



AGENDA

FOR THE

ORDINARY MEETING
OF COUNCIL

TO BE HELD ON

TUESDAY, 24 JULY 2012

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

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

NOTICE OF MEETING

PLEASE BE ADVISED THAT THE

ORDINARY MEETING OF COUNCIL

COMMENCING AT 4.00PM

WILL BE HELD ON

TUESDAY, 24 JULY 2012

IN COUNCIL CHAMBERS AT
13 WALDECK STREET, DONGARA WA



Geoff Peddie
Acting Chief Executive Officer
July 2012

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Disclosure of Financial or Impartiality Interests Form

This form is provided to enable members and officers to disclose an interest in a matter in accordance with the requirements of Sections 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulation 34C

To: Chief Executive Officer

I hereby declare my interest in the following matter/s included on the Agenda paper for the Council/Committee meeting to be held on:

_____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	Extent of Interest (see below)

Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

 Name (Please Print)

 Signature

 Date

NB:

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1)(a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declaration to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillors'/Employees' responsibility to ensure the interest is brought to the attention of Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing the Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors/Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration

Office Use Only:

Date/Initials

1. Particulars of declaration given to meeting

2. Particulars recorded in the minutes

3. Signed by Chief Executive Officer

Leave of Absence Request Form

This form is provided to enable members and officers to apply for leave pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995.

To: Chief Executive Officer

I hereby give notice that at the ordinary meeting of Council on _____
I intend to request that Council grant me a leave of absence for the following period:

From: _____ To: _____ (inclusive)

Councillor: _____
(Please print name in full)

Signed: _____

Guidance Notes to aid completion of Leave of Absence Request Form:

1. Once you have completed this form, please arrange for it to be delivered to the Chief Executive Officer (ideally before the commencement of the ordinary Council meeting at which the request is to be made)
2. If you are unable to attend the Council meeting at which the request for leave of absence is to be put forward, please complete this form and submit to the Chief Executive Officer as soon as is practicable, so that he can advise the Shire President to put forward the request on your behalf.
3. Any leave of absence approved by Council can only apply to subsequent meetings. Therefore, leave of absence cannot be granted for the ordinary Council meeting at which the approval is given.
4. Pursuant to the provisions of Section 2.25(4) of the Local Government Act 1995, an Elected Member who is absent throughout three (3) consecutive **ordinary** Council meetings, without first obtaining a leave of absence, is disqualified from continuing his or her membership of the Council.
5. Council cannot grant leave of absence in respect of more than six (6) consecutive ordinary meetings of the Council, without the approval of the Minister for Local Government.

Office Use Only:

Date/Initials

1. Particulars of leave of absence given to meeting

2. Particulars recorded in the minutes

3. Signed by Chief Executive Officer

Meetings Generally Open to the Public

LOCAL GOVERNMENT ACT 1995 – SECT 5.23

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

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AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 24 JULY 2012 COMMENCING AT 4.00PM

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr K J Hepworth (Deputy President) Cr J B Fitzhardinge Cr R T McClurg Cr J A R Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr G M Peddie – Acting Chief Executive Officer Mrs H M Sternick – Manager Corporate Services Mr F A Neuweiler – Manager Community Safety Mr G F Coaker – Manager Planning Services Mr A S Wootton – Manager Works Mrs C M Palmer – Executive Assistant (EA) (Minute Taker)
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		Mr D J Simmons - Chief Executive Officer

-
- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
 - 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
 - 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
Nil.
 - 4. PUBLIC QUESTION TIME**
 - 5. APPLICATIONS FOR LEAVE OF ABSENCE**
 - 6. PETITIONS**

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 JUNE 2012

A copy of the Minutes of the Ordinary Council Meeting held on 26 June 2012 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr _____

SECONDED: Cr _____

That the Minutes of the Ordinary Council Meeting, held on 26 June 2012, be confirmed as a true and accurate recording of that meeting.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS

DCC.01

Subject: Accounts for Payment
Reporting Officer: Director Corporate and Community
Date of Report: 18 July 2012
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

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

Officer's Recommendation:

That the Accounts paid during June 2012, represented by Municipal Cheque Numbers 28655-28722, EFT payment numbers 13185-13303 totalling \$691,155.29, Police Licensing Payment No's PL010612-PL290612 totalling \$68,343.10, Trust No's: 2305-2306 totalling \$22,708.51 be received.

