



MINUTES

FOR THE

ORDINARY MEETING
OF COUNCIL

HELD ON

TUESDAY, 24 APRIL 2012

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

INDEX

ORDINARY COUNCIL MEETING 24 APRIL 2012

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4.	PUBLIC QUESTION TIME	2
5.	APPLICATIONS FOR LEAVE OF ABSENCE	2
6.	PETITIONS	2
7.	CONFIRMATION OF MINUTES	3
7.1	MINUTES OF ORDINARY COUNCIL MEETING HELD 27 MARCH 2012	3
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	3
9.	REPORTS	4
B.432	BUILDING FEES FOR COMMERCIAL DEVELOPMENT	4
CDO.014	SUPPORT FOR NATIONAL VOLUNTEER WEEK 14-20 MAY 2012	6
CEO.474	DELEGATION OF AUTHORITY TO APPOINT AN ACTING CHIEF EXECUTIVE OFFICER	7
DCS.407	ACCOUNTS FOR PAYMENT	9
DCS.408	FINANCIAL STATEMENT FOR PERIOD ENDING 31/03/2012	10
DCS.409	BUDGET REVIEW 2011/12	12
W.178	PROPOSED CROSSOVER EXTENSION TO RESIDENTIAL PROPERTY	14
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	15
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	15
12.	URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION	15
13.	MATTERS BEHIND CLOSED DOORS	15
14.	CLOSURE	15

I certify that this copy of the Minutes is a true and correct record of the meeting held on
24 April 2012

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 24 APRIL 2012
COMMENCING AT 4.00PM**

PRESENT:	Councillors	Cr S C Chandler (Shire President) Cr J B Fitzhardinge Cr J A R Porteus Cr B C Scott
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director Corporate Services Mr F A Neuweiler – Manager Community Development Mr A S Wootton – Works Manager Mrs C M Palmer - Executive Assistant (EA) (Minute Taker)
GUESTS:	Gallery	Mr John Rossiter -
APOLOGIES:		Cr R T McClurg and Cr I F West
LEAVE OF ABSENCE:		Cr K J Hepworth, Cr M T Smith, and Mr G F Coaker – Town Planner

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

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mary Yewers

Summary of Question One

Why was a steel bollard placed in the walkway at Swan View at Northshore blocking access to the beach?

ANSWER: The bollard was placed in this position to prevent 4WD access down to the beach. Cr Hepworth suggested that Mrs Yewers make an appointment with the CEO to discuss a solution.

RESPONSE: Subsequent to this advice, the Shire has removed the bollard but will monitor the situation in order to ensure public safety and environmental impacts are not compromised.

Summary of Question Two

What is the Shire doing about the boxthorn and rabbits along Northshore Drive?

ANSWER: Cr Hepworth acknowledged that boxthorn and rabbits were a problem throughout the Shire, however the question will be taken on notice and a written response provided by the CEO.

RESPONSE: Whilst the Shire maintains a high standard in its parks and gardens (including the Lookout, Memorial Park, entrances to town and roundabouts) it acknowledges that boxthorn and rabbits are problems affecting many non-urban parts of the Shire, on this basis I will arrange for these issues to be included on the agenda for the next meeting of Council's Tidy Towns Sustainable Committee for consideration.

4. PUBLIC QUESTION TIME

John Rossiter

Summary of Question One

I live just North of the Point Leander Drive roundabout, there is a small bump in the bitumen, where the roundabout meets the main road. We are continually being disturbed by boats crashing back on their trailers, trailers with loose materials on board and trucks with their loads crashing back down after hitting this deviation. The road, is also being used as a racetrack when the road is wet. In front of house 173 there is a triple deviation with the same issues. When is something going to be done about this Shire initiated noise in front of our houses.

ANSWER: Cr Chandler acknowledged that this was a problem and advised this issue will be forwarded through to the Works Manager for remedial work to be carried out.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 MARCH 2012

A copy of the Minutes of the Ordinary Council Meeting held on 27 March 2012 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr Scott

SECONDED: Cr Porteus

That the Minutes of the Ordinary Council Meeting, held on 27 March 2012, be confirmed as a true and accurate recording of that meeting.

