

I certify that this copy of the Minutes is a true and correct record of the meeting held on 24 May 2011

Signed: .....  
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, 24 MAY 2011  
COMMENCING AT 4.00PM**

<b>PRESENT:</b>	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
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director, Corporate Services Mr G F Coaker – Town Planner Mr A S Wootton – Works Manager Ms A McDonald – Executive Assistant/Records Officer (EA) (Minute Taker)
	Gallery	1 Member of the Public
<b>GUESTS:</b>		Greg Godwin (UHY Haines Norton)
<b>APOLOGIES:</b>		Cr L W Wheeler

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- 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**  
Cr L W Wheeler - Apology
  - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Nil.
  - 4. PUBLIC QUESTION TIME**
    - 4.1. Riki Porteus**  
Summary of Question One

*I contacted SBS regarding the problems with transmission in Dongara and was informed that the Shire of Irwin was responsible for the transmitter, can you please advise what the problem is and when will SBS be back on air?*

The Director Corporate Services advised that the power supply for the SBS transmitter has blown and is currently with ML Communications for repair. Unfortunately, they are experiencing problems getting parts as manufacturers are stocking digital television parts and not analogue parts. ML is trying to source the parts from other suppliers in order to resume re-transmission as soon as possible.

*Summary of Question Two*

*I have noticed that clearing of African Boxthorn and Japanese Pepper trees is taking place on the northern side of the Irwin River and I am concerned that the birds will have a lack of places to nest.*

The Works Manager advised that the Department of Water is responsible for the clearing.

The CEO advised that the reformed Tidy Town Committee will form the key community stakeholder group for this project.

*Summary of Question Three*

*I have noticed trucks taking water from the river, I stopped a contractor to ask why he was taking water and he said it was for road works in Leeman. I am concerned that fish species will be threatened with this action.*

The Works Manager advised that all concerns should be directed to the Department of Water.

*Summary of Question Four*

*I am concerned with the marl and gravel build up occurring in the Marina and North Beach coming from the seawall works at Grannies Beach.*

The Shire President advised that the concerns are noted and the CEO will take it on board and see what can be done.

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr R W Roberts has requested Leave of Absence from the Ordinary Council Meeting scheduled for 28 June 2011 and Cr S C Chandler has requested Leave of Absence from the Ordinary Council Meeting scheduled for 26 July 2011.

**COUNCIL MOTION:  
MOVED: Cr I F West**

**SECONDED: Cr R T McClurg**

***That Cr R W Roberts be granted Leave of Absence from the Ordinary Council Meeting scheduled for 28 June 2011 and Cr S C Chandler be granted Leave of Absence from the Ordinary Council Meeting scheduled for 26 July 2011.***

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**6. PETITIONS**

Nil.

**7. CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 19 APRIL 2011**

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A copy of the Minutes of the Ordinary Council Meeting held on 19 April 2011 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED:** Cr K J Hepworth

**SECONDED:** Cr B C Scott

*That the Minutes of the Ordinary Council Meeting, held on 19 April 2011, be confirmed as a true and accurate recording of that meeting.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 5 MAY 2011**

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A copy of the Minutes of the Special Council Meeting held on 5 May 2011 has been provided to all Councillors under separate cover.

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**COUNCIL MOTION:**

**MOVED:** Cr R T McClurg

**SECONDED:** Cr K J Hepworth

*That the Minutes of the Special Council Meeting, held on 5 May 2011, be confirmed as a true and accurate recording of that meeting.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

- 8.1.** The CEO will be providing Councillors with an informal briefing on various matters following the closure of this meeting.

## 9. REPORTS

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**DCS.376**

**Subject:** Accounts for Payment  
**Reporting Officer:** Director Corporate Services  
**Date of Report:** 24 May 2011  
**File Reference:** Minute Book  
**Voting Requirements:** Simple Majority

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**Issue:**

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

**Background:**

A list of accounts paid under delegated authority is attached showing all payments made during the month of April 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 April 2011, represented by Municipal Cheque Numbers 28154 - 28179, EFT payment numbers 11436 – 11576 totalling \$807,939.51, Trust Payment Cheque Numbers: 2247 totalling \$1,000.00 & Police Licensing Payment No's PL 010411 – PL 270411 totalling \$54,768.10 be received.

**COUNCIL MOTION:**

**MOVED: Cr B C Scott**

**SECONDED: Cr I F West**

*That the Accounts paid during April 2011, represented by Municipal Cheque Numbers 28154 -28179, EFT payment numbers 11436 – 11576 totalling \$807,939.51, Trust Payment Cheque Numbers: 2247 totalling \$1,000.00 & Police Licensing Payment No's PL 010411 – PL 270411 totalling \$54,768.10 be received.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**DCS.377**

**Subject:** Financial Statements for the Period ending 30/04/2011  
**Reporting Officer:** Accountant/Senior Administration Officer  
**File Reference:** Minute Book  
**Date Prepared:** 24 May 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider and receive the Monthly Financial Statements for the period 1 July 2010 to 30 April 2011.

