of free Tip Passes to access to Council's Waste Disposal site.**

Background

Since restricting access to Council's Waste Disposal site, in about 2000, Council has annually provided a number of free tip passes to ratepayers who receive Council's rubbish collection service. The Draft Policy included at Attachment 8.6.5a seeks to formalise this practice.



### Comment

Council currently includes four tip passes with the Council rates notice for each property that receives Council's rubbish collection service. Council does not provide this benefit to ratepayers who manage their own waste disposal.

The four tip passes provide an annual benefit of \$60 for those rate payers who utilise the service.

Other methods of reducing illegally disposed rubbish include an annual verge pickup of large items and free access days to the Council Waste Disposal site. Verge pickups are costly in terms of Council labour and disruptive to Council's works program. Verge pickups are reportedly increasing in size as residents have increased their replacement of larger whitegoods in recent years.

Free access days to Council's Waste Disposal site would reduce printing costs associated with tip passes but would extend the benefit to ratepayers other than those who receive rubbish collection. Free access days would never be arranged to suit all and may also allow larger amounts of rubbish to be deposited.

### Consultation

Boddington Tidy Towns Committee expressed a loose preference for Free Access days over tip passes.

### Statutory Environment

Illegally dumping of rubbish will not be eliminated by this policy, and Council will continue to pursue to identify those who continue the practice.

### Policy Implications – Nil

### Financial Implications

Provision of this benefit costs Council \$60 per ratepayers. If all the free passes were utilised, and they are not expected to be, Council will provide a total of discounted access to the Waste Disposal site of an amount in the region of \$36,000.

Council incurs printing costs in preparing the tip passes to be provided.

Council will incur Fringe Benefits Tax on benefits provided to employees in Council owned housing.

### Economic Implications – Nil

### Social Implications – Nil

### Environmental Considerations – Nil

### Strategic Implications – Nil

### Options

Council can adopt the draft policy, adopt an amended draft policy or not adopt the draft policy.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.6.5
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**Council Resolution      202/08      Moved      Cr Flaherty**

**That Council adopt the draft Policy 03.04 - Annual Tip Pass Provision included  
at Attachment 8.6.5a.**

**Seconded                      Cr Hardie      Carried      7/0**

**Attachment 8.6.5.a**

Policy Number: 03.04

Policy Subject: ANNUAL TIP PASS PROVISION

Policy Statement:

Council will annually provide to ratepayers four free tip passes for each property that utilises Council's rubbish collection service. These tip passes can only be used in the year that they are provided.

Council will provide the occupiers of Council owned housing four free tip passes for the occupiers use.

Additional tip passes will not be provided to rate payers who have more than one collection service for any one property.

Objective:

Council provides this service to recognise that ratepayers who use Council's collection service will, from time to time, have amounts of rubbish in excess of the mobile garbage bin and provision of free tip passes will reduce the amount of rubbish illegally dumped.

Resolution No:

Resolution Date:

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8.6.6 Closure of Robins Road

File Ref. No: RN13 - Robins Road  
Disclosure of Interest: Nil  
Date: 30 July 2008  
Author: Gary Sherry  
Attachment: 8.6.6 a Letter to Ratepayers  
8.6.6b Comment from D & P Matthews  
8.6.6c Comment from Mark & Fiona Schofield  
8.6.6d Comment from Julia Goodgame and Ian Campbell

Summary

**Council is to consider temporarily closing Robins Road from the intersection of the Robins Road and Bannister Marradong Road north to the access road from the Shire of Boddington's Waste Disposal Site from 18 August 2008 until 31 December 2018 for the purpose of allowing safe access for Worsley Alumina Pty Ltd to their Bauxite deposit in the area**

Background

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

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved Cr Thompson

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

Seconded Cr Hoek

Carried 7/0

Clauses 12.1 and 12.2 of the Deed of Sale include:

12 Access road

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

12.2 The Purchaser must use its best endeavours to expedite the closure of the access road in accordance with clause 12.1.

Council has received formal notice from the WJV that they wish to have Council close Robins Road for a period from 18 July 2008 to 31 December 2018. The section of Robins Road the WJV wish to have Council close is from the Council Rubbish Disposal Site, south through the Marradong Timber Reserve to Bannister Marradong Road intersection. This closure will allow WJV operations in the Marradong Timber Reserve to operate safely both in the construction phase and while mining takes place.

