



AGENDA

Special Council Meeting Thursday 26 September, 2019

Commencing at 4 p.m.

Council Chambers, Ravensthorpe.

Open Council Meetings – Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

Signed

Chief Executive Officer



SHIRE OF RAVENSTHORPE

DISCLAIMER

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

In particular and without derogating in any way from the broad 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 Ravensthorpe Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Ravensthorpe Shire Council. The Ravensthorpe Shire Council warns that anyone who has an application lodged with the Ravensthorpe Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Ravensthorpe Shire Council in respect of the application.

A handwritten signature in dark ink, appearing to be 'G. Pollock'.

Gavin Pollock
Chief Executive Officer

25 September 2019

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WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on (2) _____

Agenda item (3) _____

The type of interest I wish to declare is (4)

- ☐ Financial pursuant to Sections 5.60A of the Local Government Act 1995
- ☐ Proximity pursuant to Section 5.60B of the Local Government Act 1995
- ☐ Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- ☐ Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

The extent of my interest is (6)

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Signature

Date

RECEIVED BY:

 Chief Executive Officer

 Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item is to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

Financial pursuant to Sections 5.60A of the Local Government Act 1995**5.60A – Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995**5.60 B – Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995**5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007**11 – Disclosure of interest**

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
 - (a). in a written notice given to the CEO before the meeting;

- or
 - (b). at the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

Ratepayers and residents are welcome to attend the council meetings and participate in the Public Question time session which are held at the beginning of each Council Meeting.

SPECIAL MEETING OF COUNCIL

**TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 26 SEPTEMBER 2019, COMMENCING AT 4.00PM**

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EXTRACT FROM LOCAL GOVERNMENT ACT 1995

5.5. CONVENING COUNCIL MEETINGS

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) **The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Keith Dunlop (Shire President)
Cr Julianne Belli (Deputy Shire President)
Cr Ian Goldfinch
Cr Graham Richardson
Cr Peter Smith
Cr Kerry Dickinson
Cr Thomas Major

STAFF: Les Mainwaring (Director of Corporate and Community Services)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

3. PUBLIC QUESTION TIME

4. DISCLOSURE OF INTEREST

5. SPECIAL BUSINESS

5.1 ADOPTION OF 2019-20 BUDGET AND SCHEDULES

File Reference:	FM.BU.1
Location:	Shire of Ravensthorpe
Applicant:	N/A
Author:	Director Corporate & Community
Authorising Officer:	Chief Executive Officer
Date:	26 September 2019
Disclosure of Interest:	Nil
Attachments:	Draft Statutory Budget 2019-20 (attachment Blue) and Schedules (attachment green)
Previous Reference:	Nil

Moved: _____ Seconded: _____

Recommendation:

That Council;

Part A – Municipal Fund Budget for 2019/20

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996 the council adopt the Municipal Fund Budget as contained in the attachment to this agenda and the minutes for the Shire of Ravensthorpe for the 2019/20 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of -\$381,210.**
- **Statement of Comprehensive Income by Program on page 4 showing a net result for that year of -\$381,210.**
- **Statement of Cash Flows on Page 6.**
- **Rate Setting Statement on page 7 showing an amount required to be raised from rates of \$4,452,864 based on a 3.5% rate increase.**
- **Notes to and Forming Part of the Budget on pages 8 to 31.**

Voting Requirements: Absolute Majority

Carried:

Moved: _____ Seconded: _____

Part B – General and Minimum Rates, Instalment Payment Arrangements

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum rates on Gross Rental and Unimproved Values.

1.1 General Rates

Residential (GRV)	11.7165 cents in the dollar
Commercial (GRV)	13.1567 cents in the dollar
Industrial (GRV)	15.4430 cents in the dollar
Transient Workforce Accom (GRV)	31.4867 cents in the dollar
Short Stay Accommodation (GRV)	31.4867 cents in the dollar
Rural (UV)	0.8567 cents in the dollar
Mining (UV)	8.3600 cents in the dollar

1.2 Minimum Payments

Residential (GRV)	\$870
Commercial (GRV)	\$870
Industrial (GRV)	\$870
Transient Workforce Accom (GRV)	\$850
Short Stay Accommodation (GRV)	\$850
Rural (UV)	\$850
Mining (UV)	\$320

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments:
 - Full payment and 1st instalment due date 07 November 2019
 - 2nd quarterly instalment due date 09 January 2020
 - 2nd half instalment due date 12 March 2020
 - 3rd quarterly instalment due date 12 March 2020
 - 4th quarterly instalment due date 14 May 2020
3. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) regulations 1996, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

5. Pursuant to section 6.51 (1) and subject to section 6.51 (4) of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Voting Requirements: Absolute Majority

Carried:

Moved: _____ Seconded: _____

Part C – General Fees and Charges for 2019/20

Pursuant to section 6.16 of the Local Government Act 1995, council adopts the Fees and charges included with the draft 2019/20 budget.

