



SHIRE OF MENZIES

MINUTES

**FOR THE ORDINARY MEETING OF COUNCIL
HELD ON**

Wednesday 18 December 2013

Shire of Menzies Council Chambers

Commencing at 3.03pm

**SHIRE OF MENZIES
NOTICE OF ORDINARY COUNCIL MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Menzies will be held on Wednesday 18 December 2013 in the Shire of Menzies Council Chambers commencing at 3.00pm.

N P Crawford
Chief Executive Officer

Date

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

**FINANCIAL INTEREST
(EFFECTIVE 1 JULY 1996)**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the CEO before the meeting: or**
- b) At the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

Preside at the part of the meeting relating to the matter: or
Participate in, or be present during any discussion or decision making procedure relating to the matter.

Unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act 1995

Ref: Local Government Act 1995 Division 6 – Disclosure of Financial Interest.
Specifically Sections 5.60, 5.61, 5.65 and 5.67

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MINUTES FOR ORDINARY MEETING OF COUNCIL

1. DECLARATION OF OPENING

The Shire President, Cr Greg Dwyer declared the meeting open at 3.03 pm, welcoming attendees and visitors and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

Mr David Hadden, Environmental Health Officer replacing Mr Garry Agnew who has retired.

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors:	Cr G Dwyer	President
	Cr P J Twigg	Deputy President
	Cr C Bennell	Councillor
	Cr I R Tucker	Councillor
	Cr J Graham	Councillor
	Cr J Mazza	Councillor
	Cr J Lee	Councillor
Staff:	Mr N P Crawford	Chief Executive Officer
	Ms B Povah	Deputy CEO
	Mr R Pepper	MWS

3.2 APOLOGIES

Councillors:	Nil
Staff:	Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DECLARATIONS OF INTEREST

Nil

8. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

9. CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON THURSDAY 28 NOVEMBER 2013

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION:	No: 0456
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Moved: Cr Lee

Seconded: Cr Mazza

That the minutes of the Ordinary Meeting of Council held on 28 November 2013 be confirmed as a true and accurate record.

CARRIED 7/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr D Hadden addressed Council and advised them of his experience and qualifications as an Principal Environmental Health Officer Building Surveyor

The President thanked Mr Hadden for his comments and invited him to stay for the meeting and community barbeque that would follow.

11. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 PRESIDENT'S REPORT (to be tabled at the meeting)

<i>Friday 29 November</i>	<i>With the CEO, attended Council Meeting of GVROC. Informative presentation from Cactus Working Group followed by a presentation from the CEO of the GEDC.</i>
<i>Tuesday 3 December</i>	<i>Attended the Menzies Community School Assembly and Christmas Play held in the Town Hall.</i>
<i>Thursday 5 December</i>	<i>Attended Audit Committee Meeting</i>
<i>Thursday 12 December</i>	<i>With the CEO, met with the WACHS for further discussions on advertising for a full time nurse and the cost to Menzies Shire to support that position.</i>

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION:	No: 0457
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Moved Cr Twigg

Seconded Cr Tucker

That the President's Report (Attachment 11.1A) as tabled, be received.

CARRIED 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.1 HEALTH AND BUILDING BUSINESS

12.1.1	APPOINTMENT OF ENVIRONMENTAL HEALTH OFFICER
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SUBMISSION TO:	Ordinary Meeting of Council, 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM417
DISCLOSURE OF INTEREST:	None
DATE:	9 December 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.1.1A: Appointment Notice

SUMMARY:

For Council to approve the appointment of an Environmental Health Officer

BACKGROUND:

Council shares an Environmental Health Officer (EHO) with the Shires of Leonora and Laverton.

The previous incumbent has recently resigned and it is now a requirement that a new EHO be appointed.

COMMENT:

The EHO is based in Leonora at the Shire offices and divides his time between Laverton, Leonora and Menzies with each Shire paying for services rendered on a user pays basis.

Following the recruitment process, Mr David Hadden has been appointed as the new Environmental Health Officer and will commence duties on Monday 16 December 2013.