CARRIED UNANIMOUSLY

VOTING DETAILS:

4/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 The Shire of Irwin in partnership with Geraldton Universities Centre (GCU) recently offered a scholarship of \$3000 to a student enrolled in an undergraduate course on a full-time basis in 2012 at GCU. The aim of the Shire of Irwin Scholarship is to encourage and support the involvement of local people in the courses offered through the Geraldton Universities Centre and to support programs that not only broaden the educational opportunities available to residents of the Mid West but also keep people in our region. To be eligible students had to be a resident of the Shire of Irwin, be enrolled in an undergraduate course on a full-time basis through Geraldton Universities Centre in 2012. Applications were assessed by a selection panel consisting of representatives of the Shire of Irwin and the Geraldton Universities Centre.

The Shire is pleased to announce the recipient of the Shire of Irwin Scholarship is **Ms Katelyn Shields**. Katelyn grew up in Morawa and moved to Dongara to complete her Bachelor of Science (Nursing) degree at the GUC. The Shire of Irwin wishes Katelyn all the best in her studies and are confident Katelyn will be a terrific ambassador for the region and the GUC and we look forward to working with you during the coming year.

8.2 I attended the Smarter than Smoking State Netball League matches on Saturday 21 April at the Irwin Recreation Centre and had the pleasure of tossing the coin. The CEO attended the matches on Sunday as a representative of Council.

8.3 Tomorrow I will be attending the Anzac Service laying a wreath on behalf of the Shire and the CEO will be giving the Anzac Day address.

8.4 Items B.432, CEO.474 and DCS.409 require an absolute majority and will be carried over to a special meeting for a resolution.

9. REPORTS

B.432

Subject: Building Fees for Commercial Development
Proponent: N/A
Reporting Officer: Manager Community Development
File Reference: Minute Book
Date Prepared: 4 April 2012
Voting Requirements: Absolute Majority

Report Purpose: To seek Council's consent to establish fees relating to the new Building Act 2011 and advertise the new fees in accordance with the Local Government Act 1995.

OFFICERS RECOMMENDATION/COUNCIL DECISION:

Carried over to special meeting for consideration

That Council consent to the setting of the following fees relating to building applications and advertise the fees in accordance with Section 6.19 of the Local Government Act 1995:

Service	Fee incl. GST
Request to provide certificate of Design Compliance Class 1 and 10	0.13% of estimated value, but not less than \$90
Request to provide certificate Design Compliance Class 2 - 9	0.9% of estimated value, but not less than \$180
Request to provide certificate of construction compliance	Minimum of \$240 for the first 2 hours, plus \$120per hour thereafter
Request to provide certificate of building compliance	Minimum of \$240 for the first 2 hours, plus \$120per hour thereafter
Amended Plan assessment Fee – Class 1 & 10	\$100
Amended Plan assessment Fee – Class 1b, 2 - 9	\$200
Provision of written advice confirming compliance with town planning and environmental health matters, and/or advising of town planning and environmental health requirements, prior to submission of an application for issue of building permit	\$150
Occupancy Permit	\$40.50
Building approval certificate	\$40.50

ABSOLUTE MAJORITY

70

VOTING DETAILS:

Body / Background:

The Building Act 2011 provides that an applicant can submit an uncertified building application for classes 1 and 10. Fees for these applications have been set by the Building Commission.

However, all building permit applications for 2-9 need to be certified. The service to assess the building standards and issue a certificate of design compliance (CDC) can be provided by a private certifier or local governments.

Officers Comment:

The fees for this service need to be set by each individual local government if they employ a Building Surveying Practitioner and wish to provide this service.

Financial Implications:

Proposed Fees:

Service	Fee incl. GST
Request to provide certificate of Design Compliance Class 1 and 10	0.13% of estimated value, but not less than \$90
Request to provide certificate Design Compliance Class 2 - 9	0.9% of estimated value, but not less than \$180
Request to provide certificate of construction compliance	Minimum of \$240 for the first 2 hours, plus \$120per hour thereafter
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Amended Plan assessment Fee – Class 1 & 10	\$100
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Provision of written advice confirming compliance with town planning and environmental health matters, and/or advising of town planning and environmental health requirements, prior to submission of an application for issue of building permit	\$150
Occupancy Permit	\$40.50
Building approval certificate	\$40.50

Statutory Environment:

Section 6.19 of *the Local Government Act 1995*

Policy Implications: N/A

CDO.014

Subject: Support for National Volunteer Week 14 – 20 May 2012
Reporting Officer: Community Development Officer
Date of Report: 18 April 2012
File Reference: CS.SP.13
Voting Requirements: Simple Majority

Report Purpose:

To support National Volunteer Week by hosting a function to promote awareness of volunteers within our community by inviting key people from community groups within the Shire to attend.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Scott

SECONDED: Cr Fitzhardinge

That Council support and acknowledge volunteers within our shire based community groups by hosting a function within the National Volunteer Week (NVW) and inviting the principal office bearer and partner from within our community groups to attend.

