

I certify that this copy of the Minutes is a true and correct record of the meeting held on
22 March 2011

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 22 MARCH 2011
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr R T McClurg (Deputy President) Cr J B Fitzhardinge Cr K J Hepworth Cr R W Roberts Cr B C Scott Cr I F West Cr L W Wheeler
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director, Corporate Services Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner Mr A S Wootton – Works Manager Ms A McDonald – Executive Assistant/Records Officer (EA) (Minute Taker) Miss L E Tunbridge – Administration Officer Health, Building and Town Planning, (Observer)
	Gallery	1 Member of the Public
GUESTS:		Mr Mark Gell – Karara Mining Ltd Mr Lee Farrell – Karara Mining Ltd

APOLOGIES:

LEAVE OF ABSENCE:

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

All Council members were in attendance.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 FEBRUARY 2011

A copy of the Minutes of the Ordinary Council Meeting held on 22 February 2011 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr R T McClurg

That the Minutes of the Ordinary Council Meeting, held on 22 February 2011, be confirmed as a true and accurate recording of that meeting.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1.** A late agenda item will be presented to Council being W.169 - Tender No. 1/2011 - Dongara Seawall Stage 2 Construction Works.

PROCEDURAL MOTION:

MOVED: Cr I F West

SECONDED: Cr R W Roberts

That Council suspend standing orders at 4.04pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Mr Mark Gell from Karara Mining Ltd made a presentation to Council in support of Karara Mining application to Main Roads WA to utilise Allanooka Springs Road and Brand Highway for carting ore to Geraldton Port and return; this will be an agenda item at the next Ordinary Meeting of Council scheduled for 19 April 2011.

PROCEDURAL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr L W Wheeler

That Council resume standing orders at 4.18pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Mr Mark Gell and Mr Lee Farrell departed the chambers at 4.18pm.

9. REPORTS

CDO.008

Subject: Tidy Towns Sustainable Committee – Reformation
Reporting Officer: Community Development Officer
Date of Report: 11 March 2011
File Reference: CR.AW.2
Voting Requirements: Absolute Majority

Issue:

To consider a request from the Heritage Advisory Committee, and Interested Parties of Irwin River requesting the support of the Shire for the reformation of a Tidy Towns Sustainable Committee.

Body/Background:

A meeting was arranged by the Community Development Officer for the Shire to bring all interested parties of the Irwin River together to discuss a strategy for the Irwin River. This meeting was arranged because there were several grant applications in process for the Irwin River. All parties have common goals and it was thought that instead of applying in isolation, if agreement could be reached on areas of priority, a staged approach would benefit all involved.

Common Goals

- Removal of Boxthorn;
- Return bush to natural state;
- Management plan for boxthorn;
- Walk trails;
- Development of a logo;
- Recognising and preserving the Irwin River's heritage value;
- Increase public awareness of this unique environment.

The outcome of this meeting was for the Community Development Officer and Manager Community Development to complete an agenda report on behalf of the Heritage Advisory Committee and Interested Parties of Irwin River to seek approval to reform the Tidy Towns Sustainable Committee.

Officer's Comment:

The Shire passed a resolution to endorse the proposed Batavia Regional Organisation of Council's Strategic Waste Management Plan, at an ordinary meeting 23 September 2008. One of the suggestions from the Strategic Waste Management Plan is to participate in a Tidy Towns Sustainable Committee.

There are many benefits in becoming involved in supporting a Tidy Towns Sustainable Committee, including:

- Increased community pride and morale;
- Recognition for those who contribute to our local community
- Improved natural environment;
- Increased tourism;
- Reduction of waste and minimisation of litter;
- Increased public awareness of environment issues;
- Introduction of water and energy saving initiatives;
- Leverage when seeking financial support for future projects.

If Tidy Towns is reformed the need to form partnerships with like minded groups such as NACC and MIG would be imperative to its success.

Financial Implications:

The financial implication to the Shire would be nil but there would be in-kind contributions with the utilisation of the Community Development Officer and Manager of Community Development being the drivers behind the reformation of this committee.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officer's Recommendation:

That Council supports the reformation of the Tidy Towns Sustainable Committee as this committee has a proven history and access to funding opportunities and identified stakeholders.

COUNCIL MOTION:

MOVED: Cr L W Wheeler

SECONDED: Cr K J Hepworth

That Council supports the reformation of the Tidy Towns Sustainable Committee as this committee has a proven history and access to funding opportunities and identified stakeholders.

CARRIED BY ABSOLUTE MAJORITY

VOTING DETAILS

8/0

CDO.009

Subject: Sponsorship Request – Dongara Denison Community Festival Association Inc
Reporting Officer: Community Development Officer
Date of Report: 14 March 2011
File Reference: CR.CE.2 / CR.SP.1
Voting Requirements: Simple Majority

Issue:

To consider a request for \$15,000.00 sponsorship from the Dongara Denison Community Festival Association Inc, for funding assistance for the future Larry Lobster Festival to be held on 19 November 2011.

Body/Background:

Correspondence has been received from the Dongara Denison Community Festival Association Inc (copy provided as an appendix) requesting additional funding assistance from the Shire through the Dry Season Assistance Package for the future Larry Lobster Festival to be held on 19 November 2011.