Prior to Mr Hadden arriving, it is a requirement under the *Health Act 1911* to officially appoint him and have that appointment approved by the Executive Director Public Health (See Attachment 12.1.1A).

CONSULTATION:

Mr J Epis – CEO Leonora Shire

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Health Act 1911

28. Appointments to be approved

- (1) Every appointment by a local government of a medical officer of health, environmental health officer, or analyst shall be subject to the approval of the Executive Director, Public Health who may require satisfactory proof of competency to be supplied, and may give his approval absolutely or with any modification or condition as to the period of appointment or otherwise.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Provision for these services has been included in the current Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0458

Moved Cr Mazza

Seconded Cr Twigg

That Council appoints Mr David Hadden as the Environmental Health Officer for the Shire of Menzies, in accordance with Section 28 (1) of the *Health Act 1911*.

CARRIED 7/0

12.1.2 DELEGATION – CONTROL OF BUILDING MATTERS
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SUBMISSION TO:	Ordinary Meeting of Council, 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM183
DISCLOSURE OF INTEREST:	None
DATE:	11 December 2013
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.1.2A: Draft amendments to Delegation 2.8 Control of Building Matters

SUMMARY:

Review of Delegation to bring into line with recent changes to Building Act 2011

BACKGROUND:

Delegations provide the authority to officers to act on behalf of Council in approved matters, and within the stipulated limits of the delegation.

COMMENT:

The Building Act 2011 requires response to applications to be made within 25 days of the application being lodged. Applications may be for construction, for renovation or extension, for demolition etc.

The draft amendments allow for –

- Occasions when Council may not meet within 25 days of the application being made and it is necessary that appropriate authority be delegated in order that the legislated timeframes be met.
- The Shire now being a permit issuing authority, not an assessing authority. Applications are required to gain all necessary technical and planning approvals prior to lodgement for a permit. Accordingly, a permit is issued only once all other approvals are in place.

There is no provision in the Building Act for an application to be refused if all criteria are met. Accordingly, it is critical that Council considers appropriate controls and adopts them as a Planning Policy controlling building development etc.

The newly appointed EHO, Mr David Hadden identified a number of issues that needed to be addressed in the current Delegation and in consultation with him, a revision is now presented for Council consideration.

Once he officially commences as the Shire's EHO/Building Surveyor, an appropriate Planning Policy will be researched and brought to Council as soon as possible.

The delegation is also amended to Delegation 3.4 shifting it from delegations made under the Local Government Act, to delegations made under other enabling legislation.

Mr Hadden has not identified any changes needed to other delegations made to him in the Delegations Register.

CONSULTATION:

Mr Peter Crawford, CEO
Mr David Hadden, EHO/Building Surveyor elect

STATUTORY ENVIRONMENT:

Building Act 2011 –

- s.96 (3) – Appointment of authorised person
- s.127 (6A) – delegation of authority

POLICY IMPLICATIONS:

Amendments to Delegation 2.8

Future amendment to the Delegation will be required once appropriate Planning Policy is effective.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

Compliance with legislated timeframes

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0459

Moved Cr Bennell

Seconded Cr Lee

That Delegation 2.8 be amended as Delegation 3.4 – Control of Building Matters as presented

CARRIED BY ABSOLUTE MAJORITY

3.26 pm *Mr Hadden left the Meeting*

12. REPORTS OF COMMITTEES AND OFFICERS

12.2 FINANCE AND ADMINISTRATION BUSINESS

12.2.1	MONTHLY FINANCIAL REPORT – NOVEMBER 2013
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SUBMISSION TO:	Ordinary Meeting of Council 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	11 December 2013
AUTHOR:	Brooke Povah, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	Nil

ATTACHMENTS:

Attachment 12.2.1A: Monthly Statement of Financial Activity and associated reports, including the Compilation Report from UHY Haines Norton

SUMMARY:

Statutory Financial Reports are submitted to Council for receipt as a record of financial activity during the reporting month

BACKGROUND:

The monthly reports have been prepared by UHY Haines Norton to reflect revenue and expenditure transactions for the period to 30 November 2013.

