

SHIRE OF EXMOUTH



SPECIAL COUNCIL MEETING

MINUTES

30 July 2012

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 16th August 2012 as a true and accurate record of the Special Council Meeting held on 30th July, 2012.

.....
C (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire office

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability 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.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Exmouth for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Exmouth disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. Any person or legal entity who acts or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

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

Signed at Exmouth



(B Price), Chief Executive Officer Shire of Exmouth

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SPECIAL COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- To provide sustainable management of the organisation
- To consistently apply the principles of Good Governance
 - To communicate effectively
 - To promote socioeconomic development
 - To value our environment and heritage

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 3.00pm.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Councillor C (Turk) Shales	Shire President
Councillor R Winzer	
Councillor M Hood	
Councillor J Warren	
Councillor G Thompson	
Mr B Price	Chief Executive Officer
Mrs Sue O'Toole	Executive Manager Corporate Services
Mr R Kempe	Executive Manager Community Engagement
Mr R Manning	Executive Manager Health & Building
Mr R Mhasho	Executive Manager Town Planning
Mr K Woodward	Executive Manager Engineering Services
Mr A Forte	Executive Manager Aviation Services

GALLERY

Visitors 0

APOLOGIES

Councillor S Fitzgerald Deputy Shire President

LEAVE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.


Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil

6. REPORTS OF OFFICERS

6.1 Executive Manager Corporate Services

6.1.1 Adoption of the 2012/13 Budget

Applicant:	B Price
File Reference:	FM.BU.11.12
Disclosure of Interest:	Nil
Date:	19 July 2012
Author:	Chief Executive Officer, Bill Price
Signature of Author:	
Senior Officer:	Chief Executive Officer, Bill Price

SUMMARY

This report recommends the Council of the Shire of Exmouth adopt the 2012/13 Budget.

BACKGROUND

Council is required to prepare and adopt in the manner and form prescribed its annual budget by no later than the 31 August each year in accordance with Section 6.2 of the Local Government Act 1995.

COMMENT

The Draft Budget for 2012/13 has been prepared in accordance with the Local Government Act and is attached for consideration and final adoption (Refer ***Attachment 3***).

The draft Budget includes a number of key projects, including Capital Program featuring \$15 million of planned works, with the main projects being:

- | | |
|---------------------------------|------------|
| ○ Oval Lighting Towers | \$500,000 |
| ○ Underground Power CBD Area | \$650,000 |
| ○ Construction of Sea Wall | \$690,000 |
| ○ Housing Initiative | \$950,000+ |
| ○ Thew St Upgrade | \$1.1m |
| ○ Ningaloo Centre | \$2m |
| ○ Federation Park Redevelopment | \$2m |
| ○ Flood Mitigation Project | \$3.7m |

The draft Budget incorporates a general rate increase of 3% which has been based on an estimate of the general increase in the net cost of services.

STATUTORY ENVIRONMENT

Section 6.2 Local Government Act 1995
Local Government Financial Management Regulations 22-33

POLICY IMPLICATIONS

Policy 3.9, Budget Development Process

FINANCIAL IMPLICATIONS

The Budget outlines the financial plans for the Shire during 2012/13 and contains estimated revenue and expenditure which is monitored throughout the year.

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATIONS – 6.1.1
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That the Council of the Shire of Exmouth in accordance with Section 6.2(1) of the Local Government Act 1995, having considered any submissions received on the intended Differential Rates, Specified Area Rate and Plan for the Future, adopt the Municipal Fund Budget for the financial year ending June 30, 2013 as resolved below :-

Differential General Rates:

That the Council of the Shire of Exmouth in order to makeup the budget deficiency impose a differential general rate on rateable land within the Municipality of Exmouth in accordance with Section 6.33 of the Local Government Act 1995 and adopt the following schedule of differential rates:

Rating Category	Rate in Dollar	Minimum Rate
	\$	\$
Gross Rental Value (GRV)		
<i>Composite Development</i>	<i>0.0670</i>	<i>639.00</i>
<i>Industrial</i>	<i>0.0780</i>	<i>639.00</i>
<i>Light Industrial</i>	<i>0.0780</i>	<i>639.00</i>
<i>Marina</i>	<i>0.1135</i>	<i>840.00</i>
<i>Mixed Use</i>	<i>0.0780</i>	<i>639.00</i>
<i>Residential</i>	<i>0.0727</i>	<i>639.00</i>
<i>Residential Development</i>	<i>0.0600</i>	<i>200.00</i>
<i>Special Rural</i>	<i>0.0611</i>	<i>639.00</i>
<i>Special Use (GRV)</i>	<i>0.0611</i>	<i>639.00</i>
<i>Strategic Industrial</i>	<i>0.0670</i>	<i>639.00</i>
<i>Tourist</i>	<i>0.0780</i>	<i>639.00</i>
<i>Town Centre</i>	<i>0.0780</i>	<i>639.00</i>
Unimproved Value (UV)		
<i>Aquaculture</i>	<i>0.0675</i>	<i>200.00</i>
<i>Mining</i>	<i>0.1350</i>	<i>200.00</i>
<i>Pastoral</i>	<i>0.0675</i>	<i>200.00</i>
<i>Rural</i>	<i>0.0675</i>	<i>200.00</i>
<i>Special Use (UV)</i>	<i>0.0675</i>	<i>200.00</i>

Marina - Specified Area Rate:

That the Council of the Shire of Exmouth in accordance with Section 6.37 of the Local Government Act 1995 impose a "Marina - Specified Area Rate" to portion of Lot 1478 (Lots 38-49, 51-68, 72, 108-137, 139-158, 169, 171-198), portion of Lot 1473 (Lots 300-328, 330-363, 365-399, 402-412, 414-434, 481), Lots 6-24 Madaffari Drive, portion of Lot 1480, Lot 1481, portion of Lot 1479 for the purpose of meeting the cost of increased water monitoring, maintenance and management costs related to the Exmouth Marina Canal waterways and any future lots created that adjoin the Exmouth Marina Village Canals.