The Larry Lobster Festival combines the Blessing of the Fleet and the Mid West Fine Food Festival, and this sponsorship request of \$15,000.00 is to assist the Dongara Denison Community Festival Association Inc, to provide entertainment that is additional to the normal events and provide a programme that will cater for all age groups and allow those affected by the dry season to “get away from it all” for a day of “community togetherness”, with live music, fireworks, and various entertainers targeting all age groups, this is a day all about relieving the stresses of dealing with the effects of a poor season and financial stress.

The additional entertainment the Committee would like to include to the programme for the day is:

- Aqua Tank Travelling Fishing Show;
- Mobile Laser Skirmish;
- Bouncy Boxing;
- Sumo Suits;
- Velcro Fly Wall;
- Mechanical Bull;

Dry Season Assistance Package Funding (Overview)

The Liberal-National Government has approved an additional \$5million Dry Season Assistance Package for communities impacted on by the unprecedented dry season. This set of State Government measures is to help rural communities cope with one of the driest winters on record.

The State Government is making the community service grants available to 100 local governments (including Shire of Irwin) in the affected areas. Those that apply will be granted up to \$20,000 to be spent on community events held by 30 November 2011. The events are of our choice provided they foster community spirit and welfare, and involve community groups.

Officer’s Comment:

The Dongara Denison Community Festival Association Inc request meets the broad criteria of the Dry Season Assistance Package Council in that it fosters community spirit and welfare in conjunction with other community groups such as the Dongara/Denison Lions Club, Dongara Professional Fishermen’s Association and is an opportunity for local producers of olives, wine and

other food products such as fruit and vegetables, seafood, to showcase their products and learn from other producers.

The Festival has grown every year since its inception and is now a major event on the Dongara Denison tourism calendar, attracting not only local residents but visitors from surrounding towns and many tourists who plan their vacation to include the Festival.

The festival committee consists of a handful of hard working volunteers, who plan the festival to cater for all community members and more importantly brings the community together across all sectors. The festival promotes Dongara Denison and is a potential financial windfall for all local businesses within Dongara Denison and with this support from the Dry Season Assistance Package will continue to grow and be an event “For the Community, By the Community”.

Council has previously resolved to assist the Mingenew Irwin Group (\$5,000) and the Dongara Irwin Race Club (\$1,000) with funds from the Assistance Package.

Financial Implications:

The financial implication to the Shire would be \$1,000 as the application is more than the funds received from the State Government. The Shire has applied for the Dry Season Assistance Package Funding and this funding is to be used for community events to promote community spirit. Council has received funding of \$20,000 for the Package and has utilised \$6,000 of the funds for previous requests as noted above.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officer’s Recommendation:

That Council allocates \$15,000.00 of the Dry Season Assistance Package to Dongara Denison Community Festival Association Inc in support of this community event.

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr J B Fitzhardinge

That Council allocates \$15,000.00 of the Dry Season Assistance Package to Dongara Denison Community Festival Association Inc in support of this community event.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

CEO.457

Subject: Dongara District High School – Request to Use Town Oval
Reporting Officer: Chief Executive Officer
Date of Report: 14 March 2011
File Reference: CS.SP.9 / CR.SP.1
Voting Requirements: Simple Majority

Issue:

To consider a request from the Dongara District High School (the School) to use Town Oval for school-related activities during construction of new school infrastructure.

Body/Background:

Correspondence has been received from the Dongara District High School, requesting permission from the Shire of Irwin for the School to access and use Town Oval for school-related activities as most of the School Oval will be unavailable during the State Government's upgrade of the School.

A copy of the correspondence has been provided as an appendix.

Whilst not mentioned within the correspondence, the Chief Executive Officer understands that the request is for access and use free of charge from the Shire as the School is not in receipt of additional funding for such use.

Officer's Comment:

Council supports the school in many activities and in the past has contributed to the school attending other activities, including YOfest, and through subsidised fees for the bus, ovals and the Rec Centre as well as preparing areas in readiness for athletic and swimming carnivals.

On the basis of this level of Council support, it is disappointing that the State Government did not provide sufficient financial resources within its \$30 million project budget to contribute towards the cost of the School's use of Town Oval as an alternative ground resource for the school oval space that has been restricted due to the construction works.

However, it is also true that the \$30 million State Government investment in what will be a new and only school for the district is welcome and the use by the school of Town Oval will be of direct benefit to the school community that are also Shire residents.

Therefore, it is suggested that as the loss of School oval space due to the construction works represents a special case it may be appropriate for Council to agree to the School accessing and using Town Oval and Pavilion toilets in recognition of the investment in new school infrastructure and allows for the Shire to be a considered a partner in such investment.

Financial Implications:

Estimated lost income of approximately \$1,000 (if fees are not charged). However, this is a contingent estimate only as it is unlikely Town Oval would be used if fees applied.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officer's Recommendation:

That due to the construction works associated with the Dongara District High School upgrade restricting use of the School's Oval, and subject to normal oval booking arrangements being met, Council agrees to the School's request to use Shire facilities at Town Oval for school-related activities during school times free of charge.

COUNCIL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr J B Fitzhardinge

That due to the construction works associated with the Dongara District High School upgrade restricting use of the School's Oval, and subject to normal oval booking arrangements being met, Council agrees to the School's request to use Shire facilities at Town Oval for school-related activities during school times free of charge.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

CEO.458

Subject: Constitutional Recognition of Local Government
Reporting Officer: Chief Executive Officer
Date of Report: 14 March 2011
File Reference: GR.SL.34
Voting Requirements: Simple Majority

Issue:

For Council to consider providing support for the Australian Local Government Association's campaign for Constitutional Recognition of Local Government.