At the Ordinary Council Meeting held on 17 June 2008 Council resolved:

Council Resolution                      164/08                      Moved                      Cr Veitch

That Council:

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

Seconded                                      Cr Flaherty                      Carried                      7/0

Comment

Issues that have arisen from the proposed temporary closure of Robins Road include:

*Lack of Direct Access to Pinjarra Williams Road*

A number of ratepayers recorded the interruption with their travel to Pinjarra Williams Road as an issue with the closure of Robins Road. Certainly for those residents along Morts Road who work south of Boddington, at the Boddington Bauxite Mine for example, or have frequent social visits to the area south of Boddington, in Marradong for example, the temporary closure of this section of Robins Road will cause extra distances to be travelled.

However most residents from Morts Road report that they most often travel along Robins Road, north to Farmers Avenue and to Boddington. This was certainly the case for emergency services and travel to school.

The one tourist business in Stagbouer Trail has concerns about the loss of business from "walk up" travellers following the business's signs from the Marradong end of Robins Road. Ashcroft Road is currently at an unacceptable standard for alternative tourist traffic use.

Some concern was expressed about effect of the closure leaving, only Farmers Avenue as a potential route in circumstances of an evacuation.

Some residents reported that they utilise Ashcroft Road currently to access Pinjarra Williams Road for travel to the west and that they would like to have Ashcroft Road improved.

*Concern over the impact of Mining on lifestyle and property.*

Most of the residents reported concerns over the impact of the operations of WJV at their Marradong operations, unrelated to the closure of Robins Road. These concerns included:

1. Dust and noise impacting on their properties from mining activities including blasting; and
2. The impact of the mining operations on Morts Road and the continued access from their properties to Boddington, particularly in the case of emergency;

These concerns are not for Councils to take up and do not directly impact on the temporary closure of Robins Road. Council does not have solutions to this. Council has advised WJV that they should provide information to the residents and they have attempted to do so in recent weeks.

While the proposed temporary closure of Robins Road has made the residents along Morts Road aware of the WJV's Marradong operations, these properties are actually quite distant from the operations. Most are outside the 1,200 meter buffer zone. However as mining commences and moves closer to the Boddington townsite, Council can expect similar concerns expressed from Boddington residents who are inside the 1,200m buffer zone.

During the public comment period, WJV have made a presentation to Council on their operations at Marradong. In general terms the WJV operations at the Marradong site will include:

- while WJV will maintain facilities on the Marradong mining area for some considerable time, mining operations will be completed in less than the ten year time frame of the temporary closure of Robins Road. WAPL will also have rehabilitation works to complete following the cessation of mining activities;
- WJV's deposits and leases extend into a vast area to the north of Boddington and these deposits make up the extended time frames you mention. While the Marradong mining operations will cease in less than ten years, some WJV facility will remain on site to assist in these future mining activities;
- to ensure safety at the Marradong operation, Council expects WJV will fence the entire Marradong mining area. The first of these fences will be along the western boundary of Robins Road and will commence very shortly;
- WJV's planned mining activities at the Marradong site will encroach closer to the south/western town limits of Boddington.

Council has discussed the impact of the Marradong operations on the Boddington Community with the WJV, but at this time, no agreements have been reached. Aspects of the operation that Council has discussed with WJV to date include:

- WJV offered to Council to close the section of Robins Road as late as their operations would allow and not the 18<sup>th</sup> August 2008. At the time of writing, WJV had not advised of that later date;
- that the proposed closure of the southern portion of Robins Road will be the only road closure Council will consider. Council has advised that safe and continuous access along Morts Road must be maintained as part of their operations;
- that WJV has been made acutely aware that it needs to ensure safe traffic management of its activities around Morts Road. Currently WJV do this at several sites on Fletchers Road at its Saddleback operation;
- the possibility of upgrading Ashcroft Road;
- the standard of Robins Road to be returned to Council after the period of temporary closure; and

- the impact of their operations on Farmers Road and Ashcroft road. This impact will include how their workforce, contractors and suppliers will access the site.

### Consultation

Council subsequently sought public submissions through advertisements in the Boddington Newsletter and from a mail out to the 12 ratepayers thought to be most affected by the temporary closure. A copy of the letter is included at Attachment 8.6.5a.

Council has received three written responses and these are included as an attachments 8.6.5b, 8.6.5c and 8.6.5d. Council staff had discussions with members of the public and the opinions of those conversations are included in the body of this report.

Councillors attended a public meeting on Saturday 19 July attended by local residents and employees of the WJV.

Cr Carrotts and the Chief Executive Officer have attended several discussions with WJV Mine Manager Mr Jose Santiago, regarding the closure of Robins Road and the wider ramifications from the expansion of WJV operations into the Marradong Timber Reserve.

