



SHIRE OF BODDINGTON

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

MINUTES

For The

SPECIAL MEETING OF COUNCIL

Held At

5:30PM, TUESDAY 7 FEBRUARY 2017

At The
Council Chambers
39 Bannister Road Boddington

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1. DECLARATION OF OPENING:

Shire President John Allert declared the meeting open at 5:32pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr John Allert	Shire President
Cr N Crilly	
Cr E Hoek	
Cr T Collins	
Cr D Smart	
Cr Glynn	
Cr Manez	

Mr C Littlemore	Chief Executive Officer
Mr G Bartle	Director of Corporate & Community Services
Mr J Rendell	Manager Financial Services
Mr P Haas	PEHO, Building Surveyor
Mr P Langan	Manager Works & Services
Ms T Hodder (minutes)	Executive Assistant

Visitors: 15

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. DISCLOSURE OF FINANCIAL INTEREST:

Cr Collins declared a Financial Interest in Item 8.4.1, as she is a real estate agent and is selling the property.

Cr Hoek declared a Financial Interest in Item 8.4.2, as she is the Manager of the Boddington Community Resource Centre.

Cr Hoek declared a Financial Interest in Item 8.5.1, as she and her husband received gifts from Worsley Alumina South 32 after their property was destroyed by February 2015 bush fires.

Cr Collins declared a Financial Interest and Interest Affecting Impartiality in Item 8.5.1 as her partner works at the mine.

Cr Hoek declared a Financial Interest in Item 9, as she is the Manager of the Boddington Community Resource Centre.

4. PUBLIC QUESTION TIME:

Mrs Maureen Waite stated she is a volunteer fire fighter and asked in regard to Item 8.4.1, as to who inspects and decides on the exemptions.

Chris Littlemore, CEO, responded that it is a council decision and referred the question to Grant Bartle, DCCS, Mr Bartle confirmed that the ranger attended the property and a second look was required. The Chief Bushfire Control Officer was satisfied with the exemption.

Mrs Waite suggested that the Shire should ensure a thorough investigation as the exemption was granted.

Mr Beaton referred to Item 8.5.1 where Cr Hoek declared a financial interest due to receiving monetary gifts. Mr Beaton asked when they were provided; how much and what were they for.

Cr Allert advised that Cr Hoek had declared a financial interest in the agenda item and therefore did not have to answer the question.

Mr Beaton advised he would like to see Gift Register.

Chris Littlemore advised him it is a public document.

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil.

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil.

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil.

6. CONFIRMATION OF MINUTES:

Nil.

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil.

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

Nil.

8.2 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/
BUILDING SUPERVISOR:

Nil.

8.3 MANAGER WORKS & SERVICES:

Nil.

Cr Collins declared a Financial Interest in Item 8.4.1, as she is a real estate agent and is selling the property. Cr Collins left Chambers at 5:43pm.

8.4 DIRECTOR CORPORATE & COMMUNITY SERVICES

8.4.1 Fire Access Track Exemptions

Location:	755 Crossman Road,
Applicant:	R C Hyland.
File Ref. No:	ADM 0154
Date:	09 January 2017
Author:	Director Corporate & Community Services
Attachment	8.4.1A Diagram of property

Summary

Council is to consider endorsing an exemption to the owner of a property as recommended in consultation with the Chief Bush Fire Control Officer.

Background

The Fire Access Track Order for 2016/17 requires the owner or occupier of land to apply for an exemption to Council if it is considered impractical to provide Fire Access Tracks as required by the Notice, or if natural features render Fire Access Tracks difficult to install.

The property has been inspected and a large section remains inaccessible and requires exemption consideration.

Comment

The ratepayer became absentee landlords in recent years and has written to ensure that they comply by obtaining an exemption given the difficulty involved for them in placing Fire Access Tracks on a section of their property.

A large section of their property is natural vegetation, salt impacted, within the flood area and receives overflow from the Crossman River. This creates the problem in endeavouring to provide a fire access track of any relevance or permanency.

The owner maintains fire access tracks to a high standard on the remaining section.

Strategic Implications – Nil

Statutory Environment

2016/17 Fire Access Track Order

If it is considered for any reason to be impractical to clear Fire Access Tracks or remove flammable materials as required by this notice, or if natural features render Fire Access Tracks unnecessary, you may apply to the Council in writing not later than 01 October 2016 for permission to provide Fire Access Tracks in alternative positions or to take alternative

action to abate fire hazards on the land. If permission is not granted by the Council, you shall comply with the requirements of this notice.

Policy Implications

4.2 That a Fire Access Track notice accompany the annual Rates Notice and be placed in the Community Newsletter during August and September each year;

- i) reminding landowners of the requirements of the Fire Access Track order;
- ii) advising that inspections will be undertaken after 15 November in each year;
- iii) advising that if Fire Access Tracks are not constructed to the required standard infringement notices may be issued.

