



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 17TH APRIL 2012

at the

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

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Boddington during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Boddington. The Shire of Boddington warns that anyone who has an application lodged with the Shire of Boddington must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Boddington in respect of the application.

Summary Minutes

1.	DECLARATION OF OPENING:	2
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	2
3.	DISCLOSURE OF FINANCIAL INTEREST:	3
4.	PUBLIC QUESTION TIME:	3
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	3
6.	CONFIRMATION OF MINUTES:	3
6.1.1	ORDINARY MEETING OF COUNCIL HELD ON 20 TH MARCH 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	PROPOSED HOME OCCUPATION (MASSAGE THERAPIST - RELAXATION) - LOT 126 JOHNSTONE STREET, BODDINGTON	4
8.2	DIRECTOR SPECIAL PROJECTS:	5
8.2.1	YOUTH CENTRE – CONCEPT DESIGN	5
8.3	PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR:	6
8.4	MANAGER COMMUNITY SERVICES:	6
8.4.1	BODDINGTON FOOTBALL CLUB.....	6
8.4.2	ASSISTING LOCAL SPORTSMEN – COREY SALMON AND KERRY FRANK HILL	7
8.5	MANAGER WORKS & SERVICES:	7
8.6	DIRECTOR CORPORATE SERVICES:	7
8.6.1	ASSET MAINTENANCE PLAN – BODDINGTON OLD SCHOOL GRANT AGREEMENT	7
8.6.2	CORPORATE PROFILE	7
8.7	CHIEF EXECUTIVE OFFICER:	8
8.7.1	SUBMISSION TO SALARY AND ALLOWANCES TRIBUNAL	8
9.	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	8
10.	URGENT BUSINESS WITHOUT NOTICE (WITH THE APPROVAL OF THE PRESIDENT OR MEETING):	8
10.1.1	LATE ITEM – APPROVAL TO CONSIDER	8
10.1.2	RETIREMENT VILLAGE – GLOBAL CARE GROUP CONTRACT AND ARCHITECT FEES	9
11.	CONFIDENTIAL ITEMS:	9
12.	CLOSURE OF MEETING:	9

1. DECLARATION OF OPENING:

The Shire President, Cr Allert declared the meeting open at 5:00pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

ATTENDANCE:

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

Mr G Sherry	Chief Executive Officer
Mrs C Martin	Director of Corporate Services
Mr P Haas	Principal Environmental Health Officer/Building Surveyor
Mr S Thompson	Planning Consultant
Mr T Pearson	Director Special Projects
Ms T Bryant	Executive Assistant

APOLOGIES:

Nil

VISITORS:

Mr K Noonan
Mrs E Noonan
Mr H Pucar

LEAVE OF ABSENCE:

Cr Allert has requested Leave of Absence from Council for the period 20th June 2012 until 15th July 2012 inclusive.

OFFICERS RECOMMENDATION – 2.1.1

Council Resolution	46/12	Moved	Cr Carrotts
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That Council grant Cr Allert Leave of Absence from Council for the period 20th June 2012 until 15th July 2012 inclusive.

Seconded	Cr Veitch	Carried	7/0
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3. DISCLOSURE OF FINANCIAL INTEREST:

Cr Allert declared an Impartiality Interest Agenda Item 8.2.1 as he is a member of the Committee of the Boddington Community Resource Centre.

Cr Allert declared an Impartiality Interest Agenda Item 8.6.1 as he is a member of the Committee of the Boddington Community Resource Centre.

Cr Hoek declared a Financial Interest in Agenda Item 8.2.1 in that she is employed at Boddington Community Resource Centre who lease the Boddington Old School.

Cr Hoek declared a Financial Interest in Agenda Item 8.6.1 in that she is employed at Boddington Community Resource Centre who lease the Boddington Old School.

Mr Sherry declared a Financial Interest Agenda Item 8.1.1 as his wife is the applicant.

Mr Sherry declared an Impartiality Interest Agenda Item 8.7.1 as the CEO's Salary Band can be viewed as being linked to the CEO's salary.