Body/Background:

Over a number of years, the local government sector, through the Australian Local Government Association (ALGA) has advocated for formal acceptance as the third tier of government within Australia through constitutional recognition, that is, local government being reflected and recognised within the Australian Constitution through an amendment to the text of the constitution. The primary advantage of such a change would be the creation of a power for the Commonwealth Government to fund local government directly.

Like all changes to the Constitution, a yes vote at a national referendum is required in order for local government to achieve formal constitutional recognition.

In this regard, the Shire is in receipt of correspondence from the President of ALGA (copy provided as an appendix) advising of the progress of its constitutional recognition campaign and seeking Council to formally support this campaign by passing a resolution to that effect and by notifying the Prime Minister, Federal Leader of the Opposition and local Federal Member of any such resolution.

Officer's Comment:

There a number of ways local government could achieve constitutional recognition. ALGA has previously suggested that Constitutional recognition could take one of the following forms:

- Symbolic recognition – a reference in the preamble to the Constitution recognising the existence of Local Government.
- Institutional recognition – imposing a duty of the States to retain a system of Local Government, and that Local Government ought not to be amalgamated or dissolved without a fair hearing.
- Financial recognition – recognition that Local Government requires a more secure revenue stream to provide the services and infrastructure expected of the community.

Whilst each recognition type has its own advantages and disadvantages, it is evident that ALGA's current position is to not rule out a change to the Preamble to the Constitution as a recognition type, but has developed and articulated a preference for financial recognition that would provide a distinct constitutional power for the Commonwealth to fund local governments directly.

In light of the 2009 High Court *Pape v Commissioner of Taxation* decision, it has become clear that the Commonwealth does not presently have the power to fund local government directly.

On this technical legal position alone, it is suggested that it is in the local community's best interest for Council to support such a change.

Financial Implications:

Constitutional recognition may lead to greater financial support of the local government sector by the Commonwealth.

Statutory Environment:

Australian Constitution
Local Government Act 1995

Policy Implications:

Nil.

Officer's Recommendation:

That the Council of the Shire of Irwin:

1. Declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed; and
2. Authorises the Shire President to request the Prime Minister, Federal Leader of the Opposition and the Local Member of Federal Parliament to support a referendum by 2013 to change the Australian Constitution to achieve local government recognition.

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr J B Fitzhardinge

That the Council of the Shire of Irwin:

1. *Declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed; and*
2. *Authorises the Shire President to request the Prime Minister, Federal Leader of the Opposition and the Local Member of Federal Parliament to support a referendum by 2013 to change the Australian Constitution to achieve local government recognition.*

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

CEO.459

Subject: Proposed Change of Dates – April 2011 Council Forum and Ordinary Meeting
Reporting Officer: Chief Executive Officer
Date of Report: 14 March 2011
File Reference: GV.CM
Voting Requirements: Simple Majority

Issue:

To amend Council's current 2011 meeting schedule which provides for the April 2011 ordinary meeting of Council to be held on 26 April 2011 – a gazetted public holiday in lieu of Easter Monday which is ANZAC Day.

Body/Background:

Except for December and January of each year, Council operates a meeting schedule that has a Council Forum programmed for the second Tuesday of the month and its ordinary meeting scheduled for the fourth Tuesday of the month.

Following this format, Council's current 2011 meeting schedule has its April 2011 Forum programmed for Tuesday, 12 April 2011 and the ordinary meeting of Council scheduled for Tuesday, 26 April 2011.

However, with Easter falling in late April with ANZAC Day (25 April) falling on Easter Monday, that day's public holiday has been transferred to Tuesday, 26 April 2011 which thus requires Council to amend its April meeting schedule.

Officer's Comment:

As March 2011 is a five Tuesday month and for greater operational efficiency, it is suggested that Council brings forward its scheduled Forum and Ordinary meeting of Council by one week. This would see the Forum being held at 4.00pm on Tuesday, 5 April and the Council meeting being held at 4.00pm on Tuesday, 19 April 2011.

Financial Implications:

Some minor public advertising expense as provided within Council's Budget.

Statutory Environment:

Local Government Act 1995, Local Government (Administration) Regulations 1996

Policy Implications:

Nil.

Officer's Recommendation:

That due to the 26 April 2011 Ordinary meeting of Council falling on a gazetted public holiday, Council amends its 2011 meeting schedule by bringing forward the scheduled Council Forum and Ordinary meeting of Council by one week with its Forum now being held at 4.00pm on Tuesday, 5 April and the Ordinary meeting of Council meeting being held at 4.00pm on Tuesday, 19 April 2011.

COUNCIL MOTION:

MOVED: Cr R W Roberts

SECONDED: Cr K J Hepworth

That due to the 26 April 2011 Ordinary meeting of Council falling on a gazetted public holiday, Council amends its 2011 meeting schedule by bringing forward the scheduled Council Forum and Ordinary meeting of Council by one week with its Forum now being held at 4.00pm on Tuesday, 5 April and the Ordinary meeting of Council meeting being held at 4.00pm on Tuesday, 19 April 2011.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

DCS.368

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 22 March 2011
File Reference: Minute Book
Voting Requirements: Simple Majority

Issue:

To receive the list of accounts paid under delegated authority during February 2011.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of February 2011.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Statutory Implications:

13. Lists of accounts
- (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;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (3) A list prepared under sub-regulation (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.