Objective:

To encourage landowners to install Fire Access Tracks in accordance with Council requirements.

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations

By complying with the Fire Access Track Order, ratepayers ensure that they are attempting to provide protection for life and property in the event of a bushfire, which would potentially slow down the spread of fire/damage to other properties and the need to call out emergency services to deal with such an event.

Consultation – CBFCO

Options

Council can resolve:

- 1 the Officer's Recommendation;
- 2 to not endorse the Fire Access Track exemption for the applicants, requiring the applicants to comply with Council's Fire Break Order or face prosecution, giving reasons.

Voting Requirements - Simple Majority.

OFFICER'S RECOMMENDATION – ITEM 8.4.1

COUNCIL RESOLUTION

/17

Moved Cr Glynn

That Council grant exemption from Council's 2016/17 Fire Access Track Order to the following property:

Property Owner	Description of Land	Exemption Requested
RC Hyland	755 Crossman Rd Crossman WA	Exemption from implementing a Fire Access Track to most of the east of the property.

Seconded: Cr Crilly

Carried: /

COUNCIL RESOLUTION

08/17

Moved Cr Crilly

Motion:

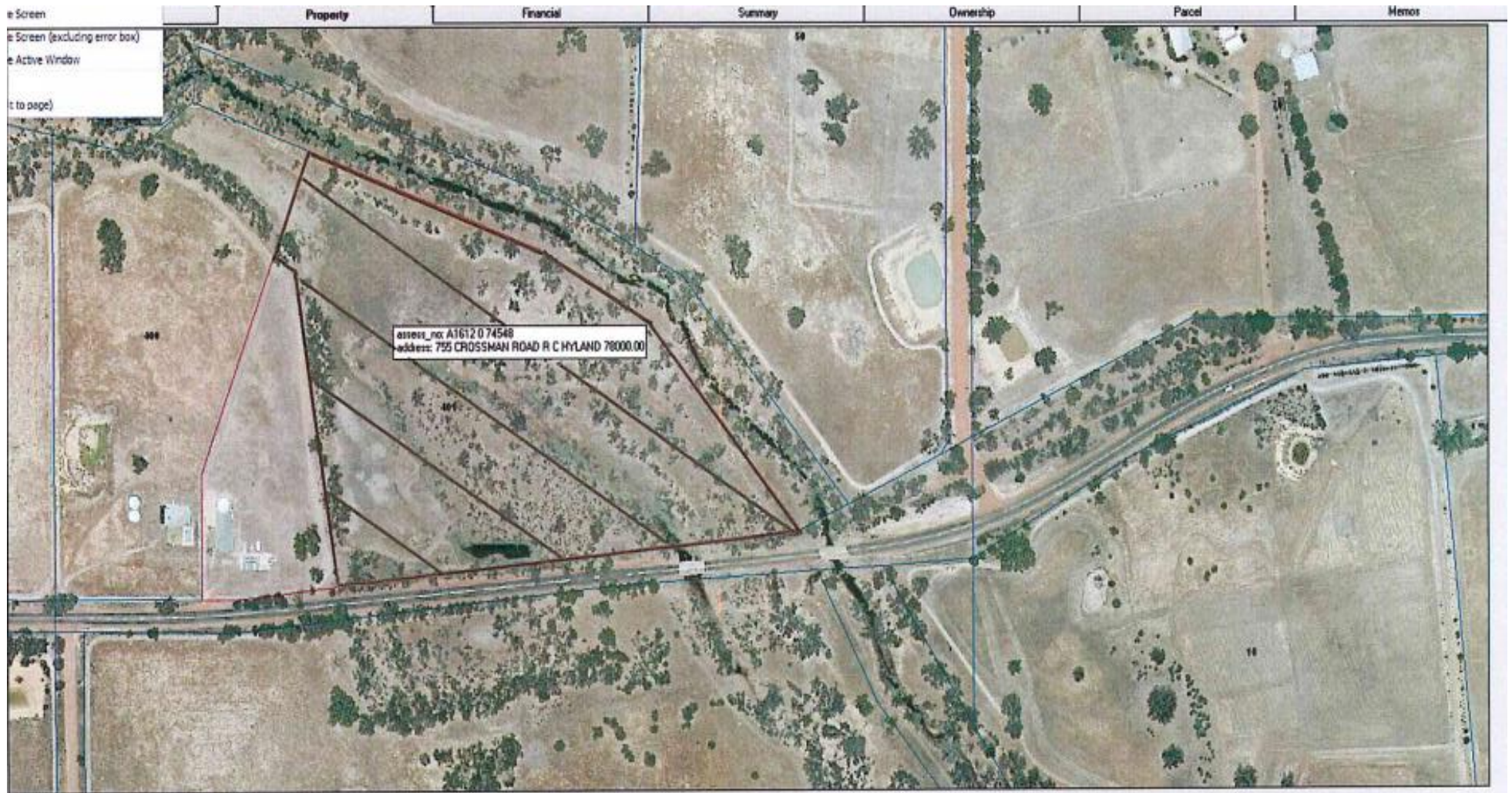
To lay the matter on the table.

