



MINUTES

**FOR THE ORDINARY MEETING
OF COUNCIL**

THURSDAY 28 FEBRUARY 2013 AT

SHIRE OF MENZIES COUNCIL CHAMBERS

COMMENCING AT 10.00AM

SHIRE OF MENZIES



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SHIRE OF MENZIES

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL
HELD AT MENZIES ON THURSDAY 28 FEBRUARY 2013**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr Gregory Dwyer) declared the meeting open at 10.00am, welcomed the attendees and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

- **Mr Todd Axford, Technical Services Manager, Stratum Metals**
- **Mr Glyn Povey, Managing Director, Vector Resources**
- **Mr Bret Howson, Manager, Howson Engineering (10.07am)**

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors	Cr G Dwyer	President
	Cr P J Twigg	Deputy Shire President (10.05am)
	Cr J A Dwyer	Councillor
	Cr C K Purchase	Councillor
	Cr C Bennell	Councillor (10.05am)

Staff	Mr N P Crawford	Chief Executive Officer
	Ms R Jones	Deputy Chief Executive Officer
	Mrs D Crawford	Executive Assistant to the CEO

3.2 APOLOGIES

Councillors	Cr I R Tucker	Councillor
	Cr D Hansen	Councillor

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

As there were insufficient Members to form a quorum to gain approval for Cr Twigg and Cr Bennell to attend the meeting by electronic means, dispensation was sought from the Department of Local Government to reduce the quorum from four Members to three Members on this occasion. This permission was approved.

COUNCIL DECISION:

NO: 0286

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That approval be granted for Cr P Twigg and Cr C Bennell to attend the meeting via electronic means.

10.03am

Moved 3/0

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

10.07am - Mr Bret Howson entered the room

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr P Twigg will be in the Eastern States on 28 March 2013 therefore will require a leave of absence for that meeting

COUNCIL DECISION:

NO: 0287

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Cr P Twigg be granted Leave of Absence for the Ordinary Meeting of Council to be held on Thursday 28 March 2013.

10.08am

Carried: 5/0

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

8. CONFIRMATION OF MINUTES

8.1 MINUTES OF ORDINARY COUNCIL MEETING – 31 JANUARY 2012

Business arising from the previous minutes: Bookings have been made for attendees to the Local Government Convention in August at the Mercure Hotel, not the Pan Pacific Hotel as requested at the last meeting.

VOTING REQUIREMENTS:

Simple majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0288

Moved Cr Keith Purchase

Seconded: Cr J Dwyer

That the minutes of the Ordinary Meeting of Council held on 31 January 2013 be confirmed.

10.11am

CARRIED: 5/0

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

10.12am

- Presentation by Mr Glyn Povey, Managing Director of Vector Resources who spoke about road access to the proposed mine sites to the west of Menzies, the preferable route being in to Menzies via Evanston Road and then onto the Goldfields Highway and Great Eastern Highway to Greenfields Mine where processing will take place rather than the Coolgardie North Road which is not in good condition at the moment.
- Further information was provided about the roads in question by Mr Bret Howson who has been doing some investigation at the request of Vector Resources.

10.44am

- Presentation by Mr Todd Axford from Stratum Minerals who spoke of the work being done to amalgamate smaller mines in the area of the Granny Venn Mine east of Menzies to one large operation.

10.45am – Mr Bret Howson left the meeting

10.50am – DCEO left the room

10.58am – Mr Todd Axford and Mr Glyn Povey left the meeting

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 PRESIDENT'S REPORT – TABLED AT THE MEETING

Friday 1 February	Attended GVROC Meeting in Esperance, purpose to sign agreement for Goldfields Record Storage
Friday 8 February	GTN ordinary meeting in Leonora. It appears Wiluna will be withdrawing from the group.
Friday 15 February	Lake Ballard Association meeting held in Kalgoorlie. Committee has requested the Shire of Menzies to enquire with regards to a Management Order.
Thursday 21 February	Audit/Finance Committee Meeting
Friday 22 February	GVROC Teleconference Menzies re advice for our WALGA Delegate Ron Yurevich

COUNCIL DECISION:

NO: 0289

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That the President's report, as tabled, be received

11.00am

CARRIED 5/0

11.00am – DCEO re-entered the room

11.01am – Ms Carol McAllan entered the room

11.02am – Ms Carol McAllan left the room

11. REPORTS OF COMMITTEES AND OFFICERS

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

11.1.1 PLANNING APPLICATION – ERECTION OF SHED IN KOOKYNIE

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	Mr J Cash
FILE REF:	Assessment #1775
DISCLOSURE OF INTEREST:	None
DATE:	14 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.1.1a – Building Application

SUMMARY:

For Council to consider an application for a Building Permit for the erection of a shed in Kookynie which does not comply with Council's Town Planning Act.