Officer's Recommendation:

That the Accounts paid during February 2011, represented by Municipal Cheque Numbers 28085 - 28118, EFT payment numbers 11230 – 11362 totalling \$735,709.50, Trust Payment Cheque Numbers: 2233 – 2236 totalling \$2,920.00 & Police Licensing Payment No's PL 020211 – PL 250211 totalling \$47,459.95 be received.

COUNCIL MOTION:

MOVED: Cr R W Roberts

SECONDED: Cr K J Hepworth

That the Accounts paid during February 2011, represented by Municipal Cheque Numbers 28085 - 28118, EFT payment numbers 11230 – 11362 totalling \$735,709.50, Trust Payment Cheque Numbers: 2233 – 2236 totalling \$2,920.00 & Police Licensing Payment No's PL 020211 – PL 250211 totalling \$47,459.95 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

DCS.369

Subject: Financial Statements for the Period ending 28/02/2011
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 22 March 2011
Voting Requirements: Simple Majority

Issue:

To consider and receive the Monthly Financial Statements for the period 1 July 2010 to 28 February 2011.

Body / Background:

The Monthly Financial Report to the 30 November 2010 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature & Type
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (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 the 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); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:

Nil.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2010 to 28 February 2011 be received.

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr B C Scott

That the Monthly Financial Statement for the period 1 July 2010 to 28 February 2011 be received.

VOTING DETAILS

CARRIED UNANIMOUSLY

8/0

DCS.370

Subject: Pensioner Rates / ESL Write Offs
Reporting Officer: Rates Officer
File Reference: RV.RT.3
Date Prepared: 17 February 2011
Voting Requirements: Simple Majority

Issue:

To consider writing off outstanding Pensioner and Emergency Services Levy rebates from previous years that are deemed to be not recoverable.

Body / Background:

Council approval is sought to write off pensioner rebates that were rejected by the State Revenue Department. These debts have been outstanding for a number of years dating back from 2004/05.

Officers Comment:

Eligible Pensioners and Seniors are entitled to receive a rebate from the State Revenue Department for their Rates and ESL. Council's computer operating system, SynergySoft, calculates which assessments are eligible and processes the rebate against the property assessment creating a contra entry which is automatically transferred into an asset account in the balance sheet. When payment is received from the State Revenue Department it is allocated against the contra entry in the asset account. Unfortunately when the amount is transferred manually to the asset account the property detail is no longer identified.

In the years where balances are outstanding in the tables below the Rates & ESL rebate claims were not processed correctly due to incorrect use of the program, by manually entering claims instead of using the Pensioner modules specifically designed to claim and receipt pensioner rebates.

From the summaries below it is noted that prior to 2006/2007 the amounts claimed and receipted were not entered into SynergySoft correctly and resulted in some claims not being paid by the State Revenue Department. During the following years the correct use of the system was adhered to and all claims being properly processed, however, the balance brought forward from prior years remains unpaid. Extensive research has been undertaken seeking to identify the property owners for which the rebates are outstanding; however, this has been unsuccessful.

Pensioner Rates & ESL Rebate Claims & Receipts from 2000 - 2010

RATES	B/Forward	Claimed	Receipted	Balance
2000 - 2001		52821.00	-54782.76	-1961.76
2001 - 2002	98.25	70560.52	-64889.92	5768.85
2002 - 2003	5768.85	80817.33	-84302.45	-3485.12
2003 - 2004	2283.73	198974.48	-195547.23	3427.25
2004 - 2005	5710.98	92069.98	-90737.93	1332.05
2005 - 2006	7043.03	96456.27	-96456.27	0.00
2006 - 2007	4175.87	103012.3	-103012.3	0.00
2007 - 2008	4219.72	113405.47	-113405.47	0.00
2008 - 2009	4349.39	136978.42	-136978.42	0.00
2009 - 2010	4312.30	170878.36	-170878.36	0.00
2010 - 2011	3948.07			

ESL	B/Forward	Claimed	Receipted	Balance
2003 - 2004		3997.73	-3791.56	206.17
2004 - 2005	206.17	4481.88	-4484.40	-2.52
2005 - 2006	203.65	4827.38	-3981.47	845.91
2006 - 2007	1049.56	4848.40	-4848.40	0.00
2007 - 2008	1064.89	6024.64	-6024.64	0.00
2008 - 2009	1069.92	6149.40	-6149.40	0.00
2009 - 2010	1066.10	7439.30	-7439.30	0.00
2010 - 2011	1045.66			

Financial Implications:

The total outstanding Rate Rebates is \$3,948.07 and ESL Rebates is \$1,045.66. This amount has been carried forward as part of Council’s opening net current asset position balance each year. The amount written-off will be shown as an expense in this year’s accounts.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officers Recommendation:

That Council writes off the following outstanding pensioner rebates and emergency services levy balances:

Rates (7441) \$3948.07
 ESL (8121) \$1045.66

COUNCIL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr B C Scott

That Council writes off the following outstanding pensioner rebates and emergency services levy balances:

*Rates (7441) \$3948.07
 ESL (8121) \$1045.66*

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

DCS.371

Subject: Dongara Football Club - Season Package for Use of Facilities
Reporting Officer: Director Corporate Services
Date of Report: 15 March 2011
File Reference: RC.LI.4 / RC.LI.7 / A7141
Voting Requirements: Absolute Majority

Issue:

To consider a request from the Dongara Football Club that the charges for the use of facilities at Port Denison Oval and Irwin Recreation Centre be on a whole of season basis and to provide a sponsorship package to the Shire in lieu of being charged for finals fixtures.