COMMENT:

A Management Report is prepared by UHY Haines Norton to support the report and alert Council to matters of significance or trends outlined by the report presented.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations – Regulation 34

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision is required.

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0460

Moved Cr Lee

Seconded Cr Bennell

That Council acknowledges receipt of the Statement of Financial Activity and associated reports for the period to 30 November 2013.

CARRIED 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.2 FINANCE AND ADMINISTRATION BUSINESS

12.2.2 LISTING OF PAYMENTS MADE IN NOVEMBER 2013

SUBMISSION TO:	Ordinary Meeting of Council 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	11 December 2013
AUTHOR:	Brooke Povah, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

Attachment 12.2.2A: List of payments made to Creditors in November 2013

SUMMARY:

The list of payments made is required to be submitted to the Ordinary Meeting of Council.

BACKGROUND:

Payments have been made by both cheque payment and electronic funds transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under authority delegated to the CEO and are now reported to Council for approval.

COMMENT:

Payments made in November 2013 include cheques numbered 9855 to 9886 and direct payments totalling \$589,558.78.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for payment

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0461

Moved Cr Mazza

Seconded Cr Lee

That Council approves the payments identified in the list of payments made from the Shire of Menzies Municipal Bank account in November 2013 include cheques numbered 9855 to 9886 and direct payments totalling \$589,558.78.

CARRIED 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.2 FINANCE AND ADMINISTRATION BUSINESS

12.2.3	MINUTES OF AUDIT COMMITTEE MEETING HELD 5 DECEMBER 2013
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SUBMISSION TO:	Ordinary Meeting of Council 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM073
DISCLOSURE OF INTEREST:	None
DATE:	9 December 2013
AUTHOR:	Brooke Povah, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.2.3A: Minutes of Audit Committee Meeting held on Thursday 5 December 2013

SUMMARY:

For Council to consider receiving the minutes of the Audit Committee meeting held on 5 December 2013.

BACKGROUND:

A meeting of the Audit Committee was held on 5 December 2013 and a copy of the Minutes of that meeting is attached as Attachment 12.2.3A.

COMMENT:

The Audit Committee considered the following item at that meeting:

- 8.1 Consideration of Audit Report for 2012/13

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Provision for this item has been provided in the Annual Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No: 0462
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Moved Cr Bennell

Seconded Cr Twigg

That Council receives the Minutes of the Audit Committee Meeting held on Thursday 5 December 2013 and the Committee Recommendations contained therein:

8.1 Consideration of Audit Report for 2012/13

be adopted as a Resolution of Council

CARRIED 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.3 WORKS AND SERVICES BUSINESS

NIL

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.1	NOMINATIONS – GOLDFIELDS ESPERANCE DEVELOPMENT COMMISSION – BOARD OF MANAGEMENT
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SUBMISSION TO:	Ordinary Meeting of Council, 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	GEDC
FILE REF:	ADM 119
DISCLOSURE OF INTEREST:	None
DATE:	6 December 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.1A: Letter from GEDC

SUMMARY:

For Council to consider nominating a Member to the Board of the Goldfields Esperance Development Commission (GEDC).

BACKGROUND:

The GEDC has on its board, several positions from local governments in the region.

Due to a vacancy, the GEDC is inviting nominations from local governments to fill this position (See Attachment 12.4.1A).

COMMENT:

The GEDC has nine members on its board three of whom are local government representatives appointed by the Minister for Regional Development.

It is vitally important that local government continues to have strong representation on this board particularly in light of the recent dissatisfaction expressed by a number of local governments regarding the operations of the GEDC.

At present there are no representatives from the northern goldfields on the board, a situation which is very unsatisfactory and must be remedied if the northern goldfields are to derive some recognition from the organisation.

It is especially incumbent that the Shire of Menzies be represented in order for Menzies to gain some benefits that other local government areas appear to take for granted.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Board positions receive their own recompense from the GEDC as members

STRATEGIC IMPLICATIONS:

Will assist in Menzies and the district having a voice in decision making for the region.

