



*'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'*

## MINUTES

For The  
Ordinary Meeting of Council  
Held At

Thursday  
17 June 2021

At 5:30pm

Council Chambers  
39 Bannister Rd, Boddington

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## 1. DECLARATION OF OPENING:

Cr Garry Ventris, Shire President, declared the meeting open at 5:30pm.

I acknowledge that this meeting is being held on the traditional lands of the Noongar people.

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

### 2.1.1 Attendance

Cr G Ventris	Shire President
Cr E Schreiber	Deputy Shire President
Cr C Erasmus	
Cr S Manez	
Cr E Smalberger	
Cr I Webster	

Mr G Stanley	Acting Chief Executive Officer
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Mr J Atkins	Manager of Works & Services

Ms T Hodder	Executive Officer (minutes)
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Visitors: 10

### 2.1.2 Apologies

Nil at this time.

### 2.1.3 Leave of Absence

Nil at this time.

## 3. DISCLOSURE OF FINANCIAL INTEREST:

Cr E Smalberger declared a Financial Interest in Item 8.1.1 as she is the owner of the property that has applied for rezoning.

#### 4. PUBLIC QUESTION TIME:

##### 4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil.

##### 4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

The Shire President read out the written questions from Rod McSwain. (Mr McSwain was not in attendance).

1) Has the acting CEO submitted the Annual Report for the year 2019/20 and when does he envisage giving local public notice of the availability of the Annual Report, publish it on the Shire's website and advise a date for the Annual Electors Meeting?

**Mr Graham Stanley:** The Audit has not been completed as we haven't had a finance manager for 12 months, only a contractor; there has been a backlog with Auditor general's office due to Changes in local Government Act. There have been lots of Councils without the completion of the audit. We expect our audit to be completed in the next 2 weeks. Once the annual financial report and report will to council for adoption, then the date for Electors meeting will be set – I envisage that the Electors meeting will be held before the end of July.

2) As a submitted question relating to OH&S was taken on notice by the acting CEO at the May 2021 Council Meeting, when can I expect to receive a response?

**Graham Stanley:** The response has been sent to Mr McSwain.

3) In relation to item 8.6.6 at the May Council meeting;

a) When were the sea containers removed from the Shire Depot?

b) Who authorised them to be moved?

c) Why were the sea containers relocated to the property owned by Councillor Smalberger before the May Council meeting when a decision of a MOU was being made?  
and;

d) As the sea containers are Shire assets, why wasn't 30 days public notice given as per the requirements of the Local Government Act?

**Graham Stanley:** Dates are still being investigated in related to the first 2 questions.

The property was not disposed of - we are not required to advertise them under the Local Government Act, if the value is under \$20k. Council made a formal decision at the meeting to make these sea containers available to be used and stored by LARPwest as a way of encouraging LARP activities to occur in Boddington as it benefits businesses in town by having up to 250 people visiting Boddington half a dozen times a year. It promotes Boddington, partially evidenced by the U tube videos of the activities. I believe it is good marketing for Boddington and it aligns with the Medieval Festival too.

**Shire President:** Council sees it as a good opportunity to put them on loan to LARPwest which holds 6 events a year. We would hope a lot more people would come to town and boost the town's economy.

### 4.3 PUBLIC QUESTIONS FROM THE GALLERY:

**Toni Collins:** On 5/12/17, an item from Suez went to council for an expansion; it then went to JDAP on 14/12/17. No-one in Boddington was given notice of that meeting. JDAP advised it was a Shire of Boddington Administrative error (not by the Executive Assistant)

Ms Collins left a document to be noted.

Has any testing been done on the groundwater at this site and if so who does this testing, how often is it done and who gets the results?

**Graham Stanley:** Testing is done by DWER

**Toni Collins:** Does shire get results?

**Graham Stanley:** We have not received any correspondence on results

**Toni Collins:** May we follow this up? It was a concern with people living out there. Also PHCC has grave concerns about water contamination from the plant.

**Cr Erasmus:** You have touched on a good point. I objected strongly against that, even before being on Council. I was never advised, as a neighbour.

**Toni Collins:** Mr Littlemore did not advise anyone.

**Cr Erasmus:** I was not contacted.

**Toni Collins:** Are the Cleanaway trucks coming from Mandurah?

**Shire President:** I don't know.

**Toni Collins:** There are more trucks and similar trucks coming down Albany Hwy; I wondered if the BGM had increased their truck numbers or bringing contaminated waste?

**Cr Hoffman:** Cleanaway have bought that site now.

**Cr Schreiber:** The gold mine does not do the haulage anymore; MGM Bulk hauls the copper concentrate and only operates during the day. The Cleanaway truck comes from Mandurah to empty the bins out there and then goes back. It is not a semi-trailer.

**Shire President:** we will follow it up

**Toni Collins:** Has the shire queried Main Roads about taking away the overtaking lanes?

**Cr Hoffman:** I was at the Regional Road Group meeting recently where I raised these concerns with Main roads. The man in charge agreed that double white lines need to be put in and potentially reduce the speed limit.

**Toni Collins:** I have noticed drivers overtaking on the double white lines.

**Cr Hoffman:** I have raised these concerns with Main Roads. Statistics do prove that the broader shoulder and gap in the middle, do show a lower mortality rate, a 62% drop in fatalities; I did ask why they didn't put in overtaking lanes and they responded that they should have thought of that.

**Toni Collins:** The ex-shire president asked at the last council meeting if the shire was prepared to pay compensation to the hospitality and businesses as the statement given was different to the outcome of the Medieval Festival. It was so well advertised and I would like to congratulate Eugene, who did an amazing job and is an amazing person in this town. Shouldn't Mr McSwain repay the Shire for the 12K that he cost ratepayers due to his resignation.

**Graham Stanley:** You will have to ask Mr McSwain.

**Gabe Roberts:** Has the council made a decision about planting on Hill Street now the trees are gone?

**Graham Stanley:** We have not made the decision, but whatever goes in there will be on the Water Corporation list of trees that have minimal effect on infrastructure and have small root balls and will have barriers.

**Gabe Roberts:** Is the PHCC involved?

**Graham Stanley:** We will certainly get advice from them.

**Gabe Roberts:** We have had mass plantings and PHCC were engaged but their recommendations were disregarded.

**Gabe Roberts:** Do we have free internet in town? What happened and will it come back and how far will it reach? At the recreation centre, almost all the sporting clubs have to upload stats after a game, but sporting groups are not the only entities that use the Rec Centre.

**Shire President:** This has not been discussed.

**Cr Hoffman:** We obtained a quote for \$20k to get it fixed.

**Gabe Roberts:** I would encourage council to look at this when reviewing the Strategic Plan.

**Cr Hoffman:** The one we had covered the main street.

**Gabe Roberts:** Our TV tower could be used for more than TV reception in the future.

**Shire President:** The problem with public wifi is that it is very slow.

**Gabe Roberts:** Would Council consider livestreaming meetings and have it interactive? We are not accommodating people who cannot make the 5.30pm meeting. What are the costs?

**Shire President:** It would be costly.

**Cr Manez:** It could be done via zoom with a cap on how many people can be involved.

**Lynette Francis:** Our property backs on to unallocated Crown Land at Fairway Place. There are many roads going into that area. Would it be possible for signage be put up near the turnoff at the water tower turnoff & at the North entrance at Newmarket Road, due to the large amount of rubbish dumped in the bush? Could the Ranger also help with the clean up?

**Cr Manez:** Signage can have a big effect; most people are law abiding.

**Shire President:** We can arrange for signage to be done – Jeff, may we organise a clean-up?

**Jeff Atkins:** I only saw your photos today, very shocking to see so much waste in the reserve. We will put some resources in to help clean it up. I will come on Tuesday with Josh to meet with you and look at it.

**Graham Stanley:** We will put an article in the Bodd News with those photos if you are happy with us publishing them, asking people to report any rubbish.

**Tony Francis:** Can council put information signs on truck bay coming from Dwellingup road? The sign is hidden behind the trees.

**Shire President:** We have looked at this and plan to make it into an photoshoot location with information bay - with table and benches.

**Sarah Easton (Armoir):** I would like to invite Councillors to see Armoir in regards to tourism.

**Shire President:** I have seen it; it is a great place.

**Cr Erasmus:** Were more people coming during the Medieval Festival?

**Sarah Easton:** No. We did get a great response and received an overflow from the rodeo last year. We would like to be advertised more.

**Cr Schreiber:** I haven't seen (Armoir) advertised in the Bodd News?

**Sarah Easton:** I advertise mainly by word of mouth. The park is open every day, but I'm doing more events, child-free weekends, dog weekends etc. I would like to advertise more and get my website up and going more.

**Cr Schreiber:** The Economic Development officer can refer the dog sled club to you that I referred to her.

**Sarah Easton:** We are doing school camps also and would like to get 10 groups a year.

**Eve Argar:** I live on Days Road and wondering why I wasn't sent a letter re the LARPwest project? I get a lot of dust from the road from vehicles passing by; they often drive fast.

**Shire President:** We have spoken about putting up signs - 'event in progress' & 'slow down gravel road'.

**Graham Stanley:** The letters were organised by the Shire's Town Planner; adjoining property owners would have received a letter. I will check with the town planner.

**Eve Algar:** Can I get plans and be informed on what is going to occur with LARPwest?

**Graham Stanley:** There is an agenda item on it tonight; I am not sure if there are specific plans for buildings. That would come once application is made.

**Shire President:** When they put a building up an application comes in. All they have are two sea containers at the moment.

**Cr Smalberger:** We will be putting in applications, ablutions as time goes on.

**Shire President:** The proposed infrastructure would need to meet all requirements such as bushfire, potable water etc.

**Eve Algar:** Are there proposed buildings?

**Shire President:** A building application has not been submitted yet.

**Cr Smalberger:** We would need ablutions, to be used on the day; there is no accommodation planned.

**Eve Algar:** How many people are expected at each event?

**Cr Smalberger:** Every game has a different number of people.

**Shire President:** There are only 6 events per year. The applications has a time period.

**Graham Stanley:** We will ask the planner to add you to the list regarding further developments.

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

Nil.

## 6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Thursday 20 May 2021

COUNCIL DECISION – ITEM 6.1.1

COUNCIL RESOLUTION: 55/21

Moved: Manez

That the minutes of the Ordinary Meeting of Council held on Thursday 20<sup>th</sup> May 2021 be confirmed as a true record of proceedings.

Seconded: Cr Erasmus

Carried: 7/0



7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

**Shire President:** Tonight is Graham's last council meeting as Acting CEO. We have a new CEO starting on Monday. Graham will still be here for 3 weeks. On behalf of Council, we would like to thank him for filling in during the last 12 months.

**Cr Manez:** Thank you Graham. You have made it easy for me to understand the workings of Local Government.

**Graham Stanley:** I would like to thank Council for the opportunity to do the job and wish you all the best for the community. Boddington is a great place with lots of promise: I hope that promise is reached.

Cr Smalberger left the room, having declared a Financial Interest in Item 8.1.1, as she is the owner of the property that has applied for re-zoning.

## 8. REPORTS OF OFFICERS AND COMMITTEES:

### 8.1 PLANNING CONSULTANT:

8.1.1 Proposed Recreation-Private (Live Action Role Play Events) and Camping – Lot 2921 on Deposited Plan 100853 (No. 139) Castle Rock Way, Bannister

Location:	Lot 2921 on Plan 100853 (No. 139) Castle Rock Way, Bannister
Applicant:	LARPwest
File Ref. No:	A1070
Disclosure of Interest:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
Date:	14 June 2021
Author:	Steve Thompson
Attachment	8.1.1A Location plan 8.1.1B Documentation from applicant 8.1.1C Submissions 8.1.1D Applicant response to submissions

#### Summary

A Development Application for recreation-private (Live Action Role Play events) and camping on Lot 2921 (No. 139) Castle Rock Way, Bannister is recommended for conditional approval.

#### Background

##### A) The proposal

The applicant seeks development approval to operate 6 Live Action Role Play (LARP) events per year between April – October and have associated camping on the site outlined at Attachment 8.1.1A. Information provided by the applicant is set out in Attachment 8.1.1B. The events are generally expected to be held over a weekend and could involve in the order of 250 – 300 people for each event.

A few previous events have been held on the site. There have been no written complaints received by the Shire regarding previous events.

##### B) The site

Details relating to the site:

- The landowner owns various adjoining titles;
- Lot 2921 is 64.7950 hectares in area and is generally cleared;
- The Bannister River borders the site to the west;
- It contains an existing dwelling and outbuildings;

- It is located approximately 2.5 kilometres north-east of the Boddington townsite, or about an 9.6 km drive from the Boddington townsite (see Attachment 8.1.1A); and
- It adjoins and is near rural and rural smallholding (hobby farm) properties.