	Rate in Dollar	Minimum Rate
	\$	\$
<i>Specified Area Rate</i>	<i>0.0116</i>	<i>58.00</i>

Rates Concession:

That the Council of the Shire of Exmouth in accordance with Section 6.47 of the Local Government Act 1995 grant a rates concession of the following amounts to apply to the respective locations;

Property	Zone	Rates Calculated	Rates Concession
A1332 Marine Farms Ltd	Aquaculture	\$15,593	(\$9,258)
A1333 J Melvin	Aquaculture	\$1,283	(\$762)
A514 Bullara Station	Pastoral	\$6,923	(\$920)
A688 Yardie Homestead	Pastoral	\$1,350	(\$179)
A512 J Lefroy	Pastoral	\$3,218	(\$1,006)
A1146 Ningaloo Station	Pastoral	\$3,490	(\$464)

Rubbish Removal Charges:

That the Council of the Shire of Exmouth set the following rubbish removal charges:

- a. Residential \$337.50 for the weekly removal of each 240 litre mobile garbage bin; one collection per week.
- b. Commercial \$263.50 for the weekly removal of each 240 litre mobile garbage bin; one collection per week

Due Date for Payment of Rates and Charges:

That the Council of the Shire of Exmouth in accordance with the Local Government Financial Management Regulations 1996 – Clause 64(1) set the due date for the single payment of a rate or service charge for the 2012/13 financial year to be 10 September 2012.

Due Date for Payment of Rate Instalments

That the Council of the Shire of Exmouth in accordance with the Local Government Financial Management Regulations 1996 – Clause 64(2) set the due date for the payment of rate instalments for the 2012/13 financial year as follows:-

First Instalment	10 September 2012
Second Instalment	12 November 2012
Third Instalment	14 January 2013
Fourth Instalment	14 March 2013

Options for Payment of Rates and Charges:

Option 1: Prompt Payment Due no later than 4:00pm on 10 September 2012

Option 3: Four equal instalments

- i) First instalment due no later than 4:00pm on 10 September 2012
- ii) Second instalment due no later than 4:00pm on 12 November 2012
- iii) Third instalment due no later than 4:00pm on 14 January 2013
- iv) Fourth instalment due no later than 4:00pm on 14 March 2013.

Option 2: Two equal instalments

- i) First instalment due no later than 4:00pm on 10 September 2012;
- ii) Second instalment due no later than 4:00pm on 12 November 2012.

Administration Charge on Instalments:

That the Council of the Shire of Exmouth in accordance with Section 6.45(3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 67 set an administration charge of \$11.50 per rate instalment notice for the 2012/13 financial year where the instalment plan is selected.

Interest on Rate Instalments

That Council of the Shire of Exmouth in accordance with Section 6.45(3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 68 set as an additional charge by way of interest where the instalment plan is selected an interest rate of 5.5% for the 2012/13 financial year.

Late Payment Interest Charge:

That the Council of the Shire of Exmouth in accordance with Section 6.51(1) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 70 set an interest rate of 11% for the 2012/13 financial year as penalty interest for the late payment of rates and charges.

Interest on Money Owing to Council – General Debtors:

That the Council of the Shire of Exmouth in accordance with Section 6.13(1) of the Local Government Act 1995 set an interest rate of 11% for the 2012/13 financial year and in accordance with Section 6.13(6) of the Local Government Act 1995, the period of time after which an account incurs interest is 60 days.

Reserve Fund:

That the Council of the Shire of Exmouth in accordance with Section 6.11 of the Local Government Act 1995 create Reserve Funds and allocate funds to and from the Reserve Funds for the financial year ending 30 June 2013 as specified in the 2012/13 Budget document.

Trust Fund Budget:

That the Council of the Shire of Exmouth adopt the Trust Fund Budget for the financial year ending 30 June 2013 as included in the 2012/13 Budget.

Imposition of Fees and Charges:

That the Council of the Shire of Exmouth in accordance with Sections 6.16 and 6.17 of the Local Government Act 1995, Health Act 1911, Cemeteries Act 1986, Dog Act 1976 and other relevant legislation, adopt the Schedule of Fees and Charges for the financial year ending 30 June 2013 as included in the 2012/13 Budget.

Material Variance:

The 2012/13 Financial Statements presented to Council during the Financial Year for review and comparison to Budget will indicate Variance Value plus (+) or minus (-) of 10% or \$10,000, whichever is the greater.

Call Tenders:

Authorise the CEO to call Tenders for Goods and Services where there is provision in the 2012/13 Budget, with Council to determine the outcome of all Tenders.

COUNCIL DECISION – 22-0712 – 6.1.1

Moved Councillor Thompson, Seconded Councillor Winzer.

That the Council of the Shire of Exmouth in accordance with Section 6.2(1) of the Local Government Act 1995, having considered any submissions received on the intended Differential Rates, Specified Area Rate and Plan for the Future, adopt the Municipal Fund Budget for the financial year ending June 30, 2013 as resolved below :-

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Call Tenders:

Authorise the CEO to call Tenders for Goods and Services where there is provision in the 2012/13 Budget, with Council to determine the outcome of all Tenders.

CARRIED by ABSOLUTE MAJORITY 5/0

The Chief Executive Officer commended the Executive Manager Corporate Services for her efforts.

Councillor Thompson requested an update of the Exmouth Visitors Centre Review.

7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

9. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

10. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.40pm.