



MINUTES

**OF THE SPECIAL MEETING
OF COUNCIL**

WEDNESDAY 29 MAY 2013

SHIRE OF MENZIES COUNCIL CHAMBERS

COMMENCING AT 10.00AM

SHIRE OF MENZIES



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SHIRE OF MENZIES

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL
HELD AT MENZIES ON WEDNESDAY 29 MAY 2013**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr G Dwyer) declared the meeting open at 10.03am, welcomed the attendees and proceeded with the Items in the Agenda as publically advertised.

2. ANNOUNCEMENT OF VISITORS

Nil

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors:

Cr G Dwyer	President
Cr I R Tucker	Councillor
Cr J A Dwyer	Councillor
Cr C K Purchase	Councillor

Staff:

Mr N P Crawford	Chief Executive Officer
Mrs D Crawford	Executive Assistant to CEO

3.2 APOLOGIES

Councillors:

Cr P J Twigg	Deputy Shire President
Cr C Bennell	Councillor

Staff:

Ms R Jones	Deputy CEO
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3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. DECLARATION OF INTEREST

Mr P Crawford	Impartial Interest Item 9.1.1
Cr I Tucker	Impartial Interest Item 9.1.1
Cr K Purchase	Financial Interest Item 9.1.1

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF SPECIAL COUNCIL MEETING – 20 November 2012
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VOTING REQUIREMENTS:
Simple majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION: NO: 0345
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That the minutes of the Special Meeting of Council held on 20 November 2012 be confirmed.

Time: 10.09am

CARRIED: 4/0

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

None

9. REPORTS OF COMMITTEES AND OFFICERS

9.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

Cr K Purchase declared a Financial Interest in the next Item to the extent that he may benefit from the decision.

Cr I Tucker declared an Impartial Interest in the next Item to the extent that he has a Council approved sea container on his property.

Mr P Crawford declared an Impartial Interest in the next Item to the extent that he has a Council approved sea container on his property as well as being a personal friend of Mr Purchase

9.1.1 USE OF SEA CONTAINER ON LOT 94 MERCER STREET, MENZIES

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Mr Keith Purchase
FILE REF:	B/4/7
DISCLOSURE OF INTEREST:	The Author has an impartial interest in the extent that he has an approved sea container on his block as well as being a personal friend of Mr Purchase
DATE:	26 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 9.1.1a – Letter of application from Mr Purchase

SUMMARY:

For Council to consider the application from Mr Keith Purchase to store a sea container on his property at Lot 94 Mercer Street, Menzies.

BACKGROUND:

A letter has been received from a Mr Keith Purchase to site a sea container on his property at 32 Mercer Street in Menzies (See Attachment 9.1.1a)

COMMENT:

As there are other containers already located on properties within the Menzies town site, it will be recommended that this application be approved with conditions.

Also conditional on this approval will be Mr Purchase applying for, and being issued with a building permit to store the container on his property.

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:

Local Planning Policy No 8 - Allows for Council discretion in granting planning Approval for moveable buildings

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICERS RECOMMENDATION:

That Council grants Planning Approval to Mr Keith Purchase to store a sea container on his property at Lot 94 Mercer Street in Menzies subject to:

- 1. The applicant applying for and being granted a building permit,**
- 2. The container is not to be used for living accommodation and is for storage purposes only, and,**
- 3. The container is to be painted a colour as approved by the Shire's Building Surveyor within twelve months of placing the unit on the site.**

9.10am The President declared that if Cr Purchase left the room as required, there would not be a quorum to deal with the matter and that the matter deferred to June Council Meeting

9.1 HEALTH AND BUILDING BUSINESS

9.1.2	ILLEGAL AND UNSAFE BUILDING – LOT 302 WALSH STREET, MENZIES
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SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Lot 302 Walsh Street, Menzies
APPLICANT:	N/A
FILE REF:	B/4/7
DISCLOSURE OF INTEREST:	Nil
DATE:	16 May 2013
AUTHOR:	Garry Agnew, Principal Environmental Officer/ Building Inspector
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Nil

ATTACHMENTS:

Nil

SUMMARY:

Council is to serve a Demolition Order in respect of a substandard illegal building located at Lot 302 Walsh Street, Menzies.

