



SHIRE OF BODDINGTON

'The Council and Staff of the Shire of Boddington, in partnership with the community, are committed to operating effectively and efficiently to provide quality lifestyle opportunities that encourage population growth and development'

SUMMARY MINUTES

For the

ORDINARY MEETING OF COUNCIL

held at

5PM, TUESDAY 21ST AUGUST 2012

at the

**Shire of Boddington Council Chambers
at 39 Bannister Road Boddington**

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1. DECLARATION OF OPENING:

The Shire President, Cr Allert declared the meeting open at 5.01 pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

Cr J R Allert	President
Cr DN Veitch	Deputy President
Cr PR Carrotts	
Cr EK Hoek	
Cr GJ Day	
Cr J Goodgame	
Cr N Crilly	

Mr G Sherry	Chief Executive Officer
Mrs C Martin	Director of Corporate Services
Mr S Thompson	Planning Consultant
Mr T Pearson	Director Special Projects
Mr P Langan	Works Manager
Ms J Caldwell	Executive Assistant

APOLOGIES:

VISITORS:

Mrs. M Waite
Mr. F Waite
Mr. K Noonan
Mrs. Noonan
Mr. H Pucar

3. DISCLOSURE OF FINANCIAL INTEREST:

Cr Hoek declared an Indirect Financial Interest in Item 8.2.1 in that she is employed by the Boddington Community Resource Centre who are directly impacted by this matter.

4. PUBLIC QUESTION TIME:

Nil

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

Nil

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council Held on 17TH July 2012

OFFICER'S RECOMMENDATION – 6.1.1

Council Resolution 113/12 Moved Cr P Carrotts

That the minutes of the Ordinary Meeting of Council held on Tuesday 17th July 2012 be confirmed as a true record of proceedings.

Seconded Cr D Veitch Carried 7/0

6.1.2 Special Meeting of Council to Consider Council's Draft Budget Held on 27th July 2012

OFFICER'S RECOMMENDATION – 6.1.2

Council Resolution 114/12 Moved Cr N Crilly

That the minutes of the Special Draft Budget Meeting of Council held on Friday 27th July 2012 be confirmed as a true record of proceedings.

Seconded Cr P Carrotts Carried 7/0

6.1.3 Special Meeting of Council to Consider Council's Draft Budget Held on Monday 13th August 2012

OFFICER'S RECOMMENDATION – 6.1.3

Council Resolution 115/12 Moved Cr N Crilly

That the minutes of the Special Draft Budget Meeting of Council held on Monday 13th August 2012 be confirmed as a true record of proceedings.

Seconded Cr D Veitch Carried 7/0

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

8.1.1 Proposed Subdivision – Lot 19 Mistletoe View Crossman

OFFICER'S RECOMMENDATION – 8.1.1

Council Resolution 116/12 Moved Cr P Carrotts

That the Council advise the Western Australian Planning Commission that:

1. it should refuse the subdivision application of Lot 19 Mistletoe View, Crossman (WAPC 146434) for the following reasons:
 - (a) it is inconsistent with the Shire of Boddington Local Planning Scheme No. 2 (Provision 3 of Appendix 6A), Shire of Boddington Local Planning Strategy and State Planning Policy 2.5 Agricultural and Rural Land Use Planning which all require a minimum lot size of 4 hectares in the Rural Small Holding Zone;
 - (b) there is a need to consider estates/precincts “holistically”, rather than considering subdivision applications on an adhoc basis. Landowners have acquired “lifestyle” properties of a particular size/density (set out in the Local Planning Scheme, Local Planning Strategy and often in adopted Structure Plans) with associated amenity. The community and stakeholders should be appropriately consulted on changes to lot sizes; and
 - (c) it will create a precedent on lot sizes which has not been considered via community and stakeholder consultation (e.g. advertising of a draft Local Planning Strategy or advertising a scheme amendment request).
2. should it consider approving the application, the Council requests the following conditions:
 - (a) the battleaxe access leg being constructed and drained to the satisfaction of the Western Australian Planning Commission. (LG)
 - (b) the subdivider making a contribution towards the upgrading of Mistletoe View to the satisfaction of the Western Australian Planning Commission. (LG)
 - (c) the provision of a Building Envelope Plan to the satisfaction of the Western Australian Planning Commission. (LG)
 - (d) the installation of firebreaks adjoining the proposed new property boundaries. (LG)
 - (e) legal vehicular access being prevented to Albany Highway through a spite strip or similar measure. (LG)

