



MINUTES

ORDINARY COUNCIL MEETING

Tuesday June 26th 2012
Commencing At 10.05am
At Tjuntjuntjara

SHIRE OF MENZIES



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SHIRE OF MENZIES

ORDINARY COUNCIL MEETING
commencing at 10.00 am

A G E N D A

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Gregory Dwyer) to declare the meeting open, welcoming the attendees, visitors, guests and proceeds with the agenda as planned.

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

Attendance:

Councillors	Cr G. Dwyer	President
	Cr. P.J. Twigg	Deputy President
	Cr J.A Dwyer	Councillor
	Cr. E. Hansen	Councillor
	Cr. C.K. Purchase	Councillor
	Cr I.R Tucker	Councillor
Staff:	Mr. N. Mitchell	Acting Chief Executive Officer
	Ms C. McAllan	Deputy Chief Executive Officer
Apologies:	Cr. C. Bennell	Councillor

MOVED: Cr. J.A Dwyer

SECONDED: Cr. P.J. Twigg

That Councillors C.K Purchase and I.R Tucker and staff members Acting Chief Executive Officer Mr. N. Mitchell, Deputy Chief Executive Officer Mrs. C.E McAllan and Project Manager (Consultant) Mr. Bret Howson attend the meeting by instantaneous communication at the Council Chambers in Menzies.

Carried 4/0

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

Cr. P.J Twigg declares an interest in Item 9.16.

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

7 CONFIRMATION OF PREVIOUS MINUTES

- 7.1 Confirmation of the Previous Minutes of Council held on 29th May 2012 as presented, be adopted.

MOVED Cr:J.A Dwyer

SECONDED Cr: E. Hansen

That the Minutes of the Ordinary Council Meeting held on 29th May 2012 as presented be adopted.

Carried 6/0

- 7.2 Confirmation of the Previous Minutes of Special Meeting of Council held on 6th June 2012 as presented, be adopted.

MOVED Cr: J.A Dwyer

SECONDED Cr: I.R Tucker

That the Minutes of the Special Meeting of Council held on 6th June 2012 as presented be adopted.

Carried 6/0

Cr. I.R. Tucker vacates chambers at 10.13am

Cr. I.R Tucker returns to chambers at 10.13am

8	QUESTIONS ON NOTICE.
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- 8.1 Questions on Notice
Nil

9	REPORTS OF COMMITTEES AND OFFICERS
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9.1 FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 26th JUNE 2012

As follows:

5.1 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 26th JUNE 2012

MOVED Cr: C.K Purchase

SECONDED Cr I.R Tucker

That the Council approve the recommendations of the Audit / Finance Committee to adopt the Financial Statements and Reports to 31st May 2012 as presented.

Carried 3/0

5.2 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 26th June 2012

MOVED: Cr.:C.K Purchase

SECONDED: I.R Tucker

To approve cheque numbers 1957,7521,7644 and from 7683 to 7784 including direct debits and bank statement transfers totalling \$263,739.65 as presented for payment in terms of the submitted lists.

Carried 3/0

5.3 AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL MEETING OF 24th JANUARY 2012

MOVED Cr:I.R Tucker

SECONDED Cr C.K Purchase

That the Council approve the recommendations of the Audit / Finance Committee to approve a Budget Cost Centre for Tjuntjuntjara Sculpture Workshops with a budget of \$21,000 to be drawn on over 3 workshops at \$7,000 each in the 2012/2013 Financial Year.

AGREED: To Defer This item To the Full Meeting of Council on Tuesday 26th June 2012.

OFFICER RECOMMENDATION – COUNCIL DECISION

No: 0159

MOVED: J.A Dwyer

SECONDED: P.J Twigg

That Council adopt the recommendations from the Audit/Finance Committee numbered 5.1 to 5.3 as listed above.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	B/4/2
DISCLOSURE OF INTEREST:	Nil
DATE:	21 st June 2012
AUTHOR:	N. Mitchell, Acting CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider quote for initial renovation works.

BACKGROUND:

The Lady Shenton Hotel is listed with the Heritage Council of WA, although it is not on the Permanent Register.

The building requires urgent repairs to correct a number of issues, and a quote from Zarzal Pty LTY (Ashley Johns) was requested.

COMMENT:

The builder's quote for initial works is \$184,534.00 ex GST, being –

- Remove, replace floor stumps, bearers, joists
and termite particle board 146,372.80
- Jarrah floors 38,161.20
 - o Travel, food, accommodation consumables, materials supplied by them charged at cost + 20%

Insurances through EBM Brokers to be taken out prior to commencement of work.

