



SHIRE OF BODDINGTON

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

SUMMARY MINUTES

For the

ORDINARY MEETING OF COUNCIL

held at

5PM, TUESDAY 19TH JUNE 2012

at the

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

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Summary Minutes

1.	DECLARATION OF OPENING:	1
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	1
3.	DISCLOSURE OF FINANCIAL INTEREST:	1
4.	PUBLIC QUESTION TIME:	2
4.1.1	BURNING REQUIREMENTS	2
4.1.2	BURNING REQUIREMENTS	2
4.1.2	GREEN WASTE	3
4.1.2	SPECIAL MEETING TO CONSIDER COUNCIL’S 2012/13 DRAFT BUDGET	3
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	3
6.	CONFIRMATION OF MINUTES:	3
6.1.1	ORDINARY MEETING OF COUNCIL HELD ON 15 TH MAY 2012	3
7.	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:	3
8.	REPORTS OF OFFICERS AND COMMITTEES:	4
8.1	PLANNING CONSULTANT:	4
8.1.1	PLANNING POLICIES 12 & 13.....	4
8.1.2	PROPOSED 11 INDEPENDENT LIVING UNITS (AGED PERSON’S DWELLINGS): LOT 165 FORREST STREET, BODDINGTON	5
8.1.3	DRAFT LOCAL PLANNING POLICY NO. 16 – RESIDENTIAL DEVELOPMENT AND DESIGN: SUBMITTED FOR CONSENT TO PUBLICLY ADVERTISE	7
8.1.4	DRAFT BUSH FIRE HAZARD ASSESSMENT FOR THE SHIRE OF BODDINGTON: SUBMITTED FOR CONSENT TO PUBLICLY ADVERTISE	8
8.2	DIRECTOR SPECIAL PROJECTS:	8
8.3	PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR:	8
8.4	MANAGER COMMUNITY SERVICES:	9
8.4.1	DEEWR PARTNERSHIP	9
8.4.2	BODDINGTON BOWLING CLUB – LOAF APPLICATION	9
8.4.3	BODDINGTON CENTENARY CELEBRATIONS.....	9
8.4.4	BODDINGTON COMMUNITY NEWSLETTER – LOAF APPLICATION.....	10
8.5	MANAGER WORKS & SERVICES:	10
8.6	DIRECTOR CORPORATE SERVICES:	10
8.6.1	SCHEDULE OF FEES AND CHARGES FOR 2012/13.....	10
8.6.2	MONTHLY FINANCIAL STATEMENTS – APRIL 2012	10
8.7	CHIEF EXECUTIVE OFFICER:	11
8.7.1	2012/2013 COUNCIL MEETING SCHEDULE.....	11
8.7.2	DELEGATING COUNCIL AUTHORITY – 2012/2013	11
8.7.3	TULLIS BRIDGE RESERVE FUND AND RECEIPT OF FUNDS.....	12
8.7.4	DELEGATE TO THE PEEL TRAILS GROUP	12
8.7.5	OPERATIONS AND CHARGING AT COUNCIL’S REFUSE SITE	13
8.7.6	DRAFT POLICY – DELEGATES TO WALGA AGM	15
9.	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: ..	15
10.	URGENT BUSINESS WITHOUT NOTICE (WITH THE APPROVAL OF THE PRESIDENT OR MEETING):	15
10.1.1	LATE ITEM – APPROVAL TO CONSIDER	15
10.1.2	SUPERTOWNS - FINANCIAL ASSISTANCE AGREEMENTS	16
11.	CONFIDENTIAL ITEMS:	16
11.1.1	RETIREMENT VILLAGE – GLOBAL CARE GROUP CONTRACT AND ARCHITECT FEES	16
11.1.2	BODDINGTON DISTRICT HIGH SCHOOL - COMMUNITY PERCEPTIONS OF POOR PERFORMANCE	17
12.	CLOSURE OF MEETING:	17

1. DECLARATION OF OPENING:

The Shire President, Cr Allert declared the meeting open at 5.00pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