4. PUBLIC QUESTION TIME:

Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

Nil

6. CONFIRMATION OF MINUTES:

6.1.1	Ordinary Meeting of Council Held on 20 th March 2012
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OFFICERS RECOMMENDATION – 6.1.1

Council Resolution	47/12	Moved	Cr Veitch
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That the minutes of the Ordinary Meeting of Council held on Tuesday 20th March 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:

Mr Sherry declared a Financial Interest Agenda Item 8.1.1 as his wife is the applicant and left Chambers at 5:06pm.

8.1.1	Proposed Home Occupation (Massage Therapist - Relaxation) - Lot 126 Johnstone Street, Boddington
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OFFICERS RECOMMENDATION – 8.1.1

MOTION

Moved

Cr Carrotts

That Council approve the Planning Application for a home occupation (massage therapist - relaxation) at Lot 126 (No. 46) Johnstone Street, Boddington subject to the following conditions:

1. the development must be carried out in accordance with the plans submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Council; and
2. the approval is valid only while the applicant remains a resident at Lot 126 (No. 46) Johnstone Street, Boddington.

Advice

- A. 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.
- B. Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

Seconded

Cr Veitch

AMENDMENT

Moved

Cr Hoek

Add Pt 3. Recommend to have a 12 month review.

Seconded

Cr Goodgame

Lost

4/3

Council Resolution

48/12

Moved

Cr Carrotts

That Council approve the Planning Application for a home occupation (massage therapist - relaxation) at Lot 126 (No. 46) Johnstone Street, Boddington subject to the following conditions:

1. the development must be carried out in accordance with the plans submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Council; and
2. the approval is valid only while the applicant remains a resident at Lot 126 (No. 46) Johnstone Street, Boddington.

Advice

- A. 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.
- B. Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

Seconded Cr Veitch Carried 6/1

Mr Sherry entered Chambers at 5:19pm.
 Mr Thompson left Chambers at 5:19pm.
 Mr Pucar left Chambers at 5:19pm.

8.2 DIRECTOR SPECIAL PROJECTS:

Cr Hoek declared a Financial Interest in Agenda Item 8.2.1 in that she is employed at Boddington Community Resource Centre who lease the Boddington Old School and left Chambers at 5:19pm.

8.2.1	Youth Centre – Concept Design
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OFFICERS RECOMMENDATION – 8.2.1

Council Resolution 49/12 Moved Cr Carrotts

That Council:

1. approves the concept design for a new Youth Centre at the Boddington Old School in the same location as the existing building, as shown in Attachment 8.2.1A;
2. requests the Boddington Community Resource Centre to give its consent to the development, pursuant to the current lease between the BCRC and Council;
3. approves the Business Case for the proposed new Youth Centre as detailed in Attachment 8.2.1B;

4. authorises community consultation regarding the concept design, business case and capital cost by way of a flyer to all households, placing information on Council's website and seeking public submissions;
5. subject to a positive outcome from the community consultation process, authorises Willcox & Associates Pty Ltd to undertake design development of the proposed building; and
6. considers seeking grant funds for the capital cost from the Royalties for Regions Regional Grants Scheme, and/or any other appropriate source.

Seconded Cr Veitch Carried 6/0

Cr Hoek entered Chambers at 5:22pm.

8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR:

Nil

8.4 MANAGER COMMUNITY SERVICES:

8.4.1	Boddington Football Club
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OFFICERS RECOMMENDATION – 8.4.1

Council Resolution 50/12 Moved Cr Carrotts

That Council approve the Boddington Football Club placing a pool table and juke box in the pavilion function room, subject to the following conditions that:

1. Council will take due care but no responsibility for the pool table and juke box if they are damaged in any way, including when the facility is hired out;
2. The Boddington Football Club is responsible for and indemnifies Council against any maintenance and costs associated with the pool table and / or juke box; and
3. Council reserves the right to terminate this approval at any time.

Seconded Cr Crilly Carried 7/0

8.4.2 Assisting Local Sportsmen – Corey Salmon and Kerry Frank Hill

OFFICERS RECOMMENDATION – 8.4.2

Council Resolution 51/12 Moved Cr Carrotts

That Council contribute an amount of \$500 for each athlete towards assisting Corey Salmon and Kerry Frank Hill to attend the 2012 South Fremantle Football Club Warriors Development Squad culminating in a trip to Melbourne in July 2012.