CARRIED UNANIMOUSLY

VOTING DETAILS:

4/0

Body/Background:

National Volunteer Week (NVW) is the largest celebration of volunteers and volunteerism in Australia, and provides an opportunity to highlight the role of volunteers in our communities and to say thank you to the more than **6.1 million Australians who volunteer**. National Volunteer Week (NVW) begins the Monday after Mothers Day in May each year - **14th to 20th May 2012**.

Volunteers are essential to society, and many charities would struggle to survive without the support of their volunteers. Australian volunteers contribute more than 700 million hours of community service to so many areas of society, including community health care, heritage and arts, environment conservation, emergency services, education, social justice and sports. NVW provides a platform to pay tribute to these volunteers who donate their time and energy to help others.

Officer's Comment:

To encourage and acknowledge the volunteers within the Irwin Community and to thank them for the service they provide so tirelessly. National Volunteer Week is also a good opportunity to promote and raise awareness of volunteering within the Community.

Financial Implications:

The financial implication to the Shire would be approximately \$1500.00 from the Community Development budget allocation.

Statutory Environment:

Nil

Policy Implications:

Nil

CEO.474

Subject: Delegation of Authority to Appoint an Acting Chief Executive Officer
Reporting Officer: Chief Executive Officer
Date of Report: 18 April 2012
File Reference: PE.AU.1
Voting Requirements: Absolute Majority

Report Purpose:

For the Council to give consideration to delegating authority to the Chief Executive Officer to be able to make appointments to the position of Acting Chief Executive Officer during periods of absence not exceeding thirty-five (35) days.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

Carried over to special meeting for consideration

That Council delegate authority to the Chief Executive Officer the power to make appointments to the position of Acting Chief Executive Officer based on:

- (a) The Shire employee holding the substantive position of 'Director' and is designated a 'Senior Employee' by the Local Government Act 1995; and
- (b) Appointments being for no longer than thirty-five (35) days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination.

ABSOLUTE MAJORITY

VOTING DETAILS:

/0

Body/Background:

The Local Government Act 1995 requires that a local government employ a person to be the Chief Executive Officer.

In the past where the CEO is scheduled to be absent from the Shire and unable to fulfil the statutory duties of the position of the CEO, a report has been presented to the Council recommending another employee be appointed to the role of Acting CEO during the identified period of absence.

The CEO, throughout the course of his employment with the Shire, will be entitled to take periods of annual and sick leave and may be absent from the Shire for other reasons, which will prevent him/her from fulfilling his statutory obligations. As a result of these circumstances occurring from time to time and for other circumstances it is advisable that a process be in place by which another employee of the Shire can be appointed to the role of Acting CEO.

In order to provide such a process it is open to Council to delegate the authority to the CEO to be able to appoint another employee of the Shire who is employed as the status of 'Director' and designated as a senior employee under the provisions of the Local Government Act 1995.

Officer's Comment:

The Local Government Act 1995 requires that it is the Council that has the power to appoint a person to the position of CEO. However, the power to appoint a person to the position of CEO on an acting basis may be delegated by the Council to the CEO.

Circumstances may arise relating to the permanent CEO being required to be absent from the Shire for various reasons such as annual or sick leave. In these circumstances it is appropriate that the CEO be delegated the authority to be able to appoint another employee of the Shire who is employed as a 'Director' and is designated as a Senior Employee of the City as per the Local Government Act 1995.

It is recommended that in accordance with good governance principles, the ability for the CEO to appoint a person to the Acting position of CEO should not be for periods of no more than thirty-five (35) days. All appointments for a Shire employee to act in the position of CEO greater than thirty-five (35) days must be referred to the Council for consideration.