Seconded: Cr Hoek

Carried: 4/1

Cr Collins returned to Chambers at 5:46pm.

Attachment 8.4.1 A



Cr Hoek declared a Financial Interest in Item 8.4.2, as she is the Manager of the Boddington Community Resource Centre and left Chambers at 5:47pm.

8.4.2 Boddington Community Resource Centre – Waiver of Fees for the School Oval

Location:	Boddington Old School Oval
Applicant:	Manager BCRC – Elizabeth Hoek
File Ref. No:	ADM0290
Disclosure of Interest:	Nil
Date:	12 January 2017
Author:	Grant Bartle
Attachments:	Nil

Summary

Boddington Community Resource Centre Inc (BCRCI) request the waiver of fees for the hire of the Old School oval for the 11 February 2017 Act -Belong-Commit Boddington Music Festival 2017.

Background

The Boddington Music Festival has been ongoing annually since 2003, providing a wide range of music for the community to enjoy and creating a real community atmosphere.

Comment

A hire fee of \$230 per booking for the oval with a refundable bond of \$110 applies under Council's fees and charges. The event is free to the community, although a donation is sought upon entry.

The BCRC continues to provide a wide range of activities for the community at either free, or low cost to participants. This event does not return a profit to the BCRCI.

Strategic Implications

The Shire's Strategic Plan identifies the importance of building a strong and healthy community by providing an inclusive and supportive community, (Strategy 1.1.1 - Support appropriate community initiated and owned projects and Strategy 1.1.2 - Promote and support community event, arts and cultural activities), as well as providing leisure activities for community members.

Statutory Environment - Nil

Policy Implications – Nil

Financial Implications

The total hire charges for these two separate events would be \$440.

Economic Implications

Each year the event is well attended and this provides the community with an opportunity to promote Boddington to perspective visitors.

Social Implications

The Music Festival allows to create the opportunity for community members to enhance communications and relationships with each other.

Environmental Considerations - Nil

Consultation

Elizabeth Hoek, Manager - BCRCI

Options

Council can resolve to:

1. Support the Officer's Recommendation,
2. Support the Officer's Recommendation with a different financial commitment,
3. Not support the Officer's Recommendation, giving reasons

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.4.2

COUNCIL RESOLUTION

09/17

Moved: Cr Collins

That council support the waiver of fees and bond deposit for the hire of the Old School Oval for the Act-Belong-Commit Boddington 2017 Music Festival organised by the Boddington Community Resource Centre Inc.

Seconded: Cr Manez

Carried: 6/0

Cr Hoek declared a Financial Interest in Item 8.5.1, as she and her husband received gifts from Worsley Alumina South 32 after their property was destroyed by February 2015 bush fires. Cr Hoek remained out of the room.

Cr Collins declared a Financial Interest and Interest Affecting Impartiality in Item 8.5.1 as her partner works at the mine and she left the room at 5:52pm.

8.5 CHIEF EXECUTIVE OFFICER:

8.5.1 Request for Haul Road Crossing – Lower Hotham Rd

Location:	Central section of Lower Hotham Road
Applicant:	South32 Worsley Alumina Pty Ltd
File Ref. No:	AMD0686
Disclosure of Interest:	Nil
Date:	14 December 2016
Author:	Chief Executive Officer
Attachments:	Nil

Summary

South32 Worsley Alumina Pty Ltd (Worsley) requests approval for the temporary closure of Lower Hotham Road to all traffic from time to time to allow mining equipment to safely cross Lower Hotham Road and facilitate the extraction of State Bauxite Reserves.

The period of the closure sought is from 1 July 2017 to 30 June 2024.

Background

The requirement for this proposed closure is to close the road under two different scenarios. Scenario one, between 6 AM and 6 PM, automatic boom gates will only close when a mine vehicle crosses Lower Hotham Road. That is, general traffic will have right-of-way. In the scenario to between 6 PM and 6 AM, automatic boom gates will be closed across Lower Hotham Road. Mine traffic will have right-of-way and general traffic will need to stop until the boom gates open.

Alternative access for residents and emergency services is not required.