#### C) Advertising the Development Application

The Shire administration invited public comment on the Development Application for 23 days through writing to 27 stakeholders (adjoining/nearby landowners, Councillors and other stakeholders), placing a notice in the local paper, placing details on the Shire website, on the Shire's Facebook page, and having details available at the Shire office. The Shire received 5 submissions on the Development Application and these are provided in Attachment 8.1.1C. There are no submissions raising objections, 2 submissions support the application, 1 noted the application while 2 submissions raised issues. The key issues raised are:

- Emergency/evacuation management;
- Fire control – especially for camping;
- Dust on unsealed roads;
- Traffic impacts; and
- Seek a limit of 4 events per year compared to the proposed 6 events per year.

Based on established practice, the Shire encouraged the applicant to review and address the submissions. Attachment 8.1.1D sets out the applicant's response.

#### D) Planning framework

The site is zoned 'Rural' in the Shire of Boddington Local Planning Scheme No. 3 (LPS3). LPS3 permits a wide range of uses in the Rural Zone including recreation-private and a wide range of short-stay accommodation including caravan parks and holiday accommodation. Based on the *Planning and Development (Local Planning Schemes) Regulations 2015*, camping is not separately identified as a land use in LPS3 and can be considered as a 'use not listed'.

Recreation-private is an 'A' use in the Rural Zone as set out in the LPS3 Zoning Table (a development approval is required prior to the use commencing) and there is a need to advertise the development application for comment prior to determining the application.

Objectives for the Rural zone include:

- To provide for the maintenance or enhancement of specific local rural character.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

The site is identified as 'Future Rural Smallholding' in the *Shire of Boddington Local Planning Strategy*. Subject to the provision of a secondary access and addressing bushfire risks, there is the potential for additional rural smallholding subdivision on cleared land. The Strategic Land Use Plan shows an indicative road linkage between Castle Rock Way and Bannister-Marradong Road.

The Local Planning Strategy supports expanding tourism and diversifying the economy in the district. The Local Planning Strategy also supports tourist accommodation and facilities in rural areas if the application appropriately address bushfire, environmental, landscape, servicing and land use compatibility.

The *Shire of Boddington Strategic Community Plan* supports a diversified economic base and encourages increased visitors.

There are various planning policies and environmental documents relevant to the application including State Planning Policies, Local Planning Policies, Environment Guidance Statements, the *Shire of Boddington SuperTown Economic Development Strategy*, and the *Boddington Tourism Strategy*. Other planning documents are outlined in the Statutory Environment and Policy Implications section. In summary, the documents require effective natural resource management, addressing risk/safety, being a 'good neighbour' and seeking to diversify the local economy including through supporting tourism.

Portions of the property are located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner, however, the proposed LARP events and camping uses are not within the bushfire prone area.

## Comment

### *1. Overview*

Following an assessment of the Development Application against the planning framework, reviewing the submissions and information provided by the applicant, it is concluded the proposed uses of recreation-private and camping are conditionally appropriate for this site. Accordingly, it is recommended that Council conditionally approve the Development Application for reasons including:

- It is consistent with the planning framework including the objectives and requirements for the Rural zone in LPS3;
- The uses are a considerable distance from off-site dwellings;
- The development is expected to have manageable off-site impacts;
- There is overall support from stakeholders given the extensive consultation undertaken;
- There are expected to be minimal environmental impacts given the land is cleared and on-site sewerage disposal is required to comply with Shire requirements;
- It supports diversifying and growing the local economy and supporting job creation;
- There is a social benefit to Boddington through positively raising Boddington's profile in the wider community; and
- Recommended development conditions can assist to control the use and management of the development.

While noting the above, there are various planning considerations that need to be considered by the Council. Some of these are outlined below.

### *2. Bushfire management and evacuation management*

While the proposed LARP events and camping are not located within a designated bushfire prone area, the property is located at the end of a no through road. Visitors will be around

2.5 kilometres from the Castle Rock Way/Days Road intersection (where there is two way access).

The role playing (recreation-private) and camping are classified as a 'vulnerable' land use in State Government publications. The publications note that some visitors may be less able to respond in a bushfire emergency as they are unaware of their surroundings, and who may require assistance or direction in the event of a bushfire. In response, the applicant outlines events will be held between 1 April - 31 October or will be cancelled during those periods when bushfire risk is rated as extreme and/or relevant bushfire warnings have been issued.

The Marradong Captain and Fire Control Officer's advice is outlined in Attachment 8.1.1C. Key points include:

- No problems with events;
- Very concerned with the potential fire risk of having any number of people camped in a rural area for any number of days without some form of fire/emergency plan;
- No open camp fires/barbecues and that the organisers have on site for the duration of the event, a fire appliance with at least a minimum of 600lts of water and the means/manpower to attend to any fire related emergency that may occur 24-7.

I would ask the proposed organisers to submit a detailed plan to the Shire around this and to ensure that they have the where-withal to attend to any fire related emergency that may arise while they are in the area. I would even go as far as proposing that the local Shire authority must approve and view their proposed fire equipment/plan prior to allowing them this permit.

There will be times when there will be a large number of participants and visitors on the property. There are risks to participants and visitors staying at the property, some who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people.

Given portions of the property are classified as a bushfire prone area, a Bushfire Emergency Evacuation Plan should be prepared as a condition of development approval and appropriately implemented. Additionally, preparation and implementation of a Fire Equipment Plan is recommended.

Subject to implementation and on-going review of the Bushfire Emergency Evacuation Plan and the Fire Equipment Plan, it appears that associated risks can be managed.

There are opportunities to investigate a road link or emergency access way between the property and Bannister-Marradong Road. This link has previously been foreshadowed including in the Local Planning Strategy.

### *3. Noise impacts*

There is a possibility that event activity and music at night could create noise amenity impacts. To ensure amenity is not unduly impacted, it is recommended that noise is appropriately managed which is addressed as a condition of development approval and via the *Environmental Protection Noise Regulations 1997*.

#### 4. *Being a good neighbour and on-going management*

The landowner owns a number of lots. The nearest dwelling, not owned by the landowner, is approximately 600 metres to the north-west on the western side of the Bannister River.

It is highlighted that on-going management is a key issue. Significantly, the responsibility for appropriate on-going management rests with the landowner/operator to ensure that visitors are responsible and do not create inappropriate impacts, including noise, dust, litter etc. to adjoining/nearby properties.

There are various development conditions that seek to minimise land use impacts and encourage appropriate neighbourly relations. This includes a recommended condition requiring the applicant/landowner to prepare and gain approval and effectively implement an appropriate Management Plan. The Management Plan, amongst matters, should:

- Address the responsibility for the behaviour of participants and visitors and the management measures to be implemented to avoid adverse impact on the amenity of the locality;
- Set out how biosecurity risks to adjoining properties will be addressed;
- Set out that the landowner lives on the property;
- Being respectful in terms of loud music and possible generators and noise between 8pm and 8am;
- Not trespassing onto land not owned by the owner of 139 Castle Rock Way;
- Not allowing pets to stray to adjoining properties;
- Address the approach to lighting fires; and
- Outline the approach to responsible driving on Castle Rock Way and Days Road.

The landowner lives on the property which assists with effective ongoing management.

#### 5. *Traffic generation and developer contributions*

Castle Rock Way and most of Days Road are unsealed. Castle Rock Way is unsealed but is usually in good condition. The standard of Days Road varies throughout the year. There is an open speed limit on both Castle Rock Way and Days Road. It is understood there are no speed signs on these roads. Drivers can drive at whatever speed they consider safe, up to 110kph, for the conditions and their skill.

At the time of writing this report, the latest traffic counts were not available for Castle Rock Way or Days Road. These can be provided on request from Councillors.

As a guide, it could be expected that around 150 vehicles may arrive at the start of the event and around 150 vehicles would leave at the end of the event. There would also be associated traffic during the weekend often linked to getting supplies or heading, for instance, to a café in Boddington.

Based on Council's *Local Planning Policy 4 Developer and Subdivider Contributions*, State Government policy and legal principles, it is suggested that no financial contribution is required from this community group to upgrade Castle Rock Way or Days Road. Based on Court decisions, valid development conditions need to have a planning purpose, be relevant and be reasonable.

While the proposed development will increase traffic volumes and impacts, the traffic generation will be infrequent (6 events per year). It is suggested the proposed traffic, resulting from approving this development approval, does not necessitate the applicant upgrading or contributing to the upgrading of Castle Rock Way or Days Road.

One submitter notes that LARP participants have been asked to arrive and depart at reduced speed. In comparison, non-LARP traffic may drive at a different speed. In addition to requiring, as a minimum relevant event signage, it is suggested there will be a need to monitor, review and address safety for all road users particularly on Days Road.

One submitter requests that the Shire:

- Provide, or request LARPwest to provide, a water truck for the duration of events, if the weather is dry, to suppress dust on Castle Rock Way and Days Road;
- Apply temporary local traffic management for the duration of the events that apply to all road users so everyone is following the same rules e.g. temporary speed limits, reminders of 2-way traffic, 'event ahead' style cautions; and
- Set up traffic counters for the next event to gain accurate data of vehicle numbers.

The applicant's response is outlined in Attachment 8.1.1D.

#### *6. Dust and sealing of Days Road*

One submitter outlines that dust from Days Road is always a constant problem. For most of the year, this is accepted due to reasonably light traffic. The submitter relies on rainwater collected off their roof as they are not on scheme water.

The submitter notes the applicant's report states that the events are planned during the period of 1 April to 31 October to reduce summer dust. The submitter notes that dust is a problem all year round. It is increased during periods of dry weather not just in the summer season. A few dry days in winter will produce dust from passing traffic. The submitter has observed previously that hundreds of vehicles passing by for a LARPwest event results in significant dust, even at reduced speed. The submitter advises that non-settling dust can be worse here in the cooler months given the dust lingers in cool air and calm conditions. The submitter outlined the LARPwest Report incorrectly states that non-settling dust is not a problem in the cooler months.

A dwelling at 73 Castle Rock Way is setback approximately 100 metres from the unsealed Castle Rock Way. The setbacks for dwellings vary on Days Road. For instance, the dwelling at 386 Days Road is setback approximately 80 metres, the setback on 294 Days Road is approximately 100 metres, while the setback on 333 Days Road is approximately 130 metres. Other dwellings are setback further from Days Road.

One submitter seeks that the Shire bring forward any plans to seal Days Road due to accidents, considerable dust and excessive speeds with the current traffic flow. Additionally one submitter suggests the Shire or landowner/applicant consider constructing an alternative route such as the gazetted road to connect 139 Castle Rock Way to Banister-Marradong Road.

At this stage, the Council's Asset Management Plan does not identify either Castle Rock Way or Days Road for sealing. Following up-to-date traffic counts associated with LARP events,

it is expected the Council will review its Asset Management Plan based on other competing projects.

#### *7. Potable water and on-site sewerage disposal*

As outlined in the officer recommendation, there are conditions and advice relating to potable water and on-site sewerage disposal which need to be separately addressed.

#### *8. Number of events per year and approval period*

One submission raises concerns about the potential number of events per year. In particular, the submitter seeks a limit of 4 events per year compared to the proposed 6 events per year. While noting the submission, the officer recommendation supports a maximum of 6 events per year between 1 April and 31 October. The officer recommendation does not set a time limit, however the Council may determine to approve the recreation-private and camping uses to a 5 year period.

#### Strategic Implications

The application is consistent with the Local Planning Strategy and the Strategic Community Plan.

#### Statutory Environment

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Environmental Protection Noise Regulations 1997 and LPS3.*

Given the camping is only for occasional use, the applicant does not need to obtain a licence under the *Caravan Parks and Camping Grounds Regulations 1997*.

#### Policy Implications

There are various supporting documents which are relevant in assessing the Development Application including the *Local Planning Strategy* and the *Shire of Boddington Super Town Economic Development Strategy*.

Relevant Local Planning Policies include *Tourism Land Uses and Visitor Accommodation, Developer and Subdivider Contributions* and *Bush Fire Management*. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

#### Financial Implications

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

#### Economic Implications

Encouraging visitors and others to stay in Boddington and stay longer can support increased spending and assist to enhance existing businesses and support new businesses. The development application, if approved, can assist to provide economic benefits to the local



economy including enhancing tourism and job creation. The proposal, if approved and implemented, will assist to support a more diversified economic base.

#### Social Implications

One submitter raised issues regarding dust, traffic and amenity impacts.

#### Environmental Considerations

It is suggested there are minimal environmental issues given the development is for occasional use and the land is already cleared. On-site sewerage disposal is required to comply with Shire requirements.

#### Consultation

Adjoining/nearby landowners, other stakeholders and the community were invited to make comment on the Development Application and in response 5 submissions were received (see Attachment 8.1.1C).

#### Options

The Council can:

1. Approve the Development Application with no conditions;
2. Approve the Development Application with conditions;
3. Refuse the Development Application (giving reasons); or
4. Defer the Development Application and require additional information.

#### Voting Requirements - Simple Majority

COUNCIL DECISION – ITEM 8.1.1
-------------------------------

COUNCIL RESOLUTION: 56/21

Moved: Cr Manez

That Council approve the Development Application for the use of recreation-private and camping on Lot 2921 on Plan 100853 (No. 139) Castle Rock Way, Bannister as set out in Attachment 8.1.1B 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 local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. A maximum of six events per year, with events limited to between 1 April – 31 October.