BACKGROUND:

Description: Small derelict two bedroom x 2 kitchen timber framed, fibro clad and metal roof two section transportable accommodation structure.

Layout: Two separate transportable building sections each consisting of a small kitchen area and small bedroom.

Location: Lot 302 Walsh Street, Menzies WA 6436

Owned by: Greg Clark and Christine Newton
PO Box 26
RUBYVALE QLD 4702

COMMENT:

An inspection of the above vacant building on the 16 May 2013 found it to be –

1. An illegal structure in that it has not been subject of the issue of a Building Permit from the local government, pursuant to Section 9 of the *Building Act 2011*;

2. Unfit for human habitation in that it does not contain a WC, bathroom nor laundry pursuant to requirements of the Health Act 1911;
3. An incomplete structure in that the 2 transportable sections are not joined (50mm open gap exists between the sections);
4. Not connected to a potable water supply as required by the Shire of Menzies Local Health Laws;
5. Not provided with compliant electrics as required by the Shire of Menzies Local Health Laws;
6. With base rails not secured to compliant footings; and
7. Vandalized to the extent as described below.
 - i. Each and every area of fibro sheeted wall cladding has been cracked and holed;
 - ii. each and every window has had its glazing broken;
 - iii. all internal wall lining has been damaged and holed;
 - iv. internal floor coverings have been damaged and lifted; and
 - v. kitchen facilities have been damaged.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Building Act 2011

Health Act 1911

Shire of Menzies Local Health Laws

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

NO: 0346

Moved: Cr K Purchase

Seconded: Cr J Dwyer

That a Building Order under Section 110 of the *Building Act 2011* is to be served on Greg Clark and Christine Newton, PO Box 26, Rubyvale QLD 4702 directing that the illegal (no Building Permit), unsafe, incomplete, derelict and unfit for human habitation small 2 section transportable building at Lot 302 Walsh Street Menzies WA 6436 is to be removed from the site and the site left in a clean tidy state.

Time: 9.11am

CARRIED: 4/0

9.2 FINANCE AND ADMINISTRATION BUSINESS

9.2.1 LISTING OF PAYMENTS MADE IN APRIL 2013

SUBMISSION TO:	Special Meeting of Council 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	22 May 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:	Nil

ATTACHMENTS:

Attachment 9.2.1A: List of payments made to Creditors in April 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 April 2013, include cheques numbered 9664 to 9689 and direct payments totalling \$841,721.54.

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
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'S RECOMMENDATION:	NO: 0347
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council approves the payments identified in the list of payments made from the Shire of Menzies Municipal Bank account in April 2013 including cheques numbered 9664 to 9689 and direct payments totalling \$841,721.54.

Time: 10.16am

CARRIED: 4/0

9.2 FINANCE AND ADMINISTRATION BUSINESS

9.2.2 MONTHLY FINANCIAL REPORT – APRIL 2013

SUBMISSION TO:	Special Meeting of Council 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM052
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	22 May 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:	

ATTACHMENTS:

Attachment 9.2.2A: 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 April 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 required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0348
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

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

Time: 10.30am

CARRIED: 4/0

9.3 WORKS AND SERVICES BUSINESS

9.3.1 FIVE YEAR PLANT REPLACEMENT PROGRAM

SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	P/5/2
DISCLOSURE OF INTEREST:	None
DATE:	20 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 9.3.1A: Five Year Plant Replacement Program

SUMMARY:

For Council to receive the Five Year Plant Replacement Program

BACKGROUND:

Shire staff are to prepare a Five Year Plant Replacement Program for Council's consideration when deliberating the Budget process.

Attached as Attachment 9.3.1A is the Five Year Plant Replacement Program.

COMMENT:

The Vehicle Replacement Program is an essential tool for Council when making an allowance for capital expenditure during our budget considerations.

The Policy relating to the Vehicle Replacement Program is structured to ensure that optimum advantage will be gained if the guidelines are adhered to. However, these guidelines are often disregarded during budget deliberations because of extenuating circumstances.

While a Policy has been adopted on when to change over plant and vehicles, a more thorough examination of the Policy needs to be carried out as to the most optimum changeover criteria.

It is absolutely critical to be annually reviewing the Vehicle Replacement Program and ensuring that the program is in line with future planned operations.