BACKGROUND:

Council recently sold a block of land in Kookynie to a Mr John Cash from Albany. Mr Cash has subsequently applied for a Building Permit to erect a shed on the property, however, this does not comply with Council's Town Plan which requires a housing unit on a property before any shed can be erected.

COMMENT:

Although the request is not in compliance with Council's Town Planning Scheme, Council does have the jurisdiction to waive the rules in certain situations. To do so in most cases would be setting a precedent which could create enormous problems for Council in the future. The refusal of a building permit for a shed prior to the erection of a housing unit is to ensure that, amongst other uses, the property owner does not use the shed for habitation purposes which would be in contravention of the Health Act.

Each case must be judged on its individual merit and in this situation there are grounds for some relaxation of the rules.

The granting of planning approval for the shed would carry certain conditions which would be applicable to the Building Permit. Foremost of these conditions would be the condition that the shed is not to be used as a dwelling.

It is accepted that other conditions will certainly be imposed by Council's Principal Environmental Health Officer/Building Surveyor when issuing the Building Permit.

It must be recognised that while the town site of Kookynie is governed by the Shire of Menzies Town Planning Scheme, it is also accepted that the town does have limited growth prospects. It is expected that the granting of planning approval to build a shed would not set a precedence which could create any hardships for Council in future times.

CONSULTATION:

Mr G Agnew - Council's Principal Environmental Health Officer/Building Surveyor

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:

While the decision is in conflict with the Town Planning Scheme, Council does have the jurisdiction to make concessions under certain circumstances.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0290
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

OFFICER'S RECOMMENDATION:

That Council grants planning approval to Mr John Cash to construct a shed on Lot 42 Kookynie, subject to conditions as imposed by Council's Principal Environmental Health Officer/Building Surveyor.

11.05am

Carried: 5/0

11.08am - Ms Carol McAllan entered the room

11.08am - Ms Carol McAllan left the room

11.08am - Cr Greg Dwyer left the room

11.08am – In the President's absence, Cr Peter Twigg, Deputy Shire President, assumed the Chair

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

11.1.2 LOCAL PLANNING POLICY NO 8 – MOVEABLE BUILDINGS

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	P/9/1
DISCLOSURE OF INTEREST:	None
DATE:	14 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.6 of Ordinary Meeting 29 November 2012

ATTACHMENTS:

Attachment 11.1.2a - Local Planning Policy No 8 – Moveable Buildings

SUMMARY:

For Council to consider Adopting the Local Planning Policy No 8 – Moveable Buildings

BACKGROUND:

Local Planning Policies are developed to assist with the development of the Shire, and for the guidance of staff and developers. In many Shires, the Scheme and LPP are supported by a Local Planning Strategy, which outlines the future intentions for development.

Local Planning Policies were presented to Council at the Ordinary Meeting on 29 November 2012 and were all advertised for public comment before being considered for Adoption by Council with the exception of Policy No 8 – Moveable Buildings (See Attachment 11.1.2a).

Council believed that this policy required further clarification before being considered.

COMMENT:

The issue of “containers” being used for storage, and in some instances, as accommodation, is not really in keeping with the Shire of Menzies Town Planning Scheme. Theoretically, an application for the use of a storage unit such as a container can be rejected under the current scheme but Council does have the jurisdiction to grant such an application

The policy does allow Council to approve such an application provided that there are conditions attached in regards the purpose, storage, location, appearance and maintenance of the unit. The use of a container for the purposes of accommodation is prohibitive under the *Building Code of Australia* and the *Health Act*.

With regards the containers currently in use, they are permitted to be retained under a *non-conforming right*, provided that their purpose does not change to include non-permitted use such as accommodation in the future. An inspection by the Building Surveyor could also require the owners of those existing units be painted to blend in with the surroundings. While there are some units being used as accommodation at present, further extrapolation of this right will not be permitted.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Planning and Development Act
Shire of Menzies Town Planning Scheme No.1

POLICY IMPLICATIONS:

Guidance and framework for development in the Shire

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0291
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Moved: Cr C Bennell

Seconded: Cr J Dwyer

That the following draft Local Planning Policy be advertised for public comment, with adoption of the LPP to occur after consideration of any submissions by Council –

- **No. 8 Moveable Buildings**

11.10am

Carried: 4/0

COUNCIL DECISION:	NO: 0292
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Moved: Cr C Bennell

Seconded: Cr J Dwyer

That the meeting be adjourned for morning tea.

11.13am

Carried: 4/0

11.26am *All Councillors and Staff present for an informal budget review meeting conducted by DCEO Rose Jones. Power point presentation, spread sheet information and discussion followed.*

12.02pm – Ms Carol McAllan entered the room

12.02pm – Ms Carol McAllan left the room

12.03pm – Informal meeting broke for lunch

12.47pm – The President re-convened the meeting. Those present: Cr G Dwyer, Cr J Dwyer, Cr P Twigg, Cr C Bennell, Cr K Purchase, Mr Peter Crawford, Ms Rose Jones, Mrs Daphne Crawford.