Cr J R Allert	President
Cr DN Veitch	Deputy President
Cr PR Carrotts	
Cr EK Hoek	
Cr GJ Day	
Cr J Goodgame	
Cr N Crilly	
Mr G Sherry	Chief Executive Officer
Mr S Thompson	Planning Consultant
Mr T Pearson	Director Special Projects
Mrs Anthea Patten	Manager Community Services
Ms T Bryant	Executive Assistant

APOLOGIES:

Nil

VISITORS:

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

3. DISCLOSURE OF FINANCIAL INTEREST:

Cr Veitch declared a Financial Interest in Item 8.1.1 in that he owns land that will be affected by this Planning Policy.

Cr Day declared a Financial Interest in Item 8.1.1 in that he owns land that will be affected by this Planning Policy.

Cr Hoek declared a Financial Interest in Item 8.1.1 in that she owns land that will be affected by this Planning Policy.

Cr Goodgame declared a Financial Interest in Item 8.1.1 in that she owns land that will be affected by this Planning Policy.

Cr Hoek declared an Interest Affecting Impartiality in Item 8.4.3 in that she is employed by Boddington Community Resource Centre which is where part of the celebrations will be held.

Cr Carrotts declared a Financial Interest in Item 8.7.5 in that he owns land that is leased by Boddington MiniSkips being a contractor to the Shire of Boddington.

Cr Carrotts declared Financial Interests in Items 10.1.1 and 10.1.2 in that he owns land adjoining Crossman Road.

4. PUBLIC QUESTION TIME:

4.1.1 Burning Requirements

Mr Pucar asked if Council could advise what exactly he could burn on his property.

The Chief Executive Officer advised that there were two areas of concern for Council in people burning materials on their property. The first area related to fire safety and Council had periods of Prohibited and Restricted burning during the hotter summer months of the year to protect lives and property.

Council has also included in Council's Health Local Laws clauses to restrict the ability of people to burn noxious materials such as plastics, rubber and the like. However the Shire is now aware that this clause from Council's Health Local Laws would appear to require the lighting of all fires to be approved by Council, not just those relating to noxious materials. Council staff are reviewing this clause and will seek to remove the restriction on householders to burn grass, straw, hay undergrowth, herbage and other similar dry vegetation.

It is the Shire's intention to pursue under Council's local laws only those people who light unauthorised fires that contain offensive and noxious materials.

4.1.2 Burning Requirements

Mr Pucar asked if Council could provide the answer to question 4.1.1 in writing because Mr Pucar believed that he was being persecuted by Council staff in relation to this matter and he wished to avoid further confrontation similar to the recent events where staff attended his property.

The Chief Executive Officer advised Mr Pucar that he was happy to provide this advice to Mr Pucar in writing.

Further the Chief Executive Officer advised that he did not believe that Mr Pucar was being harassed. The Chief Executive Officer advised that Council staff had a requirement to investigate all complaints and staff would continue to do so.

The Chief Executive Officer advised Mr Pucar that he was aware that staff had attended Mr Pucar's residence this morning to follow up on a complaint of burning. The Chief Executive Officer advised that Council staff had also attended Mr Pucar's neighbours property today after a very similar complaint was received. The Chief Executive Officer advised that Council would not be taking any further action on either of these complaints.

4.1.2 Green Waste

Mr Noonan asked if Council was still receiving green waste at Council's Waste Disposal Site free of charge.

Cr Allert advised that this is still the case.

4.1.2 Special Meeting to consider Council's 2012/13 Draft Budget

Mrs Waite asked when Council's Special Meeting to consider the Draft Budget would proceed.

The Chief Executive Officer advised that the Special Meeting that was to be held today, was not because the draft budget was not ready for review. The Chief Executive Officer had advised Councillors sometime prior but apologised for not advising residents and ratepayers. The next easy available times to hold the Special Meeting would be Tuesday 3rd July or Tuesday 17th July. Whatever the final date, The Chief Executive Officer advised that the wider public would be advised.