It should be remembered that this Five Year Plant Replacement Program is a living document and able to be continuously updated and refined as day to day events impact on the Shire's works program and finances.

CONSULTATION:

Shire Management Staff

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 Policy in this matter but should be consulted when considering vehicle changeovers and new budgets.

FINANCIAL IMPLICATIONS:

All replacements should have prior Council approval through the Budgetary process.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0349
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Moved: Cr K Purchase

Seconded: Cr I Tucker

That Council receives the Five Year Plant Replacement Program

Time: 10.45am

CARRIED: 4/0

9.3 WORKS AND SERVICES BUSINESS

9.3.2 REPLACEMENT VEHICLE FOR DEPOT

SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	P/5/5
DISCLOSURE OF INTEREST:	None
DATE:	20 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 9.3.2A: Quotes from vehicle companies

SUMMARY:

For Council to approve the replacement vehicle for the one that was stolen and wrecked.

BACKGROUND:

A Shire vehicle was stolen from the Shire depot some months ago and driven towards Wiluna where the vehicle was rolled over several times. The driver was apprehended but due to the fact that it was a child, no charges or recompense will be forthcoming.

COMMENT:

The Shire's insurance brokers, the Local Government Insurance Services (LGIS) have advised that the insurance assessor will inspect the vehicle in Wiluna and forward their payment of the pre accident valuation of the vehicle to the Shire.

The vehicle needs to be replaced as it is crucial to enable the works crews to function properly. In discussions with the Manager Works and Services, he has proposed that the vehicle be replaced with a 1 tonne carrying capacity unit to enable the depot service/handyman to carry his tools and spare parts around.

The vehicle proposed is a Volkswagen Amorak fitted with a Bosston canopy which will enable the operator to lock his tools away for security purposes. The Volkswagen has been chosen because of its load carrying capacity which has basically a truck

rear end. This is far superior to the Nissan Navara which will require a heavier springs upgrade to boost up its load carrying ability.

A list of prices received is as appended as Attachment 9.3.2A and are summarised below:

VEHICLE	COMPANY	PRICE
Nissan Patrol (Includes Bosston Canopy)	Westland Autos	\$57,614.51
Nissan Navarra D22 (Includes Bosston Canopy)	Westland Autos	\$41,194.81
Nissan Navarra D40 (Includes Bosston Canopy)	Westland Autos	\$42,775.51
Volkswagen Amorak (Includes Bosston Canopy)	Goldfields Volkswagen	\$45,513.00
Toyota Hilux (Includes Bosston Canopy)	Goldfields Toyota	\$47,640.30
Toyota Hilux (Includes Bosston Canopy)	Goldfields Toyota	\$58,533.04
Toyota Landcruiser (Includes Bosston Canopy)	Goldfields Toyota	\$63,489.51

*All prices include GST

CONSULTATION:

Mr B Howson - MWS

Mr R McKay – Depot Service/Handyman

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 replacement of this vehicle was not provided for in this financial year but funding is available in the Plant Reserve Fund

STRATEGIC IMPLICATIONS:

Will allow the maintenance of the Shires assets to be attended to in a timely manner

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0350
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Moved: Cr I Tucker

Seconded: Cr K Purchase

That Council agrees to purchase a Volkswagen Amorak cab chassis utility from Goldfields Volkswagen and fitted with a Bosston Canopy for a price of \$45,513 (includes GST).

Time: 10.43am

CARRIED BY ABSOLUTE MAJORITY

9.4 MANAGEMENT AND POLICY BUSINESS

9.4.1	MINUTES OF HOUSING COMMITTEE MEETING 7 MAY 2013
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SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	C/9/11
DISCLOSURE OF INTEREST:	None
DATE:	20 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.4 of Ordinary Meeting of Council 27 September 2012

ATTACHMENTS:

Attachment 9.4.1A: Minutes of Housing Committee Meeting held 7 May 2013

SUMMARY:

For Council to receive the Minutes of the Housing Committee Meeting held Tuesday, 7 May 2013

BACKGROUND:

The Housing Committee met at 9.00 am on Tuesday, 7 May 2013. Attached as Attachment 9.4.1A are the Minutes of the Meeting

COMMENT:

None

CONSULTATION:

Housing Committee

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/OFFICER'S RECOMMENDATION:	NO: 0351
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Moved: Cr I Tucker