Discussions with Peter Strugnell, previous Acting CEO, were that they may be able to use the residence on Mercer and Archibald Sts.

As the work will be in 2012/2013 financial year, provision will need to be made at the time of adoption of the Budget.

CONSULTATION:

STATUTORY ENVIRONMENT:

Building Code of Australia

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Provision of \$184,534 plus contingency to be made in 2012/2013 Budget.

VOTING REQUIREMENTS:

Simple Majority

MOVED Cr: P.J. Twigg

SECONDED Cr: I.R Tucker

That –

- The quote of Zarzal Pty Ltd of \$184,534.00 ex GST + costs at 20% be accepted, and
- Provision for the work plus a contingency \$27,700 (15%) be made in the 2012/2013 Budget.

Carried 6/0*Cr. Twigg vacates the meeting at 10.19am**Cr. Twigg returns to the meeting at 10.19am*

No: 9.3 ELECTED MEMBERS MEETING FEES

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/6
DISCLOSURE OF INTEREST:	Nil
DATE:	
AUTHOR:	K Hastie, Acting CEO N Mitchell, Acting CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To determine Elected Members meeting fees for 2012/2013

BACKGROUND:

This item is referred from May 2012 Council Meeting, where it was advised –

Recently there has been some informal discussion among Councillors regarding the level of fees paid for meeting attendances and the like.

The statutory environment in this regard is shown below.

Elected members current payments are as follows:-

<i>Committee meetings</i>	<i>\$70 per meeting paid monthly;</i>
<i>Council meetings</i>	<i>\$140 per meeting paid monthly;</i>
<i>President's committee meetings</i>	<i>\$70 per meeting paid monthly;</i>
<i>President's Council meetings</i>	<i>\$280 per meeting paid monthly;</i>
<i>President's annual allowance</i>	<i>\$12,000 paid at \$1,000 monthly;</i>
<i>Deputy President's annual allowance</i>	<i>\$3,000 paid at \$250 per month;</i>
<i>Communications allowance</i>	<i>\$50 per month; and</i>
<i>Travel costs reimbursement</i>	<i>paid at public service rates.</i>

The \$70, \$140, \$280, \$3,000 and \$12,000 payments are the maximum entitlements under the legislation. The \$50 payment per month could be as high as \$83.33 (\$1,000pa) per month.

An alternative form of payment to elected members is an Annual Attendance Fee which is a collective payment for all meetings, including Council and Committees, in lieu of making claims for individual meetings attended. The communications allowance and travel costs reimbursement would still apply under this regime.

Administration Regulation 34 currently provides the following range for minimum and maximum payments:-

<i>Presidents Annual Attendance Fee</i>	<i>\$6,000 to \$14,000;</i>
<i>Councillors Annual Attendance Fee</i>	<i>\$2,400 to \$7,000.</i>

The strength of the current system (ie payment per meeting attended) is that elected members are encouraged to attend to fulfil their duties as elected representatives of the community.

The weakness of the current system is, arguably, that the fees are too low for the time commitment involved.

The strength of the Annual Attendance Fee system is that it is more administratively convenient (for Elected Members and Administration) in that standard monthly or quarterly payments can be made.

A perceived weakness of the Annual Attendance Fee system is that an elected member only needs to attend one in three Council meetings (ie to avoid disqualification) and still receive the full Fee.

The attendance record at Council and Committee meetings thus far for year 2012 is as follows:-

	<i>Council</i>	<i>Committee</i>
<i>January</i>	<i>5 of 7</i>	<i>4 of 4</i>
<i>February</i>	<i>7 of 7</i>	<i>2 of 4</i>
<i>March</i>	<i>6 of 7 and 4 of 7</i>	<i>4 of 4</i>
<i>April</i>	<i>5 of 7</i>	<i>1 of 4</i>
<i>Total</i>	<i>27 of 35</i>	<i>11 of 16</i>
		<i>38 of 51</i>
		<i>74%</i>

While this is a relatively good attendance rate given the geographic complexities of the Shire it would mean that around 26% of the time payment would be received for no input.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

The relevant provisions of the Local Government Act are:-

Division 8 — Local government payments and gifts to its members

[Heading inserted by No. 17 of 2009 s. 32.]

5.98. Fees etc. for council members

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the prescribed minimum fee for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the prescribed minimum fee for attending a meeting of that type; or
 - (b) where the local government has set a fee within the prescribed range for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or

- (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the prescribed minimum annual local government allowance for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the prescribed minimum annual fee; or
- (b) where the local government has set a fee within the prescribed range for annual fees, that fee.

** Absolute majority required.*

5.99A. Allowances for council members in lieu of reimbursement of expenses

A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members —

- (a) the prescribed minimum annual allowance for that type of expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

[Section 5.99A inserted by No. 64 of 1998 s. 38.]