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER'S RECOMMENDATION:

That Council nominates Councillor _____ to be the Shire of Menzies's representative for a position on the board of the Goldfields Esperance Development Commission.

COUNCIL DECISION:

No: 0463

Moved Cr Mazza

Seconded Cr Tucker

That Council nominates Councillor Lee to be the Shire of Menzies's representative for a position on the board of the Goldfields Esperance Development Commission.

CARRIED 7/0

Reason for change was to allow Council to nominate a delegate of their own choosing

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.2 LEASE OF LAND – KOOKYNIE TOWN SITE
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SUBMISSION TO:	Ordinary Meeting of Council, 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	Department of Lands
FILE REF:	ADM 245
DISCLOSURE OF INTEREST:	None
DATE:	4 December 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.2A: Letter from Department of Lands

SUMMARY:

For Council to consider an application to lease two lots of land in Kookynie for residential purposes

BACKGROUND:

Council have received an letter from the Department of Lands (DoL) seeking Council's response to an application to lease lots 339 and 340 in Hayes Street Kookynie for residential purposes (See Attachment 12.4.2A)

COMMENT:

The applicant has advised the DoL that he wishes to build a residence and live at the address permanently. DoL is asking whether Council has any comments or objections to make regarding the application.

The land is within the Kookynie town site and is subject to Council's Town Planning Scheme regulations. All buildings will also be controlled by the Building Surveyor and in compliance with the Building Code of Australia.

As such, there appear to be no grounds for Council to object to the application. Any requests for the amalgamation of the two lots will first have to come to Council and as it is only a lease, that process is highly unlikely.

CONSULTATION:

Department of Lands

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0464

Moved Cr Lee

Seconded Cr Bennell

That Council advises the Department of Lands that they have no objection to granting of a ten year lease over Lots 339 and 340 in Hayes Street in Kookynie.

CARRIED 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.3 COUNCILLORS INFORMATION BULLETIN 11/13
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SUBMISSION TO:	Ordinary Meeting of Council, 28 November 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM029
DISCLOSURE OF INTEREST:	None
DATE:	12 December 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to receive the Information Bulletin.

BACKGROUND:

The Information Bulletin 11/13 containing general and confidential information was previously circulated to Councillors.

COMMENT:

The intent of the Information Bulletin is to keep Council updated with the latest information relevant to the role of elected members.

Due to some confidential documents contained therein, the Information Bulletin is not for the general public's viewing and should be kept secure at all times.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

The Information Bulletin is designed to keep Councillors updated with information relevant to their roles as elected members.

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0465

Moved Cr Lee

Seconded Cr Tucker

That Council acknowledges receipt of Information Bulletin 11/13 for the period ended 30 November 2013.

CARRIED 7/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.4	KEEPING OF DOGS
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SUBMISSION TO:	Ordinary Meeting of Council, 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	Ms T Casley
FILE REF:	ADM 282
DISCLOSURE OF INTEREST:	None
DATE:	19 November 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.4A: Letter from Ms T Casley

SUMMARY:

For Council to consider a request from a new employee to keep more than two dogs at a town residence.

BACKGROUND:

The Shire recently employed a Works Supervisor (Mr Glenn Casley) who is expected to commence work on Monday, 6 January 2014.

A letter has been received from Ms Tracey Casley seeking Council permission to keep more than the statutory permitted two dogs at a town based residence (See Attachment 12.4.4A).

COMMENT:

Ms Casley has three dogs at present and is in the process of acquiring a fourth dog. As is indicated in her letter of application, her intent is to continue showing the dogs and breeding them at a later date. The new dog has a pedigree of some distinction.

The dogs are quite large and are not permitted inside their house. They are a gentle breed and do not bark very often. All dogs are microchipped and immunised.