7. The access road and linkages are designed, constructed (sealed) and drained as set out in the Planning Application to the satisfaction of the Council prior to occupation;
8. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed (sealed) and drained to the satisfaction of the Council prior to occupation. These areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of the Council;

Potable Water and Stormwater Management

9. An adequate on-site potable water supply is provided, in accordance with the Australian Drinking Water Guidelines, prior to occupation;
10. The provision of details with the application for the Building Permit as to how stormwater will be addressed for the proposed development (including water from roofs, paved/sealed areas and all other stormwater) to the satisfaction of the Council. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Council;

Fire Management

11. The operator shall implement the endorsed Fire Management Plan to the Council's satisfaction prior to the occupation of the land and shall thereafter be maintained, as appropriate, under the approved Fire Management Plan;

Safety

12. The landfill site shall be fenced, gated and sign-posted against unauthorised entry prior to occupation and such features shall thereafter be permanently maintained to the satisfaction of the Council;
13. The safety of persons employed at or visiting the landfill site is to be implemented in accordance with a Works Safety Plan to be prepared prior to occupation to the satisfaction of the Council;
14. The operator is to submit an Emergency Response Plan to the satisfaction of the Council prior to occupation;
15. Toxic and hazardous chemicals are to be stored within contained compounds on chemically resistant surfaces to the satisfaction of the Council; and

Public Liability Insurance

16. The operator is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the Council.

ADVICE

- A) The proponent is advised that this Planning Approval is not a Building Permit.
- 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) In relation to Condition 4 it is acknowledged that Perthwaste agrees, if requested formally by Main Roads Western Australia, that it will construct at its own cost a north bound acceleration lane. The requirement to construct only relates to impacts created by the landfill operations.
- D) In relation to Condition 6, the Council's granting of approval in no way implies that it will be constructing the unmade and unnamed road on the northern boundary of the application site. The Council has no intention to construct or upgrade this road.
- E) In relation to Condition 13, the operator will need to also ensure that other legislative requirements are met.
- F) In relation to Condition 16, the issue of the approval shall not, in any way, render the Shire of Boddington liable for damage or injury of any kind to any member of the public and/or the operators such liability shall be the sole responsibility of the operator. The operator shall ensure that they hold sufficient public liability insurance cover for any claim against them.
- G) The Department of Water advice that the site is located within the Hotham Surface Water Area as proclaimed under the Rights in Water and Irrigation Act 1914. Please contact the Department of Water for requirements associated with the Act.
- H) Part 14 of the Planning and 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 D Veitch Carried 7/0

8.1.3 Planning Infringement Notices
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OFFICER'S RECOMMENDATION – 8.1.3

Council Resolution 118/12 Moved Cr P Carrotts

That Council:

1. appoint the Chief Executive Officer to be designated person relating all matters relating to Planning Infringement Notices including sections 228, 229, 230 and 231 of the *Planning and Development Act*; and
2. note the Shire administration will continue to seek compliance of the Local Planning Scheme and planning approvals with landowners and applicants through negotiation. However where resolution cannot be reached by negotiation, a Planning Infringement Notice/s may be issued or a recommendation that legal action be pursued through the courts.

Seconded Cr J Goodgame Carried 7/0

8.1.4 Failure to comply with planning conditions for Location 1125 Pinjarra-Williams Road, Marradong and failure to obtain a Planning Approval for Lot 15032 Tyler Road, Boddington

OFFICER'S RECOMMENDATION – 8.1.4

Council Resolution 119/12 Moved Cr P Carrotts

That Council:

1. note the Shire's Chief Executive Officer will issue a Planning Infringement Notice to Texcom Pty Ltd for failing to meet planning conditions associated with the construction camp / guesthouse on Location 1125 Pinjarra-Williams Road, Marradong;
2. note the Shire's Chief Executive Officer will issue a Planning Infringement Notice to Texcom Pty Ltd for failing to submit a Planning Application for the earthmoving machinery storage (transport depot) use on Lot 15032 Tyler Road, Boddington; and
3. should matters not be suitably addressed by Texcom Pty Ltd following points 1 and 2, note the Chief Executive may issue a further Planning Infringement Notice for either or both of the developments. Should Texcom Pty Ltd continue to be in breach of the Shire of Boddington Local Planning Scheme No. 2 following this, authorise the Chief Executive Officer to commence legal proceedings through the courts.