5.100A. Gifts to council members

A local government cannot give a gift to a council member unless —

- (a) the gift is given in prescribed circumstances; and
- (b) the value of the gift is less than a prescribed amount.

[Section 5.100A inserted by No. 17 of 2009 s. 34.]

5.100. Payments for certain committee members

- (1) A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.
- (2) Where —
 - (a) a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and
 - (b) a maximum amount for reimbursement of expenses has been prescribed for the purposes of section 5.98(3)(b),

the local government must ensure that the amount reimbursed to that person does not exceed that maximum.

5.101. Payments for employee committee members

- (1) A committee member who is an employee is not to be paid a fee for attending any committee meeting.

- (2) Nothing in this section prevents a local government from reimbursing an employee for an expense incurred by the employee in relation to a matter affecting the local government.

5.101A. Regulations about payment of expenses

Regulations may be made about the method of payment of an expense for which a person can be reimbursed.

[Section 5.101A inserted No. 17 of 2009 s. 35.]

5.102. Expense may be funded before actually incurred

Nothing in this Division prevents a local government from making a cash advance to a person in respect of an expense for which the person can be reimbursed.

The Administration Regulations under the Act then provide:-

Part 8 — Local government payments and gifts to members

[Heading inserted in Gazette 26 Aug 2011 p. 3487.]

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

- (1) For the purposes of section 5.98(1), subject to subregulation (3) —
- (a) the minimum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$60 for each meeting; and
 - (b) the maximum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$140 for each meeting.
- (2) For the purposes of section 5.98(1), subject to subregulation (3) or (5), as the case requires —
- (a) the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$70 for each meeting.
- (3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —
- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;

- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.
- (3B) For the purposes of section 5.98(2A), subject to subregulation (3C), and subregulation (3) or (5) as the case requires —
- (a) the minimum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$70 for each meeting.
- (3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —
- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or
 - (b) the council member is paid an annual fee in accordance with section 5.99; or
 - (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.
- (3) The total of fees paid to a council member other than —
- (a) the mayor or president; or
 - (b) in the case of a regional local government, the chairman,
- for attending meetings (whether of the council, of any committee or a meeting of a type referred to in subregulation (3A)) in each year is not to exceed \$7 000.
- (4) For the purposes of section 5.98(1), subject to subregulation (5) —
- (a) the minimum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$120 for each meeting; and
 - (b) the maximum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$280 for each meeting.
- (5) The total of fees paid —
- (a) to the mayor or president; or
 - (b) in the case of a regional local government, to the chairman,
- for attending meetings (whether of the council, of any committee or a meeting of a type referred to in subregulation (3A)) in each year is not to exceed \$14 000.

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.
- (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.
- (4) The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —
 - (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
 - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034.]

32. *Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))*

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.
- (2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.

33. *Annual local government allowance for mayors or presidents (Act s. 5.98(5))*

- (1) For the purposes of section 5.98(5) —

- (a) the minimum annual local government allowance for a mayor or president is \$600; and
- (b) the maximum annual local government allowance for a mayor or president is —
 - (i) \$12 000; or
 - (ii) 0.002 of the local government’s operating revenue,
 whichever is the greater amount, but in any case no more than \$60 000.

(2) In this regulation —

operating revenue has the meaning that it has in the *Local Government (Financial Management) Regulations 1996*.

[Regulation 33 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034.]

33A. Annual local government allowance for deputies (Act s. 5.98A)

For the purposes of section 5.98A(1) the prescribed percentage is 25%.

[Regulation 33A inserted in Gazette 23 Apr 1999 p. 1719.]

34. Annual attendance fees (Act s. 5.99)

(1) For the purposes of section 5.99 —

- (a) the minimum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending meetings (whether of the council or of any committee) is \$2 400; and
- (b) the maximum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending meetings (whether of the council or of any committee) is \$7 000.

(2) For the purposes of section 5.99 —

- (a) the minimum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending meetings (whether of the council or of any committee) is \$6 000; and
- (b) the maximum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending meetings (whether of the council or of any committee) is \$14 000.

[Regulation 34 amended in Gazette 23 Apr 1999 p. 1719-20; 31 Mar 2005 p. 1035.]

34A. Allowances in lieu of reimbursement of telephone etc. expenses (Act s. 5.99A)

For the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2 400.

[Regulation 34A inserted in Gazette 23 Apr 1999 p. 1720; amended in Gazette 31 Mar 2005 p. 1035.]