A question of whether a precedent is being set by permitting the keeping of four dogs, there are circumstances in this case that support the decision. The animals are not just

pets, they are show dogs and compete in various shows. As stated, a long term plan is to breed at a later date which will require some stabilisation of their conditions.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Dog Act 1976

- Regulation 26 – Specifies the number of dogs to be kept on premises will be determined by the local government

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER'S RECOMMENDATION:

That Council permits the applicant, Ms Tracey Casley to keep a maximum of four dogs over the age of three months at her proposed place of residence at Lot 11 Walsh Street in Menzies, subject to:

- 1. Her written agreement to that the carpets will be cleaned by a professional cleaner of the Shire's choice at her expense on vacating the premises,**
- 2. That being 4 dogs, the proposed pet bond will increase from \$200 to \$400,**
- 3. Her written understanding that damage to walls, floor coverings, shire furniture or other will be recovered from them on vacating the premises,**
- 4. That if one of the dogs dies or is lost or is given away or other, the number kept is to be automatically reduced, and there is not a replacement,**
- 5. Additional dogs will not be approved**

- 6. That prior to commencing a breeding program, all permits relevant to the breeding of dogs and the health act will be obtained and presented to the Chief Executive Officer for approval.**

COUNCIL DECISION:	No: 0466
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Moved Cr Mazza

Seconded Cr Bennell

That Council permits the applicant, Ms Tracey Casley to keep a maximum of four dogs over the age of three months at her proposed place of residence at Lot 11 Walsh Street in Menzies, subject to:

- 1. Her written agreement to that the carpets will be cleaned by a professional cleaner of the Shire's choice at her expense on vacating the premises,**
- 2. That being 4 dogs, the proposed pet bond will increase from \$200 to \$400,**
- 3. Her written understanding that damage to walls, floor coverings, shire furniture or other will be recovered from them on vacating the premises,**
- 4. Additional dogs will not be approved**
- 5. That prior to commencing a breeding program, all permits relevant to the breeding of dogs and the health act will be obtained and presented to the Chief Executive Officer for approval.**

CARRIED 7/0

Reason for change was that Council did not want to be too onerous in restricting the applicant in her program with the dogs

12. REPORTS OF COMMITTEES AND OFFICERS

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.5 ANNUAL REPORT 2012/2013

SUBMISSION TO:	Ordinary Meeting of Council, 18 December 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 051
DISCLOSURE OF INTEREST:	None
DATE:	9 December 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Appendix 12.4.5A: Annual Report for 2012/2013

SUMMARY:

For Council to receive the Annual Report for the year ended 30 June 2013

BACKGROUND:

A local government must prepare an Annual Report for each financial year. The timing of this report is always dependant on receiving the Auditor's report for that period once the financial statements have been prepared.

The auditor's report for the period 1 July 2012 to 30 June 2013 was received after some clarification.

COMMENT:

The Auditor's Report was received by the Audit Committee on 5 December 2013 and the Committee's recommendation to accept the Report is being presented for Adoption by Council on 18 December 2013.

Appended as Appendix 12.4.5A is the Annual Report for the year ended 30 June 2013.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Section 5.29 – Details the requirements governing the holding of an electors meeting.
- Section 5.53 – Details the contents that the annual report must contain.
- Section 5.54 – Outlines the conditions related to Council accepting the annual report
- Section 5.55 – Provides guidelines on making the annual report available to the public

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0467

Moved Cr Tucker

Seconded Cr Twigg

That Council:

- 1. Accepts the Annual Report for 2012/2013,**
- 2. Advertises the availability of the Annual Report for the electors of the district, and,**
- 3. Sets the date of the Elector's Meeting for 11.00am on Thursday 30 January 2014 and advertises this meeting date.**

CARRIED BY ABSOLUTE MAJORITY

13. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

15. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

PROCEDURAL MOTION – COUNCIL DECISION

That this meeting be closed to members of the public and move behind closed doors to discuss:

16. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday 27 February 2014 at Shire of Menzies Council Chambers commencing at 10.00am

17. CLOSURE OF MEETING

There being no further business, the President closed the Meeting at 4.21 pm