Body/Background:

The Dongara Football Club has made application to Council seeking a review of the way the Club is charged for the use of facilities at the Port Denison Oval and the Irwin Recreation Centre such that it will use the Centre on a more frequent basis and be charged a package rate for the whole of season.

In summary the Club is requesting the following usage of the Oval and Centre during each season:

- Oval and change rooms for training and home games (existing, generally 8 per season)
- Function Room, Bar and Kitchen for:
 - Home game days, presentations and awards, including canteen (existing, 8 per season)
 - Thursday evening post training team announcements (16+)
 - Away game presentation, awards (rarely required)
 - Jumper presentation evening(1)
- Function Room for:
 - Committee meetings (1 per month)

The Club is currently charged two fees as follows:

- Oval Hire and change rooms – Council's fees and charges policy includes a formula charged to all clubs using oval facilities based on an amount per player per frequency of use. In 2010 the Senior Club paid \$2,945.80 for its senior teams, colts and nippers.
- Function Room, kitchen, bar and canteen – The Club is charged a season rate of \$2,650 (\$331.25 per game) under the fees and charges policy, which includes the facilities for use all day and into the night for presentations for 8 home games during the season. Additional games, such as finals incur an additional cost of \$415 per game. The casual day rate for the use of these facilities up to 5.00pm is \$392 and thereafter is \$75 per hour.

The request from the Football Club is for additional access to the Function Centre as noted above and for the additional costs to be included in a whole of season fee package which provides for a discount over the casual use hire fee. The Club has also sought some changes to the operations of the Centre that are set out in Council's Management Policy for the Centre, including use of the Cool Room and access to change rooms and storage room. A request has also been made to improve lighting around the change rooms. The Recreation Centre Manager is discussing these requirements with the Club and should a change be required to the Management Policy then further recommendations will be made to Council.

The annual fee for the Club to use the facilities provided at the Function room does not include the finals fixtures or additional events, which are charged per individual event because they are dependent upon whether the facilities will be required for those events in that season.

The Club advises in their correspondence that they do not receive any income from gate takings for finals fixtures, however, are responsible for any costs for facilities that may be incurred on the day. The league receives all the gate takings and community groups have an opportunity to provide food and drinks outlets as a fundraising opportunity on the day. The Club is therefore requesting that Council waive any additional fees for use of the Oval and Function Centre for finals fixtures and vote counts at season end.

In return for Council waiving such fees during the finals and vote count events the Club is offering a sponsorship package, which also recognises the significant contribution the Shire makes in the provision of high quality facilities at a discount to normal cost. The sponsorship package would include:

- Shire Logo on Club team shirt
- Signage around the ground
- Logo on all advertising, newsletters, rag articles
- Entry into home games (2 complimentary tickets)
- Invitation to sponsors/members day
- Invitation to Jumper presentation function
- Invitation to major fundraising events (2 complimentary tickets)
- Invitation to end of year function (2 complimentary tickets)
- Recognition of the Shire at all awards nights
- Exposure to the Dongara and Midwest community

Officer's Comment:

The Dongara Football Club should be congratulated for its efforts in seeking to use the facilities at the Port Denison Oval and the Irwin Recreation Centre on a more frequent and consistent basis and for seeking a whole of season package as a way of compensating Council for the costs of the provision of these facilities. The Club is seeking to establish a positive relationship with the Shire that will recognise the significant contribution that the Shire makes to the sporting and functions facilities that are used by the Club. It should be noted that the existing financial arrangements with the Club are based on a discounted rate, recognising the seasonal basis, and not using the casual hire rate.

It is estimated that the additional use of facilities requested by the Club would represent an additional minimum \$2,400 in casual hire fees. It is suggested that a 50% discount be applied to that amount and therefore the existing fees paid by the Club be increased by \$1,200. The whole of season package, as requested by the Club, would therefore amount to approximately \$6,800 per season. Such a package would provide for all the events requested in the Club's submission irrespective of the number of times the facilities are used, and would be subject to a Memorandum of Understanding to be signed by each party to ensure that there is a high level of understanding in regards to how the arrangement will operate. Such a package recognises the significant role that the Football Club plays in the community and the extensive use of the facilities by the Club for its operations.

The request by the Football Club to waive fees for the use of facilities during finals fixtures and vote counts is also supported. It will provide Council with an opportunity to strengthen its relationship with the football community and recognises that the Football Club does not receive any income from finals yet is expected by the League to be responsible for the costs. The sponsorship package represents reasonable value to the Council in terms of promoting the Shire's role and involvement in the provision of facilities to the Club and recognition by the community of the Council's contribution to sporting facilities and events. Correspondence has also been received by the Dongara Netball Club advising that they are in a similar position in regards to finals fixtures and have requested that Council waives the fees for such events with a similar offer to provide the Shire's name on the Club shirts.

Financial Implications:

The implications of a financial nature have been noted in the Officer's comments

Statutory Environment:

Nil.

Policy Implications:

Nil.

Officer's Recommendation:

That Council provides a whole of season package to the Dongara Football Club for the use of the Port Denison Oval and Irwin Recreation Centre facilities at a cost of \$6,800 for the football season in 2011 in accordance with the requirements outlined by the Football Club in its submission dated 11 February 2011 and to be detailed in a Memorandum of Understanding to be signed by both parties.