Comment

Council previously resolved

That Council will, subject to public submissions:

1. Support the application of South32 Worsley Alumina Pty Ltd (Worsley) to temporarily close Lower Hotham Road for the period 1 July 2017 to 30 June 2024 for the purpose of extracting bauxite.
2. Advise Worsley that it will be required to meet the following conditions:
 - Meet the cost of formal advertising and signage;
 - Be responsible for the effective and efficient operation of the boom gates;

- Maintaining advanced warning signals and signs in working order at all times when mining activities require the use of the crossing;
 - Ensure the general public have right-of-way between 6 AM and 6 PM;
 - Re-instate Lower Hotham Road at the conclusion of the project.
3. That South 32 provide plans for the proposed crossing showing construction details including longitudinal and cross sections.
 4. That South 32 liaise with Council's Manager Works & Services to determine the best location for the crossing between the conveyor and FortyTwo Hollow Road.

No written submissions have been received but some people expressed concern that South32 may close the road for extended periods.

Although it is not South32's stated intention that the road should be closed for any longer than necessary, it is suggested that the officer recommendation could allay that fear.

Strategic Implications

Agreement to the closure will allow Worsley to economically mine the resource as a part of its normal routine.

Statutory Environment

Council has the authority under the Local Government Act to allow roads to be closed at particular times and for particular purposes. The main requirement is that adequate public notice of the proposal is given and to consider those submissions.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications

Approval of the road will in a small way assist in employment at the mine.

Social Implications - Nil

Environmental Considerations - Nil

Consultation

Worsley has considered this matter extensively, including deliberating with representatives from the Shire, impacted landholders and users of the road. Worsley expresses the view that alternate night and day right-of-way is a good compromise based on traffic volumes.

Worsley will continue to liaise with key road users to understand the impact the intermittent closure will have on them.

Options

Council may accept, reject or amend the proposal to include conditions however, the applicant always has the right to appeal to the State Administrative Tribunal.

COUNCIL RESOLUTION

10/17

Moved Cr Crilly

That Council:

1. Approve the application of South32 Worsley Alumina Pty Ltd (Worsley) to temporarily close Lower Hotham Road from time to time using automated boom gates for the period 1 July 2017 to 30 June 2024 for the purpose of extracting bauxite.
2. Advise Worsley that it will be required to meet the following conditions:
 - Meet the cost of formal advertising and signage;
 - Be responsible for the effective and efficient operation of the boom gates;
 - Maintain advanced warning signals and signs in working order at all times when mining activities require the use of the crossing;
 - Re-instate Lower Hotham Road at the conclusion of the project.
 - Ensure preference is given to the public during the hours 6am to 6pm and the boom gates are only closed during this period when mine traffic is crossing the road.
 - During the hours 6pm to 6am the boom gates give preference to mine traffic but that the system ensures minimal delays to the public.
3. Advise Worsley that Council may revoke or amend this decision if South32 does not adhere to these conditions.

Seconded: Cr Smart

Carried: 5/0

Cr Hoek and Cr Collins returned to Chambers at 5:52pm.

Cr Hoek declared a Financial Interest in Item 9, as she is the Manager of the Boddington Community Resource Centre and left Chambers at 6:15pm.
Cr Allert left Chambers at 6:17pm and returned at 6:20pm.

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

OFFICER'S RECOMMENDATION – 9.1.1

COUNCIL RESOLUTION 12/17 Moved Cr Smart

That

Council go behind closed doors in accordance with Section 5.23 (2)

Seconded Cr Collins Carried 6 /0

It was decided to move the second motion forward, so the public can remain in gallery,

COUNCIL RESOLUTION 13/17 Moved Cr Collins

1. That Council discontinue paying the Boddington Community Resource Centre Incorporated \$2,500 per month under the financial arrangement authorised by Council on 20 September 2016.

Seconded: Cr Smart Carried 5/1

Cr Collins asked for her vote against to be recorded.
Cr Hoek returned to Chambers at 6:20pm.
Chris Littlemore left Chambers at 6:21pm
Cr Hoek left Chambers at 6:24pm.
Chris Littlemore returned to Chambers at 6:25pm.
Cr Hoek returned to Chambers at 6:26pm.

COUNCIL RESOLUTION 14/17 Moved Cr Hoek

that Council come from behind closed doors in accordance with Section 5.23 (2)

Seconded Cr Smart Carried 7/0

COUNCIL RESOLUTION 11/17 Moved Cr Smart

2. That Council not submit a tender to the Department of Regional Development to supply Boddington Community Resource Centre Services.

Seconded Cr Collins Carried 5/1

Cr Collins moved an amended motion.

Moved: Cr Collins

That:

Council fully supports the Boddington Community Resources Services tender by the Boddington Community Resource Centre to supply the Boddington Community Resource Centre services; and

The Shire of Boddington does not submit a tender to the Department of Regional Development to supply Boddington Community Resource Centre services; and

The Chief Executive Officer write to the Department of Regional Development, indicating the Shire of Boddington totally supports the application for the tender being made by the current Boddington Community Resource Centre Management Committee.

Seconded:

Carried /

Motion lapsed as not seconded.

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

Nil.