34AA. Allowances in lieu of reimbursement of information technology expenses (Act s. 5.99A)

For the purposes of section 5.99A(b), the maximum total annual allowance for information technology expenses that have been approved for reimbursement under regulation 32 is \$1 000.

[Regulation 34AA inserted in Gazette 31 Mar 2005 p. 1035.]

34AB. Allowances in lieu of reimbursement of travelling and accommodation expenses (Act s. 5.99A)

- (1) For the purposes of section 5.99A(b), the maximum annual allowance for travelling and accommodation expenses —
 - (a) prescribed as being a kind of expense to be reimbursed by all local governments under regulation 31; or
 - (b) that have been approved for reimbursement under regulation 32,is the same amount as the amount to which a person would be entitled for those expenses in the same circumstances under the Public Service Award.

- (2) In this regulation —

Public Service Award means the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as amended from time to time.

[Regulation 34AB inserted in Gazette 31 Mar 2005 p. 1035.]

34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).

[Regulation 34AC inserted in Gazette 3 May 2011 p. 1596.]

34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)

- (1) The provision of a vehicle owned by a local government —
 - (a) to a council member who is a mayor or president of the local government; or
 - (b) to a council member who is not a mayor or president of the local government if —
 - (i) no reasonable alternative method of travel is available to the council member; and
 - (ii) the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,

is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.

- (2) Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.

[Regulation 34AD inserted in Gazette 3 May 2011 p. 1596-7.]

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Payments to Elected Members are factored into each annual budget.

VOTING REQUIREMENTS:

Absolute majority required for:-

Determination of Allowance for Deputy President;

Annual Fee for Council members in lieu of fees for attending meetings;

Allowances for Council members in lieu of reimbursement of expenses.

OFFICERS RECOMMENDATION

MOVED Cr:

SECONDED Cr:

That the following Elected Members fees be adopted for 2012/2013 –

Committee meetings	\$70 per meeting paid monthly;
Council meetings	\$140 per meeting paid monthly;
President's committee meetings	\$70 per meeting paid monthly;
President's Council meetings	\$280 per meeting paid monthly;
President's annual allowance	\$12,000 paid at \$1,000 monthly;
Deputy President's annual allowance	\$3,000 paid at \$250 per month;
Communications allowance	\$50 per month; and
Travel costs reimbursement	paid at public service rates.

COUNCIL RESOLUTION

No: 0161

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. I. Tucker

That the following Elected Members fees be adopted for 2012/13

Councillors Meeting Fee	\$3,600 per annum, paid monthly
Presidents Meeting Fee	\$6,000 per annum, paid monthly
Presidents Allowance	\$9,000 per annum, paid monthly
Deputy Presidents Allowance	\$2,250 per annum, paid monthly
Communications Allowance	\$50 per month, paid monthly
Travel Costs	paid at public service rates.

Carried 6/0

Reason for variation: Council preferred Annual fee structure to individual meeting fees.

Chief Executive Officer vacates chambers at 10.46am

Chief Executive Officer returns to chambers at 10.46am

Late items brought forward by agreement to allow Mr. Howson to attend to other Matters.

No: 9.14	REQUEST FOR QUOTATION 07/12 FOR THE SUPPLY AND DELIVERY OF 1 (ONE) ONLY NEW 4 WHEEL DRIVE ARTICULATED FRONT END LOADER-ITEM 1
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SUBMISSION TO:	Ordinary Meeting of Council – 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/3/2
DISCLOSURE OF INTEREST:	Nil
DATE:	25 th June 2012
AUTHOR:	Bret Howson, Project Manager,(Consultant)
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Mr. N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

This item is to have the Council endorse the award of the Request for Quotation (RFQ) for the Supply and Delivery of 1 (one) only new 4 Wheel Drive Articulated Front End Loader. This includes the trade sale of the existing 1998 Komatsu Loader.

BACKGROUND:

At the April Ordinary meeting of Council it was resolved:

1. That Council endorse the 2011/12 plant replacement program to be as follows:

- *Purchase New*
 - a. *Ride-on Mower*
 - b. *8wheeler truck*
 - c. *Frontend Loader*
 - d. *2 axle dolly*

- *Trade for above new purchases*
 - a. *Trade/Sell ride on mower*
 - b. *Trade/Sell 6 wheel side tipper truck*
 - c. *Trade/Sell tri-axle dolly*
 - d. *Trade/Sell 3axle Side tipper trailer*

- *Sell outright by public Tender*
 - a. *Sell Depot dual cab utility*
 - b. *Sell Graders single cab utility*
 - c. *Sell 12H Caterpillar Grader*

The above RFQ was facilitated through the WALGA preferred Panel Contract for supply of Heavy Construction Machinery. Four suppliers were invited which had the range of equipment that the Council was seeking. The suppliers were:

- Hitachi Construction Machinery (Australia) – Hitachi & John Deere
- CJD Equipment - Volvo
- Westrac - Caterpillar
- Komatsu Australia - Komatsu

The RFQ closed 14th June 2012 at 2:00pm, and was opened by Council Officers on 14th June 2012.