That Council waives any fees for oval hire and Recreation Centre facilities hire for finals fixtures involving the North Midlands Football and Netball Clubs and accepts the offer by each Club for the provision of a sponsorship package as detailed in the Club's submission of 11 February 2011.

COUNCIL MOTION:

MOVED: Cr L W Wheeler

SECONDED: Cr J B Fitzhardinge

That Council provides a whole of season package to the Dongara Football Club for the use of the Port Denison Oval and Irwin Recreation Centre facilities at a cost of \$6,800 for the football season in 2011 in accordance with the requirements outlined by the Football Club in its submission dated 11 February 2011 and to be detailed in a Memorandum of Understanding to be signed by both parties.

That Council waives any fees for oval hire and Recreation Centre facilities hire for finals fixtures involving the North Midlands Football and Netball Clubs and accepts the offer by each Club for the provision of a sponsorship package as detailed in the Club's submission of 11 February 2011.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

TP.511

Subject: Proposed Local Planning Policy No 1 – Ancillary Accommodation
Reporting Officer: Town Planner
File Reference: LP.PL.2
Date Prepared: 15 March 2011
Voting Requirements: Simple Majority

Issue:

To consider for advertising, draft Local Planning Policy No 1 – Ancillary Accommodation.

Statutory Environment:

The Shire of Irwin Local Planning Scheme No 5, under Part 2 – Local Planning Policy Framework, includes provisions for the Shire to be able to prepare and adopt Local Planning Policies.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. They are not binding, but the local government is to have due regard to the provisions of a Local Planning Policy. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails. Local Planning Policies can be reviewed at any time.

Part 2.4 of Local Planning Scheme No 5 provides the procedure for making a Local Planning Policy. Specifically, clauses 2.4.1 and 2.4.2 of the Scheme state the following:

- ‘2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government -*
- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of –*
 - (i) where the draft Policy may be inspected;*
 - (ii) the subject and nature of the draft Policy; and*
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
 - (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.*
- 2.4.2 After the expiry of the period within which submissions may be made, the local government is to –*
- (a) review the proposed Policy in the light of any submissions made; and*
 - (b) resolve to adopt the policy with or without modification, or not to proceed with the Policy.’*

Officer’s Comment:

Scheme No 5 already includes provisions for the development of ancillary accommodation within the Scheme area. The purpose of this proposed Local Planning Policy therefore is to consolidate and build on those provisions and also to clarify the intent and objectives of ancillary accommodation.

It is proposed the Local Planning Policy will assist proponents in making applications for ancillary accommodation and will assist the local government in assessing and determining applications for such.

The draft Local Planning Policy No 1 – Ancillary Accommodation is attached.

Financial Implications:

Nil.

Policy Implications:

Proposed Local Planning Policy for ancillary accommodation.

Officers Recommendation:

That Council, pursuant to Part 2.4 of the Shire of Irwin Local Planning Scheme No 5, resolves to prepare Local Planning Policy No 1 – Ancillary Accommodation and thereafter advertise the Policy for public comment for a period of 21 days and to consider any submissions made during the advertising period.

COUNCIL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr R T McClurg

That Council, pursuant to Part 2.4 of the Shire of Irwin Local Planning Scheme No 5, resolves to prepare Local Planning Policy No 1 – Ancillary Accommodation and thereafter advertise the Policy for public comment for a period of 21 days and to consider any submissions made during the advertising period.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

W.166

Subject: Tender- Surplus Equipment
Reporting Officer: Works Manager
Date of Report: 16 March 2011
File Reference: PL.TE.6
Voting Requirements: Simple Majority

Issue:

To consider Tenders submitted for the purchase of surplus equipment.

Body/Background:

Tenders have been advertised for the disposal of surplus equipment, this surplus equipment includes; Semi Tandem Axle Tipper, Kerbing Machine, Footpath Sweeper, Tandem Axle Dolly and a Schmidt Road Sweeper.

Officer's Comment:

A table has been compiled summarising the details of each tender received and which is attached. Tender documents and submissions received are available for councillors to peruse prior to the meeting.

COMPANY/ NAME	ITEM	TENDERED PRICE
J & C Currie & Co.	Tandem Axle Dolly	\$6000.00
Griffin Civil	Tandem Tipper	\$12,000.00
Griffin Civil	Tandem Axle Dolly	\$3,500.00
Griffin Civil	Eureka Path Sweeper	\$500.00
Griffin Civil	Schmidt Road Sweeper	\$500.00
Griffin Civil	Kwikkerb Kerbing Machine	\$500.00
Phil Barker	Kwikkerb Kerbing Machine	\$1,250.00
Browns Sweeping	Schmidt Road Sweeper	\$1,000.00

Whilst the offers received for the Kwikkerb Kerbing Machine and Schmidt Road Sweeper are considered within reason, it is considered that the other items have a higher value and other opportunities for the disposal of the items should be investigated.

Financial Implications:

Budget - The sale of the Semi Tipper is part of the allocated budget (\$20,000) for the purchase of the two new Side Tippers. The other items are unallocated but revenue could be transferred to the Plant Replacement Reserve for future machinery purchases.

Statutory Environment:

Local Government Act1995, Functions of Local Government.

3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Policy Implications:

Nil.