Background:

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

DCC.02

Subject: Financial Statements for the Period ending 30/06/2012
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 18 July 2012
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 30 June 2012.

Officers Recommendation:

That the Monthly Financial Statement for the period 1 July 2011 to 30 June 2012 be received.

Body / Background:

The Monthly Financial Report to the 30 June 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.

DCC.03

Subject: Adoption of 2012/2013 Shire of Irwin Budget
Reporting Officer: Director Corporate and Community
Date of Report: 17 July 2012
File Reference: FM.AD.12.13
Voting Requirements: Absolute Majority

Report Purpose:

To formally adopt the Shire of Irwin 2012/13 Budget and associated resolutions.

Officers Recommendation:

1. Adoption of the 2012/2013 Municipal Budget

That the Shire of Irwin 2012/2013 Budget Document, as presented, be adopted as the Shire of Irwin Budget for the year ending 30 June 2013, which includes the following:

- Statement of Comprehensive Income by Type and Nature showing a net result for the year of \$1,199,400;
- Statement of Comprehensive Income by Programme showing a net result for the year of \$1,199,400;
- Statement of Cash Flows;
- Rate Setting Statement showing an amount required to be raised from rates of \$4,027,100;
- Notes to and forming part of the budget;
- Budget Programme schedules;
- Transfers to and from the Restricted and Reserves accounts.

2. Differential Rating Levels

That Council impose the following differential rates in the dollar and minimum rates on Gross Rental and Unimproved Values for the purpose of levying differential rates for the 2012/2013 financial year.

Rate Category	Rate in Cents	Minimum Rates
<u>Gross Rental Valuations</u>		
Residential	9.072	782
Commercial	9.072	782
Light & General Industry	9.072	782
Special & General Industry	9.072	782
Undeveloped	9.072	782
<u>Unimproved Valuations</u>		
Mining – Improved	15.00	782
Mining – Undeveloped	14.95	782
Policy Area A	0.7884	782
Policy Area B	0.7884	782
Policy Area C	0.7884	782
Policy Area D	0.7844	782
Policy Area E	0.7884	782
Policy Area F	0.7884	782
Policy Area G	0.7884	782

These rates reflect an increase of 5% percent in total rate revenue from GRV and non-mining UV properties, which is designed to ensure Councils operational requirements are kept in line within the projected levels of inflation, increased state government costs of power and water, and to continue to invest in infrastructure works to stimulate and promote the economic development of the Shire.

3. Outstanding Rates Penalty Interest

That Council adopts an interest rate of eleven (11) percent charged daily on all rates and costs of proceedings to recover such rates that remain unpaid after becoming due and payable.

This reflects the loss in investment income to Council and to encourage early payment to assist cash flow management.

4. Instalment Options

That Council determines that it will provide options to pay rates using two and four instalments and that each instalment date will be at intervals of two months from the due date of the first instalment.

Regulation 64 (2) of the Local Government (Financial Management) Regulations 1996 requires Council, when adopting the budget, to determine the due dates for payment of instalments after the due date of the first instalment.

5. Instalment Options Administration Fee

That Council adopts an instalment administration charge of \$5.00 per instalment on each instalment payment after the initial instalment is paid (i.e. 3 x repayments = \$15).

This is to reflect the administrative cost to Council.

6. Instalment Options Interest Levy

That Council adopts an interest rate of 5.5% charged daily where the payment of rates is by instalment.

This is to reflect the loss of investment income to Council.

7. Members Sitting Fees

That Council adopts a Shire President's annual allowance in lieu of individual meeting fees of \$6,000 per year.

That Council adopts a Members' annual allowance in lieu of individual meeting fees of \$3,000 per year.