Five (5) submissions were received, with a total of eight (8) different models, and all were assessed against the tendering specifications. The submissions were:

- Hitachi Construction Machinery (Australia) – Hitachi ZW220 Loader
- Hitachi Construction Machinery (Australia) – John Deere 664K Zbar Loader
- CJD Equipment – Volvo L110F Loader
- CJD Equipment – Volvo L120F Loader
- Westrac – Caterpillar 950H Loader
- Komatsu Australia – Komatsu WA380-6 Loader
- Komatsu Australia – Komatsu WA320P2-6 Loader
- Komatsu Australia – Komatsu WA250P2-6 Loader

COMMENT:

The following is the assessment and recommendation for the new front end loader for the Council to consider:

- Hitachi Construction Machinery (Australia) – Hitachi ZW220 Loader
Power: 164kw
Bucket: 3.4m³
Operating Weight: 17,420kg
Width over tyres: 2785mm
Warrantee: 48months / 5000hrs full machine
Trade value on existing loader: \$55,000 exGST
- Hitachi Construction Machinery (Australia) – John Deere 664K Zbar Loader
Power: 197kw
Bucket: 3.3m³
Operating Weight: 18,160kg
Width over tyres: 2650mm
Warrantee: 60months / 5000hrs full machine
Trade value on existing loader: \$55,000 exGST
- CJD Equipment – Volvo L110F Loader
Power: 170kw
Bucket: 3.1m³
Operating Weight: 18,300kg
Width over tyres: 2670mm
Warrantee: 12months / 2500hrs full machine (36mths/6000hrs drive line)
Trade value on existing loader: \$55,000 exGST
- CJD Equipment – Volvo L120F Loader
Power: 180kw
Bucket: 3.5m³
Operating Weight: 19,200kg
Width over tyres: 2670mm
Warrantee: 12months / 2500hrs full machine (36mths/6000hrs drive line)
Trade value on existing loader: \$55,000 exGST
- Westrac – Caterpillar 950H Loader
Power: 162kw
Bucket: 3.1m³
Operating Weight: 18,338kg
Width over tyres: 2785mm
Warrantee: 36months / 6000hrs Powertrain and Hydraulics
Trade value on existing loader: \$30,000 exGST

- Komatsu Australia – Komatsu WA380-6 Loader
Power: 143kw
Bucket: 3.6m³
Operating Weight: 16,610kg
Width over tyres: 2695mm
Warranty: 36months / 6000hrs full machine
Trade value on existing loader: \$45,000 exGST
- Komatsu Australia – Komatsu WA320P2-6 Loader
Power: 125kw
Bucket: 3.0m³
Operating Weight: 15,280kg
Width over tyres: 2590mm
Warranty: 36months / 6000hrs full machine
Trade value on existing loader: \$45,000 exGST
- Komatsu Australia – Komatsu WA250P2-6 Loader
Power: 103kw
Bucket: 2.3m³
Operating Weight: 11,950kg
Width over tyres: 2370mm
Warranty: 36months / 6000hrs full machine
Trade value on existing loader: \$45,000 exGST

Shire Officers shortlisted the above eight (8) submissions based on the specifications listed in the RFQ document. The shortlisted submissions were:

- Westrac – Caterpillar 950H Loader
- Hitachi Construction Machinery (Australia) – John Deere 664K Zbar Loader
- Hitachi Construction Machinery (Australia) – Hitachi ZW220 Loader

Shire Officers then visited each of the shortlisted machines for inspection. Following the above assessment and inspections, it is the officer's recommendation that the Council purchase the John Deere 644K Loader from Hitachi Construction Machinery (Australia).

CONSULTATION:

Shire officers have consulted with all suppliers and surrounding Shires to obtain field history and experience with machine, dealer and service. Also used machinery sales estimated trade value for the existing Komatsu loader.

STATUTORY ENVIRONMENT:

Legally a Local Government, as a public body, has the responsibility to follow the appropriate processes and to treat all tenderers fairly. The terms and conditions set out in this contract is the standard WALGA contract document and imply that the Shire of Menzies has acted legally and fairly to all tenderers in this case.

Section 3.57(1) of the Local Government Act 1995 requires a Local Government to invite tenders before it enters into a contract for a purchase of a prescribed kind, however Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996, Regulation 11 states this is only required for purchases worth more than \$100,000 unless Council have delegated otherwise.