Officer's Recommendation:

That Council award the sale of the Kerbing Machine to the highest bidder, being Phil Barker for \$1,250, the Schmidt Road Sweeper to the highest bidder, being Browns Sweeping for \$1000, and alternative methods of disposal, including public auctions, be investigated for the remaining surplus equipment.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr I F West

That Council award the sale of the Kerbing Machine to the highest bidder, being Phil Barker for \$1,250, the Schmidt Road Sweeper to the highest bidder, being Browns Sweeping for \$1000, and alternative methods of disposal, including public auctions, be investigated for the remaining surplus equipment.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

W.167

Subject: Road Train Access- Moreton Terrace
Reporting Officer: Works Manager
Date of Report: 16 March 2011
File Reference: RD.PE.1
Voting Requirements: Simple Majority

Issue:

To consider an application from Dongara Concrete Services to access part of Moreton Terrace for Road Train / Long Vehicle access to their depot.

Body/Background:

After Kailis Drive was built Council stopped all through town access for Long Vehicle / Road Train combinations, which before Kailis Drive were carting lime sands from an area near the airstrip and exiting onto Brand Highway via Moreton Terrace. In the past we have had applications from other operators wishing to travel to St Dominic's Road to access lime sand, these operators have had their applications rejected.

Officer's Comment:

Dongara Concrete has been bringing Road Trains / Long Vehicles into their works depot off Moreton Terrace for a number of years. Moreton Terrace is not a permitted access for road trains and without permits it should not be used as such, because of its location albeit short of the main shopping precinct it is still situated in the main street and there would always be the risk of conflict with day to day traffic entering the main street from Brand Highway at high speeds. These vehicles could split up at the BP roadhouse and then travel into town legally, which would not take that much time to do.

Financial Implications:

Nil.

Statutory Environment:

MRWA

Policy Implications:

Nil.

Officer's Recommendation:

That Council does not support Dongara Concrete's application to bring Road Trains into Moreton Terrace to gain access to their works depot.

COUNCIL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr K J Hepworth

That Council does not support Dongara Concrete's application to bring Road Trains into Moreton Terrace to gain access to their works depot.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

W.168

Subject: Road Train Access- Steele Road
Reporting Officer: Works Manager
Date of Report: 16 March 2011
File Reference: RD.PE.1
Voting Requirements: Normal Majority

Issue:

To consider an application from Patience Bulk Haulage to access part of Steele Road for road train access to their depot.

Body/Background:

The depot site which was originally used by Hoey's Cartage for haulage and material stockpiling is now used by Patience Bulk Haulage, Patience's were led to believe that there was an agreement between the Council and Hoey's Cartage regarding this access, unless there was an unwritten agreement no evidence can be found to prove it. Under normal practice the Council give their permission for the use and the proponent then has to apply to Main Roads Western Australia for a permit so anything that Hoey's Cartage believed was an agreement would not have been legal in the first place.

The legalities of this access only came to light recently when one of the Patience trucks was fined for using Steele Road.

Officer's Comment:

The access has been used for a number of years without any major issues; however the entry to the depot which is currently straight over the railway line does not allow stacking distance for long vehicles entering Steele Road from the depot. After talks with the operators it was agreed that the entry to the depot should be placed 100 metres further east along Steele Road to alleviate the stacking problem, clearance between the railway and Brand Highway is adequate and site distance along Brand Highway is sufficient.

Financial Implications:

No implications for the Council as the operators have in the past and will continue to carry out maintenance from the highway to their depot entry.

Statutory Environment:

MRWA

Policy Implications:

Nil.

Officer's Recommendation:

That Council support Patience Bulk Haulage's application to continue using the first 200 metres of Steele Road so they can access their depot site, on the proviso that the entry point is moved 100 metres to the east and continue to carry out minor maintenance works on the access as needed.

COUNCIL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr I F West

That Council support Patience Bulk Haulage's application to continue using the first 200 metres of Steele Road so they can access their depot site, on the proviso that the entry point is moved 100 metres to the east and continue to carry out minor maintenance works on the access as needed.

CARRIED UNANIMOUSLY

VOTING DETAILS

8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

W.169

Subject: Tender No. 1/2011 - Dongara Seawall Stage 2 Construction Works
Reporting Officer: Works Manager
Date of Report: 22 March 2011
File Reference: FM.TE.2
Voting Requirements: Absolute Majority

Issue:

To consider and select the successful tender submitted for the construction of stage 2 of the Denison Beach Seawall.

Body/Background:

Tenders have been advertised for the construction of stage 2 Denison Beach Seawall, tenderers were also asked to supply an optional Tender based on the use of different materials and/or other ways the works could be achieved however stage 2 works remains the primary tender specification used for assessment purposes.

Because of the nature of the tender MP Rogers and Department of Transport have been involved with the tender panel and selection process.

Officer's Comment:

A table has been compiled summarising the details of each tender received and options. Tender documents and submissions received are available for Councillors to peruse at the Council meeting to be held on 22 March 2011.

All the companies offering their services in the complying tender submissions are considered to be suitable for the requirements and operations of the Council.

Tenderers were short listed and then scored against criteria set down by the Engineers from the Department of Transport and MP Rogers and Associates. The first list of criteria that was laid down was to determine whether the tenderers fully complied with the Tender document and specifications, from this stage there was only five tenders that fully complied. The second list of criteria was a points based system to ascertain to what level the tender had complied to the Tender document, the points given are shown in the chart below.

Differences in the material quantities that are listed in the tenders are the most likely the reason for the differential in the tendered amount.