**Body / Background:**

The Monthly Financial Report to the 30 April 2011 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 30 April 2011 be received.

**COUNCIL MOTION:**

**MOVED:** Cr I F West

**SECONDED:** Cr K J Hepworth

*That the Monthly Financial Statement for the period 1 July 2010 to 30 April 2011 be received.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**DCS.378**

**Subject:** Rates Write Off – Back Rates  
**Reporting Officer:** Director Corporate Services  
**File Reference:** RV.RT.3  
**Date Prepared:** 18 May 2011  
**Voting Requirements:** Absolute Majority

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**Issue:**

To consider a request to waive back rates levied on two properties.

**Body / Background:**

Council staff have recently issued amended rates notices on three properties reflecting a change in valuation dating back to 1 December 2008. Two of those properties have been purchased by new owners since the revaluation date and, therefore, have been asked to pay additional rates for the period that they didn't own the property.

Whilst the principle for property rates is that the rates are a charge on the land and carry forward to new owners, there is normally an opportunity to ensure the previous owner pays any outstanding rates at the point of sale through the settlement process.

In this situation that opportunity was not available because the rates had not been adjusted at the time.

**Officers Comment:**

Council is asked to consider writing off the rates on the two properties that were purchased after the revaluation date, for the amount pertaining to the period that the current owners did not own the properties. The details are as follows;

Assessment A8981	Change of ownership 15/11/2010	Write off amount	\$563.90
Assessment A8969	Change of ownership 05/02/2010	Write off amount	\$293.84

**Financial Implications:**

There is no provision made for the amended rates income in the budget, however, there will be a loss of revenue being the amount written off.

**Statutory Environment:**

The Local Government Act 1995 provides as follows:

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

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

\* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.



- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

**6.47. Concessions**

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

\* *Absolute majority required.*

**Policy Implications:**

Nil.

**Officers Recommendation:**

That Council writes off the rates pertaining to back rates for the periods prior to the current ownership of the following properties:

Assessment A8981	\$563.90
Assessment A8969	\$293.84

**COUNCIL MOTION:**

**MOVED: Cr B C Scott**

**SECONDED: Cr K J Hepworth**

***That Council writes off the rates pertaining to back rates for the periods prior to the current ownership of the following properties:***

<b><i>Assessment A8981</i></b>	<b><i>\$563.90</i></b>
<b><i>Assessment A8969</i></b>	<b><i>\$293.84</i></b>

**CARRIED BY ABSOLUTE MAJORITY**

**VOTING DETAILS**

**7/0**

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**TP.517**

**Subject:** Final Adoption of Local Planning Policy No 1 - Ancillary Accommodation  
**Reporting Officer:** Town Planner  
**File Reference:** LP.PL.2  
**Date Prepared:** 17 May 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider for final adoption Local Planning Policy No 1 – Ancillary Accommodation.

**Background:**

The purpose of the proposed local planning policy is to clarify the intent of ancillary accommodation, and to assist proponents and the Shire in making and determining applications for such. A copy of the draft policy is attached.

Council has previously considered Local Planning Policy No 1 for initial adoption prior to advertising. At its meeting held on 22 March 2011, Council resolved the following:

*‘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.’*

**Community Consultation:**

In accordance with the above resolution, the policy was advertised for a period of 21 days, concluding on the 9<sup>th</sup> of May 2011.

Advertising included the publication of a notice in both the Dongara Rag and the Geraldton Guardian for two consecutive weeks. A copy of the notice and a copy of the policy were made available for viewing on the front counter of the Shire administration building, and also on the Shire’s website.

No submissions have been received in relation to the proposed policy.

**Statutory Environment:**

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 2.4.2 and 2.4.3 provide the instructions for considering a policy post advertising, as follows:

- 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.’*

2.4.3 *If the local government resolves to adopt the Policy, the local government is to –*  
*(a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and*  
*(b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.*

2.4.4 *A Policy has effect on publication of a notice under Clause 2.4.3a.*

2.4.5 *A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.*

**Officers Comment:**

The preparation of the policy has been undertaken in compliance with the provisions of the Scheme.

The next step therefore is for Council to resolve to either adopt the policy with or without modification, or not to proceed with the policy, as per Clause 2.4.2(b) above.

It is recommended that, due to there being no submissions, that the policy be adopted without modification.

Referral to the Western Australian Planning Commission is not deemed necessary as it is not anticipated to affect the interests of the Commission.

**Financial Implications:**

Nil.

**Policy Implications:**

Recommends final adoption of Local Planning Policy No 1.

**Officers Recommendation:**

That Council, pursuant to clause 2.4.2(b) of the Shire of Irwin Local Planning Scheme No 5, resolves to:

1. Adopt for final approval Local Planning Policy No 1 – Ancillary Accommodation without modification; and
2. Give public notice of the above.