Seconded Cr N Crilly Carried 7/0

8.1.5 Bush Fire Hazard Assessment for the Shire of Boddington: submitted for endorsement

OFFICER'S RECOMMENDATION – 8.1.5

Council Resolution 120/12 Moved Cr D Veitch

That Council:

1. endorse the *Bush Fire Hazard Assessment for the Shire of Boddington* (report and maps) outlined in Attachment 8.1.5A and Attachment 8.1.5B subject to:
 - a) the document setting out the Council's endorsement date on the cover;
 - b) changing the recommendation in section 4.0 from "introducing" to "considering the implications of introducing" a Bush Fire Hazard Special Control Area in the Shire of Boddington Local Planning Scheme No. 3 with a goal of ensuring effective and efficient statutory powers;
 - c) adding details relating to assessing and determining bush fire attack (BAL) levels;
 - d) formatting changes and administrative "tidy-ups"; and
 - e) changing "Quindanning" to "Quindanning" on sheet 14 of the mapping and on the plan's index;
2. designate land with an "extreme" and "moderate" bush fire hazard rating in Attachment 8.1.5B as bush fire prone areas;

3. note the Shire administration will implement *Australian Standard AS3959-2009 Construction of Buildings in Bush Fire Prone Areas* or associated updates in undertaking statutory responsibilities for various local government functions including building, planning and ranger services for designated bush fire prone areas;
4. thank submitters for their input into the process;
5. note that *Local Planning Policy No. 8 – Fire Protection Measures for New Development and Subdivisions* will be modified and will separately be bought back to Council for consideration; and
6. advise the Western Australian Planning Commission and the Fire and Emergency Services Authority regarding the above.

Seconded Cr P Carrotts Carried 7/0

8.1.6	Draft Local Planning Policy No. 16 – Residential Development and Design: submitted for final adoption
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OFFICER'S RECOMMENDATION – 8.1.6

Council Resolution 121/12 Moved Cr P Carrotts

That Council:

1. adopt *Local Planning Policy Planning Policy 16 – Residential Development and Design* as set out in Attachment 8.1.6A; and
2. advise the Friends of the Reserves Boddington (Inc.) of the above and thank them for their input into the process.

Seconded Cr J Goodgame Carried 7/0

8.2 DIRECTOR SPECIAL PROJECTS:

Cr Hoek declared an Indirect Financial Interest in Item 8.2.1 in that she is employed by the Boddington Community Resource Centre who are directly impacted by this matter and left chambers at 5.29pm.

8.2.1 New Administration Centre – Location and Concept Design

OFFICER'S RECOMMENDATION – 8.2.1

Council Resolution 122/12 Moved Cr P Carrotts

That Council:

- 1. authorises administration staff to undertake community consultation on the following options, using the cost estimates in this report:**
 - a. Option A - Redevelop the existing building at the corner of Bannister Road and Forrest Street as per Attachment 8.2.1E and use temporary accommodation during construction by hiring three demountable buildings at a location to be identified;**
 - b. Option B - Construct a new building at the corner of Wuraming Avenue and Johnstone Street, immediately to the west of the brick section of the Boddington Old School building as per Attachment 8.2.1F;**
 - c. Option C - Demolish the existing Council building and construct a new building at the existing site at the corner of Bannister Road and Forrest Street as per Attachment 8.2.1G, and use temporary accommodation during construction by hiring three demountable buildings at a location to be identified; and**
 - d. Option D - Redevelop the existing building at the corner of Bannister Road and Forrest Street in two stages as per Attachment 8.2.1C and use temporary accommodation during construction by buying or hiring a second demountable building; and**
- 2. holds a community meeting early in the consultation period and uses a specialist community consultation facilitator to run that meeting.**