4. The proponent is to prepare and implement a Bushfire Emergency Evacuation Plan to the satisfaction of the local government prior to commencement of the development. The approved plan to then be subsequently maintained and implemented to the satisfaction of the local government.
5. The proponent is to prepare and implement a Fire Equipment Plan to the satisfaction of the local government prior to commencement of the development. The approved plan to then be subsequently maintained and implemented to the satisfaction of the local government.
6. The applicant/landowner is to submit and gain local government approval for a Management Plan prior to the commencement of the development. The Management Plan is to address matters including:
  - i) The need to be a good neighbour and address visitor behaviour including trespass, noise and litter;
  - ii) Restricting and/or managing pets;
  - iii) Not lighting any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level; and
  - iv) Acknowledging that the property is situated in a rural area where agricultural land uses and land management should be expected and tolerated.

Following this, the landowner/operator is to ensure the Management Plan is effectively implemented on an on-going basis to the satisfaction of the local government.

7. The preparation and approval of a Traffic Management Plan prior to the commencement of the development. The approved plan is to be complied with for all events and be updated as necessary.
8. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the development.
9. An on-site sewerage disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.
10. The proponent is to ensure that noise levels from participants, guests and any pets are considerate of adjoining properties and are to be especially low in volume between 8.00pm and 8.00am.

#### Advice

- A) The proponent is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) The proponent is advised that the approved development must comply with all relevant regulations and legislation.

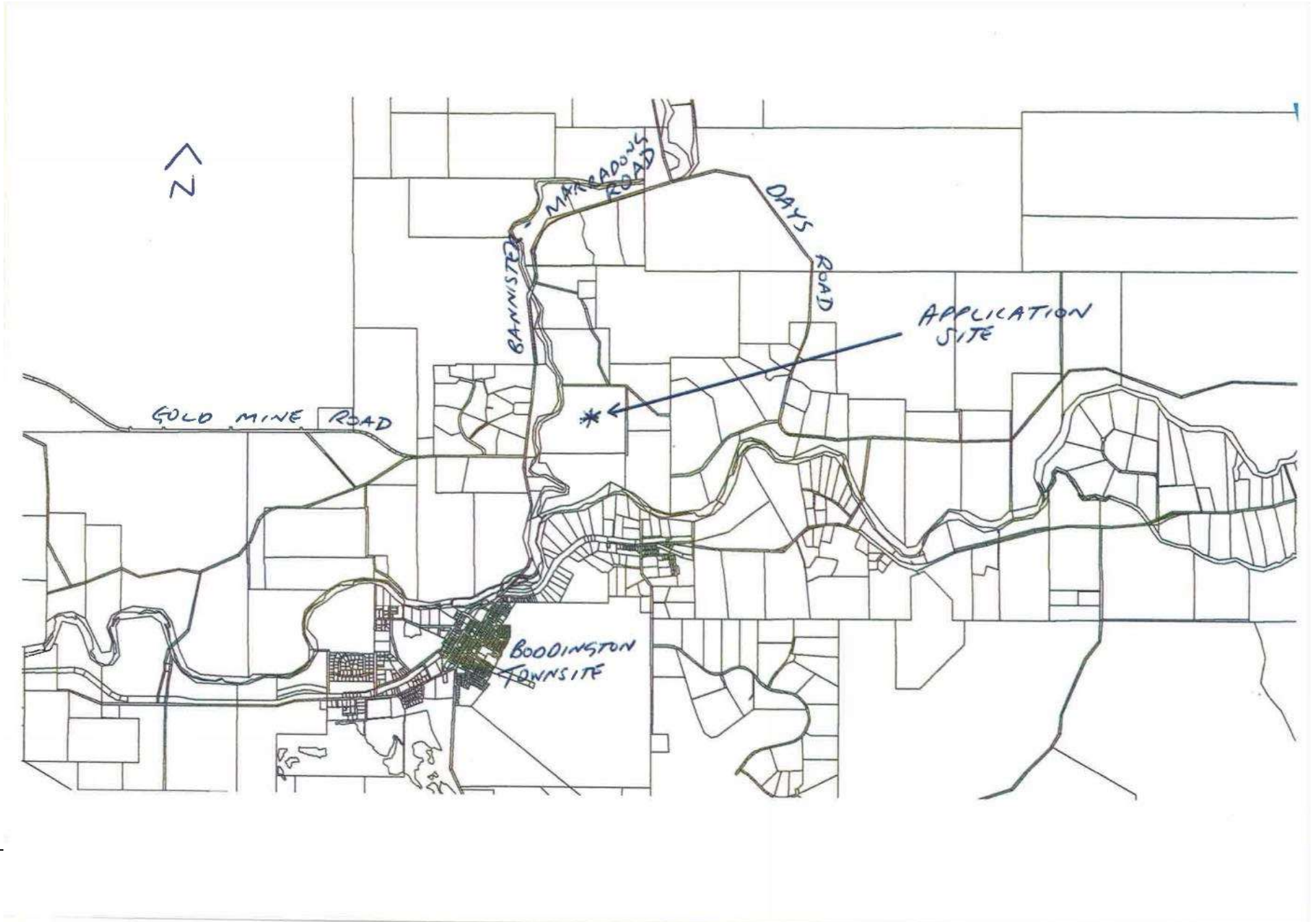
- C) In relation to Condition 5, no open camp fires are permitted. The proponent is to have on site for the duration of the event, a fire appliance with at least a minimum of 600 litres of water and the means/manpower to attend to any fire related emergency that may occur.
- D) In relation to Condition 6, the landowner/operator is to make appropriate arrangements, outlining how they will advise participants and visitors of the Management Plan. This should include information provided on the LARPwest website, relevant social media platform(s) and at the site.
- E) In relation to Condition 7, this includes the applicant setting out the location and number of event signs and reviewing the need for temporary local traffic management.
- F) In relation to Condition 8, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.
- G) In relation to Condition 10, activities are to comply with the *Environmental Protection (Noise) Regulations 1997*.
- H) The landowner is encouraged to work with the neighbours to the north and the Shire to secure and construct an emergency access way or a continuous gazetted road to connect 139 Castle Rock Way with Bannister-Marradong Road.
- I) The proponent is encouraged to advise neighbours in the area when events are being held and/or have information on LARPwest's website.
- J) The proponent is encouraged to review the requirement to provide a water truck for the duration of events, if the weather is dry, to suppress dust on Castle Rock Way and Days Road.
- K) The proponent is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- L) This approval does not include semi-permanent non-habitable structures.
- M) 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.

Seconded: Cr Erasmus

Carried: 6/0

Cr Smalberger returned to the room at 6:30pm.

ATTACHMENT 8.1.1A



## Planning Report – Change of Use

HN 139 Castle Rock Way, Bannister

4 April 2021

Shire of Boddington  
To Whom it May Concern

## Planning Report – Application for Change of Use for HN 139 Castle Rock Way, Bannister (Part Lot)



Subject site – Topographical (PlanWA)

### Site Specifications

The subject site of Hn 139 Castle Rock Way, Bannister is located within the Shire of Boddington LGA, is approximately 1,946,629 m<sup>2</sup> in area, and is located north of the Ranford townsite, located on 'Map 04 – Boddington Townsite Surrounds' on the LPS2 map lodged with the WAPC.

The subject site is zoned Rural under LPS2, and is currently operated in a way which is consistent with the definition of Agriculture – Extensive Use Class as per LPS2.



Subject site – Aerial (Nearmaps)



### **LARPwest and Larp History and Background**

Live Action Role Play is a type of role-playing game in which participants physically act out scenarios, typically using costumes and props.

LARPwest is an event management incorporation for the Live Action Role Play hobby in Western Australia. LARPwest is responsible for running and organizing the majority of Live Action Role Play events in Western Australia, and are a respected and well-known organization within the community.

Larpwest are highly organized, accountable and professional organizations with a long history of organizing events in Western Australia. The proposal is a formalization of previous uses of the subject site, and are representative of Shattered World Inc's and Larpwest's propensity to making sure that they act in a transparent, compliant and communicative matter with the applicable authority to ensure a good working relationship moving forward.

### **Proposed Use**

Speaking specifically about the proposed site, LARPwest has operated low-scale Larps on the subject site previously and is currently lodging the proposed development application to formalize the existing arrangements.

LARPwest have demonstrated their commitment in the above by the ongoing liaison with the Shire of Boddington, separate to the subject application for development approval, for the construction and approval of semi-permanent non-habitable structures which are complimentary to the games that are played onsite. The organization has prepared a document (currently with the Shire for consideration) that demonstrates both a drive for aesthetic and practical consistency onsite, but also considerations of the lasting impact these structures may have, by





considering future-proofing the built form in terms of external risks and considerations.

The subject development application proposes the Additional Use (As per C3.3 of LPS2) of Recreation - Private for the Shire's consideration. The application and planning merit of this use class is discussed later in the report.

### **Frequency and Scale of Use**

Due to the ongoing Coronavirus pandemic, it is not possible to provide accurate data of frequency of events and patronage based on the 2020 calendar year. However, it is advised that in 2019, LARPwest held 2 events on the subject site, and saw an approximate of 250 attendees. It is extrapolated that reasonable growth in both attendees and frequency of events would see approximately 300 attendees and 6 events annually by 2025.

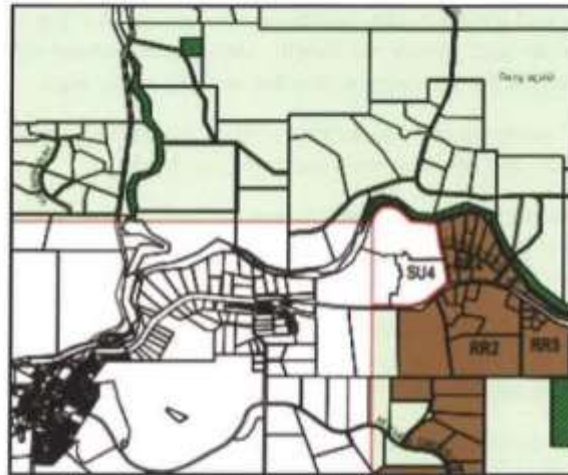
As all events are ticketed (even free events require registration), numbers are registered for all events. It is noted that if considered a requisite by the Shire, frequency or attendee numbers are able to be capped by way of a condition of approval. In the instance that the Shire wishes to limit numbers, it is suggested that this would be revisited in the future should no detrimental impact and/or complaints be received by either the applicant or the Shire.

## **Planning Assessment**

### **Local Planning Scheme No.2**









LPS2 – Excerpt


The subject site is zoned Rural. The proposed use class is not consistent with any of the use classes listed in the Zoning Table of LPS2. Specifically, the proposed use class would be considered to be consistent with Recreation – Private, as per the Model Scheme Text. As there is no similar use class to Recreation – Private, Clause 3.2.5 of LPS2 is applicable, in which the Shire is to give due regard to the proposed use class under the objectives and purposes of the particular zone.

As such, the proposal is for the Additional Use of Use Not Listed – Recreation – Private, under LPS2.

It is pertinent to note that the proposed use class must be considered additional, as it does not have an impact on the primary use class on the subject site. The primary use class on the site is able to be effectively operated without affect from the proposed events as they are both infrequent and confined to one of many fields on the subject site.

With specific reference to Clause 3.2.5 of LPS2, it is noted that LPS2 does not list objectives for the Rural zone within the Scheme Text. As there are no zone objectives, the Applicant instead refers to the Scheme Objectives:

- 
- (a) encourage and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
  - (b) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;
  - (c) ensure there is sufficient supply of serviced and suitable land for housing, commercial and industrial activities, community facilities, recreation and open space;
  - (d) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
  - (e) ensure that conflicting land uses do not impact on current mining activities nor on areas identified as being prospective;
  - (f) maximise the local benefit of mining activities that occur within the District;
  - (g) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
  - (h) protect and enhance the environmental values and natural resources of the District and to promote ecologically sustainable land use and development;
  - (i) ensure development appropriately takes account of flooding, fire and other risks;
  - (j) maintain and protect valuable areas of agricultural production and conserve its nonurban character whilst accommodating other complimentary rural activities;
  - (k) establish the primacy of the Boddington town centre as the commercial and cultural centre of the District;
  - (l) promote appropriately located and designed tourist development;
  - (m) encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources;
  - (n) conserve existing local heritage;
- 



(o) preserve and enhance the amenities of the District and to manage land uses so as to minimise conflicts between otherwise incompatible uses;

(p) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme Area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;

(q) improve the management of the natural resources of the Scheme Area to the extent possible under the Scheme;

(r) the extent possible under the Scheme, conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme Area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making;

(s) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values;

(t) improve the means of access into and around the District and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists;

(u) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;

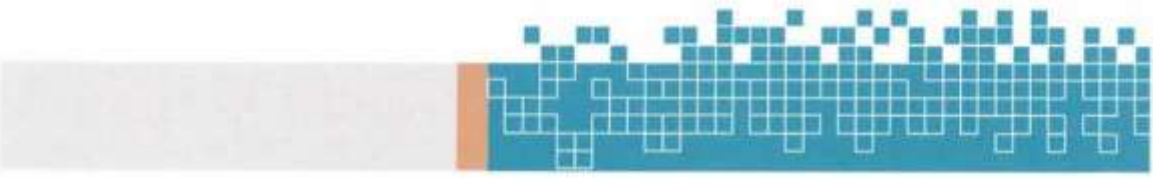
(v) ensure urban and rural-residential development are located and managed to –


a) minimise impacts on rural land;

b) protect and enhance the rural landscape and environmental values;

c) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and

d) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services;





(w) provide guidance and controls for possible future residential, special residential, commercial, industrial, rural and special rural development within the Shire of Boddington;

(x) assist in the effective implementation of State and region plans, strategies and policies; and


(y) adopt a set of local planning policies which will achieve the stated objectives.