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.1	REVIEW OF AUDIT AND FINANCE COMMITTEE MEETINGS
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SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM073
DISCLOSURE OF INTEREST:	None
DATE:	14 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.2.2 of Ordinary Meeting of Council 24 July 2012

ATTACHMENTS:
None

SUMMARY:

For Council to consider the future practice of the holding of Audit and Finance Committee Meetings

BACKGROUND:

At the Ordinary Meeting of Council held Thursday, 24 November 2011, Council Resolved to appoint an Audit and Finance Committee comprising of Crs G Dwyer, J Dwyer, C Purchase and I Tucker.

It was intended that these committees would meet on a monthly basis to monitor the financial affairs of the Shire until such time as the state of those finances had progressed to a suitable level.

At the Ordinary Meeting of Council held Tuesday, 24 July 2012, Council Resolved to discontinue the practice of holding monthly Audit Committee Meetings. This decision was in view that with the Shire's financial matters being brought up to a more acceptable standard, they did not need the intense scrutiny as had been required in the past.

COMMENT:

The Audit and Finance Committee Meetings have been convened as and when the President has deemed them necessary to conduct business related to these

committees. They system has worked well and reduces the demand on both the staff and Members.

It will be proposed that the practice of holding Audit and Finance Committee Meetings continue on an as required basis. Under this methodology, there is nothing to prevent the holding of monthly meetings when essential business dictates that this is required.

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:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION:	NO: 0293
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council Agrees to the continued suspension of the holding of Audit and Finance Committee Meetings unless required by the Chairman of the Audit and Finance Committee.

11.48am

CARRIED: 5/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY TO 31 DECEMBER 2012
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SUBMISSION TO:	Ordinary Meeting of Council 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM052
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	19 February 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.2.2a - Compilation Report from UHY Haines Norton

Attachment 11.2.2b - Monthly Statement of Financial Activity and associated reports

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 31 December 2012

COMMENT:

A compilation 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 required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0294
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council acknowledges receipt of the Statement of Financial Activity and associated reports for the period to 31 December 2012.

12.55pm

Carried: 5/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY TO 31 JANUARY 2013
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SUBMISSION TO:	Ordinary Meeting of Council 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM052
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	19 February 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.2.3a - Compilation Report from UHY Haines Norton

Attachment 11.2.3b - Monthly Statement of Financial Activity and associated reports

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 31 January 2013

COMMENT:

A compilation 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 required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0295
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council acknowledges receipt of the Statement of Financial Activity and associated reports for the period to 31 January 2013.

1.05pm

Carried: 5/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.4 PAYMENTS TO CREDITORS DECEMBER 2012

SUBMISSION TO:	Ordinary Meeting of Council 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	19 February 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.2.4a - List of payments made to Creditors in December 2012

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 in December 2012, include cheques numbered 9527 to 9567 and 9583 to 9585 and direct payments totalling \$1,151,936.51

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.

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for payment
Previously Policy 3.8 – Signing of cheques was in place in October 2012

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0296
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council approves the payments identified in the list of Payments made from the Shire of Menzies Municipal Bank account in December 2012, including cheques numbered 9527 to 9567 and 9583 to 9585 and direct payments totalling \$1,151,936.51.

1.17pm

Carried: 5/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.5 PAYMENTS TO CREDITORS – JANUARY 2013

SUBMISSION TO:	Ordinary Meeting of Council 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	19 February 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.2.5a - List of payments made to Creditors in January 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 in January 2013 include cheques numbered 9568 to 9588 and direct payments totalling \$757,572.20.

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.

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for payment
Previously Policy 3.8 – Signing of cheques was in place in October 2012

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0297
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council approves the payments identified in the list of payments made from the Shire of Menzies Municipal Bank account in January 2013, including cheques numbered 9568 to 9588 and direct payments totalling \$757,572.20.

1.25pm

Carried: 5/0

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.1 CHANGE OF MEETING DAY

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM073
DISCLOSURE OF INTEREST:	None
DATE:	29 January 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.3 of Ordinary Meeting of Council 31 August 2012

ATTACHMENTS:

None

SUMMARY:

For Council to consider a change of meeting day for April 2013.

BACKGROUND:

At the Ordinary Meeting of Council held Friday, 31 August 2012, Council set the dates for ordinary Meeting up until 27 June 2013.

COMMENT:

There was an oversight in the setting of the date for the April 2013 Ordinary Meeting of Council in that it fell on the 25 April which is ANZAC Day. As a result, the date will have to be changed.