### Statutory Environment

Local Government Act 1996

#### 3.50. Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- [(3) repealed]
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
  - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
  - (b) give written notice to each person who —
    - (i) is prescribed for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section; and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- [(7) repealed]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

#### 3.50A. Partial closure of thoroughfare for repairs or maintenance

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

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

#### 3.51. Affected owners to be notified of certain proposals

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

Policy Implications - Nil

Financial Implications - Nil

Economic Implications

WJV's operations have a significant positive effect on the economy of the Shire of Boddington.

Social Implications

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

Environmental Considerations - Nil



Strategic Implications

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

Options

Council can endorse the Officer's Recommendation or Not.

Voting Requirement

Simple majority

OFFICER RECOMMENDATION – ITEM 8.6.6

**Council Resolution            203/08            Moved    Cr Flaherty**

**That Council temporarily close Robins Road from the intersection of the Robins Road and Bannister Marradong Road north to the access road from the Shire of Boddington's Waste Disposal Site from 30 April 2009 until 31 December 2018 for the purpose of allowing safe access for Worsley Alumina Pty Ltd to their Bauxite deposit in the area.**

**Seconded                            Cr Hardie    Carried                            7/0**

**Attachment 8.6.6a**

RN13 - Robins Road

Gary Sherry

Name  
Address 1  
Address 2

Dear Name

**TEMPORARY CLOSURE OF ROBINS ROAD**

At their Ordinary Meeting held on Tuesday 17 June 2008, Council considered a request from Worsley Alumina Pty Ltd to temporarily close a 2.7km section of Robins Road from the access road to the Shire Waste Disposal Site, south to the Bannister Marradong Road for the period 18 August 2008 until 31 December 2018. This closure would assist in Worsley Alumina Pty Ltd's Bauxite mining operations in the area. Council decided to formally consider the request.

The requirements of the Local Government Act 1996 relating to temporary road closures requires that Council:

1. notify affected land owners prior to considering closure;
2. seek comment from affected land owners and the general public on the proposed closure; and
3. consider any public comment when making a decision to temporarily close a road.

Council wishes to advise that public comment on the proposed closure will be received up until close of business on Tuesday 29 July 2008. Council would consider any public comment received in deciding on the request at the Ordinary Meeting of Council to be held on Tuesday 5 August 2008.

While I will provide you with an update of any future progress on this matter, should you have any further concerns or wish to discuss the matter further, please contact me.

Yours faithfully

Gary Sherry  
Chief Executive Officer

20 June 2008

**Attachment 8.6.6b**

SUBMISSION RE ROBINS RD CLOSURE/MORTS RD/ASHCROFT RD

Mr Gary Sherry  
CEO  
Shire of Boddington.

I wish to submit to the Shire of Boddington my comments on the closure of Robins Rd (southern end).

It is my belief that Robins Rd should only be closed if Worsley Alumina upgrades, at its cost, Ashcroft Rd to a safe thoroughfare and Robins Rd remains open till the completion of the upgrade.

The closure of Robins Rd will have a definite affect on our business, Marradong Forest B/B, it will give us one only access to our business and that will be from Farmers Ave and once people drive past our signage on Robins Rd./ Pinjarra/Williams Rd, it is possible they will then stay in Boddington. We do get a lot of walk up bookings from clients travelling along the Pinjarra/ Williams Rd and also a lot of clientele from that region. We cannot consider Ashcroft Rd a safe access, as it is currently not safe for inexperienced drivers.

It is also a concern that with the closure of Robins Rd south end, is that it gives all residents in this area of Marradong extremely limited choices if fire or other unseen circumstances occur from a safety aspect. Only one real road out and I wonder who will be responsible for Duty of Care if the issue arises.

You can bet it won't be Worsley.

As a ratepayer in the Shire of Boddington I find it galling that we have not been considered at all in this process, I cannot accept that what is happening is called consideration, it has been all Worsley Alumina. Even worse when you consider that they contribute next to nothing with rates.

Sure they contribute to Town and so they should, but surely your ratepayers deserve better.

I know many ratepayers support this comment. It is ridiculous that 40/50 ratepayers are ignored for an organisation that pays very little.

Can the Shire also guarantee me that Morts Rd is not also on the radar for closure as mining is to take place on both sides.

*If Morts Rd is to stay open then why not Robins Rd as truck controls will be the main issues in both locations. As already stated by WAPL, they will be fencing the Western side of Robins Rd so the issue of traffic control should be considered the same as Fletcher Rd.*

*The conveyer and crusher will be on the Western side of Robins Rd.*

I must also state, that it is unbelievable to think that after speaking with a Councillor and the Shire President prior to this announcement on Robins rd, that they denied any knowledge of the closure of the road, especially when the Shire is funding and the tender let to seal what remains of Robins Rd. prior to this issue arising in the public arena.