With specific references to the above listed ultimate objectives of the Scheme, the Applicant is of the opinion that the proposal is consistent with the above objectives. Specifically of note are (b), (k) and (l), as the Applicant notes that the Shire of Boddington has involvement in the Boddington Medieval Fayre & Feast, which promotes tourism and activity to the locale, and the Applicant notes that there is an overlap between the attendees of this event and Larp due to similar interests, which is able to promote interest to the locale. Additionally, LARPwest events on the subject site provide a small, but noticeable, positive impact on the area due to booking of accommodation, shopping and food requirements.

Additionally, the Applicant would like to bring the shire's attention to objective (p), which refers to detrimental impacts on adjacent properties. The nature of the land's dimensions and location of the proposal will ensure that the significant setback to any adjacent residential or sensitive areas of the adjacent properties are adequately buffered, as well as the physical and structural limitations of the proposal to actually cause any detrimental impact to the amenity of the area.

As discussed later in the report, LPS2 is limited in its scope of consideration, including lack of applicable use class table. Notwithstanding this, it is considered the proposal meets the ultimate objectives of LPS2 and is able to be considered as a Use Not Listed under the provisions of LPS2.

### **Local Planning Scheme No.3 (Draft)**



The Applicant notes that Draft LPS3 is in the late stages of preparation, with consultation concluded on 2 March 2020, over 12 months before the date of lodgment. The Draft LPS3 is more consistent with the Department of Planning, Lands and Heritage Model Scheme Text, and is considered to be a due regard document as it has been through consultation and is under serious consideration by the Shire.

It is pertinent to note that Recreation – Private, which was not included in LPS2, is included in LPS3. Under LPS3, Recreation – Private is an 'A' use under the Rural zone (as the subject site is zoned).


In Draft LPS3, recreation - private means: premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.

From the Draft LPS3, the Rural Zone is provided with objectives. As follows:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses

The proposed change of use is considered consistent with the proposed objectives of the Rural zone for the following reasons:



- 
- The proposal does not impact the maintenance or enhancement of specific local rural character as no built form is specifically being proposed in this development application.
  - The additional use does not impact or affect the day-to-day operations of the agricultural activities occurring on the subject site, as it will be constrained to just one field, and for infrequent and short periods only.
  - As above, the proposal will not impact the environment due to the lack of permanent structures and as attendees will clean up after themselves, as well as the property owner having a responsibility to ensure their property is not detrimentally impacted.
  - The proposal is not considered to be a sensitive land use, as it involves temporary habitation of the site only (consistent with camping), and is provided with a large buffer to ensure no impacts to adjacent sites.
  - Lastly, and most importantly, It is considered that the proposed additional use class is beneficial to, and compatible with, the primary use class, the locale, and the shire as a whole as the overall impacts are minimal, but the yield in terms of economic stimulation, non-permanent structures, and activity in the precinct will have an overall benefit on the area.

As such, it is considered that the proposed 'A' use additional use of Recreation – Private is able to be supported under Draft LPS3.

#### **Consultation Requirements**

The Applicant is amenable to the proposed use class being advertised to allow for comments from the adjacent properties as required under LPS2 and Draft LPS3, and if required will provide signage to the Shire's requisite wording, as per request.

The Applicant requests opportunity to consider any comments received by the Shire and provide responses for the Shire's consideration.

#### **Parking (LPS2)**

C4.12 of LPS2 does not provide a specific parking ratio to use classes, but instead considers that the Council shall determine the spaces to be provided



having due regard to the nature of the proposed development and (sic) the anticipated demand for visitor parking.

With reference to the above, given the infrequency of events proposed onsite and the land availability, as well as historical examples of the events which have occurred onsite, the Applicant advises that parking is provided in a cordoned-off area similar to an 'overflow parking' arrangement which has proven suitable in the past. This is accessed via the existing access and egress to the site.

It unreasonable, incongruous with environmental considerations, and contrary to the predominant use on the site to expect the parking to be formalized by way of construction of bitumen, crushed limestone, asphalt or any other ground covering.

#### **Planning and Development (Local Planning Schemes) 2015**

With Specific reference to Clause 67 of the P&D (LPS) Regulations 2015, the Applicant states that the development is consistent with the above Matters to be Considered, but in particular the following:

- (m) (ii) and (n), as the development is considered compatible with the setting, and not to cause an adverse impact on the adjacent properties;
- (s) as there is surplus opportunity for informal overflow parking onsite and (t) as the yield will not exceed the capacity of the existing road network;
- (v) as the proposal will have only a positive impact on the economy of the Shire; and
- (w) and (x) as it is considered that the existing use onsite and continued use has demonstrated that any impacts to the locale are minimal at worst and are not considered to propose a detrimental impact on the locale.

#### **Further Considerations**

##### **Emergency Evacuation Management**

As the events are intended to cater for groups of people, emergency evacuation needs to be considered and catered for within the capacity of the site, by

providing safe access and egress to and from the subject sites to any public roads in a safe manner. This is able to be easily achieved, as the exit of the property is in the opposite direction of the bushfire prone area, as such any emergency exit will be via Castle Rock Way and Days Road. Any emergency large enough to block this exit for our events will likely cause our events to be cancelled well before the emergency ever reaches our event site (significant flooding or fire) and is not considered a significant risk. In terms of emergency responses, the organizers err on the side of caution and take a proactive approach to cancelling or rescheduling events if there is a potential natural risk factor.

Additionally, it is pertinent to note that events are limited between April 1 and October 31, to avoid the highest fire risk periods of the year, and to reduce summer dust from road traffic.

#### **Neighbourliness and Noise Impacts**

The events are run on one of several child lots which make up the parent lot of HN 139 Castle Rock Way, Bannister.







Land parcel of HN 139 Castle Rock Way (PlanWA)

In the above diagram, the center focal point around which the activity at the events occur has been marked by an 'x'. As can see on the above diagram, This focal point of activity is bounded by pastoral land in each direction, with the closest structure over 230m from the subject property boundary (being to the west), whilst being buffered by a significant portion of reserved vegetation, and most significantly, the boundary of any property within the Ranford townsite is over 600m from the edge of the parent property, and further still from where the proposed events are to occur.

The significant setbacks from any defined habitable dwelling are even greater still, and demonstrate the way distance ameliorates potential impacts in terms of noise, light, or any other pollution or amenity impact by providing a significant buffer.


Given the events have been run in the past, the site's owner would be aware if there had been any complaints or issues in terms of the operation of the use causing adverse impacts or otherwise to adjacent properties. As such, it can be safely extrapolated that the existing evidence demonstrates that these have not caused detrimental impacts, and if they were found to in the future, the owner and organization would be open and willing to constructive feedback from either the Shire or adjacent property owners to ensure the rural way of life for any adjacent property owners, including hobby farmers, is respected.

There will be no impact on rural conservation as no clearing of land is proposed nor is any element which would impact the conservation of the environment.

**Management of Dust and Traffic Impacts**

Dust and traffic impacts are affected by the season and weather at the time. As the event involves humans being outside for extended periods of time, it is normally not held when the weather is so hot and dry that the passing of the amount of vehicles required would cause non-settling





dust clouds. Due to the infrequency of traffic both for the event and for other passers by, it is not expected that an unreasonable amount of dust will be generated, and particularly not dust that will not settle.

Castle Rock Way is a Local Road which services four rural properties. It feeds into Days Road, which is identified as a 'Local Road' on the Main Roads functional road hierarchy. This in turn connects to Bannister-Marradong Road, which is a State Road as per Main Roads.

Castle Rock Way and Days Road are considered appropriate as Local Roads to facilitate access and egress to the subject site, as they are Local Roads which are connected to a major road. Castle Rock way in particular is a small feeder road, but Days Road is a larger road that facilitates access to a number of properties and streets. It is reasonable to expect that infrequent events causing a larger amount of vehicles to traffic these roads will be able to be accommodated without undue impact to the road network

#### **State Planning Policies**


The subject site is located within the Bushfire Prone Areas buffer as identified by DFES. However, as the structures both proposed and approved are non-habitable in the subject area, they are exempt as per SPP 3.7.

Additionally, as stated above, it is pertinent to note that events are limited between April 1 and October 31, to avoid the highest fire risk periods of the year, and to reduce summer dust from road traffic.

The R-Codes are not applicable as the site is not residentially zoned, nor is the use class residential.

#### **Conclusion**

Ultimately, the Applicant seeks a formalization of a use class which is ancillary to the predominant existing use class on the subject site and the infrequency of events does not presume or impact the primary use class of the site.



The nature of the land's dimensions and location of the proposal will ensure that the significant setback to any adjacent residential or sensitive areas of the adjacent properties are adequately buffered, as well as the consideration physical and structural limitations of the proposal.

The use class is consistent with, and beneficial to, the townsite itself as it promotes financial stimulus to the locale, and promotes a crowd of clientele which is already encouraged to the area by way of similar events encouraged by the Shire.

The Applicant is truly of the belief that the proposal is beneficial, as well as clearly being supportable under LPS2 and Draft LPS3, and has demonstrated this with upfront and open communication with the Shire of Boddington.

Please be advised that the Applicant welcomes communication from the Shire on this matter and is assured that we will be able to work together to ensure a favourable outcome.

Kind regards

**Karina Bowater**

Town Planner

(B.A. Urban and Regional Planning, Curtin University. Honours)

On behalf of LARPwest



ATTACHMENT 8.1.1B



**Tamsin Hodder**

---

**From:** Robert Jones <robbybob1@gmail.com>  
**Sent:** 22 April, 2021 7:27 PM  
**To:** Tamsin Hodder  
**Cc:** William Batt; Steve Barratt; Brad Hardie; Boddington Service Station  
**Subject:** Re: invite to comment - Application for Development Approval

Hi Tamsin,

Thanks for the submission which was/is very well prepared and presented.

I would have no problems with their proposal of holding an event as described, but from a FCO's point of view I would be very concerned with the potential fire risk of having any number of people camped in a rural area for any number of days without some form of fire/emergency plan ie: no open camp fires/bbq's etc.etc. and that the organisers have on site for the duration of the event, a fire appliance with at least a minimum of 600lts of water and the means/manpower to attend to any fire related emergency that may occur. 24-7.

I would ask the proposed organisers to submit a detailed plan to the Shire around this and to ensure that they have the where-withall to attend to any fire related emergency that may arise while they are in the area. I would even go as far as proposing that the local Shire authority must approve and view their proposed fire equipment/plan prior to allowing them this permit.

If needs be, I can provide a list of the 'minimum' of equipment/manpower required as per DFES recommendations for such an event.

Sincerely  
Robert A.M. Jones.  
Captain & FCO  
Marradong Volunteer Bush Fire Brigade.

On Thu, 22 Apr 2021 at 18:20, Tamsin Hodder <[ca@boddington.wa.gov.au](mailto:ca@boddington.wa.gov.au)> wrote:

Dear Bob

Please find letter and attachment for your review.

Regards,

**Tamsin Hodder**

---

**From:** Alan Moody (CADDs) <Alan.Moody@cadds.com.au>  
**Sent:** 25 April, 2021 8:46 AM  
**To:** Tamsin Hodder  
**Subject:** Re: letter inviting comment

Tamsin

I'd like to express my support for this proposal.

It is my understanding that this community supports events in Boddington such as the Medieval festival and as such are adding the vibrancy and growth of the town.

Please do not hesitate to contact me if you require further input

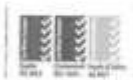
Best regards

Alan Moody  
0419914627

**Alan Moody**  
Chairman



**CADDs**GROUP



[cadds.com.au](http://cadds.com.au)

---

Phone: (08) 9418 7725 | Mob: 0419 914 627 | Email: [Alan.Moody@cadds.com.au](mailto:Alan.Moody@cadds.com.au)  
Office Address: 43A Sparks Rd Henderson WA 6166  
[www.cadds.com.au](http://www.cadds.com.au)

---



[Click link for email disclaimer](#)

**From:** Tamsin Hodder <ea@boddington.wa.gov.au>  
**Date:** 22 April 2021 at 6:04:32 pm AWST  
**To:** "Alan Moody (CADDs)" <Alan.Moody@cadds.com.au>  
**Subject:** letter inviting comment

Dear Mr Moody

Please find letter and attachment for your review.