Regulation 11 (2), (b) allows exclusion for Local Government from the obligations to tender if the supply of goods or services is obtained through the Council Purchasing service of WALGA. The supply of the new Loader in this report is available through the WALGA Preferred Contracts Panel. Shire officers have obtained 8 quotations from this service.

POLICY IMPLICATIONS:

There are no known policy implications at the time of preparing this report.

FINANCIAL IMPLICATIONS:

- Hitachi Construction Machinery (Australia) – Hitachi ZW220 Loader
Price: \$249,000 exGST
Trade: \$55,000 exGST
- Hitachi Construction Machinery (Australia) – John Deere 664K Zbar Loader
Price: \$274,000 exGST
Trade: \$55,000 exGST
- CJD Equipment – Volvo L110F Loader
Price: \$334,000 exGST
Trade: \$55,000 exGST
- CJD Equipment – Volvo L120F Loader
Price: \$358,000 exGST
Trade: \$55,000 exGST
- Westrac – Caterpillar 950H Loader
Price: \$306,430 exGST
Trade: \$30,000 exGST
- Komatsu Australia – Komatsu WA380-6 Loader
Price: \$286,220 exGST
Trade: \$45,000 exGST
- Komatsu Australia – Komatsu WA320P2-6 Loader
Price: \$256,340 exGST
Trade: \$45,000 exGST
- Komatsu Australia – Komatsu WA250P2-6 Loader
Price: \$236,870 exGST
Trade: \$45,000 exGST

At the April Ordinary meeting of the Council, officer's estimated a trade price of the Shire's current Komatsu loader (~2m³ bucket) at \$80,000, the replacement larger loader (~3.5m³ bucket) for greater efficiency of \$300,000. This gives an estimated changeover price of \$220,000.

The submissions which complied with the above estimated changeover were:

- Komatsu Australia – Komatsu WA320P2-6 Loader
Price: \$256,340 exGST
Trade: \$45,000 exGST
- Komatsu Australia – Komatsu WA250P2-6 Loader
Price: \$236,870 exGST
Trade: \$45,000 exGST
- Hitachi Construction Machinery (Australia) – Hitachi ZW220 Loader
Price: \$249,000 exGST
Trade: \$55,000 exGST

- Hitachi Construction Machinery (Australia) – John Deere 664K Zbar Loader
Price: \$274,000 exGST
Trade: \$55,000 exGST

From the above, the John Deere 644K presented greater value and efficiency for the Council. It is the officer's recommendation that the Council award RFQ07-12 to Hitachi Construction Machinery (Australia)

VOTING REQUIREMENTS:

Absolute Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0162

MOVED Cr: J.A Dwyer

SECONDED Cr: I.R Tucker

1. That Council award the Request for Quotation 07/12 for the Supply and Delivery of 1 (one) only new 4 Wheel Drive Articulated Front End Loader to Hitachi Construction Machinery (Australia) for the supply of the John Deere 664K Zbar Loader for \$274,000 (Ex GST).
2. That the Council award the trade sale of the existing Komatsu WA250FE to Hitachi Construction Machinery (Australia) for \$55,000 (Ex GST)
3. That the Council allows the use of the Common Seal as per Policy No 2.9 for the execution of the contract documents for Request for Quotation 07/12 for the Supply and Delivery of 1 (one) only new 4 Wheel Drive Articulated Front End Loader.

Carried 6/0

**No: 9.15 REQUEST FOR TENDER 08/12 FOR THE SALE AND PURCHASE OF
VARIOUS ITEMS OF SHIRE PLANT – ITEM 1 SALE OF 2005
CATERPILLAR 12H MOTOR GRADER.**

SUBMISSION TO:	Ordinary Meeting of Council – 26 TH June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/3/1
DISCLOSURE OF INTEREST:	Nil
DATE:	25 th June 2012
AUTHOR:	Bret Howson, Project Manager, (Consultant)
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Mr. N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

This item is to have the Council consider the Request for Tender (RFT) 08/12 for the Sale and Purchase of Various Items of Shire Plant – Item 1 Sale of 2005 Caterpillar 12H Motor Grader.