The level of sitting fees paid to elected members is currently set at an annual payment of \$6,000 for the Presiding member and \$3,000 for Councillors. In lieu of meeting fees Council may adopt an annual allowance, which has a minimum/maximum of \$2,400 and \$7,000 for elected members and \$6,000 and \$14,000 for the President.

8. Shire Presidents Allowance

That Council adopts a Shire President's annual local government allowance of \$6,000 per annum.

The minimum/maximum allowance for the Shire President is \$600 and \$12,000 or 0.002 of operating revenue, whichever is the greater, to a maximum of \$60,000. The current level paid by Council is \$6,000.

9. Deputy Shire Presidents Allowance

That Council adopts a Deputy Shire President's annual local government allowance of \$1,500 per annum.

The Act and Regulations provide that the Deputy Shire President may be paid an annual local government allowance of up to 25% of the Shire President's allowance.

10. Annual Telecommunications and IT Allowance

That each Council member be provided with a Portable Electronic Device for their Council use and budget provision be made for the associated communication costs.

Section 34A and 34AA of the LG Act (Administration) Regulations provides that the maximum Allowance that a Council may make for Telecommunications Expenses and Information Technology Expenses in lieu of actual reimbursements is \$2,400 and \$1,000 respectively. Whilst Council members have not claimed for such expenses in the past, it is suggested that allocation be made in the budget for the provision of portable electronic devices for each Council member and for the associated communication costs for these devices.

11. Budget Review Variance

That the percentage variance used during the budget review process and for financial reporting purposes be set at 10% or \$5,000, whichever is greater?

The Act requires that a variance percentage be adopted by Council to be used during the budget review process and financial reporting.

12. Schedule of Fees and Charges

That Council adopts the Schedule of Fees and Charges as listed in the Budget Document for 2012/13.

Body / Background:

At the June Council forum substantial time and discussion was given to consideration of the provisions in the Draft Budget papers including rating levels, capital improvements, debt management and operational requirements. General acceptance on the major items contained within the draft budget was reached, and the formal budget has been prepared with changes following the forum discussion and now presented for formal adoption by Council.

The budget as presented is in the format required by the Local Government Act 1995, and accompanying Financial Management Regulations 1996, as well as the Australian Accounting Standards.

Officers Comment:

The differential rates and minimum payments adopted by Council at the meeting of 26 June 2012 have been advertised in accordance with statutory requirements. At the time of writing this report no submissions have been received during the advertising period (closes Friday 20 July) regarding the proposed rates. We are currently waiting for approval from the Director General of the Department of Local Government for Council to adopt a UV differential rate which is more than twice the lowest rate and for minimum rates to be imposed on more than 50% of properties in vacant land categories of GRV – Undeveloped and Mining – Undeveloped.

The Budget reflects the discussions held at the June 2012 Forum to increase UV and GRV rate revenue by approximately 5% and increases to the Mining Rate category as well as adjustments to the Draft Budget and other changes that have arisen since the preparation of the draft budget papers. Such adjustments and changes include the following:

- Amendment to the final surplus amount due to capital projects being incomplete and final operating costs being less than anticipated. It should be noted that the surplus is provisional and is subject to change dependent upon further 11/12 creditors invoices being received and adjustments required from the audit process.
- The surplus is also increased due to the prepayment of the Commonwealth Grants Commission grants being more than originally advised. The balance of the grants to be received in 2012/13 has correspondingly been reduced.
- Deletion of the sand barrier design at Grannies Beach that was included in the Draft Budget and replaced by the inclusion of an electronic community sign and permanent anchor point at Grannies Beach.
- Funding of \$35,000 for provision of parking and pathways at Memorial Park has been carried over from 2010/11.
- Funding of \$87,200 for the reconstruction on Waldeck Street near the Bakery and installation of associated parking and pathways.

Financial Implications:

The 2012-13 Municipal Budget provides for the revenue and expenditure requirements of the Shire of Irwin for the period 1 July 2012 to 30 June 2013.

Statutory Environment:

The Local Government Act provides as follows:

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
** Absolute majority required.*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;

- (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

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

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE

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