Financial Implications:

Additional salary expenses associated with a higher duties payment as determined by the CEO

Statutory Environment:

Sections 5.36, 5.37, 5.39, 5.42 and 5.43 of the *Local Government Act 1995*

Policy Implications:

Nil.

DCS.407

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 16 April 2012
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during March 2012.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Scott

SECONDED: Cr Porteus

That the Accounts paid during March 2012, represented by Municipal Cheque Numbers 28536-28559, EFT payment numbers 12798-12908 totalling \$437,914.49, Police Licensing Payment No's PL010312-PL280312 totalling \$52,184.75, Trust No: 2292 totally \$1,000.00 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

4/0

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of March 2012.

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.

DCS.408

Subject: Financial Statements for the Period ending 31/03/2012
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 27 March 2012
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 31 March 2012.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Scott

SECONDED: Cr Fitzhardinge

That the Monthly Financial Statement for the period 1 July 2011 to 31 March 2012 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

4/0

Body / Background:

The Monthly Financial Report to the 31 March 2012 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.

DCS.409

Subject: Budget Review 2011/12
Reporting Officer: Director Corporate Services
File Reference: FM.BU.11.12
Date Prepared: 18 April 2012
Voting Requirements: Absolute Majority

Report Purpose:

To consider the budget review for the financial year 2011/12 and to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

Carried over to special meeting for consideration

That Council adopts the review of the Shire of Irwin 2011/12 Budget and recommendations as contained within the attachment to DCS.409.

ABSOLUTE MAJORITY

VOTING DETAILS:

/0

Body / Background:

Regulation 33A of the Local Government (Financial Management) Regulation 1996 requires Council to conduct a review of its budget between six and nine months into a financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government.

Officers Comment:

The Director of Corporate Services has undertaken a detailed review of the Shire of Irwin Annual Budget for 2011/12 and forecast the final results for the full year to 30 June 2012 based on actual results to 29 February 2012.

Attached is a Statement of Financial Activity projecting the estimated position as at 30 June 2012, which indicates an anticipated current net asset position of approximately \$461,300 at year end. A report follows the Statement summarising significant variances to the budget which results in the anticipated final position.

Financial Implications:

As noted in the review.

Statutory Environment:

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must -
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.

- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Policy Implications:

Nil

W.178

Subject: Proposed Crossover Extension to Residential Property
Reporting Officer: Works Manager
Date of Report: 17 April 2012
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To consider a proposal from Mr and Mrs Jupp of Lot 602 Poole View, Dongara to extend their crossover past the 6 metres maximum limit as stated in councils Vehicle Crossovers policy.

OFFICER'S RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr Porteus

SECONDED: Cr Scott

That council approves this application for a concrete verge treatment, because it will assist in the prevention of erosion and debris washing onto the roadway. This method is a better option than gravel stones, however the following conditions need to be put in place;

1. The landowner will place an extra soak well with grated lid in the verge;
2. Design the verge so that the soak well catches the majority of excess water from the concrete surface.

CARRIED UNANIMOUSLY

VOTING DETAILS:

4/0

Body/Background:

The landowners Mr and Mrs Jupp of Lot 602 Poole View are requesting permission to concrete the verge fronting their property. In the past the Shire's preference was to cover the verge with lawn. A lot of residents are now removing the grass from the verges and replacing with washed gravel stones. This reduces cost and the need for maintenance. The problem with the stones is that the stones are loose and can become a hazard for pedestrians and cyclists.

Officer's Comment;

The positioning of the property at Northshore and the soil types that are prevalent, suggest that the proponents are trying to avoid sand drift and are looking at a permanent fix to future water and maintenance costs.

Water runoff could be a problem with the concrete verge and would require at least one more soak well to disperse the extra water runoff and not put excessive capacity through council's drainage system.

Financial Implications:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

COUNCIL MOTION:	
MOVED: Cr Scott	SECONDED: Cr Porteus
That Council appoint Mr Geoff Peddie, Director Corporate Services, as Acting CEO for the period 21 to 25 May 2012 inclusive.	
VOTING DETAILS:	<u>SIMPLE MAJORITY</u> 4 / 0

A Special Meeting will be called by the Shire President to discuss items B.432, CEO.474 and DCS.409 which require an absolute majority; these items will be carried over to a special meeting for consideration.

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4:22PM.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 24 April 2012 <i>Signed:</i> Presiding Elected Member Date:.....
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