Seconded: Cr K Purchase

That Council receives the Minutes of the Housing Committee held Tuesday, 7 May 2013 and that the recommendations as contained therein:

- 6.1 That the Committee recommends that Council approves the tender documents appended as Appendix 6.1A for public tender.
- 6.2
 - a) That Stratum Metals Limited be given a twelve month lease with an option of a lease extension at \$1500 per month subject to maximum of three persons to be accommodated at any one time.
 - b) No capital improvement to be undertaken by Stratum Metals Limited without prior approval from Council.
 - c) Premises to be cleaned at Council expense prior to commencement of lease.

be adopted as resolutions of Council

Time: 10.45am

CARRIED: 4/0

9.4 MANAGEMENT AND POLICY BUSINESS

9.4.2	MINUTES OF HOUSING COMMITTEE MEETING 21 MAY 2013
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SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	C/9/11
DISCLOSURE OF INTEREST:	None
DATE:	20 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.4 of Ordinary Meeting of Council 27 September 2012

ATTACHMENTS:

- Attachment 9.4.2A: Minutes of Housing Committee Meeting held 21 May 2013
- Attachment 9.4.2B: Conditions of engagement and remuneration for Mr MacKay

SUMMARY:

For Council to receive the Minutes of the Housing Committee Meeting held Tuesday, 21 May 2013

BACKGROUND:

The Housing Committee met at 9.00 am on Tuesday, 21 May 2013. Attached as Attachment 9.4.2A are the Minutes of that Meeting

COMMENT:

Since the previous Housing Committee Meeting, the Committee gained verbal approval from five Councillors to travel to Perth to inspect transportable housing as well as display homes.

As a result of that trip to Perth, the Committee decided to recommend to Council to change direction in regards the tendering process and to conduct the tender 'in house' in lieu of using WALGA.

It was also recommended that Council appoint Mr Ian MacKay to project manage the construction phase of the building in Perth and that the Shire Manager Works and Services would manage the onsite operations.

Mr MacKay's conditions of engagement and remuneration are attached as Attachment 9.4.2B.

CONSULTATION:

Housing Committee
Mr I MacKay - Consultant

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:

All expenditure in this item have been provided for in the Budget

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0352
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council receives the Minutes of the Housing Committee held Tuesday, 21 May 2013 and the recommendations as contained therein:

1. That the Committee recommends that Council:
 - a Approves the amended and in house Tender Specifications for the supply, transport and erection of two (2) transportable 3 x 2 houses as appended as Appendix 6.1A, subject to the inclusion of a clause directing that the colour of the units and associated roof sheeting, cladding, downpipes, columns etc not be chosen until the design of each unit has been decided by Council,
 - b Appoints Mr Ian MacKay as an authorised person to project manage the construction of the new housing units in Perth until such time as the units are transported from Perth to Menzies, and,
 - c Authorises the Chief Executive Officer to negotiate a fee with Mr MacKay for his services and submits that fee for approval at the Ordinary Meeting of Council in May 2013.be adopted as recommendations of Council;

- 2. That Council approves the conditions of engagement and remuneration of Mr Ian MacKay as per Attachment 9.4.2B, and,**
- 3. That Council ratifies the previous verbal approval given to the Housing Committee for their recent trip to Perth.**

Time: 10.55am

CARRIED: 4/0

9.4 MANAGEMENT AND POLICY BUSINESS

9.4.3 WA LOCAL GOVERNMENT CONVENTION

SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 126
DISCLOSURE OF INTEREST:	None
DATE:	14 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

- Attachment 9.4.3A: Circular from WALGA re the WA Local Government Convention
- Attachment 9.4.3B: Letter from WALGA re Voting Delegates for Annual General Meeting

SUMMARY:

For Council to consider the attendance of Members at the WA Local Government Convention in August 2013.

BACKGROUND:

Each year, the Western Australian Local Government Association (WALGA) holds a convention at which most local governments in WA have representatives attend on their behalf.

This year, the convention is being held from Wednesday 7 August to Friday 9 August 2013 inclusive (See Attachment 9.4.3A).

Council is being asked to nominate Members to attend this convention and to also appoint voting delegates and proxies amongst those attending Members to vote at the WALGA Annual General Meeting.