SECOND STAGE OF CRITERIA			
Company	Tender	Tender Cost	Points
Northcoast Contractors	Tender 1/2011	\$546,367.80	64%
VDM/Roctec Contracting	Tender 1/2011	\$198,479.00	72%
Yarnall Civil and Mining	Tender 1/2011	\$597,293.40	76%
In-Situ Construction	Tender 1/2011	\$349,272.79	66%
Neo Infrastructure Australia	Tender 1/2011	\$506,440.00	52%

FIRST STAGE CRITERIA			
Company	Tender	Tender Cost	
BEM	Tender 1/2011	\$667,717.00	
Riverlea Corporation	Tender 1/2011	\$357,126.00	
Italia Stone Group	Tender 1/2011	\$283,989.64	
Global Construction (Globecon)	Tender 1/2011	\$577,445.00	
In-Situ Construction	Option	\$318,626.09 (Flex-mat)	
Neo Infrastructure Australia	Tender 1/2011	\$506,440.00	

LATE TENDERS- NOT CONSIDERED			
Company	Tender	Delivery Time/Date	
GBH Earth Moving	Tender 1/2011	4.32pm 15/03/2011	
DME Contractors	Tender 1/2011	Mail 16/03/2011	
Mine Site Construction	Tender 1/2011	Mail 16/03/2011	

Financial Implications:

Provision has been made in the budget for funding of \$200,000 for works at the beach front which include sand replenishment, maintenance of existing walls and the construction of the seawall, to date there is a total of approximately \$140,000 set aside for the Seawall construction.

It is suggested, that as Council has received approximately \$40,000 additional unbudgeted caravan park revenue from the Big 4 Tourist Park, it may be appropriate that these funds could be used to meet the shortfall between the remaining budget funds and the preferred tender price.

Informal advice from an officer of the Department of Transport also suggests that Council may receive favourable consideration of a request for the Department of Transport to meet 50% of the \$40,000 additional cost which would reduce Council's additional cost by \$20,000.

Statutory Environment:

Local Government (Functions and General) Regulations 1996

Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.*

Policy Implications:

Nil.

Officer's Recommendation:

That Council

1. Based on the recommendation of the Seawall Tender Panel (comprising Shire of Irwin, Department of Transport and M.P. Rogers and Associates representatives), Council accept the Tender from VDM Contracting for \$198,479 (GST inclusive) to undertake Stage 2 construction works of a 50 metre section of the Dongara Seawall at Grannies Beach, Port Denison;
2. Allocate up to \$40,000 additional funds from the unbudgeted caravan park lease revenue in order to meet the funding shortfall between the remaining costal protection works budget funds and the preferred Dongara Seawall tender price; and
3. Request the Department of Transport to allocate an additional 50% contribution to meet the additional costs of stage two construction of the Dongara Seawall.

PROCEDURAL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr R T McClurg

That Council suspend standing orders at 4.24pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

PROCEDURAL MOTION:

MOVED: Cr B C Scott

SECONDED: Cr K J Hepworth

That Council resume standing orders at 4.42pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL MOTION:

MOVED: Cr I F West

SECONDED: Cr K J Hepworth

That Council

1. *Based on the recommendation of the Seawall Tender Panel (comprising Shire of Irwin, Department of Transport and M.P. Rogers and Associates representatives), Council accept the Tender from VDM Contracting for \$198,479 (GST inclusive) to undertake Stage 2 construction works of a 50 metre section of the Dongara Seawall at Grannies Beach, Port Denison;*
2. *Allocate up to \$40,000 additional funds from the unbudgeted caravan park lease revenue in order to meet the funding shortfall between the remaining coastal protection works budget funds and the preferred Dongara Seawall tender price; and*
3. *Request the Department of Transport to allocate an additional 50% contribution to meet the additional costs of stage two construction of the Dongara Seawall.*

CARRIED BY ABSOLUTE MAJORITY

VOTING DETAILS

8/0

13. MATTERS BEHIND CLOSED DOORS

A confidential item (P.48 – Chief Executive Officer’s Six Monthly Progress Review) will be discussed.

COUNCIL MOTION:

MOVED: Cr R T McClurg

SECONDED: Cr J B Fitzhardinge

That Council deal with confidential item P.48 and close the meeting in accordance with section 5.23(2)(a) of the local government act and suspend standing orders at 4.46pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Darren Simmons, Geoff Peddie, Felix Neuweiler, Glenn Coaker, Anne McDonald, Lauren Tunbridge and all members of the public departed the chambers at 4.46pm.

P.48 – CHIEF EXECUTIVE OFFICER’S SIX MONTHLY PROGRESS REVIEW

The Shire President tabled a confidential report on this matter and provided copies to each elected member. The report is dated 16 March 2011 and is located in the records management system of the council on file PE.RE.SIM01.

PROCEDURAL MOTION:

MOVED: Cr J B Fitzhardinge

SECONDED: Cr K J Hepworth

That Council resume standing orders at 5.03pm to vote on item P.48.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL MOTION:

MOVED: Cr L W Wheeler

SECONDED: Cr J B Fitzhardinge

That having undertaken the Chief Executive Officer's six monthly progress review, Council agrees to the amendment of the Chief Executive Officer's employment contract conditions as requested by the CEO and outlined with the Shire President's report P.48 dated 16 March 2011.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

PROCEDURAL MOTION:

MOVED: Cr K J Hepworth

SECONDED: Cr B C Scott

That Council come out from behind closed doors at 5.08pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

14. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 5.08pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
22 March 2011

Signed:
Presiding Elected Member

Date:.....