Council has until 31st August to adopt its Annual Budget.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council Held on 15th May 2012

OFFICERS RECOMMENDATION – 6.1.1

Council Resolution	78/12	Moved	Cr Veitch
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That the minutes of the Ordinary Meeting of Council held on 15th May 2012 be confirmed as a true record of proceedings.

Seconded	Cr Carrotts	Carried	7/0
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7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil

8. REPORTS OF OFFICERS AND COMMITTEES:

8.1 PLANNING CONSULTANT:

Cr Veitch declared a Financial Interest in Item 8.1.1 in that he owns land that will be affected by this Planning Policy.

Cr Day declared a Financial Interest in Item 8.1.1 in that he owns land that will be affected by this Planning Policy.

Cr Hoek declared a Financial Interest in Item 8.1.1 in that she owns land that will be affected by this Planning Policy.

Cr Goodgame declared a Financial Interest in Item 8.1.1 in that she owns land that will be affected by this Planning Policy.

The Minister for Local Government has approved the Shire's application, under section 5.69 of the *Local Government Act 1995*, to allow the disclosing Councillors Day, Goodgame, Hoek and Veitch to fully participate and vote on matters relating to the Planning Policies 12 and 13.

8.1.1 Planning Policies 12 & 13

OFFICERS RECOMMENDATION – 8.1.1

Council Resolution	79/12	Moved	Cr Carrotts
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That Council:

1. adopt the modified *Local Planning Policy 12 – Multiple Dwellings on Rural Land* as set out in Attachment 8.1.1A; and
2. adopt the modified *Local Planning Policy 13 – Ancillary Accommodation* as set out in Attachment 8.1.1B.

Seconded	Cr Veitch	Carried	7/0
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Ms T Bryant entered Chambers at 5:15pm.

Mr H Pucar Left Chambers at 5:15pm.

8.1.2	Proposed 11 Independent Living Units (Aged Person's Dwellings): Lot 165 Forrest Street, Boddington
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OFFICER'S RECOMMENDATION – 8.1.2

Council Resolution **80/12** **Moved** **Cr Carrotts**

That Council:

A) approve the Planning Application for eleven (11) aged person's dwellings (independent living units) on Lot 165 Forrest Street, Boddington subject to the following conditions:

- 1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Where the Planning Approval has lapsed, no further development is to be carried out;**
- 2. The development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the Council and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the Council;**
- 3. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed (sealed, paved or concreted) and drained to the satisfaction of the Council prior to occupation. These areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of the Council;**
- 4. Visitor car parking spaces are to be clearly marked/sign posted to the satisfaction of the Council prior to occupation;**
- 5. A footpath being constructed on the development site, as indicated on the submitted plans, which is separate from vehicular access, designed according to AS 1428.1, 2001, to be barrier free and at least 1.2 metres in width to the satisfaction of the Council prior to occupation;**
- 6. The land being filled, drained and stabilised to the satisfaction of the Council;**
- 7. The provision of details with the application for the Building Permit as to how stormwater will be addressed for the proposed development (including water from roofs, paved/sealed areas and all other stormwater) to the satisfaction of Council. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Council;**
- 8. All dwellings are to be provided with a rainwater tank to the satisfaction of the Council prior to occupation;**

9. A financial contribution to the upgrading of drainage in Boddington in accordance with Council's *Local Planning Policy No. 3 - Urban Drainage Contribution* and the endorsed Local Planning Strategy prior to occupation;
10. The development is to be connected to the reticulated sewerage system prior to occupation;
11. The development is to be connected to the reticulated water system prior to occupation;
12. Hydrant fire fighting services are installed to the satisfaction of the Council prior to occupation;
13. The development is to be connected to the underground power system prior to occupation;
14. The provision of suitable rubbish and recycling collection arrangements prior to the issue of a Building Permit;
15. The implementation of agreed rubbish and recycling collection arrangements prior to occupation;
16. The proponent is required to submit a Landscape and Planting Plan to the satisfaction of Council prior to the commencement of site works;
17. The site is landscaped and planted in accordance with the approved Landscape and Planting Plan prior to 19 June 2014; and
18. The landscaped and planted area shall be maintained to the satisfaction of the Council at all times.