Seconded Cr Hoek Carried 7/0

8.5 MANAGER WORKS & SERVICES:

Nil

8.6 DIRECTOR CORPORATE SERVICES:

Cr Hoek declared a Financial Interest in Agenda Item 8.6.1 in that she is employed at Boddington Community Resource Centre who lease the Boddington Old School and left Chambers at 5:37pm.

8.6.1 Asset Maintenance Plan – Boddington Old School Grant Agreement

OFFICERS RECOMMENDATION – 8.6.1

Council Resolution 52/12 Moved Cr Carrotts

That Council approve the Asset Maintenance Plan – Boddington Old School Grant Agreement for \$20,000 (GST Exclusive) and permits the use of the Common Seal by the Shire President and Chief Executive Officer to execute this Agreement.

Seconded Cr Crilly Carried 6/0

Cr Hoek entered Chambers at 5:39pm.

8.6.2 Corporate Profile

OFFICERS RECOMMENDATION – 8.6.2

Council Resolution 53/12 Moved Cr Veitch

That Council utilises part of general ledger account 3042110 Corporate Profile towards the redevelopment of our current Shire logo into a clearer design and reprinting of new stationery.

Seconded Cr Crilly Carried 7/0

8.7 CHIEF EXECUTIVE OFFICER:

Mr Sherry declared an Impartiality Interest Agenda Item 8.7.1 as the CEO's Salary Band can be viewed as being linked to the CEO's salary and left Chambers at 5:45pm.

8.7.1 Submission to Salary and Allowances Tribunal

OFFICERS RECOMMENDATION – 8.7.1

MOTION **Moved** **Cr Carrotts**

That Council adopt the draft Submission to the Salaries and Allowances Tribunal contained at Attachment 8.7.1C and submit it to the Salaries and Allowances Tribunal.

Seconded **Cr Day** **Lost** **4/3**

Reasons that Council did not resolve the Officer's Recommendation was because Council:

- 1. successfully applied for in 2011, and the Shire of Boddington went from Band 1 to Band 2; and**
- 2. does not believe that the Shire of Boddington is a Band 3 Council.**

Cr Carrotts requested that his vote for the motion be recorded.

Cr Day requested that his vote for the motion be recorded.

Cr Allert requested that his vote for the motion be recorded.

Mr Sherry entered Chambers at 6:02pm.

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

Council Resolution **54/12** **Moved** **Cr Day**

That Council considers an urgent item 10.1.2 regarding a draft contract with Global Care Group for the construction, marketing and management of the Boddington Retirement Village and authorise expenditure on architect's fees.

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

OFFICERS RECOMMENDATION – 10.1.2

Council Resolution 55/12 Moved Cr Carrotts

That Council:

1. notes and supports in principle the draft contract at Attachment 10.1.2A, subject to the amendments detailed in this report, between Global Care Group and the Shire of Boddington for the construction, marketing and management of the Boddington Retirement Village;
2. does not recover the cost of interest incurred on loan number 99 from the future residents of the Boddington Retirement Village; and
3. approves expenditure of up to \$70,000.00 on the cost of architect’s fees for the design work undertaken to date on the Boddington Retirement Village and for the on-going design and development application preparation work by the architect Morley Davies Architects, up until the date of execution of the proposed contract between Global Care Group and the Shire of Boddington for the construction, marketing and management of the Boddington Retirement Village, on the basis that those fees will be refunded by Global Care Group to the Shire of Boddington on a progressive basis, as detailed in the draft contract at Attachment 10.1.2A.

Seconded Cr Veitch Carried 7/0

Mr & Mrs Noonan left Chambers at 6:14pm.

C Martin, T Pearson and T Bryant left Chambers at 6:15pm.

11. CONFIDENTIAL ITEMS:

Nil

12. CLOSURE OF MEETING:

With no further business to discuss the Shire President, Cr Allert, closed the meeting at 6:38pm.

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

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J R ALLERT

President