I presume Robins Rd is still going to be sealed

How can we believe that the Shire states it wasn't aware of the closure.

Fact. 2 Councillors Hoek, Veitch were present at the original Shire meeting in 1999 to recommend the deal with the refuse site. Hoek seconded the recommendation.

Fact. At the May 6 2008 Shire meeting Veitch, Moved that the tender to seal Robins Rd be passed and Hoek was in attendance. Still no comment?

It is unbelievable to think that the people concerned never raised the issue when they were at both Council meetings 1999 and 2008, was there really no discussion at the May 6 meeting re closure? I wonder.

Also I must comment on the laughable letter sent to ratepayers and I ask why it states

1. Consider any public comment when to making any decision to temporarily close a road(10.5 years)
2. Seek comment from affected landowners and general public on the proposed closure.

As this was all agreed to in 1999 and I have been told by Councillors that don't bother to fight it, it will close anyway why use such words as, proposed and consider any public comment.

Can you please tell us what proposals and what consideration will the Shire of I look forward to your reply and hope that common sense will prevail on some of these issues.

Yours truly,

Des/Pat Matthews  
Marradong Forest Bed & Breakfast  
42 Stagbouer Trail  
Marradong

21/07/08

**Attachment 8.6.6c**

Mark & Fiona Schofield  
407 Morts Road  
Boddington WA 6390

08 July 2008

Shire President  
Boddington

**RE: Notice of intention to close part of Robbins Road for 10 ½ years and the subsequent mining activity proposed by Worsley for the Marradong area.**

Dear Sir,

In response to the notice that appeared in the local paper for the closure of Robbins Rd and underlying reasons we would like to make the following comments and request that the council reply to our questions and concerns listed below in a prompt and appropriate manner:

- We are disappointed that the council has not invited the relevant people who are affected by this road closure and subsequent mining activity for a joint face to face discussion along with Worsley representatives to hear our concerns and answer any questions that we may have.
- From other information that we have received it would appear that the council has already made up its mind, without input from the community affected by the closure that it will go ahead regardless of feedback because of a cheap deal done with Worsley some time ago. I fail to see any relevance in asking for feedback and comments when the council is not interested in what its rate paying community has to say. It is really disappointing and distressing to know that our town council has little care or concern about members of its community and is more interested in the needs and wants of a mining company that is going to destroy the countryside around it's town.
- Will the council provide us with detailed plans of where Worsley intend building the mining infrastructure and where they will be carrying out mining activity so that we can fully understand the impact that this will have on our quality of life, the associated hazards that it may introduce and the environmental impact? Will they also provide us with details of future expansion proposals for the Marradong area and a map of the areas that will be affected?
- Has our 'non-representative council' requested information from Worsley to confirm that the soil type does not contain harmful particles that may affect the health and welfare of people in the area close to proposed mining activities when these particles become airborne, i.e. silica, asbestos? Can the council provide soil test results to confirm this?
- Has our 'non-representative council' had confirmation from Worsley that the mining activity proposed for our back yard will not damage or contaminate our underground water supply? E.g. blasting activities fracturing the underground water aquifer that provides our water supply. Will the council provide for us if this valuable resource is lost?

- Will the council upgrade and maintain Ashcroft road as an alternative route for the residents to gain access to the Pinjarra / Williams road? A resourceful council would have used this as part of the original Worsley bartering process instead of selling off our road access cheap. This would have sent the message to the affected residents that the council was looking after our interests.
- Can the council assure us that Morts Rd and the remainder of Robbins Rd to Farmers Ave will not be affected at any time and will always remain open for public and emergency use?
- Can the council assure us that passage along Morts Rd and Robbins Rd to Farmers Ave will be safe for public use with the mining activity in close proximity? Can they also assure us that the mining open cut areas, truck haulage roads and other mining infrastructure close to our homes will be secured to prevent our children and livestock from entering and sustaining injury or fatality?
- Can the council assure us that Robbins Rd will definitely be opened again after 10 ½ years or will future Worsley expansions override this? From my understanding and internet research the Marradong ore reserve will be the backbone to the Worsley expansion in the area and infrastructure will remain for the life of mine as production ramps up to a maximum refinery capacity in 2030. This appears, with my limited mathematical abilities, to be a bit more than the 10 ½ years that you have stated on the notice in the local newspaper.
- If there are going to be interruptions to the access roads to our property then we would request that the following be addressed and provided free of charge by the council:
  1. Weekly rubbish collection from the front gate of each affected property, with the free issue of wheelie bins.
  2. School bus service with collection and drop off at or within close proximity to each resident's front gate.
  3. Upgrade and maintenance of Ashcroft road to a standard no less than Morts Rd for safe access and egress for general traffic and in the case of an emergency.
- At what stage will the council, that we pay rates to, start looking after the residents of Marradong and provide us with a school bus to ensure safe passage for our children to school? This is even more significant now that the council, state and federal governments have agreed to turn our backyard into a mine site with all of the safety concerns that go along with any mining activity. We would like this to be noted as a written request for this service to be provided by our town council or to follow up with the relevant people on our behalf.