Advice

- i) The proponent is advised that this Planning Approval is not a Building Permit.
- ii) The proponent is advised that the approved development must comply with all relevant provisions of the Health Act, 1911 (as amended) and the Building Code of Australia.
- iii) The proponent is advised that in regard to Condition 9, the Council will require a financial contribution per dwelling for the purpose of funding the necessary upgrading of drainage infrastructure and environmental measures for the relevant catchment.
- iv) The proponent is encouraged to install suitable fencing prior to occupation.
- v) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

8.1.4 Draft Bush Fire Hazard Assessment For The Shire Of Boddington:
Submitted For Consent To Publicly Advertise

OFFICERS RECOMMENDATION – 8.1.4

Council Resolution 82/12 Moved Cr Veitch

That Council:

1. support the public release of draft *Bush Fire Hazard Assessment for the Shire of Boddington* outlined in Attachment 8.1.4A and Attachment 8.1.4B and require the draft report and mapping to be publicly advertised for a period of six (6) weeks;
2. will reconsider draft *Bush Fire Hazard Assessment for the Shire of Boddington* following the close of the public submission period and will determine whether or not to endorse the report and mapping; and
3. note that subject to the above, *Local Planning Policy No. 8 – Fire Protection Measures for New Development and Subdivisions* is required to be modified and will separately be brought back to Council for consideration.

Seconded Cr Carrotts Carried 7/0

8.2 DIRECTOR SPECIAL PROJECTS:

Nil

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

Nil

8.4 MANAGER COMMUNITY SERVICES:

8.4.1 DEEWR Partnership

OFFICERS RECOMMENDATION – 8.4.1

Council Resolution 83/12 Moved Cr Goodgame

That Council:

- 1. partner with the Department of Education, Employment and Workplace Relations to coordinate presentations for parents relating to the Australian Early Development Index; and**
- 2. support future initiatives being rolled out that target the Early Years.**

Seconded Cr Crilly Carried 6/1

Mr Thompson left Chambers at 5:40pm.

8.4.2 Boddington Bowling Club – LOAF Application

OFFICERS RECOMMENDATION – 8.4.2

Council Resolution 84/12 Moved Cr Hoek

That Council contributes an amount of \$1,500 from Local Organisation Assistance Fund to the Boddington Bowling Club to go towards construction of the new permanent shade structure at the Club.

Seconded Cr Crilly Carried 7/0

8.4.3 Boddington Centenary Celebrations

OFFICERS RECOMMENDATION – 8.4.3

Council Resolution 85/12 Moved CrVeitch

That Council authorise the Centenary Celebrations Working Group to organise the following events for the Centenary Celebrations on the 8th September 2012:

- 1. official Launch and Historical reflections at the BCRC;**
- 2. Mining Industry Family Fun at the Rodeo Grounds; and**
- 3. Sundowner.**

Seconded Cr Goodgame Carried 7/0

8.4.4 Boddington Community Newsletter – LOAF Application

OFFICERS RECOMMENDATION – 8.4.4

Council Resolution 86/12 Moved Cr Hoek

That Council:

- 1. contribute an amount of \$1,500 from the LOAF fund towards the purchase of the new printer; and**
- 2. when provided with a copy of the invoice, prior to full payment, forward LOAF contribution to Boddington Community Newsletter.**

Seconded Cr Crilly Carried 7/0

8.5 MANAGER WORKS & SERVICES:

Nil

8.6 DIRECTOR CORPORATE SERVICES:

8.6.1 Schedule of Fees and Charges for 2012/13

OFFICERS RECOMMENDATION – 8.6.1

Council Resolution 87/12 Moved Cr Goodgame

That Council adopt the Schedule of Fees and Charges in Attachment 8.6.1A detailed in the 2012/2013 that will form part of the 2012/2013 Budget.