As the Meeting is scheduled to be a teleconference, it will not be difficult to arrange this change. The proposal is for the Meeting to be reallocated to the third Thursday, ie, 18 April 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.
- Regulation 12(1)(a) – Requires the local government to give local public notice of the dates, times and places at which meetings are to be held

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

There are no financial implications in relation to this matter

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER'S RECOMMENDATION:

That Council Approves the change of meeting day for an Ordinary Meeting of Council from Thursday, 25 April 2013 to Thursday, 18 April 2013.

COUNCIL DECISION:

NO: 0298

Moved: Cr J Dwyer

Seconded: Cr P Twigg

That Council Approves the change of meeting day for an Ordinary Meeting of Council from Thursday 25 April 2013 to Wednesday 24 April 2013

1.29pm

Carried: 5/0

REASON FOR CHANGE: Council wanted the meeting to take place on 24 April 2013 in lieu of 18 April 2013 due to some Councillors not being available on 18 April 2013.

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.2	USE OF COMMON SEAL – ARCHIVES AND RECORDS MANAGEMENT AGREEMENT
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SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	GVROC
FILE REF:	ADM046
DISCLOSURE OF INTEREST:	None
DATE:	14 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.2a– Archives and Records Management Agreement

SUMMARY:

For Council to approve the affixing of the Common Seal to the Archives and Records Management Agreement between the Shire of Menzies and other Members of the Goldfields Voluntary Regional Organisation of Councils (GVROC).

BACKGROUND:

The Members of GVROC formed a joint venture and were successful in obtaining funding through Royalties for Regions to create the Archives and Records Management Facility, situated in Kalgoorlie.

COMMENT:

The purpose of this facility is to have a venue where records relating to Shire activities can be stored off site rather than each Member Council try to duplicate a site with the necessary climatic conditions.

The City of Kalgoorlie Boulder has been tasked with the responsibility of managing the facility with all Member Councils paying an annual management fee for the service.

In order to formalise the Agreement, each Member Council has to have their President and CEO sign the agreement and affix their Common Seal (See Attachment 11.4.2a). As this expenditure has been provided for in the Budget, the Member Council signed and sealed the document at the last GVROC Meeting in Esperance on Friday, 1 February 2013.

As the CEO was not available to attend the meeting, the documents have been forwarded to the Shire office. The President and CEO have now signed the

Agreement, the seal has been affixed and the documents been returned to the City of Kalgoorlie Boulder for processing.

CONSULTATION:

Cr G Dwyer – Shire President

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.

Delegations Register

- Delegation 2.1 – Use of Common Seal

POLICY IMPLICATIONS:

Council has no policies in relation to this matter.

FINANCIAL IMPLICATIONS:

All financial implications have been provided for in the Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0299
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Moved: Cr J Dwyer

Seconded: Cr C Bennell

That Council approves the actions of the Shire President and Chief Executive Officer in the affixing of the Common Seal to the Archives and Records Management Agreement.

1.30pm

Carried: 5/0

1.31pm - Cr K Purchase declared a financial interest in this item due to him owning a house in Mercer Street and to the extent that he may have a financial saving through the Council decision and left the meeting.

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.3 SUPPLY OF SERVICES IN MENZIES – LEGAL ADVICE

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	L/3/1
DISCLOSURE OF INTEREST:	None
DATE:	15 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.3a – Email from Watercorp

SUMMARY:

For Council to consider obtaining legal advice with regards responsibility for the provision of power and water to several areas of the Menzies town site.

BACKGROUND:

Some months ago, Council resolved to construct new staff houses in Menzies. One of the major obstacles to moving forward with this program is the cost involved in the provision of power and water to these lots.

COMMENT:

Advice from the Watercorp and Horizon Power is that any extensions to their services in Menzies would be at cost to the developer, ie, the Shire of Menzies.

Subsequent correspondence with the Watercorp is that the Shire would also be required to construct a new section of water main, (some 415 metres in length) alongside the existing main to supplement the water supply to the entire town as the current infrastructure would not capable of delivering the require flow rates.

The idea that the Shire is responsible for the provision of this infrastructure is totally unacceptable given that:

- The town was gazetted in 1896
- These lots have been surveyed and gazetted at that time
- The roads, would have been gazetted and formed at the same time

- All of the town lots were privately owned at some time in the past

The Shire is not “developing” the lots, they are merely trying to make the land available to people who wish to build in Menzies. For any organisation to state that the Shire must meet the development costs is tantamount to shirking their responsibilities to the community, especially as these lots have been established for well over a hundred years in the town.

Although the exact costs have not yet been determined, they could well be in the vicinity of some \$926,000. Of this amount, only about \$350,000 would be recoverable and that is only if all the lots in that block were to be sold at a cost per lot of \$11,700 to recoup service costs, a price which is quite expensive for Menzies. There is no compulsion on any private owners of the lots to make any contribution towards these costs.

It would be irresponsible for Council to even consider the servicing of these lots at the costs indicated unless a huge demand for land in Menzies were to eventuate.