BACKGROUND:

At the April Ordinary meeting of Council it was resolved:

2. That Council endorse the 2011/12 plant replacement program to be as follows:

- *Purchase New*
 - a. *Ride-on Mower*
 - b. *8wheeler truck*
 - c. *Frontend Loader*
 - d. *2 axle dolly*

- *Trade for above new purchases*
 - a. *Trade/Sell ride on mower*
 - b. *Trade/Sell 6 wheel side tipper truck*
 - c. *Trade/Sell tri-axle dolly*
 - d. *Trade/Sell 3axle Side tipper trailer*

- *Sell outright by public Tender*
 - a. *Sell Depot dual cab utility*
 - b. *Sell Graders single cab utility*
 - c. *Sell 12H Caterpillar Grader*

The RFT 08/12 closed 19th June 2012 at 2:00pm, and was opened by Council Officers on 19th June 2012. Three submissions were received, these were:

- J & JL O'Donnell Pty Ltd
- Kooda Contracting
- DSM Equipment

COMMENT:

Sell 12H Caterpillar Grader – The Shire current owns a newer 120M grader and only has one grader operator. Given that the Shire has recently awarded multi-year panel contracts for grading services, it is the officer's opinion that having 2 graders is surplus to the needs of the Shire, (\$150,000).

However from further market research, it's the Shire Officer's opinion that the three submissions received were below that of general market value for the Shire's 12H Grader. Market research indicates that the Shire should receive a purchase price between \$180,000 to \$210,000 for the grader.

At the received purchase prices, the Council should consider the future needs for a 2nd grader at the Shire. Should the Council choose to dispose of the existing 12H grader, it will be a larger budgetary cost to purchase a 2nd grader in the further, if the Shire of Menzies increases staff numbers and attracts a 2nd grader driver.

If it is clearly the Council's direction to contract the maintenance grading for the foreseeable future then the sale of the existing 12H could be considered at a lower price to increase the plant Reserve account for purchases of other shire equipment suitable for the direction of the Council's works program.

CONSULTATION:

Shire officers have consulted with suppliers and surrounding Shires used machinery sales to estimate trade value for the existing 12H Grader.

STATUTORY ENVIRONMENT:

Legally a Local Government, as a public body, has the responsibility to follow the appropriate processes and to treat all tenderers fairly. The terms and conditions set out in this contract is the standard WALGA contract document and imply that the Shire of Menzies has acted legally and fairly to all tenderers in this case.

POLICY IMPLICATIONS:

There are no known policy implications at the time of preparing this report.

FINANCIAL IMPLICATIONS:

The three submissions received were prices between \$90,000 and \$147,272 (Ex GST).

VOTING REQUIREMENTS:

Absolute Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0163

MOVED Cr: P.J Twigg

SECONDED Cr : C.K Purchase

1. That Council do not award the Request for Tender (RFT) 08/12 for the Sale and Purchase of Various Items of Shire Plant – Item 1 Sale of 2005 Caterpillar 12H Motor Grader.
2. That the Chief Executive Officer carry out further investigations into the future need for a second grader at the Shire of Menzies and report back to the Council after the 2012/13 budget has been endorsed.

Carried 6/0

No: 9.17	REQUEST FOR TENDER 08/12 FOR THE SALE AND PURCHASE OF VARIOUS ITEMS OF SHIRE PLANT – ITEMS 2,3,4,5 AND 6
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SUBMISSION TO:	<i>Ordinary Council Meeting – 26th June 2012</i>
LOCATION:	<i>Shire of Menzies</i>
APPLICANT:	<i>Shire of Menzies</i>
FILE REF:	<i>.....</i>
DISCLOSURE OF INTEREST:	<i>NIL</i>
DATE:	<i>22nd June 2012</i>
AUTHOR:	<i>Bret Howson, Project Manager (Consultant)</i>
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	<i>Mr. N. Mitchell, Acting Chief Executive Officer</i>
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

This item is to have the Council consider delegation of authority to the Chief Executive Officer for the award of the Request for Tender (RFT) 08/12 for the Sale and Purchase of Various Items of Shire Plant – Items 2, 3, 4, 5 and 6, being:

- Item 2 - To sell outright a 2005 Tri-axle Dolly Trailer
- Item 3 - To purchase a new 8wheel Side Tipper Truck with the Trade of the existing 6wheel Isuzu Side Tipper Truck and 3 axle Howard Porter Dog Trailer.
- Item 4 - To purchase a new 4 wheel drive 50-90horse power Tractor
- Item 5 - To purchase a new 20-30 horse power Ride-on Mower with the trade of the existing Husqvarna GTH2554XP Ride-on Mower
- Item 6 - Purchase of a new Tandem Axle Dolly Trailer.