Voting Requirements: Absolute Majority

Carried:

Moved: _____ Seconded: _____

Part D – Other Statutory Fees for 2019/20

1. Pursuant to section 53 of the Cemeteries Act 1986 council adopts the fees and charges for cemeteries within Shire included in the draft 2019/20 budget.
2. Pursuant to section 245A (8) of the Local Government (Miscellaneous Provisions) Act 1960 the council adopts a swimming pool inspection fee of \$58.45.
3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery act 2007, council adopt the following charges for the removal of domestic and commercial waste:

3.1 Residential Commercial and Industrial Premises 240L Refuse Bin Collected Weekly
\$310 pa

3.2 Residential Commercial and Industrial Premises 240L Recycling Bin Collected
Fortnightly \$110 pa

4. Pursuant to Section 41 of the *Health Act 1911* council adopt the following effluent charges for the management and maintenance of community effluent systems within the town sites of Munglinup and Ravensthorpe:

4.1 General Rates

- Ravensthorpe (GRV) 2.3252 cents in the dollar
- Munglinup (GRV) 2.6563 cents in the dollar

4.2 Minimum Payments

- Ravensthorpe (GRV) \$200
- Munglinup (GRV) \$200

4.3 Non Rateable Properties

- First Fixture \$200
- Per Additional Fixture \$125
- Commercial Volume Sewerage (CBH sites) \$1500

Voting Requirements: Absolute Majority

Carried:

Moved: _____ Seconded: _____

Part E – Elected Members Fees and Charges

1. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, council adopts the following annual fees for payment of elected members in lieu of individual meeting fees:

President	\$19,786
Councillors	\$13,286
2. Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, Council adopts the following annual allowances for elected members:

Phone, fax, IT & Telecommunications	\$1,084
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3. Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$13,000
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4. Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy President	\$3,250
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Voting Requirements: Absolute Majority

Carried:

Moved: _____ Seconded: _____

Part F – Material Variance Reporting for 2019/20

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be 10% or \$100,000, whichever is the greater.

Voting Requirements: Absolute Majority

Carried:

Moved: _____ Seconded: _____

Part G – Rates Exemption

That pursuant to section 6.47 of the *Local Government Act*, and in keeping with past years, the 2019/20 rates on the following properties be waived to encourage these community organisations:

- Assessment A14326 – 62 Esplanade – CWA of Hopetoun
- Assessment A11670 – 75 Spence Street – Baptist Union of WA Inc.
- Assessment A11569 – 23 Dunn Street – Diocesan Trustees of Bunbury Inc.
- Assessment A11697 – 25 Dunn Street – Diocesan Trustees of Bunbury Inc.
- Assessment A430 – 21 Dunn Street – Diocesan Trustees of Bunbury Inc.
- Assessment A321 – 23 Morrell Street – St Johns Ambulance Australia Munglinup Sub Centre
- Assessment A611 – 21 Morgans Street – St Johns Ambulance Australia Munglinup Sub Centre
- Assessment A14075 – 46 Dunn Street – The Roman Catholic Bishop of Bunbury
- Assessment A776 – 49 Esplanade – The Roman Catholic Bishop of Bunbury
- Assessment A589 – 38 Kingsmill Street – The Uniting Church in Australia Property Trust WA

Subject to eligibility of exemption being reviewed.

Voting Requirements: Absolute Majority

Carried:

Summary:

To adopt the Annual Budget for the 2019/2020 financial year in accordance with the requirements of the Local Government Act 1995 and other relevant legislation together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Background:

The Local Government Act requires Council's by 31 August each financial year to prepare and adopt, in the form and manner prescribed a financial budget for its municipal fund for the financial year ending the next following June. On the 6 August 2019, an approval was received from the Department of Local Government, Sport and Cultural Industries to extend the time to 30 September to prepare and adopt the Annual Budget for 2019/2020.

The draft 2019/20 Annual Budget has been compiled based on the principles contained within the Strategic Community Plan and prepared in accordance with the presentations made to councillors at the 2 budget workshops.

The draft differential general rates were approved by the council on 16 July 2019 and advertised for public comment. One submission was received and was considered by Council on 20 August 2019.

Ministerial approval has been obtained on the 18 September 2019 for the GRV – Transient Workforce / Short Stay Accommodation and UV Mining differential rates, which are more than twice the lowest rate of the 'Unimproved Valuation' and the 'GRV Residential' categories.