It may well be time for Council to engage some legal assistance to determine whether the Shire or the service authorities should be providing the infrastructure. Should the advice be that it is the service authorities who are responsible, the legal team could make an application to the State Administrative Tribunal for a ruling on the matter. Until such time as that situation is with us, it would be too expensive for Council to consider the matter further.

As the legal budget allocation for the year has been exhausted due to native title issues, it will require an absolute majority decision of Council to approve the recommendation. The matter of increasing the budget allocation for this cost centre will be addressed during the Budget Review to be completed shortly.

CONSULTATION:

Watercorp
Horizon Power

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:

Legal costs will be incurred if the recommendation is Adopted

STRATEGIC IMPLICATIONS:

May assist in the provision of serviced lots to the public.

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0300
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Moved: Cr J Dwyer

Seconded: Cr P Twigg

That Council directs the Chief Executive Officer to engage legal assistance to determine who the responsible authority is to provide water and power services to lots of land bounded by Brown, Mercer, Archibald and Reid Streets in Menzies and present that report to Council at the earliest possible opportunity.

1.37pm

Carried: By Absolute Majority

1.37pm – Cr K Purchase re-entered the room

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.4 COUNCILLORS INFORMATION BULLETIN 01/13

SUBMISSION TO:	Ordinary Meeting of Council 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	20 February 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 01/13 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 RECOMMENDATION:	NO: 0301
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council acknowledges receipt of Information Bulletin 01/13 for the period ended 31 January 2013.

1.40pm

Carried: 5/0

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.5 REVIEW OF POLICY 12.3 - STOCK GRIDS

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/6/1
DISCLOSURE OF INTEREST:	None
DATE:	29 January 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.5 of Ordinary Meeting of Council 29 November 2012

ATTACHMENTS:

Attachment 11.4.5a – Policy 12.3 - Stock Grids

SUMMARY:

For Council to consider a review of Policy 12.3 - Stock Grids

BACKGROUND:

At the Ordinary Meeting of Council held Thursday, 29 November 2012, Council Adopted a revised version of the Policy manual.

COMMENT:

Contained within the Policy Manual is Policy 12.3 - Stock Grids (See Attachment 11.4.5a). This policy details some conditions relating to the installation of grids and certain requirements that must be adhered to. One of those conditions, 3(ii) is that all grids must be constructed with the running surface to have round bars.

There are very few remaining organisations today who manufacture these grids and of those who do, most make the grids using flat bars or RHS. Amongst those who do make the grids, none are prepared to make the grids using round bars because of the perceived weakening of the strength factor of the structure.

This item is to request Council to review the policy to delete the reference to the use of round bars in the running surface.

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:

A review of the Policy Manual will address this implication.

FINANCIAL IMPLICATIONS:

Will assist in reducing the overall cost of future grid manufacturing.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0302
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Moved: Cr P Twigg

Seconded: Cr C Bennell

That Council Adopts the following revised version of Policy 12.3 - Stock Grids:

12.3 Stock grids

Introduction	
Objective	
History	Adopted – 29 November 2012 Reviewed – 28 February 2013
Policy Statement	

1. Prior to the installation and replacement of stock grids, Council requires an application in writing to be sent to the Chief Executive Officer.
2. The CEO shall instigate an investigation of the fence line in question and other details relating to the installation of the grid, and present the request to Council.
3. In considering the application, Council will apply the following conditions:
 - i) no grid will be authorised for construction unless a stock-proof fence adjoins the proposed grid installation/replacement;
 - ii) capable of handling ALL stock
 - iii) twenty (20) metres either side of the grid be sealed (if practical) to prevent the inadvertent filling up of the grid during the process of maintenance grading.
 - iv) each grid be determined at no less than eight (8) metres wide.

– End of Policy

1.41pm

Carried: 5/0

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.6 MINUTES OF LAKE BALLARD MEETING

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM166
DISCLOSURE OF INTEREST:	None
DATE:	18 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

- Attachment 11.4.6a – Letter from the Lake Ballard Association Inc.
- Attachment 11.4.6b – Rules of the Association (Lake Ballard Association Inc)
- Attachment 11.4.6c – Lake Ballard Marketing Plan Update
- Attachment 11.4.6d – Minutes of Lake Ballard Association Meeting held 15 February 2013

SUMMARY:

For Council to consider the request from the Lake Ballard Association Inc regarding seeking legal advice.

BACKGROUND:

The Lake Ballard Association Inc held its first meeting since 9 November 2011 on Friday, 18 February 2013. This meeting was held at the offices of the Department of Environment and Conservation in Brookman Street, Kalgoorlie.

The Minutes of that meeting are appended as Attachment 11.4.6b.

COMMENT:

Sometime prior to the meeting, the President and CEO met with the Manager of the Local Government Insurance Service with which the Shire holds its insurance policies. During the course of general talks, the issue of Shire staff attending at Lake Ballard was discussed.