**Tamsin Hodder**

---

**From:** Tracy Murray  
**Sent:** 3 May, 2021 8:20 AM  
**To:** Graham Stanley; Tamsin Hodder  
**Subject:** FW: A1070/A1041 Live role playing

Regards,  
Tracy Murray  
Records Officer



T +61 8 9883 4999  
E [records@boddington.wa.gov.au](mailto:records@boddington.wa.gov.au)  
39 Bannister Road Boddington WA 6390  
[www.boddington.wa.gov.au](http://www.boddington.wa.gov.au)

We acknowledge the Noongar people as Traditional Custodians of this land and pay our respects to all Elders past and present.

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-----Original Message-----

**From:** Ian Macpherson [<mailto:idmac20@gmail.com>]  
**Sent:** Sunday, 2 May 2021 5:32 PM  
**To:** Tracy Murray <[records@boddington.wa.gov.au](mailto:records@boddington.wa.gov.au)>  
**Subject:** A1070/A1041 Live role playing

We would like to register our support for the application for development approval.

It will sit nicely with the medieval fare you currently run and attract more income to the town.

It is also a lot of fun and good exercise.

Regards Ian & Sara Macpherson

20 Gold mine rd.

This email has been checked for viruses by AVG.  
<https://www.avg.com>



Hotham Williams Economic Development Alliance  
C/- Shire of Williams  
PO Box 96  
WILLIAMS WA 6391  
E: [admin@marradongcountry.org.au](mailto:admin@marradongcountry.org.au)

Mr Graham Stanley  
Acting Chief Executive Officer  
Shire of Boddington  
PO Box 4  
BODDINGTON WA 6390  
E: [docs@boddington.wa.gov.au](mailto:docs@boddington.wa.gov.au)

10 May 2021

Dear Graham,

**Re: APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED CHANGE OF USE LOT 2921 on DEPOSITED PLAN 100853**

Thank you for the opportunity to comment on the above Application for Development Approval at the Shire of Boddington.

The Hotham Williams Economic Development Alliance (HWEDA) do not have a position in regards this proposed change of use as the detail contained in this proposed change of use is a matter for Council and the community.

Should you have any further queries, please contact HWEDA Chairperson Brendan Whitely or Executive Officer Adrienne Yzerman at [admin@marradongcountry.org.au](mailto:admin@marradongcountry.org.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "B. Whitely".

Brendan Whitely

**Chairperson**  
Hotham-Williams Economic Development Alliance Inc.



Mr Graeme Stanley  
A/Chief Executive Officer, Shire of Boddington  
PO Box 4  
Boddington WA 6390

Dear Mr Stanley

We thank you for the opportunity to respond to the LARPwest Planning Report, regarding rezoning 139 Castle Rock Way, that we received by email on 22<sup>nd</sup> April 2021.

We will begin by assuring you we have no objection to the LARPwest events in principle.

However, we have significant concerns about the potential number of events as stated in the Report and the multiple impacts increased traffic will have on the quiet country lifestyle that we have enjoyed so far. We have lived at 333 Days Rd since 2008 and the quiet location was one of the reasons we purchased this property.

Up until now we had no idea the location for these events was being formalized through a planning application, nor had we been asked for our opinion. We were surprised the Town Planner preparing the report for LARPwest had assumed there were no issues without contacting us for our perspective, as we have lived here for over 12 years and have directly observed effects of the previous events. Our house looks over Days Rd and the Castle Rock Way intersection providing us with 'front row seats' to the traffic impact of the events.

There have been very few LARPwest events at the Castle Rock Way location to this date. Two events were held in 2019 and none in 2020. The Report suggests there could be up to 6 LARPwest events per year over a 7 month period which is a significant increase and a concern for us. The Report also suggests that a cap could be put on the number of events if problems arise in the future. We would anticipate that it would be very difficult to cap the number of events once they have become established.

The Report states that Scheme Objective (p) ie "maintain and enhance the positive aspects of a country lifestyle enjoyed by inhabitants" will be met. We strongly disagree, and this has not been our experience during the previous events.

Dust from the gravel road is always a constant problem for us, but we have managed this as well as we can and accept this as part of our decision to live at this location, which is a quiet backroad with reasonably light traffic. We rely on rainwater collected off our roof as we are not on scheme water. The Report states that the events are planned during the period of 1 April to 31 October to reduce summer dust. Dust is a problem here all year round. It is increased during periods of dry weather not just in the summer season. A few dry days in winter will produce dust from passing traffic. We have observed previously that hundreds of vehicles passing by for a LARPwest event results in significant dust, even at reduced speed.

Non-settling dust can be worse here in the cooler months as the dust lingers in cool air and calm conditions. The LARPwest Report incorrectly states that non-settling dust is not a problem in the cooler months. That does not match our 12 years' experience at this location. We have included two photos at the end of this letter that show lingering dust on Days Rd and Castle Rock Way. The photos were taken in late April this year after the passing of just one car.

While we appreciate that the LARPwest participants have been asked to arrive and depart at reduced speed, excessive dust still occurs due to the high number of vehicles (200+) coming and going. In addition, there is a constant stream of traffic heading in and out of town during the event, often over 3 or 4 day period – great for the businesses in town, but increased dust for us. This traffic drives at whatever speed they like, which is permitted on Days Rd and Castle Rock Way as there are no speed limits. The vehicles mass arrival (200+) at the beginning of the event and mass departure (200+) at the end of the event also create some unusual traffic situations. One of our sons, while driving home from work, was forced to pull off the road and stop while long lines of departing traffic passed by in the middle of the road. We realized that the long lines of vehicles (200+), travelling close together, in each other's dust, really couldn't see where they were going and couldn't see oncoming traffic. They left no space for 2-way traffic as the line of cars was in the middle of the road.

The speed restriction practiced by the LARPwest group relies solely on the goodwill of the attendees. This goodwill could change in the future if land owners or user groups' change after the land is re-zoned.

The Shire does not control vehicle speed on Days Road. There are no speed signs on Days Road. Previous discussions with the Shire confirm that vehicles can drive at whatever speed they consider safe for the conditions and their skill. We witnessed a previous school bus regularly driving at 90km/hr downhill on gravel. We regularly see vehicles driving at, or in excess of, 100km/hr. At times semi-trailer trucks travel along Days Road among the variety of other vehicles that use it. We are aware of at least 8 incidents (including 3 rollovers) in the 12 years we have lived here, where vehicles have lost control on Days Road. There is likely to be more that we are not aware of.

In summary, we support the LARPwest events and agree they are a good crowd. However, we would appreciate a cautious, fair approach and some conditions to any approval of their re-zoning request. We have experienced from previous events some negative impacts from increased dust and increased traffic. Unfortunately also, due to the design and location of our house on this block, we feel quite exposed when there are hundreds of cars passing by that have visual access into our property and home.

There appear to be two LARPwest events planned for Boddington this year. The first is a 4 day event from 21 to 24 May.

**We would like the Shire to:**

- Provide, or request LARPwest to provide, a water truck for the duration of events, if the weather is dry, to suppress dust on Days Rd and Castle Rock Rd.
- Apply temporary local traffic management for the duration of the events that apply to all road users so everyone is following the same rules. Eg, temporary speed limits, reminders of 2-way traffic, 'event ahead' style cautions.
- Set up traffic counters for the next event to gain accurate data of vehicle numbers.

**We request Council to consider:**

- An immediate cap on the number of events per year which can be reviewed at a later date. We would like to suggest an initial limit of up to 4 events per year at the Castle Rock Way location. This will provide an incentive for all to address issues as they arise.
- Bring forward any plans to seal Days Rd. As previously mentioned we personally recall 8 car accidents on this gravel road. There is also considerable dust and excessive speeds with the current traffic flow.
- Consider constructing an alternative route such as the gazetted road that would exit 'Recreational' traffic directly from the property at 139 Castle Rock Way to Banister-Marradong Road. It is to be noted the intersection of Days Rd and Banister-Marradong Road is directly onto a corner and has no turning lane.

The next LARPwest Boddington event is being advertised on their facebook and website for Friday May 21 to Monday May 24. We would like Council to defer any decisions until after this event and to attend our property on Monday (May 24) in the afternoon, between 4pm and 6pm, when vehicles are departing to personally observe the issues we have raised.

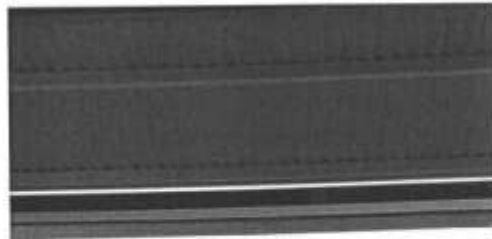
We would request Councillor Smalberger to confirm if this is the best time to observe the main group of departing traffic.

Yours sincerely

Lewellyn and Bethwyn Smith (333 Days Rd)

11 May 2021

ATTACHMENT 8.1.1C



**Marradong Volunteer Bush Fire Brigade**

Thank you for your concern regarding fire risk. We have reviewed your submission carefully and agree completely that mitigating the risk of fire is a top priority for any events we organise. The LARPwest community takes fire safety very seriously.

To mitigate fire risk we have already initiated significant fire prevention strategies that have been in place since we began running events. All fires are required to be pre-approved, designated and controlled location for each event. Each fire must have an extinguishing agent ready to hand and be supervised. We have supplied multiple fire extinguishers to site, and a large bucket of water is also required to be next to a fire at all times. Attached is a photo of a regular set up.

Larger fires are occasionally employed at events but all such fires are strictly within all shire regulations for such.

Additionally, as already referred to in our submission we are not going to be running any events during the Prohibited Burning period in order to mitigate risk. All of our events occur when the ground is either bare, or covered in low wet foliage. We will not be approving any fire sites near to vulnerable fire areas such as those near the river.

We are happy to discuss other risk mitigation strategies but are very confident regarding our fire management.

**CADDSGROUP**

Thank you for your support.

**Ian & Sara Macpherson**

Thank you for your support.

**Hotham-Williams Economic Development Alliance Inc.**

We are happy to work with any industry bodies to increase the tourism and economic benefit for Boddington from our events. It is our intention to continue to use local businesses where we can for our events.

**Lewellyn and Bethwyn Smith**

We support the ongoing upgrade of Days road, currently progressing from Crossman Road, into a semi sealed blue-gravel.

We are happy to work with local neighbours to monitor and mitigate any impacts of events. We firmly advise all of our attendees to adhere to a sensible road speed on the unsealed roads of 60kph or less and to be mindful of dust.

We are happy to consider providing signage notifying of the event if it is considered necessary by council.

We are also happy to advise that all of our events are advertised months ahead of time, with dates usually available more than 3 months before any event on the facebook pages.

We are happy to post these event dates more clearly on the LARPwest website as well as provide them to a nominated local website to allow local neighbours to be kept abreast of planned events.

We do not believe a water truck, traffic management, or traffic counters are necessary if the ongoing upgrade works continue.

Our thanks

Sam Bowden, Mathew Owens  
on behalf of LARPwest.

## 8.2 MANAGER FINANCIAL SERVICES:

### 8.2.1 Monthly Financial Statements – May 2021

Disclosure of Interest:	Nil
Date:	10 June 2021
Author:	D Long – Finance Consultant
Attachments:	8.2.1A Monthly Financial Statements (under separate cover)– May 2021

#### Summary

The Monthly Financial Report for 31 May 2021 is presented for Councils consideration.

#### Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

#### Comment

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves; and
- (j) Loan Borrowings Statement.

#### **MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income. Attached to this report is a copy of the month by month cumulative budget estimates, set out in the Statement of Financial Activity format.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance

commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 31 May shows a closing surplus of \$964,641.

### Statutory Environment

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

COUNCIL DECISION – ITEM 8.2.1
-------------------------------

COUNCIL RESOLUTION: 57/21

Move Cr Erasmus

That Council receive the monthly financial report for the period ending 31 May 2021.

Seconded Cr Hoffman

Carried 7/0



## 8.2.2 List of Payments – March 2021

Disclosure of Interest:	Nil
Date:	14/6/21
Author:	Nola Lloyd
Attachments:	8.2.2A List of Payments (CONFIDENTIAL) under separate cover

### Summary

The Local Government (Financial Management) Regulations 1996 require the preparation of a List of Payments made from the Council's bank accounts.

### Background

A list of the payments made in each month is to be prepared and presented to a meeting of Council in the following month.

This list of payments is to be reviewed by Council separately from the monthly financial statements. This will ensure that the requirement of the Financial Regulations for the list of payments made in one month to be presented to the Council meeting in the following month, will be met even if the financial statements are not presented to that meeting.

Councillors have the opportunity to query or inspect invoices before the meeting to satisfy themselves before the item comes before Council.

### Comment

The List of Payments for the month of May 2021 is presented in Attachment 8.2.2A.