COMMENT:

The program for this year's convention is wide varied and looks quite interesting. The major benefits from attending the convention is the information and experience gained from networking with Members from other local governments.

Accommodation has been reserved at the Mercure Hotel in Irwin Street in the city. Airfares will be provided by the Shire or the Member may take their own vehicle and receive reimbursement for mileage.

As well, there is a program for Members partners to participate in whilst the Member is at the convention.

As attendance at this convention is to assist Members becoming more experienced and aware of their roles, each Member attending should be required to write a report on the sessions they attend and what knowledge they gained from the session.

Attachment 9.4.3B is a letter from WALGA requesting that Council nominate the voting delegates for WALGA's Annual General Meeting. This requires the nomination of two voting delegates and two proxies. Only properly registered voting delegates or their proxies are entitled to vote on behalf of Member Councils.

It must be noted that the nominated delegates are to attend the service desk to receive their electronic voting device (keypad) and identification tag before the AGM commences as there is no other method of voting. Delegates should also be aware that failure to return the keypad after the meeting will result in a charge being levied against the delegate.

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 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 attendance at such meetings have been allowed for in the Annual Budget

STRATEGIC IMPLICATIONS:

Will assist the Members to become more adept in their roles as Councillors

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0353
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council:

- 1. Approves the attendance of Crs G Dwyer, J Dwyer, I Tucker, K Purchase, the CEO and their partners at the WA Local Government Convention from Wednesday 7 August 2013 to Friday 9 August 2013,**
- 2. Authorises the Chief Executive Officer to approve of the travel arrangements for the aforementioned appointees and their partners to attend the WA Local Government Convention,**
- 3. Approves accommodation arrangements for the appointees and partners attending the WA Local Government Convention be finalised with the Mercure Hotel in Irwin Street in Perth,**
- 4. Directs those appointees attending the WA Local Government Convention prepare a written report for the Information Bulletin for August 2013 on the sessions they attended and what benefits they gained from the experience, and,**
- 5. Directs Cr G Dwyer be nominated as voting delegate to the WALGA Annual General Meeting with Cr J Dwyer as his proxy delegate and Cr I Tucker be nominated as second voting delegate to the WALGA Annual General Meeting with Cr J Dwyer as his proxy delegate.**

Time: 11.16am

CARRIED: 4/0

9.4 MANAGEMENT AND POLICY BUSINESS

9.4.4 OLD MENZIES POLICE STATION BUILDING

SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	M/4/7
DISCLOSURE OF INTEREST:	None
DATE:	17 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 13.4 of Ordinary Meeting of Council 24 April 2013

ATTACHMENTS:

Nil

SUMMARY:

For Council to consider the report regarding the lease of the old Menzies Police Station building to Stratum Metals Limited

BACKGROUND:

At the Ordinary Meeting of Council held Wednesday, 24 April 2013, Council directed the Chief Executive Officer to liaise with the housing committee and report back to Council in May 2013 with regards the application from Stratum Metals Limited (SXT) to lease or purchase the old Menzies Police Station.

COMMENT:

This matter was discussed with the Housing Committee and the Committee made several recommendations to Council.

As well as the recommendations made in the Housing Committee's Minutes, there also remains the matter of procedure for disposing of Council property.

The Local Government Act 1995 s.3.58 states –

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) requires disposal by either auction or tender

- (3) provides limited exemption to auction or tender, by advertising details of the proposal for at least 14 days, and seeking submission, which must then be considered
- (4) stipulates the details that are to be in the notice of disposition
- (5) exemptions from compliance with the section, i.e. no requirement to tender, auction or advertise

In order to expedite the matter it is suggested that –

1. Relevant details of the proposed lease be sent to a Kalgoorlie real estate agent, and an opinion as to monthly lease value sought.
2. Council –
 - a) agrees to the proposed lease, subject to compliance with the Local Government Act s.3.58 by advertising the proposal and seeking submissions.
 - b) stipulates any specific terms or conditions that must be met by Stratum Metals prior to the CEO entering the agreement.
 - c) authorises the CEO to enter an agreement on his own authority, subject to the being no submissions.
 - d) authorises the President and CEO to affix the Common Seal to any agreement reached.
3. Advertises in the Kalgoorlie Miner for a minimum of 14 days as required by the Act s.3.58 (4)
4. Considers use of a solicitor to finalise the lease arrangements and compliance with any relevant legislation.