It appears that as the Shire has no tenure at the site, the issue of whether the Shire has any liability is a very grey area. Coupled with the fact that the Lake Ballard Members, under the Rules of the Association, are not liable for any incident at the site, it does create a legal minefield as to just who would be found liable in the event that a visitor to the lake suffered personal or property damage. Under the current status, as the Management Order is vested in the LBA, the Shire cannot make Local

Laws applicable to the site as the Shire does not have any tenure over the site. This makes it difficult to manage the site by both parties.

This matter, along with the points in the discussion paper, were debated at length during the meeting of the Association Committee.

The end result of the meeting was for the Committee to direct the Secretary to write to the Shire and ask if the Shire would obtain some legal advice on how this matter could be addressed to provide some protection to both the Association and the Shire (See Attachment 11.4.6a).

There are a number of anomalies with the Rules of the Association under which the management of the Lake Ballard site is to be administered. The current Rules make it almost impossible to function in a manner which is constructive and supportive and unless changes are instigated, the whole operation will continue to founder. Some of the main issues which inhibit the progress of the Association include, but are not limited to:

- Changing the Rules of the Association
- Disbanding the Lake Ballard Advisory Committee
- Local Laws
- Insurance for members
- Widen the Association to include other members

The first suggested improvement to the current situation would be to transfer the management order for the site from the Lake Ballard Association to the Shire of Menzies. This would then allow the Shire to make Local Laws to cover the site and also permit the Shire to enter the site to conduct operations with insurance cover.

The management of the site would be through a fully appointed Committee of Council which would comprise of some appointed Councillors, Traditional owners and other involved parties such as Department of Environment and Conservation, Art Gallery of WA, and Tourism WA.

There are many other improvements noted for action but legal advice will be required before these actions could be considered further.

It is imperative that changes are made if the Lake Ballard site is to move forward and become the major tourist attraction that it has the potential to be.

A report conducted by the state government some time ago was very critical of the current management of the site and made recommendations as to what should be implemented to improve that management.

As the legal budget allocation for the year has been exhausted due to native title issues, it will require an absolute majority decision of Council to approve the recommendation. The matter of increasing the budget allocation for this cost centre will be addressed during the Budget Review to be completed shortly.

CONSULTATION:

Lake Ballard Association Inc
Local Government Insurance Services

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 direct Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Legal costs will be incurred if the recommendation is Adopted

STRATEGIC IMPLICATIONS:

Will assist in improving the management of the Lake Ballard site.

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0303
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Moved: Cr P Twigg

Seconded: Cr J Dwyer

That Council directs the Chief Executive Officer to obtain legal advice to determine:

- 1. If the Management Order for Lake Ballard can be Vested in the Shire of Menzies and by what procedure, and,**
- 2. If the Management Order for Lake Ballard is vested in the Shire of Menzies, is the Shire of Menzies then able to make Local Laws applicable and enforceable to the Lake Ballard site**

1.50pm

Carried: By Absolute Majority

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.7	ENGAGEMENT OF LEGAL ASSISTANCE TO RESOLVE THE ISSUE OF NON COMPLIANCE IN IMPOSING DIFFERENTIAL RATES FOR 2012/2013 FINANCIAL YEAR
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SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/2/10
DISCLOSURE OF INTEREST:	None
DATE:	12 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.2.4 of Ordinary Meeting held 24 July 2012

ATTACHMENTS:

Attachment 11.4.7a – Letter from Department of Local Government

SUMMARY:

For Council to consider engaging legal services to submit an application to the State Administrative Tribunal (**SAT**) regarding Differential Rating.

BACKGROUND:

At the Ordinary Meeting of Council held Tuesday, 24 July 2012, Council resolved not to increase rates for the 2012/2013 Financial Year but leave them at the same rate as per the 2011/2012 Budget.

COMMENT:

The reasons for not increasing rates in the 2012/2013 Budget was that Council felt that with the lack of improvements and maintenance carried out by the Shire over the preceding twelve months, it would be unfair of the Shire to increase rates in the new budget. If the rates were to remain at the same level as the previous Budget for the next twelve months and some productivity was evident over that period, Council would feel justified in increasing rates in the 2013/2014 Budget.

As the rates for the 2011/2012 were based on a differential model, the procedure for imposing differential rates still had to be followed in accordance with Section 6.33 of the *Local Government Act 1995 (Act)*. Approval of the Minister was required under Section 6.33(3) to impose a differential general rate which was more than twice the lowest differential general rate imposed.

After preparing a list of the Objects and Reasons for the imposition of the differential rates, the intention was advertised as required under Section 6.36 of the *Act*. At the closing date for submissions, no objections had been received.

There was however, no subsequent application made to the Minister for permission to impose differential rates as required under Section 6.33(3) of the *Act*. The reason for this omission remains unclear.

A recent letter from the Department of Local Government (See Attachment 11.4.7a) alerted staff to this irregularity and subsequent remedial action required to remedy the situation.