**COUNCIL MOTION:**

**MOVED:** Cr J B Fitzhardinge

**SECONDED:** Cr K J Hepworth

*That Council, pursuant to clause 2.4.2(b) of the Shire of Irwin Local Planning Scheme No 5, resolves to:*

1. *Adopt for final approval Local Planning Policy No 1 – Ancillary Accommodation without modification; and*
2. *Give public notice of the above.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

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**W.173**

**Subject:** Proposed Transport Arrangement – Allanooka Springs Road  
**Proponent:** Karara Mining Ltd  
**Reporting Officer:** Works Manager  
**File Reference:** RD.AG  
**Date Prepared:** 16 May 2011  
**Voting Requirements:** Simple Majority

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**Issue:**

To consider a second proposal from Karara Mining Ltd to utilise Allanooka Springs Road as a return route for 27.5 metre Road Trains (vehicles will be empty).

**Body/Background:**

At the Ordinary Council Meeting held on 19 April 2011 Councils passed the following resolution:

*‘That Karara’s proposal to temporarily transport iron ore to Geraldton Port through the Shire using an ad hoc (farming) fleet of prime mover and two trailer combinations, and particularly the proposed use of the Shire’s section of Allanooka Springs Road not be supported in its present form and that Karara be invited to further discuss the issues and options for transporting iron ore from the mine to port with Shire and Main Roads Western Australia staff.’*

Karara Mining Ltd through Main Roads Western Australia (MRWA) has since held a meeting with all stakeholders regarding their proposed route and has come to a better offer than their previous proposal.

Subsequent to the meeting Council have received correspondence from Karara outlining their new proposal which is provided as an attachment.

**Officer’s Comment ;**

Karara’s proposal now includes payments directly to MRWA to cover any future damage arising from increased traffic in turn MRWA will liaise with Council to cover any future damages incurred by Council.

Karara has proposed a payment directly to the Council; this payment will be \$0.10 cents per tonne based on 2,600 tonnes per day.

Karara Mining Ltd has confirmed that the road will only be used up to the 31<sup>st</sup> of October 2011 with no extensions.

**Financial Implications:**

MRWA will collect revenue directly from Karara Mining Ltd and Sinosteel Midwest Corporation which will be made available to cover any maintenance issues that may arise due to increased traffic.

**Statutory Environment:**

Main Road Act 1930.

**Policy Implications:**

Nil.

**Officer's Recommendation:**

That Council supports the option to use Midlands Road / Brand Highway for the transporting of iron ore to Geraldton Port and approves the use of the Shire's section of Allanooka Springs Road (subject to the trucks being empty) for the return journeys on the proviso that cartage is to end on or before 31 October 2011; guaranteed payments are made to Main Roads Western Australia for road maintenance and an extra payment of \$0.10 per tonne is made directly to council to offset vehicle movements through the townsite via Brand Highway.

**COUNCIL MOTION:**

**MOVED:** Cr I F West

**SECONDED:** Cr B C Scott

*That Council supports the option to use Midlands Road / Brand Highway for the transporting of iron ore to Geraldton Port and approves the use of the Shire's section of Allanooka Springs Road (subject to the trucks being empty) for the return journeys on the proviso that cartage is to end on or before 31 October 2011; guaranteed payments are made to Main Roads Western Australia for road maintenance and an extra payment of \$0.10 per tonne is made directly to council to offset vehicle movements through the townsite via Brand Highway.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS**

**7/0**

**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**

Nil.

**13. MATTERS BEHIND CLOSED DOORS**

A confidential item (CEO.461 – Chief Executive Officer Leave Arrangements) will be discussed.

**COUNCIL MOTION:**

**MOVED:** Cr R W Roberts

**SECONDED:** Cr I F West

*That Council deal with confidential item CEO.461 and close the meeting in accordance with section 5.23(2)(a) of the local government act at 4.14pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

CEO.461 – CHIEF EXECUTIVE OFFICER LEAVE ARRANGEMENTS

The Chief Executive Officer tabled a confidential report on this matter and provided copies to each elected member. The report is dated 18 May 2011 and is located in the records management system of the council on file PE.RE.SIM01.

**COUNCIL MOTION:**

**MOVED:** Cr I F West

**SECONDED:** Cr R T McClurg

*That Council:*

- 1. Note and endorse the Chief Executive Officer's annual leave arrangements from 11 July to 27 July 2011 (inclusive); and*
- 2. Appoint Mr Geoff Peddie, Director Corporate Services, as Acting Chief Executive Officer on a pro rata salary of \$140,000 for the period 11 July to 27 July 2011 (inclusive.)*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**PROCEDURAL MOTION:**

**MOVED:** Cr J B Fitzhardinge

**SECONDED:** Cr K J Hepworth

*That Council come out from behind closed doors at 4.16pm.*

**CARRIED UNANIMOUSLY**

**VOTING DETAILS:**

**7/0**

**14. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 4.17pm.

<p>I certify that this copy of the Minutes is a true and correct record of the meeting held on 24 May 2011 <i>Signed:</i> ..... Presiding Elected Member  Date:.....</p>
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