CONSULTATION:

Mr N Mitchell - Consultant

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:

No impact at present but some provision will be made in the Budget for any improvements as approved by Council.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0354
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council:

- 1. Obtains a written estimate from a real estate agent in Kalgoorlie of the monthly lease value of the old Menzies Police Station,**
- 2. Advertises in the Kalgoorlie Miner of Council's intention to lease the old Menzies Police Station to Stratum Metals Limited, in accordance with Section 3.58 of the *Local Government Act 1995*, and,**
- 3. Authorises the Chief Executive Officer to have Council's solicitors begin preparing the lease documents.**

Time: 11.21am

CARRIED: 4/0

9.4 MANAGEMENT AND POLICY BUSINESS

9.4.5	APPLICATION FOR PROSPECTING LICENCE – RIQO PTY LTD
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SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	RIQO Pty Ltd
FILE REF:	M/3/2
DISCLOSURE OF INTEREST:	None
DATE:	6 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 9.4.5A: Letter of Application for Prosecing Licence

SUMMARY:

For Council to consider the application from RIQO Pty Ltd for prospecting licences that cover part of the town of Menzies.

BACKGROUND:

An application for prospecting licences has been received from the Department of Mines and Petroleum on behalf of RIQO Pty Ltd (See Attachment 9.4.5A)

COMMENT:

While this application is only for prospecting licences, both intrude within the town boundary and both cover private land and public roads.

The endorsement and conditions as imposed by the Department of Mines and Petroleum appear to be adequate and require the permission of the local authority prior to any activities taking place on this lease area.

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

OFFICER'S RECOMMENDATION:

That Council note the Application for Prospecting Licence by RIQO Pty Ltd and the endorsement and conditions as imposed by the Department of Mines and Petroleum.

COUNCIL DECISION:

NO: 0355

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council lodge an objection with the Department of Minerals and Petroleum to the granting of prospecting leases 29/2249 and 29/2250 to RIQO Pty Ltd on the grounds that the leases encroach on areas of the town site of Menzies

Time: 11.30am

CARRIED: 4/0

Reason for the change was that Council wished to send a clear message to the Department of Minerals and Petroleum that any land within the Menzies town boundaries should not be covered by any mineral leases

9.4 MANAGEMENT AND POLICY BUSINESS

9.4.6	NOMINATION OF MEMBER TO BOARD OF THE GOLDFIELDS ESPERANCE DEVELOPMENT COMMISSION
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SUBMISSION TO:	Special Meeting of Council, 29 May 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	G/1/1
DISCLOSURE OF INTEREST:	None
DATE:	22 May 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 9.4.6A:	Circular from the Goldfields Esperance Development Commission
Attachment 9.4.6B:	Role of a Goldfields Esperance Development Commission Board Member

SUMMARY:

For Council to consider a call from the Goldfields Esperance Development Commission (GEDC) for nominations to be considered to become a Member of their Board.

BACKGROUND:

The GEDC has invited local governments in the region to nominate a Councillor for consideration to become a Member of their Board (See Attachment 9/4/6A).

COMMENT:

The role of a Member of the GEDC Board is described in Attachment 9.4.6B. The appointment to the Board, which is for a period of up to three years, is made by the Minister for Regional Development.

It is vitally important that the Northern Goldfields has a representative on this board and as it is quite some time since a Member from Menzies was appointed, it is high time that this anomaly was reversed.

The Board Members do receive remuneration for meetings for either a half or full day, depending on the length of the sitting period and travel is paid at the government rate.

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:

Will assist in providing some input into the development of the region

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICERS RECOMMENDATION:	NO: 0356
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Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council appoints Cr G Dwyer to be the Shire of Menzies nomination to the Board of the Goldfields Esperance Development Commission.

Time: 11.35am

CARRIED: 4/0

10. NEXT MEETING

The next Special Meeting of Council will be held on a date to be advised.

11. CLOSURE OF MEETING

The Chairperson closed the meeting at 11.35am.

12. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Special Meeting of Council held 29 May 2013 are confirmed as a true and correct record, as per the Council Resolution of the Special Meeting of Council held on Saturday 17 August 2013.

Signed _____

Dated: _____