It is proposed to engage McLeods Barristers and Solicitors to represent the Shire of Menzies in making application to the SAT. Mr Denis McLeod is well versed in this procedure having represented some 11 or 12 local governments for this matter in recent years. An estimate of costs from Mr McLeod has indicated that the fee would be in the vicinity of between \$2,000 and \$3,000 to conduct the proceedings, however, the actual cost will not be known until Mr McLeod has reviewed all the facts of the case.

While this is a voluntary course of action, it is considered that it is better than having the Department refer the matter to the SAT themselves. In that case, the Shire would still be a party in a SAT Application, but as respondent, rather than as applicant as now proposed.

The Application to SAT must be under Section 6.82 to quash rates imposed, so as to enable the Budget to be reintroduced, with the general rates imposed as previously but after obtaining the necessary Ministerial approval.

As the legal budget allocation for the year has been exhausted due to native title issues, it will require an absolute majority decision of Council to approve the recommendation. The matter of increasing the budget allocation for this cost centre will be addressed during the Budget Review to be completed shortly.

CONSULTATION:

Ms J Law and Mr V McKay – Department of Local Government

Mr G Dwyer – Shire President

Mr D McLeod – McLeods Barristers and Solicitors

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,
- 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 6.33 – Details the conditions under which differential rates can be imposed,
- Section 6.35 – Details the requirements for the imposition of minimum payments,

- Section 6.82 – Provides that any local government or person may refer to the SAT the question of whether a rate has been imposed in accordance with the Act.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

Provision for legal assistance is included in the Annual Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0304
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Moved: Cr J Dwyer

Seconded: Cr P Twigg

That Council instructs McLeods Barristers and Solicitors:

1. To make application to the State Administrative Tribunal under Section 6.82 of the *Local Government Act 1995 (Act)* to quash the rates imposed by the Shire for the 2012/2013 financial year which do not comply with the Act, and,
2. To undertake all formalities necessary to obtain approval from the Minister for Local Government for the re-imposition of the non-compliant rates.

1.52pm

Carried: By Absolute Majority

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

Nil

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

COUNCIL DECISION:

NO: 0305

Moved: Cr J Dwyer

Second: Cr P Twigg

That Council considers the following business of an urgent nature introduced by a decision of the meeting:

- 13.1 Annual Report 2011/2012**
- 13.2 Opening of new Council Chambers**
- 13.3 Minutes of Audit Committee Meeting held 21 February 2013**
- 13.4 Appointment of Manager Works and Services**

1.53pm

Carried 5/0

13.1 ANNUAL REPORT 2011/2012

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	A/6/1
DISCLOSURE OF INTEREST:	None
DATE:	27 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Appendix 13.1a – Annual Report for 2011/2012

SUMMARY:

For Council to receive the Annual Report for the year ended 30 June 2012

BACKGROUND:

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

The auditor's report for the period 1 July 2011 to 30 June 2012 was received in mid January 2013.

COMMENT:

The Auditor's Report was received by the Audit Committee on 21 February 2013 and the Committee's recommendation will be submitted to Council on Thursday, 28 February 2013.

Appended as Appendix 13.1a is the Annual Report for the year ended 30 June 2012.

In receiving this report, Council will also be asked to set a date for the Electors Meeting.

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 RECOMMENDATION:	NO: 0306
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council:

1. **Accepts the Annual Report for 2011/2012,**
2. **Advertises the availability of the Annual Report for the electors of the district, and,**
3. **Sets the date for the Electors Meeting at 11.00 am on Thursday, 28 March 2013 and advertises this meeting date.**

1.59pm

Carried: 5/0

2.00pm – CEO left the room

2.02pm – CEO re-entered the room

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

13.2 OPENING OF NEW COUNCIL CHAMBERS

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	B/4/7
DISCLOSURE OF INTEREST:	None
DATE:	21 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:
None

SUMMARY:
For Council to consider providing air fares for a dignitary to travel to Menzies to open the new Council Chambers.

BACKGROUND:
For some time, Council has been considering building new Council Chambers due to the lack of room in the existing Chambers. Provision was made in the 2012/2013 Budget to carry out these works.

COMMENT:
The new chambers will be completed and ready for occupation in about two weeks from today. The opening is scheduled to occur at 11.00 am on Wednesday, 27 March 2013 with a number of invited guests. Light refreshments and finger food will also be served after the opening.

Discussions with Councillors have raised the subject of having a “local person” officiating at the opening. A worthy official would be Mr John Tonkin who, until recent years, spent nearly his whole life in the Menzies Shire. He has the distinction of serving as a Councillor continually from 1961 until 2001, a record 40 years during which time he held the office of President from 1970 to 1976 and again from 1985 to 1987.

John and his wife Maxine now live in Perth and it is fairly certain that an approach to him to officiate at the opening would be well received.