### Statutory Environment

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
  - (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
    - (a) the payee's name; and
    - (b) the amount of the payment; and
    - (c) the date of the payment; and
    - (d) sufficient information to identify the transaction.
  - (2) A list of accounts for approval to be paid is to be prepared each month showing –
    - (a) for each account which requires council authorisation in that month –
      - (i) the payee's name; and
      - (ii) the amount of the payment; and
      - (iii) sufficient information to identify the transaction; and
    - (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

Policy Implications - Nil

COUNCIL DECISION – 8.2.2
--------------------------

COUNCIL RESOLUTION: 58/21

Move Cr Manez

That Council adopts the list of payments for the period ending 31<sup>st</sup> May 2021; at Attachment 8.2.2A.

Sec Cr Webster

Carried: 7/0

## 8.2.3 Write Off of Doubtful Debtors

Date: 16 April 2021  
Author: Peter Yaxley, Senior Finance Officer  
Attachments: 8.2.3 Doubtful Debtors (Confidential under separate cover)

### Summary

This item identifies those Sundry Debtors which have been outstanding for an extended period of time. The debts are considered delinquent with little or no likelihood of recovery of the outstanding amounts. Council approval is sought to write off the outstanding amounts as doubtful debtors. These debts also include numerous infringements/fees that relate to local government law enforcement. At present the Shire of Boddington has no process for the collection of these unpaid infringements. The total outstanding doubtful debts is \$7,271.10.

### Background

The categories of charges where approval for write off is sought can best be summarised as follows:

Debtor Type	Amount
Replacement of Library Items	\$1,981.13
Dog Infringements & Pound Fees	\$2,372.70
Standpipe Water Usage	\$316.58
Commercial Refuse - Tip Charges	\$30.90
Early Learning Centre - 6 debts	\$2,569.79
<b>Total Doubtful Debts</b>	<b>\$7,271.10</b>

The age of the debts range from 31 March 2013 with most being prior to the 2018/2019 financial year. The total of the debts for which write off as doubtful debts is sought is \$7,271.10.

### Comment

When considering the authorisation to write off doubtful debts, the following information should also be taken into regard:

- An amount of \$1,684.90 (dated in 2013) also relates to a now insolvent company from whom payment will be unrecoverable.
- The greater portion of the doubtful debts relate to unpaid Infringement & associated impound/pound fees, with the total of this category being \$2,372.70. Following discussion with the Shire's Ranger (Joshua Potts), it is understood that a verbal agreement existed between former CEO Chris Littlemore and the Debtors, insofar as the debts were to be waived in return for seizure and euthanasia of the offending animal. However, it would appear that formal authorisation of this write off was never sought from Council.
- It should be noted that the Infringements and insolvent debtors constitute \$4,057.60 (55.8%) of the total write off amount sought.

In respect of the remainder of the doubtful debts (\$3,213.50), all reasonable efforts to collect the outstanding debts have been attempted and are now exhausted. In most cases, the whereabouts of the debtors are unknown, with previous contact telephone numbers, postal addresses and email addresses now being defunct.

Following discussion with the Shire's Debt Collection Agent (AMPAC), any benefit (if at all) gained by the Shire in pursuing the collection of these debts, would be vastly outweighed by additional collection costs such as legal fees and skip tracing services.

## Statutory Environment

Local Governments are authorised to write off debts under the statutes of Sections 6.12 (c) of the *Local Government Act 1995*, this section of the Act states:

### ***6.12. Power to defer, grant discounts, waive or write off debts***

- (1) Subject to subsection (2) and any other written law, a local government may –*
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) waive or grant concessions in relation to any amount of money; or*
  - (c) write off any amount of money, which is owed to the local government*

## Consultation

Consultation was conducted in conjunction with:

- Shire Ranger
- Financial Administration Officer
- A/Chief Executive Officer
- AMPAC (Debt Recovery Solutions)

## Policy Implications

There are no known policy implications affecting this agenda item.

## Financial Implications

As these debts are deemed as uncollectable, the debts if not written off would remain indefinitely as a liability on the Shire of Boddington's annual budget and be provisioned as 'Doubtful Debts'.

Approval of the write off would discharge these liabilities from the Shire's budgetary processes and the associated auditing requirements.

## Voting Requirements - Absolute Majority

COUNCIL RESOLUTION: 59/21

Moved: Cr Manez

That Council

approve the write off of the doubtful debts in accordance with the statutes of Section 6.12 (c) of the *Local Government Act 1995*.

Seconded: Cr Hoffman

Carried: 7/0

### 8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR:

#### 8.3.1 Temporary Shed Accommodation

Location:	Boddington
Applicant:	D & A Devantier
File Ref. No:	A1815
Disclosure of Interest:	Nil
Date:	8 June 2021
Author:	PEHO/BS – Peter Haas
Attachments:	8.3.1A in body of report

#### Summary

To seek Council approval for the applicants to camp on their land for a three month period

#### Background

An application has been received from the owners of Lot 1 Mitchell Crescent to live in their shed due to financial constraints.

The sticking point with giving approval is Council Policy 2.7 Shed/Caravan Accommodation (see under Policy Implication)

After discussions with the Shire President, Deputy President and the CEO, a solution has presented itself.

#### Comment

It has been suggested that The Council give approval for them to camp on the land for the three month as per the requirements of Regulation 11 (see below under Statutory Environment the whole of Regulation 11) of the Caravan parks and Camping Grounds

Regulations 1997 which will give them time to put an application through to the Minister for Local Government to camp on the land for over three months while they plan their dwelling.

Council approval would be subject to them installing an apparatus for the treatment of sewage and installation of sanitary appliances in the shed as per Council's policy and also have them camp in a van inside the shed, utilising the kitchen facility in the van.. It would also be prudent not to permit any internal alteration to the shed, other than installation of a wood heater to ensure they do not tarry in getting their dwelling built.

Once they have their plans developed and have submitted and had a building permit for a dwelling approved, they could look at applying to Council to camp on the land under the auspice of Regulation 11 2 (c) of the Caravan park and Camping Grounds regulations 1997 subject to them constructing the dwelling as an owner builder as per our policy.

### Strategic Implications

Approval may set a precedent for others seeking similar dispensation from Council but as per the requirements of Regulation 11 Council can only approve camping on land for three months in any 12 month period.

### Statutory Environment

Regulation 11 of the Caravan Parks and Camping Grounds Regulations as follows;

#### **11. Camping other than at caravan park or camping ground**

(1) A person may camp —

(a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval; or

(b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area; or

(c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve; or

(d) on any land which is —

(i) held by a State instrumentality in freehold or leasehold; or

(ii) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality, in accordance with the permission of that instrumentality; or

(e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.

(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —

(a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or

(b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or

(c) despite paragraph (b), by the local government of the district where the land is situated —

(i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and

(ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.

(3) In this regulation –

**emergency** means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;

**permit** means a building permit or a demolition permit as defined in the *Building Act 2011* section 3;

**road side rest area** means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for –

(a) resting; or

(b) stopping; or

(c) camping,  
in a vehicle;

**State instrumentality** has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

**unallocated Crown land** has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

**unmanaged reserve** has the same meaning as it has for the purposes of the *Land Administration Act 1997*.

### Policy Implications

Council Policy is as follows

#### 02.7 SHED/CARAVAN ACCOMODATION

Policy Statement:

That Council:

1. allows camping on site for a period of up to 12 months, in a caravan only, provided that suitable ablutions (shower, toilet, hand basin, laundry trough) and septics are erected and provided a building permit as an owner builder has been issued for a dwelling on the same lot;
2. will consider an extension of a further six months dependant on the progress of the construction of the dwelling;
3. does not allow camping in a shed for any period of time greater than three days in any twenty-eight day period, but will allow camping in a caravan located within a shed provided that suitable ablutions and septics are erected and provided a building permit as an owner builder has been issued for a dwelling on the same lot; and

Council limits the approval for camping in this policy to the following zones of Town Planning Scheme No. 2:

1. Rural;
2. Rural Residential; and
3. Rural Small Holding.

Objective:

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

Resolution No: 59/05

Resolution Date: 19/04/2005

Financial Implications

Nil

Economic Implications

Allows a family to move into the area and commence building a dwelling.

Social Implications - Nil

Environmental Considerations - Nil

Consultation

Councillors at the Councillor Information Session held 3 June 2021

Options

Approve officer's recommendation

Approve officer's recommendation with amendment

Not approve officer's recommendation

Voting Requirements – Simple Majority

COUNCIL DECISION– ITEM 8.3.1
------------------------------

COUNCIL RESOLUTION: 60/21

Move: Cr Webster

That Council approve the camping on land of Lot 1 Mitchell Crescent Ranford by the owners of the land for a three month period only commencing from the day a Permit To Use Apparatus For The Treatment Of Sewage is issued and subject to the following conditions;

1. Installation of a toilet, shower, hand basin and laundry trough as per the requirements of Council Policy 2.7 Shed/Caravan Accommodation, and
2. Camping to be in a caravan (which may be located in the shed on site), and
3. No internal alterations or additions permitted within the shed other than installation of a wood heater.
4. Any extension in the time frame to camp on the land will need to be approved by the Minister for Local Government

Seconded: Cr Erasmus

Carried: 7/0



### 8.3.2 Contract Waste & Recycling Collection Service

Location:	Boddington
Applicant:	
File Ref. No:	TBA
Disclosure of Interest:	
Date:	9 June 2021
Author:	PEHO/BS – Peter Haas
<b>Attachments:</b>	<b>8.3.2A Confidential attachment under separate cover</b>

#### Summary

To seek Council approval to award the contract for the Waste & Recycling Collection Service

#### Background

The contract extension period for these services expires in July this year. As a consequence it was decided to "tender" for these services using WALGAs e-quote system. Specifications were prepared and quotes via e-quotes were sought.

#### Comment

Quotes were sought from 3 companies in the WALGA preferred supplier list which were, Avon Waste (current contractor), Suez & Great Southern Waste. E-quotes were requested on 8 April 2021 with a closing date of 21 May 2021.

At the close of the tender, only one quote was received, which was from Avon Waste. The submission from Avon waste was presented at the Councillor Information session, held Thursday 3 June 2021, and the pricing schedule is attached as a confidential attachment. I would have preferred that we had received other e-quotes, so some comparison could be made but this is not the case.

I understand that we have met the requirements for tendering for services, even though we have only received one submission and would recommend that we commence contract negotiations with Avon Waste in this regard. It should be noted that Avon Waste has been providing the waste collection service for the Shire since 2005 (when they won the joint contract to collect waste in the Shires of Wandering, Williams & Boddington) and has been providing the recycling service since 2014 and I am more than happy with the services and the standard of services provided.

#### Strategic Implications

Waste removal and recycling services are a major part of local government business and it is important that the right contractor is selected.

#### Statutory Environment

Division 2 of the Local Government (functions and General) Regulations 1996 Regulation 11(2)(b)

Policy Implications

Nil

Financial Implications

Cost of providing a necessary service

Economic Implications

Employment of a regional waste and recycling service provider whilst little economic benefit to Boddington Shire benefits flow via employment into towns outside the capital city

Social Implications - Nil

Environmental Considerations - Nil

Consultation

With Council via the Councillor Information session 3 June 2021  
WALGA preferred supplier officers

Options

Approve officer's recommendation  
Approve officer's recommendation with amendment  
Not approve officer's recommendation

Voting Requirements – Simple Majority

COUNCIL DECISION – ITEM 8.3.1
-------------------------------

COUNCIL RESOLUTION: 61/21

Move Cr Webster

That Council resolve to award the Waste & Recycling Services Contract to Avon Waste and delegate the Chief Executive Officer to negotiate and accept the final contract for Waste & Recycling Services

Seconded: Cr Schreiber

Carried: 7/0

8.4 MANAGER WORKS & SERVICES:

Nil.

8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

Nil.

## 8.6 ACTING CHIEF EXECUTIVE OFFICER:

### 8.6.1 Action Sheet

Disclosure of Interest: Nil  
 Date: 14/6/21  
 Author: Graham Stanley, Acting Chief Executive Officer

#### Purpose of Report

To bring forward Councillors information the Action Report with actions taken on previous Council resolutions.

Meeting Date	Meeting Name	Resolution Number	Responsible Officer	Subject	Date Completed	Comments Current Status
20/5/21	Ordinary Meeting	46/21	Jeff Atkins, MWS	Removal of Trees Hill Street		
20/5/21	Ordinary Meeting	48/21	Graham Stanley, Acting CEO	Local Government Ordinary Elections	21/5/21	WA Electoral Commission advised
20/5/21	Ordinary Meeting	49/21	Graham Stanley, Acting CEO	Common Seal	21/5/21	Added to Policy Manual
20/5/21	Ordinary Meeting	50/21	Graham Stanley, Acting CEO	Extension of Lease 46 Johnstone Street	Pending	Applicant advised. Lease extension pending
20/5/21	Ordinary Meeting	51/21	Graham Stanley, Acting CEO	Live Action Role-play Site Facilities- Request for Donation of sea containers	Pending	Awaiting signing of MOU with LARPwest
20/5/21	Ordinary Meeting	52/21	Graham Stanley, Acting CEO	Appointment of Acting CEO (confidential)	14/6/21	Contract amended

For information only.