Seconded Cr Crilly Carried 5/2

8.6.2 Monthly Financial Statements – April 2012

OFFICERS RECOMMENDATION – 8.6.2

Council Resolution 88/12 Moved Cr Veitch

That Council adopt the:

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

Seconded Cr Carrotts Carried 7/0

8.7 CHIEF EXECUTIVE OFFICER:

8.7.1 2012/2013 Council Meeting Schedule

OFFICERS RECOMMENDATION – 8.7.1

Council Resolution 89/12 Moved Cr Carrotts

That Council adopt the following Schedule of Council Meetings for 2012/2013:

Date	Meeting Type	Time	Venue
Tuesday 17 July 2012	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 21 August 2012	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 18 September 2012	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 16 October 2012	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 20 November 2012	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 20 November 2012	Annual Electors Meeting	7:30 PM	Council Chambers
Tuesday 18 December 2012	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 15 January 2013	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 19 February 2013	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 19 March 2013	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 16 April 2013	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 14 May 2013	Ordinary Meeting	5:00 PM	Council Chambers
Tuesday 18 June 2013	Special Meeting to consider Draft Budget	1:00 PM	Council Chambers
Tuesday 18 June 2013	Ordinary Meeting	5:00 PM	Council Chambers

Seconded Cr Veitch Carried 7/0

8.7.2 Delegating Council Authority – 2012/2013

OFFICERS RECOMMENDATION – 8.7.2

Council Resolution 90/12 Moved Cr Veitch

That Council endorses the Shire of Boddington Delegations Register 2012 included at Attachment 8.7.2A Draft 2012 Delegations Register as amended.

Seconded Cr Carrotts Carried 7/0

8.7.3 Tullis Bridge Reserve Fund and Receipt of Funds
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OFFICERS RECOMMENDATION – 8.7.3
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Council Resolution	91/12	Moved	Cr Hoek
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That Council:

- 1. establish a Tullis Bridge Reserve Fund for the purpose of refurbishing and maintaining Tullis Bridge;**
- 2. accept funds from the Rail Heritage Foundation of WA to be used for the purposes of a future refurbishment of Tullis Bridge; and**
- 3. transfer all funds received from the Rail Heritage Foundation of WA in the Tullis Bridge Reserve Fund.**

Seconded	Cr Carrotts	Carried	7/0
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8.7.4 Delegate to the Peel Trails Group
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OFFICERS RECOMMENDATION – 8.7.4
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Council Resolution	92/12	Moved	Cr Hoek
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That Council:

- 1. appoint Cr Crilly as Council’s delegate to the Peel Trails Group Inc; and**
- 2. appoint Councillor Goodgame as the proxy delegate to the Peel Trails Group Inc.**

Seconded	Cr Veitch	Carried	7/0
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8.7.5 Operations and Charging at Council's Refuse Site

OFFICERS RECOMMENDATION – 8.7.5

Cr Carrotts declared a Financial Interest in Item 8.7.5 in that he owns land that is leased by Boddington MiniSkips being a contractor to the Shire of Boddington and left Chambers at 6:17pm.

MOTION **Moved** **Cr Crilly**

That Council:

1. **end unsupervised access to Council's Refuse Site by 1st August 2012;**
2. **will rescind Council Policy 0.3 Access for Refuse Tip by 1st August 2012;**
3. **agree to the following draft opening hours of extend the opening hours of Council's Refuse Site; and**

Day	Open Hours		
	Open	Close	Open Hours
Monday			0
Tuesday	08.30 hrs	16.30 hrs	7.5
Wednesday	08.30 hrs	16.30 hrs	7.5
Thursday	08.30 hrs	16.30 hrs	7.5
Friday	08.30 hrs	16.30 hrs	7.5
Saturday	10.00 hrs	16.00 hrs	6
Sunday	10.00 hrs	16.00 hrs	6
Totals			42

4. **will continue to offer a fee for waste delivered to Council's Refuse Site charged by weight in the 2012/13 financial year.**

Seconded **Cr Veitch**

Cr Day left Chambers at 6:32pm

AMENDMENT **Moved** **Cr Crilly**

That the motion be amended to read in certain sections as follows:

Day	Open Hours		
	Open	Close	Open Hours
Monday			0
Tuesday	09.00 hrs	15.00 hrs	6
Wednesday	09.00 hrs	15.00 hrs	6
Thursday	09.00 hrs	15.00 hrs	6
Friday	09.00 hrs	15.00 hrs	6

8.7.6 Draft Policy – Delegates to WALGA AGM

OFFICERS RECOMMENDATION – 8.7.6

Council Resolution 94/12 Moved Cr Carrotts

That Council adopt the draft policy 01.6 Voting Delegates to WALGA AGM, included at Attachment 8.7.6A, that will give direction to the selection of Council's voting delegates to the WALGA Annual General Meeting.

Seconded Cr Goodgame Carried 7/0

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

Nil

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

10.1.1 Late Item – Approval to Consider

OFFICERS RECOMMENDATION – 10.1.1

Cr Carrotts declared Financial Interests in Items 10.1.1 and 10.1.2 in that he owns land adjoining Crossman Road and left Chambers at 6:57pm.

Council Resolution 95/12 Moved Cr Veitch

That Council considers an urgent item 10.1.2 regarding the signing and sealing of Financial Assistance Agreements for SuperTowns grants.

Seconded Cr Hoek Carried 5/1

Cr Day requested that this vote against this Resolution be recorded.

10.1.2 SuperTowns - Financial Assistance Agreements

OFFICERS RECOMMENDATION – 10.1.2

Council Resolution 96/12 Moved Cr Goodgame

That Council authorises the President and Chief Executive Officer to sign and seal the Financial Assistance Agreements at Attachments 10.1.2A and 10.1.2B for SuperTowns grants for Ranford Water Capacity \$1,250,000 and Economic Development Implementation in the Boddington District \$1,173,298, and authorises the President and Chief Executive Officer to make minor changes to the wording prior to execution, if necessary following clarification of outstanding matters by the Department of Regional Development and Lands.

Seconded Cr Crilly Carried 5/1

Cr Day requested that his vote against this Resolution be recorded.

Members of the public left Chambers at 7:23pm.

Cr Carrotts entered Chambers at 7:23pm.

Council adjourned the meeting at 7:24pm.

Ms Patten and Ms Bryant left the meeting at 7:24pm.

Council resumed the meeting at 7:31pm.

11. CONFIDENTIAL ITEMS:

11.1.1 Retirement Village – Global Care Group Contract and Architect Fees

OFFICERS RECOMMENDATION – 11.1.1

Council Resolution 97/12 Moved Cr Crilly

That Council:

1. terminates the Memorandum of Understanding between Global Care Group and the Shire of Boddington dated 30th September 2011 effective immediately, due to the inability to reach agreement on the terms of the land transfer of Lot 165 Forrest Street, Boddington from the Shire of Boddington to Global Care Group;
2. defers the implementation of resolution no. 55/12 from the Ordinary Council Meeting on 17 April 2012 which was “to not recover the cost of interest incurred on loan number 99 from the future residents of the Boddington Retirement Village”, and to further consider how that cost is funded at the time the lease fee payable by village tenants is determined by Council;

3. approves expenditure of up to \$14,000 on architect's fees for to finalise the design and development application preparation work for the Boddington Retirement Village by architect Morley Davies Architects; and
4. seeks tenders from architects for the preparation of contract documentation (including a building licence) and for contract administration for the Boddington Retirement Village.

Seconded Cr Goodgame Carried 7/0

11.1.2 Boddington District High School - Community Perceptions of Poor Performance

OFFICERS RECOMMENDATION – 11.1.2

Council Resolution 98/12 Moved Cr Veitch

That Council seek to have the Department of Education investigate the perceived poor performance of the Boddington District High School in at least the areas identified in the Confidential Attachment 11.1.2A.

Seconded Cr Carrotts Carried 70

12. CLOSURE OF MEETING:

With no further business to discuss the Shire President, Cr Allert, closed the meeting at 7:58pm.

These minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on Tuesday 17th July 2012

.....
 J R ALLERT
 President