Due to the health of Mr and Mrs Tonkin, it is recommended that they fly from Perth to Kalgoorlie where they will probably be met by family and conveyed to Menzies on the official day. A return flight would then be provided for them back to Perth. Costs of return flights would be in the vicinity of some \$1,600.

Council will also need to prepare a list of guests that they would like to see attending the opening.

CONSULTATION:

Ms Wendy Duncan

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:

The will be some minor impact but all expenditure will be provided for under Tourism and Area Promotions Expenses

STRATEGIC IMPLICATIONS:

It will mark a milestone in local government history as Menzies has been operating out of it's original Council building since 1896.

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0307
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council:

- 1. Invites Mr John Tonkin to officiate at the opening of the new Council Chambers,**
- 2. Provides air fares for Mr and Mrs Tonkin from Perth to Kalgoorlie and return to attend the official opening, and,**
- 3. Extends invitations to selected guests and local residents to attend the opening of the Chambers.**

2.03pm

Carried: 5/0

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

13.3 MINUTES OF AUDIT COMMITTEE MEETING HELD 21 FEBRUARY 2013

SUBMISSION TO:	Ordinary Meeting of Council 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	A/2/6
DISCLOSURE OF INTEREST:	None
DATE:	26 February 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 13.3a - Minutes of Audit Committee Meeting held on Thursday 21 February 2013

SUMMARY:

For Council to consider receiving the minutes of the Audit Committee meeting held on 21 February 2013.

BACKGROUND:

A meeting of the Audit Committee was held on 21 February 2013 and a copy of the Minutes of that meeting is attached as Attachment 13.1a.

COMMENT:

The Audit Committee considered the following item at that meeting:

- 5.1 Consideration of Audit Report for 2011/12

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 RECOMMENDATION:	NO: 0308
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council receives the Minutes of the Audit Committee Meeting held on Thursday 21 February 2013 and the Committee Recommendations contained therein:

5.1 Consideration of Audit Report 2011/12

Be adopted as a Resolution of Council

2.07pm

Carried: 5/0

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

13.4 APPOINTMENT OF MANAGER WORKS AND SERVICES

SUBMISSION TO:	Ordinary Meeting of Council, 28 February 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	S/4/4
DISCLOSURE OF INTEREST:	None
DATE:	23 February 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.3 of Ordinary Meeting of Council 31 January 2013

ATTACHMENTS:

Attachment 13.4a – Resume of Mr Ray Pepper

Attachment 13.4b – Position Description – Manager Works and Services

SUMMARY:

For Council to consider the appointment of Mr Ray Pepper as the Manager Works and Services

BACKGROUND:

At the Ordinary Meeting of Council held Thursday, 31 January 2013, Council approved the proposal to employ a senior staff member (Manager Works and Services). This situation came about through the current incumbent indicating that he would not be seeking an extension of his contract when it expired on 12 March 2013.

COMMENT:

The position of Manager Works and services was advertised in the West Australian newspaper and also on the SEEK and CAREER ONE websites. A total of 20 position descriptions were mailed out to prospective applicants but only 8 applications were received.

Of these 8 applications, one was shortlisted with another one as a “potential”. The shortlisted applicant, a Mr Ray Pepper was invited to Menzies to participate in an interview which was conducted by the CEO, Shire President and Councillor Tucker. Some Councillors will recall that Mr Pepper was the Manager Works and Services here for a number of years until he resigned in November 2008.

Following the interview process, the CEO and Councillors discussed Mr Pepper’s interview responses at length and there was general satisfaction with how the interview unfolded.

It will be recommended that Mr Pepper be appointed as the Manager Works and Services on a four year contract according to the salary package as advertised. Mr Pepper has indicated that he will be required to complete a three month termination clause in his current contract and would not be available until sometime late May 2013. During this period, the CEO will carry some of the responsibilities of the position and it may be required to hire in some outside assistance.

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:

- 5.2 Designated Staff – Details the process by which appointments are made

FINANCIAL IMPLICATIONS:

Provision is already made in the Budget.

STRATEGIC IMPLICATIONS:

Will allow the continuity of works

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0309
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council Resolves to:

1. Appoint Mr Ray Pepper to the position of Manager Works and Services,
2. Direct that Mr Ray Pepper be designated as a senior employee,
3. Authorise the Chief Executive Officer to negotiate a Contract of Employment for a term of four years with Mr Pepper and set the Key Performance Indicators,
4. Authorise the Chief Executive Officer to negotiate a salary package with Mr Pepper up to a level as previously approved by Council.

2.16pm

Carried: 5/0

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Nil

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday 28 March 2013 in the Council Chambers at Menzies commencing at 10.00am

16. CLOSURE OF MEETING

The Chairperson closed the meeting at 2.17pm.

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 28 February 2013 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 28 March 2013.

Signed _____

Dated: _____ 2013