8.6.2	Actions Performed Under Delegated Authority for the Month of May 2021
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File Ref. No: GOVN000  
Disclosure of Interest: Nil  
Date: 17 May 2021  
Author: Acting Chief Executive Officer  
Attachments: Nil

Summary

To report back to Council actions performed under delegated authority for the month of May 2021

Background

There is no specific requirement to report on actions performed under delegated authority. But to increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for the month of May 2021

Affixing of Common Seal

One off delegations by CEO

Authorisation to call Tenders

Building Permits issued

Health

Development Applications

Subdivision Applications

Land Administration

Comment

The following tables outline the action performed within the organization relative to delegated authority for the month of April 2021 and are submitted to Council for information.

Common Seal - Nil	
Date Affixed	Documentation

One off Delegations by CEO			
Date	Action		
26/5/21	Seed Collection by Formosa		
26/5/21	MOU with PHCC - Tunbridge Gully Project		
Authorisation to call Tenders - Nil			
Date	Action		
Peter Haas - PEHO			
Building Applications - March 2021			
Application No.	Applicant	Lot & Street	Type of Building Work
3333	M King	Lot 30 No 57 Crossman Road Ranford	Shed
3334	S Robins	Lot 4 No 379 Newmarket Road Boddington	Farm Shed
3335	M & K Jose	Lot 9 No 51 Pardalote Heights Crossman	Building Approval Certificate for Laundry
3312	V Longo	Lot 68 No 6364 Albany Highway North Bannister	Occupancy Certificate Class 7a, 5, 10a & 10b buildings
3336	Red Ink Homes Pty Ltd 16 Frobisher Street Osborne Park	Lot 1 No 3 Blue Gum close Boddington	Dwelling
3316	G Thompson 7 Assay Terrace Boddington	Lot 115 No 20 Wuraming Avenue Boddington	Occupancy Certificate Library Extension
3337	Modularis Pty Ltd PO Box 1786 Wangara	Lot 7 No 32 Pardalote Heights Crossman	Transportable Dwelling
3338	WBS Modular Pty Ltd 98 Byfield Street Northam	Lot 67 No 1377 Lower Hotham Road Lower Hotham	Transportable Dwelling
Health - Nil			
Steve Thompson - Town Planning Consultant			
Development Approvals			
Application No.	Applicant	Lot & Street	Type of Approval
A1102	Paridaens	Lot 104 Assay Tce	Advertising Sign
Subdivision Applications - Nil			
Application No.	Applicant	Lot & Street	Action
Land Administration - Nil			
Application No.	Applicant	Lot & Street	Action

Strategic Implications – Nil  
Statutory Environment

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires delegates to keep a record of each occasion on which they exercise the powers or discharge the duties delegated to them.

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

Voting Requirements – Simple Majority

COUNCIL DECISION – ITEM 8.6.2
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COUNCIL RESOLUTION: 62/21

Moved: Cr Hoffman

That Council accept the report outlining the actions performed under delegated authority for the month of May 2021.

Seconded: Cr Manez

Carried: 7/0

### 8.6.3 Request For Donation– Boddington Community Newsletter

Applicant: Boddington Community Newsletter  
File Ref. No: CREL013  
Disclosure of Interest: Nil  
Date: 14/06/2021  
Author: Graham Stanley – Acting Chief Executive Officer  
Attachments: Nil

#### Summary

Council is to consider providing a donation to the Boddington Community Newsletter to cover the additional costs of printing the Bodd News edition that covered the opening of Hotham Park. In addition Council is to consider commencing discussions with the Boddington News to establish a formal lease for the old Roads Board Office.

#### Background

Heather Stevens, Coordinator Boddington Community Newsletter has written:  
*"Because we considered the official opening of Hotham Park such an important occasion we went all out with the front cover of Bodd News.  
This, coupled with the extra pages from the Shire Snippets has proved an expensive exercise. Toner costs for a normal edition average \$750. This run has cost \$1,151. Would Council consider a one off payment to help defray the extra cost?  
We would be most grateful.*

#### Comment

Each edition of the Bodd News contains 6 pages of Shire Snippets. Apart from the Shire paying for an annual e-subscription to the Bodd News of \$20 it appears that the only direct financial support the Shire gives the Bodd News is the occasional LOAF funding grant which have been used to purchase equipment. The last one was \$1,500 in 2017 to assist with the purchase of a multi-functional printer.

The Bodd News is run out of the old Roads Board Office. The Shire has a management order over the reserve on which it is located and maintains the building; however; in researching this matter I have discovered that there does not appear to be a lease with the Bodd News for the use of the building.

It appears that the Shire's assistance to the Bodd News is the provision and maintenance of the building which includes the payment of the power bills. For the past 12 months the bills total approximately \$1,500. As the Bodd News is occupying a Shire building that is on a reserve over which we have a management order there should be a lease in place. I suggest that we should commence discussions with the Boddington Community Newsletter regarding establishment of a formal lease. As the Bodd News is a volunteer, not for profit group providing a community service it would be appropriate that the lease is a "peppercorn lease". The lease would clarify who is responsible for what at the property.

The request for a contribution to offset the additional costs of printing the Hotham Park opening edition of the Bodd News is a reasonable one. It is suggested that we make a donation of \$500 on this occasion.

## Statutory Environment

### *Local Government Act 1995*

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and
- Section 3.1 –
- (1) The general function of a local government is to provide for the good government of persons in its district.
  - (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
  - (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Consultation – Discussed by Councillors at a Councillor Information session.

Policy Implications – Nil

Financial Implications

Allowances have been made in Council's budget for donations and sponsorships.

Economic Implications – Nil

Social Implications

Financial support to the Bodd News will help to keep the newsletter viable.

Environmental Considerations - Nil

Strategic Implications

Establishing a formal lease for the use of the old Roads Board premises will protect both parties, ensuring that each party knows their responsibilities and giving the Boddington Community Newsletter security of tenure over the premises.

Options

Council can resolve to:

1. adopt the recommendation;
2. adopt the recommendation with amendments; or
3. not accept the recommendation, giving reasons.



Voting Requirement - Simple Majority

COUNCIL DECISION – ITEM 8.6.3

COUNCIL RESOLUTION: 63/21

Moved: Cr Webster

That Council:

- 1 Grants a donation of \$500 to the Boddington Community Newsletter to cover additional costs incurred in producing the Hotham Park Opening edition of the Boddington Newsletter.
- 2 Commences discussions with the Committee of the Boddington Community Newsletter regarding the establishment of a formal lease for the use of the Old Roads Board Offices by the Boddington Community Newsletter.

Sec Cr Erasmus

Carried 7/0

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

Nil.

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

10.1.1 Differential Rating

File Ref. No:	ADM RTSV000
Disclosure of Interest:	Nil
Date:	14 June 2021
Author:	Graham Stanley, Acting Chief Executive Officer

Summary

Council to consider the continued implementation of differential rating, in particular differential rates that may require Ministerial approval.

Background

Council first adopted differential rating in June 2017.

Comment

Council's intention for the 2021/22 Budget is to keep the increase in the rate in the dollar applied to property valuations for rating purposes to 2.5% with the exception of GRV Mining where there is a reduction in the differential between Mining GRV and Non-Mining GRV. The average ratepayer who has not experienced a change in valuation will see a 2.5% increase in their rate bill. This equates to approximately \$30 per annum.

The Department of Local Government and Communities publish guidelines for differential rating and suggest the decision to levy differential rates should entail observing the following principles:

- Objectivity,
- Fairness and equity,
- Consistency,
- Transparency, and
- Administrative efficiency.

In relation to each, the following comment is offered:

- Objectivity. The basis for imposing differential rates in Boddington Shire is by land use. Land held for mining purposes in both GRV and UV categories will have a differential rate. Land held for non-rural purposes will now have a differential rate.

- Fairness and equity. In this case, a more equitable distribution of the rate burden to those who consume the benefits and can afford the additional impost is being achieved.
- Consistency. Other properties used for similar purposes are being rated in the same way. All miners in the UV Mining category are being charged the same rate, thus the introduction of differential rating will not have a discriminatory affect.
- Transparency. Transparency is achieved by Council discussing the proposal, advertising the same, seeking and considering public comment before making a decision.
- Administrative efficiency. Council needs to consider whether this is the most efficient way to achieve the required rate revenue. The introduction of differential rating was achieved in Boddington in the 2017/18 financial year with very little administrative effort.

In preparing for the budget, Council considers the deficiency between the likely expenditure and revenue from all sources other than rates. The rates setting statement is then based on that deficiency.

The Department also requests that Council consider possible efficiency measures prior to the introduction of differential rating. Since 2014/15, there have been improvements in efficiencies in each of the budgets.

Revenue, raising from rating, has a number of components, the rate in the dollar applied to either the Gross Rental Valuation (GRV) or the Unimproved Value (UV) and minimum payments for properties that have a low valuation. Council can apply a differential rate, if it considers there are reasonable grounds to do so.

It is suggested that differential rating for mining activities be applied to both the GRV category and the UV category. It is also suggested that differential rating for activities of a non-rural nature be applied in the UV category.

### **Proposed Differential Rates 2021/22**

#### **Objects and Reasons:**

The current Community Strategic Plan adopted in 2019 makes it clear that the community have high expectations that the improvements in community facilities achieved by the Council in the past few years should continue.

The major expenditures for 2021/22 and future budgets are continued significant upgrades to the Hotham River foreshore area, completion of four entry statements at Bannister, Crossman, Ranford and Boddington South, playground equipment including nature play areas and facilities for older youth, development of staff housing and funding for economic development initiatives to ensure the continued diversification of the local economy away from mining. Planning for and eventually providing a nursing home and further aged accommodation options is also a Council priority.

To achieve substantial improvements in facilities, while at the same time keeping rate increases for the average ratepayer modest, is also one of the driving reasons behind the consideration of differential rating.

The differential rates in the dollar proposed, are an attempt to balance the need for revenue required to fund essential services, facilities and infrastructure and an equitable distribution of rates. Thus, the objective for all of council's rates is to meet the shortfall between planned expenditures and expected revenues in order to achieve a balanced budget.

In relation to continued differential mining rate in the UV category, Council is satisfied that UVs generally form a proper and equitable basis for differentiation amongst these properties.

In relation to continued differential mining rate in the GRV category, Council is satisfied that GRVs generally form a proper and equitable basis for differentiation amongst these properties.

In relation to the continued differential Non-Rural rate in the UV category, Council is satisfied that UVs generally form a proper and equitable basis for differentiation amongst these properties

## **Proposed Differential Rating Categories**

### **GRV Mining**

This rating category covers all Mining Leases, Exploration Licenses, Prospecting Licences, Retention Licenses, General Purpose Leases, Special Prospecting Licences for Gold and Miscellaneous Licenses as defined under the Mining Act with a GRV valuation. It also includes properties with a GRV valuation that are held by or leased by a company whose primary activities involve mining. It does not include properties with a GRV valuation that comprise a single dwelling in the township of Boddington.

The proposed rate is 9.0161 cents in the dollar GRV Mining. Rates provided by this category, including minimum rates at \$984 are approximately 35.6% of the total rate requirements of council. There are three properties in this category which are effectively controlled by one ratepayer.

This sector comprises mining properties subjected to GRV Rating and Council considers that the sector has been contributing to the services and infrastructure of the shire in a fair manner. The imposition of GRV General rate to these properties in addition to the rates the sector pays from UV Mining rated properties which it holds would cause the sector to contribute at a level which would not be fair. For this reason, the GRV Mining rate is lower than the GRV General rate.

### **GRV General**

This rating category covers all properties with a GRV valuation not categorised as GRV Mining. The proposed rate is 11.1213 cents in the dollar GRV General. Rates provided by this category, including minimum rates at \$984 are approximately 18.1% of the total rate requirements of council. This sector comprises the residential and commercial properties in the town area and Council considers that this sector has been contributing to the services and infrastructure of the shire in a fair manner.

## UV Mining

This rating category covers all Mining Leases, Exploration Licences, Prospecting Licences, Retention Licences, General Purpose Leases, Special Prospecting Licences for Gold and Miscellaneous Licences as defined under the Mining Act with a UV valuation. It also includes properties with a UV valuation that are held by or leased by a company whose primary activities involve mining.

The proposed rate is 3.2646 cents in the dollar UV Mining. Rates provided by this category, including minimum rates at \$984 are approximately 28.2% of the total rate requirements of council.

This sector comprises properties outside the town area which are not used for rural purposes. Council considers that this sector has not been contributing to the services and infrastructure of the shire in a fair manner.