Seconded Cr D Veitch Carried 5/1

Cr Goodgame request her vote against be recorded

Cr Hoek entered chamber at 5.38pm

8.6 DIRECTOR CORPORATE SERVICES:

8.6.1 Transfers to and From Reserves as at 30/06/2012

OFFICER'S RECOMMENDATION – 8.6.1

Council Resolution 125/12 Moved Cr P Carrotts

That Council authorise transfers to the following Reserve Accounts from the Municipal Account totalling \$927,453 that occurred on 30th June 2012:

1. Plant	\$205,276;
2. Building	\$766,712;
3. LOAF	(\$716);
4. Aged Housing	\$9,931;
5. Refuse Site	\$50,000;
6. Boddington Centenary Celebrations	\$3,000;
7. Boddington Gold Mine Expansion	(\$146,750);
8. Loan	\$20,000; and
9. River Crossing	\$20,000.

Seconded Cr G Day Carried 7/0

8.6.2 Workforce Plan

OFFICER'S RECOMMENDATION – 8.6.2

Council Resolution 126/12 Moved Cr P Carrotts

That Council:

- 1. adopt the contents of the Workforce Plan Report at Attachment 8.6.2A prepared by Miles Morgan Pty Ltd;**
- 2. adopt Attachment 8.6.2B Action Plan for implementation by the CEO; and**
- 3. direct the CEO to prepare an implementation program for the Action Plan to engage a:**
 - a. member of the Executive Team to be allocated responsibility for implementation of the Action Plan;**
 - b. consider engaging a temporary Project Officer for up to six months to assist with implementation of the Action Plan;**
 - c. all staff are informed of the outcomes of the review and are kept informed as the implementation of the Action Plan progresses;**
 - d. monthly progress reports are provided to the CEO; and**

8.6.5 Monthly Financial Statements – June 2012

OFFICER'S RECOMMENDATION – 8.6.5

Council Resolution 129/12 Moved Cr D Veitch

That Council adopt the:

- 1. monthly Financial Statements for the period ending of June 2012;**
- 2. list of Payments for the period ending of June 2012; and**
- 3. summary of Reconciliations for the period ending of June 2012.**

Seconded Cr J Goodgame Carried 7/0

8.6.6 Adoption of the Annual Budget 2012/2013

OFFICER'S RECOMMENDATION – 8.6.6

Council Resolution 130/12 Moved Cr P Carrotts

That:

- 1. the Rates and Minimum Rates to be levied in 2012/2013 on all rateable property be as follows:**

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value	6.6178	740
Unimproved Value	0.4487	750

- 2. a discount of 5% be allowed for payment of annual rates paid in full within 35 days of the date of issue of Council's rate notice;**
- 3. a 5% interest charge be levied on rates instalments, eligible and deferred pensioners rates' excluded;**
- 4. an 11% interest charge be levied on all overdue rates, eligible and deferred pensioners rates' excluded;**
- 5. an 11% interest charge be levied on all overdue service charges and rubbish charges, eligible and deferred pensioners rates' excluded;**
- 6. an administration charge of \$7 be levied for the second and each of any subsequent rates instalments;**
- 7. the due date for instalments of rates payments be set as follows;**
 - a. two Instalment Option:**
 - i. 1st Instalment due not before 28 September 2012; and**
 - ii. 2nd Instalment due not before 19 January 2013;**

- b. **four Instalment Option:**
 - i. 1st Instalment due not before 28 September 2012; and
 - ii. 2nd Instalment due not before 23 November 2012; and
 - iii. 3rd Instalment due not before 19 January 2013; and
 - iv. 4th Instalment due not before 16 March 2013.
- 8. Council adopt the Schedule of Fees and Charges as detailed in the 2012/2013 Draft Budget;
- 9. Council adopt the Revenue and Expenditure as detailed in the 2012/2013 Draft Budget;
- 10. Council adopt 10% or \$2,000 (whichever is higher) to be used in reporting material variances in the statement of financial activity for 2012/2013.

Seconded Cr G Day Carried 5/2

8.7 CHIEF EXECUTIVE OFFICER:

Nil

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:

Nil

12. CLOSURE OF MEETING:

With no further business to discuss the Shire President, Cr Allert, closed the meeting at 6:10pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on Tuesday

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 J R ALLERT
 President