I would think that the information asked for above would be readily available to a resourceful council who have been in secret discussions with Worsley from the onset cheaply selling off the community assets; what about sharing this information with the members of the community, help to restore some of the trust, community closeness, caring and cooperation? I can only hope that our council in its position of expected and mostly assumed community care has already asked these

questions of Worsley and have suitable and satisfactory answers available to respond.

In closing; we were initially attracted to Boddington as a place to settle, raise our family and follow our dream of hobby farming by the closeness of community, the varied seasonal beauty of the countryside and the quality of schools that we witnessed through years of visiting the area. I would just like to re-iterate that it is disappointing that our 'non-representative council' has not been forthcoming with information pertaining to this proposed mining activity by Worsley. The council to date has not acted in the best interests of its community and appears to be oblivious to the destruction of what was once a very beautiful countryside with a caring and united community; to allow and condone the unopposed infiltration of mining activities on its door step will be the destruction of this. It would appear that the Shires vision and mission statements (as shown on the last page) from the 'Principle Activities Plan' are just 'lip service' to the real needs of the community.

Our community has seen a sharp increase in the crime rate recently with the majority of the more serious and disturbing offences being committed by local people, there has been a marked increase in suicide attempts across our region; does this not send alarm bells to the council that the pillars of its community are crumbling? Should we as the community in need look to our council for assistance to restore community spirit, caring, kindness and understanding or are we expecting too much?

I ask you sir; will our council become human again and develop a heart that beats in rhythm with the community needs and a spine to stand united with the community against the degradation and destruction of the once beautiful countryside and community spirit? Or can we expect a continuation of the cheaply bought and uncaring 'non-representative council' that we see before us today? Where are you OUR council, you speak with a voice that your people cannot hear or no longer understand, we miss you??????

In Summary:

We are opposed to the closure of part of Robbins Rd on the following grounds:

- The council has not considered alternative road access to the affected properties for normal and emergency access and egress.
- The council has not considered or consulted the affected landholders for any throw back effect for loss of property values due to restricted access and subsequent mining activity in the area.
- The road re-opening date supplied by the council is not in line with the proposed mining activity and expansion time lines. This confirmation should be supplied to each land holder by Worsley in writing prior to the closure of the road.
- The council has acted, in this matter, with little or no regard for the impact to its rate paying community and entered into a deal with Worsley without first addressing the communities concerns and informing the community of the proposed closure and deal.
- The council has asked for comment but has no intention of listening or acting on the concerns of its people.
- The council is selling off the community assets without detailed discussion with the affected people.

- The council has not considered future road closure problems that could leave the residents without emergency vehicle access to their properties.
- The council currently has a poor track record of maintaining the available roads in a safe condition and has to be frequently prompted to carryout road repairs when their condition is a safety issue.

### **SHIRE OF BODDINGTON VISION STATEMENT**

*For Boddington to be widely recognised as a progressive local authority providing quality services and facilities that encourage people to live, work, visit and invest in the district.*

### **SHIRE OF BODDINGTON MISSION STATEMENT**

*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.*

Regards  
Mark and Fiona Schofield



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

Nil.

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

Nil.

**11. CONFIDENTIAL ITEMS:**

**11.1 Refuse Disposal Site Management**

File Ref. No: 10.8.1.6  
Disclosure of Interest: Nil  
Date: 29 July 2008  
Author: Gary Sherry

**OFFICER RECOMMENDATION – ITEM 11.1**

**Council Resolution      204/08      Moved      Cr Flaherty**

**That Council:**

- 1. with the agreement Carter's Handyman Services, terminate the contract with Carter's Handyman Services to provide Refuse Disposal Site Management Services;**
- 2. employ Mr Carter as a permanent part time employee in the role as Tip Attendant at the Council Refuse Disposal Site; and**
- 3. enter into discussions with Mr Carter and Carter's Handyman Services over the issue of future Scavenging Rights at the Refuse Disposal Site.**

**Seconded                      Cr Hardie      Carried      7/0**

**12. CLOSURE OF MEETING:**

The meeting was declared closed at 5:53pm.