The object of the rate for this category is to rate properties at a higher than the UV General differential rate to improve fairness and equity outcomes by:

- Applying a premium to compensate for the different valuation method and comparatively lower valuation level compared to equivalent properties in built-up areas.
- Applying a premium to reflect the following key points:
  1. Mining areas and known mineral resources cover a considerable portion of the district with the most extensive resource being bauxite.
  2. Other than the Shire of Collie, the Shire of Boddington is the local government that is most impacted by mining operations in the South-West Land Division (generally the area from Geraldton to Esperance).
  3. The Shire receives a number of enquiries from landowners and other stakeholders regarding the planning implications of living and investing in the vicinity of bauxite mining operations.
  4. A mining buffer was originally identified in 2007 to assist in accommodating bauxite and gold mining and to reduce land use conflict. The mining buffer protects mining operations from sensitive land uses and development which could prejudice the extraction (now and in the future) of mineral and basic raw material resources.
  5. The mining buffer covers a significant portion of the district including parts of the Boddington townsite, various rural residential and rural smallholding estates and many freehold rural properties. There is a mining buffer of 1200 metres for bauxite mining surrounding known bauxite resources.
  6. The mining buffer has been proposed to be considerably expanded in recent years based on advice from South32 and State Government agencies including the Department of Mines, Industry Regulation and Safety.
  7. The Shire has spent considerable time and funds to review the *Shire of Boddington Local Planning Strategy* which was endorsed by the Western Australian Planning Commission (WAPC) in 2018. A key driver of this review was the modified mining buffer. The Shire's efforts have included raising awareness and liaising with landowners, the community and stakeholders.
  8. The Shire will spend an increasing amount of time and funds to assist in protecting and accommodating bauxite mining through the *Shire of Boddington Local Planning Scheme No. 3* (LPS3). This included the WAPC requirement to give statutory weight to the mining buffer through a Mining Buffer Special Control Area introduced into LPS3.

LPS3 also includes provisions to control development within the Mining Buffer Special Control Area. Some of the implications will include:

- (i) The Shire being required to liaise with landowners and stakeholders and to discourage sensitive land uses, (such as residential development) in close proximity to basic raw material and mineral extraction operations.
  - (ii) Increased planning and administrative resources, as most forms of development and changes of land use in the mining buffer will require a Development Application.
  - (iii) While recognising the need to limit or prevent 'sensitive' development, there are competing legal issues including a generally accepted right to construct a single dwelling on a lot. Many rural lots in the mining buffer currently do not have a dwelling.
  - (iv) Anticipated reviews being submitted to the State Administrative Tribunal due to the Shire refusing Development Applications based on incompatibility with bauxite mining.
  - (v) There will be considerable liaising with South32, the Department of Mines Industry Regulation and Safety, the Department of Jobs, Tourism, Science and Innovation WAPC and other agencies on Development Applications, other planning proposals and land administrative matters as they may affect basic raw materials and mineral resources.
9. South32 operations have resource implications on other Shire services and assets including environmental health, emergency management, administration and roads. Examples of this include the haul road crossing on Morts Rd, the proposed haul road crossing in the vicinity of Tullis Bridge and the proposed haul road crossing on Lower Hotham Rd.

### **UV Rural**

This rating category covers all properties with a UV valuation and predominant usage that involves agricultural production or horticultural production activities and lifestyle properties. The proposed rate is 0.6884 cents in the dollar UV General. Rates provided by this category, including minimum rates at \$750 are approximately 17.7% of the total rate requirements of council. This sector comprises the rural properties outside the town area and Council considers that this sector has been contributing to the services and infrastructure of the shire in a fair manner.

### **UV Non-Rural**

This rating category covers all properties with a UV valuation with any intensive usage which is significantly different from agricultural or horticultural production. Examples could be landfill or other industrial activities. The proposed rate is 2.5432 cents in the dollar UV Non-Rural. Rates provided by this category, including minimum rates at \$984 are approximately 0.4% of the total rate requirements of council. This sector comprises the rural properties outside the town area and Council considers that this sector has not been contributing to the services and infrastructure of the shire in a fair manner.

The object of the rate for this category is to rate properties at a higher than the UV Rural differential rate to improve fairness and equity outcomes by:

- Applying a premium to compensate for the different valuation method and comparatively lower valuation level compared to equivalent properties held for intensive usage in built-up areas i.e. industrial areas.
- Applying a premium to reflect the following key point:

1. The Shire receives a number of enquiries and complaints from landowners and other stakeholders regarding property in this category. This involves considerable officer time and Councillor consideration.
2. The Shire incurs additional costs relating to monitoring of land use & the environmental impact.

**(Objects and Reasons ends).**

Overall effect would be increases of 6.01% in gross rates yield, 2.75% in town rates, 8.81% in rural rates, and 6.17% in mining rates as per the following table.

Category	Old rate in \$	Proposed Rate in \$	Old Minimum	New Minimum	Gross Levy 2020/21	Gross Levy 2021/22
GRV General	0.108500	0.111213	\$960	\$984	\$918,950	\$944,246
GRV Mining	0.081116	0.090161	\$960	\$984	\$1,674,789	\$1,716,578
UV- Rural	0.006716	0.006884	\$758	\$750	\$847,534	\$922,214
UV – Mining	0.031850	0.032646	\$960	\$984	\$1,330,293	\$1,473,808
UV – Non -Rural	0.024812	0.025432	\$960	\$984	\$19,577	\$22,469
Total					\$4,791,143	\$5,079,315

In comparison, some shires with differential rates compare as follows

Council	UV Pastoral rate in \$	UV Mining rate in \$	Factor
Shire of Carnarvon	0.039737	0.119933	3.02
Shire of Exmouth	0.08000	0.15990	2.00
East Pilbara Shire Council	0.08590	0.17180	2.00
Shire of Derby West Kimberly	0.06037	0.12075	2.0
Shire of Wyndham East Kimberley	0.05700	0.27400	4.81
Shire of Boddington	0.006884	0.03246	4.72
Shire of Ashburton	0.062196	0.369571	5.94
Shire of Morawa	0.02282	0.30197	13.23
Shire of Broome	0.007623	0.11729	15.39

As the proposed increase in UV Mining and UV Non-Rural rates are more than twice the lowest differential rate to be imposed, Ministerial approval must be sought. In addition, Council must advertise for and consider submissions before imposing the proposed rates.

Strategic Implications

Not fully known until submissions received.

## Statutory Environment.

The following sections in Local Government Act 1995 apply:

- Section 6.32 of the Local Government Act 1995 provides Council with the power to apply rates to property;
- Section 6.33 of the Local Government Act 1995 provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than twice the lowest differential rate to be imposed;
- Section 6.35 of the Local Government Act 1995 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land;
- Section 6.36 of the Local Government Act 1995 requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days.

Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.

## Policy Implications

Discussed in the body of the report.

## Financial Implications

The rate level set by Council will underpin its ability to provide services and facilities for the 2021/22 Financial Year and into the future.

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations - Nil

## Consultation

Neighbouring Shires have indicated they are not considering imposing a differential rate for mining activities. Department of Local Government & Communities.

## Options

Council can:

1. Accept the Officer's Recommendation;
2. Amend the Officer's Recommendation; or
3. Not accept the Officer's Recommendation.

## Voting Requirements

Absolute Majority



COUNCIL RESOLUTION: 64/21

Moved: Cr Erasmus

That Council:

1. Endorse the Objects and Reasons for Differential Rates 2021/22.
2. Advertise its intention, in accordance with section 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2021/22 Financial Year:

Category	Proposed Rate in \$	Minimum
GRV	0.111213	\$984
GRV Mining	0.090161	\$984
UV- Rural	0.006884	\$750
UV - Mining	0.032646	\$984
<u>UV – Non-Rural</u>	0.025432	\$984

3. If no submissions objecting to the proposed Differential Rates are received, authorise the CEO to apply to the Minister for Local Government for approval for Council to impose the Schedule of Rates outlined in point 2 above.

Seconded: Cr Manez

Carried: 7/0

## 10.1.2 Lower Hotham Road Overhead Crossing – Draft Agreement with South 32

File Ref. No: CORM007  
Disclosure of Interest: Nil  
Date: 16 June 2021  
Author: Graham Stanley – Acting Chief Executive Officer  
Attachment: 10.1.2A - CONFIDENTIAL Draft Agreement from South32 (under separate cover)

### Summary

Council is to consider approving a draft agreement with South32 Worsley Alumina covering the construct a bridge overpass on Lower Hotham Road as outlined in attachment 10.1.2A.

### Background

South32 Worsley Alumina previously sought Council approval for a level crossing on the Lower Hotham Road which Council approved.

Subsequently, they discovered that Main Roads would not give them approval for a level crossing and this triggered them to design an overhead crossing.

In August 2020 Council granted South 32 "In-Principle" approval to proceed which required the drafting of a formal agreement between South32 Worsley Alumina and the Shire that included the following details:

1. construction
2. design documentation and as constructed drawings
3. ownership of the structure
4. asset management and responsible parties
5. deconstruction and rehabilitation

### Comment

South32 were required to come up with an alternative to a controlled level crossing to provide greater safety and less disruption to traffic. The proposed bridge is vital to the continuation of their operations in the area and their operations provide important employment within our Shire.

Public feedback was sought on the proposal and South 32's design addressed any concerns that were raised. During the process it was thought that there would be two agreements required. One with the Minister for lands granting access to the land and his permission to construct the bridge and one with the Shire covering the points mentioned above. South32 prepared a draft agreement on this understanding, which we submitted to our legal advisers.

Our legal advisors went through the document suggesting changes to protect the Shire's interests and amendments and feedback were submitted for South32's consideration. South32's legal advisors considered each point that we raised and whilst this was in process the State advised South32 that due to the Mining Lease granted under the State Agreement that South32 has the necessary tenure and does not require another lease with the State.

The draft agreement was amended, taking out references to a lease with the Minister for Lands and South32 has addressed the changes suggested by our legal advisers. The

amendments appear reasonable and I am satisfied that the proposed agreement will meet the Shire's requirements

### Strategic Implications

Consistent with the 2019-2029 Strategic Community Plan *Pillar 2: "A thriving and diverse economy – Diversify the economy to provide employment opportunities in mining and beyond – 2.8 Maintain strong relationships with major businesses in the Shire and partner to deliver events and resources to promote local businesses and products.*

### Statutory Environment

#### ***Local Government Act 1995***

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and

Section 3.1 – (1) The general function of a local government is to provide for the good government of persons in its district.

(2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

(3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Policy Implications - Nil.

Financial Implications – South32 to cover the Shire's legal costs in reaching the agreement.

### Economic Implications

The continued successful operations of South32 will have a positive impact on the local economy.

Social Implications - Unknown

Environmental Considerations – Nil

### Consultation

Referred to Council's legal advisors.

## Options

Council can resolve to:

4. adopt the recommendations;
5. adopt the recommendations with further amendments; or
6. not accept the recommendation, giving reasons.

## Voting Requirements

Absolute Majority Recommendation 1, Simple majority all other recommendations

COUNCIL DECISION – ITEM 10.1.2
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COUNCIL RESOLUTION: 65/21

Moved: Cr Manez

That Council resolves:

1. To endorse the draft agreement with South32 Worsley Alumina as contained in Confidential Attachment 10.1.2A, subject to any minor amendments, re: the construction of a bridge overpass on Lower Hotham Road covering such things as construction, design documentation and as constructed drawings, ownership of the structure, asset management and responsible parties, deconstruction and rehabilitation and other details required to protect the Shire's interests.
2. Authorises the affixing of the Common Seal in accordance with Council's signing clause.

Seconded: Cr Webster

Carried: 7/0

COUNCIL RESOLUTION: 66/21

Moved: Cr Erasmus

In regard to Item 11.1.1, 11.1.2 & 11.1.3, Move that pursuant to S5.23 (2) (c) as Council is about to deal with a contract entered into, or which may be entered into by the local government and which relates to a matter discussed at the meeting, that the meeting be closed to members of the public.

Seconded: Cr Schreiber

Carried: 7/0

11. CONFIDENTIAL

11.1.1 Confidential Item - Shire of Boddington Cats Local Law 2020

COUNCIL DECISION – ITEM 11.1.1

COUNCIL RESOLUTION: 67/21

Moved: Cr Schreiber

1. To accept the recommendation of the Confidential Schedule.

Seconded: Cr Manez

Carried: 7/0

11.1.2 Confidential Item – Community Investment Agreement – South32

COUNCIL DECISION – ITEM 11.1.2

COUNCIL RESOLUTION: 68/21

Moved: Cr Manez

1. To accept the recommendation of the Confidential Schedule.

Seconded: Cr Webster

Carried: 7/0

11.1.3 Confidential Item – Use of Old Shire Depot – Leonid Zuks

COUNCIL DECISION– ITEM 11.1.3

COUNCIL RESOLUTION: 69/21

Moved: Cr Webster

That Council accepts Recommendation 2 of the Confidential Schedule.

Seconded: Cr Erasmus

Carried: 7/0

COUNCIL RESOLUTION: 70/21

Moved: Cr Manez

Move that pursuant to S5.23 (2) (c) as Council has concluded dealing with a contract entered into, or which may be entered into by the local government and which relates to a matter discussed at the meeting, that the meeting is now open to members of the public.

Seconded: Cr Schreiber

Moved: 7/0

## 12. CLOSURE OF MEETING:

There being no further business, Garry Ventris, Shire President declared the meeting closed at: 8:32pm.

These minutes were confirmed by 22 July 2021

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GARRY VENTRIS  
(Shire President)