Comment:

The overall increase in rates raised for the year 2016/17 is 3.5%. This increase will enable the Shire of Ravensthorpe to complete its works programs and provide services required by the community and meet the compliance requirements of various governing agencies.

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards.

The main features of the draft budget include:

- Operating revenue of ~\$11.0m including ~\$4.45m in rates and ~\$2.7m relating to transport.
- Minimum rates have been pegged for UV Rural and GRV Transient Short Stay accommodation, with an overall increase of 3.5% across all categories
- A new Tourism Officer position has been created in order to stimulate economic development, and staffing has been included for the Little Barrens childcare service in Hopetoun in the interests of continuity of an essential service.
- Capital Works Program of \$3.9m including:
 - \$2.4m Road & Footpath construction,
 - \$1.2m Heavy Plant & Light vehicle renewal,
 - \$275K State Barrier Fence Upgrade,
 - \$ 90K Water Deficiency Program,
 - \$ 205K Purchase of Depot Land,
 - \$ 67K Gym equipment renewal.
 - \$ 66K Hopetoun Oval Lighting Upgrade
 - \$250K Regional Landfill Weighbridge
 - \$ 87K Building rectification works Kingsmill St
- Building maintenance allocation of \$909K.
- Debt Servicing costs of \$287K for existing borrowings.
- Plant Replacement Reserve transfer of \$1m for ongoing asset management.
- Building Reserve transfer in and out of \$1,070,000 to assist with cash flow during finalisation of flood reinstatement works.
- Community Development fund and Other donations allocation of \$31,550.
- Community Groups and event funding recurring allocations:

○ \$ 2,500	Australia Day Breakfast
○ \$ 5,700	Seniors Christmas Party
○ \$ 4,300	Ravensthorpe Community Centre
○ \$ 7,000	Ravensthorpe CRC – Spring Festival
○ \$ 22,000	Munglinup Library
○ \$ 15,000	Fitzgerald Biosphere Promotion
○ \$ 20,000	Ravensthorpe and Districts Arts Council
○ \$ 15,000	Hopetoun Progress Association
○ \$ 49,000	Hopetoun CRC – Library
○ <u>\$ 52,000</u>	Ravensthorpe CRC - Library
	\$192,500
- \$150,000 for Bushfire mitigation
- \$20,000 for Declared Weed control
- Elected members fees and allowances contained at 2%.
- Fees and Charges as reviewed by Councillors at the July 2019 meeting with the inclusion of rounding's
- An estimated surplus of \$1.997m is anticipated to be brought forward from 30 June 2019. However this is unaudited and may change. Any change will be addressed as part of a future budget review.

The draft 2019/20 budget continues to deliver on strategies adopted by the council and maintains a high level of service across all programs.

Flood reinstatement works will be finalised during 2019/20 after two years of extensive rehabilitation work where approximately \$30m will have been invested into the Shires road network when complete.

This investment together with mature asset management renewal practices continues to enhance the Shires financial sustainability and ability to handle any unforeseen negative financial consequences.

Recruitment and retention of skilled staff will continue to be a challenge into 19/20. Recent announcements of improvement in the local mining sector will benefit the local economy generally however there will be flow on effects to the local government sector. This is already evident with the current expansion of services in the childcare sector and may also impact future recruitment in particular areas. The Economic and Social study together with the full review of the Shires Integrated Planning framework and long term strategies will play integral role in providing a view of the near future for Ravensthorpe now that stability has been restored.

Consultation:

Executive Staff, Councillors, Bev Webb – Consultant.

Statutory Environment:

Local Government Act 1995 Section 6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2019/20 budget as presented is considered to meet statutory requirements.

Section 67 of the *Waste Avoidance and Resource Recovery Act 2007*
(*Receptacle Charges for Waste Collections*)

Section 41 of the *Health Act 1911* for the management and maintenance of community effluent systems.

Policy Implications:

Nil

Financial Implications:

A balanced budget for the 2019/20 financial year. Specific financial implication are as outlined in the Detail section of this report and as itemised in the draft 2019/20 budget attached for adoption.

Strategic Implications:

The budget documents Council's financial objectives for the next twelve months.

The draft 2019/20 budget has been developed based on the existing Community Strategic Plan and Integrated Planning documents prepared by the Shire of Ravensthorpe.

Sustainability Implications:

- **Environmental**
The draft 2019/20 budget supports key environmental strategies and initiatives adopted by the council.
- **Economic**
The draft 2019/20 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community.
- **Social**
The draft 2019/20 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

6. CLOSURE OF MEETING