BACKGROUND:

At the April Ordinary meeting of Council it was resolved:

3. That Council endorse the 2011/12 plant replacement program to be as follows:

- *Purchase New*
 - a. Ride-on Mower*
 - b. 8wheeler truck*
 - c. Frontend Loader*
 - d. 2 axle dolly*
- *Trade for above new purchases*
 - a. Trade/Sell ride on mower*
 - b. Trade/Sell 6 wheel side tipper truck*
 - c. Trade/Sell tri-axle dolly*
 - d. Trade/Sell 3axle Side tipper trailer*
- *Sell outright by public Tender*
 - a. Sell Depot dual cab utility*
 - b. Sell Graders single cab utility*
 - c. Sell 12H Caterpillar Grader*

The RFT 08/12 closed 19th June 2012 at 2:00pm, and was opened by Council Officers on 19th June 2012. A number of submissions were received for each of the items.

COMMENT:

At the time of this report, Council Officers could not complete the assessment of all of the submissions due to the number of submissions for each item.

It is the officer's recommendation that the Council delegate authority to the Chief Executive Officer to award items 2, 3, 4, 5 and 6 following completion of the tender assessment.

CONSULTATION:

Shire officers have consulted with suppliers and surrounding Shires, used machinery sales to estimate trade value for the existing equipment.

STATUTORY OBLIGATION:

Legally a Local Government, as a public body, has the responsibility to follow the appropriate processes and to treat all tenderers fairly. The terms and conditions set out in this contract is the standard WALGA contract document and imply that the Shire of Menzies has acted legally and fairly to all tenderers in this case.

POLICY IMPLICATIONS:

There are no known policy implications at the time of preparing this report.

FINANCIAL IMPLICATIONS:

Council Officer's will need to take into consideration that the Council may choose not to sell the 12H Grader, therefore reducing the income to the plant reserve and offsetting changeover prices for the remaining items to purchase.

The officer's recommendation from the April Ordinary meeting requires an estimated \$673,200 allocated to purchases, approximately \$398,000 in trade or market value in return, therefore requiring \$275,200 to be transferred from the Council's plant reserve account.

As of 29th February 2012 the cash balance of the Shire's Plant Reserve account is \$336,766. Without the trade of the 12H Grader, the required amount for plant purchases is \$425,000. This will require additional funds from the Council general revenue.

At this stage, the supply date for all of the equipment will fall in the 2012/13 financial year, therefore not requiring a budget amendment for the 2011/12 annual budget. Council Officer's can include the sale and purchase of the remaining items in the 2012/13 budget.

VOTING REQUIREMENTS:

Absolute Majority

OFFICERS RECOMMENDATION

MOVED:

1. That Council delegate the authority to the Chief Executive Officer to award the Request for Tender (RFT) 08/12 for the Sale and Purchase of Various Items of Shire Plant Item 2, 3, 4, 5 and 6.
2. That Council request the Chief Executive Officer to list the sale and purchase of the above items in the 2012/13 budget.

SECONDED:

MOVED: Cr J.A Dwyer

SECONDED: Cr. P.J Twigg

1. That Council delegate the authority to the Chief Executive Officer to award the Request for Tender (RFT) 08/12 for the Sale and Purchase of various items of Shire Plant – Item 2, 3 and 6.
2. That Council request the Chief Executive Officer to list the sale and purchase of the above items in the 2012/13 budget.

Carried 6/0

Reason for variation: Council requested Item 2, 3 and 6 only.

MOVED: Cr. J.A Dwyer

SECONDED: Cr. E. Hansen

That Council adjourn the meeting at 11.21am.

The President reconvened the meeting at 11.33am without Cr. P.J. Twigg

MOVED: Cr. J.A Dwyer

SECONDED: Cr. E. Hansen

That Council resume the meeting.

Cr. P.J Twigg declares an interest in this item.

No: 9.16	TJUNTJUNTJARA COMMUNITY ROAD NETWORK FUNDING
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SUBMISSION TO:	Ordinary Meeting of Council – 26TH June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/6/4 – 4.41
DISCLOSURE OF INTEREST:	Nil
DATE:	25th June 2012
AUTHOR:	Bret Howson, Project Manager, (Consultant)
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Mr. N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

This item is to obtain the Council's endorsement for the allocation and expenditure arrangements for the 2011/12 Indigenous Road Access Road funding for the Tjuntjuntjarra Access Road the financial year 2011/12, and the 2012/13 Roads to Recovery funding allocation for the Tjuntjuntjarra local road network.

BACKGROUND:

At the April Ordinary Meeting of Council it was resolved:

- 1. That the Council allocate \$343,390 to gravel resheeting and improvement of formation on the Tjuntjuntjarra Access, from the Connie Sue Highway to the Tjuntjuntjarra community for the 2011/2012 financial year.***

This above resolution of Council was originally Part 1 of a three part recommendation, Parts 2 and 3 were not successful and the Council resolved that the Chief Executive Officer revisit these parts of the recommendation in line with other opportunities and further negotiation with the Tjuntjuntjarra community.

- 2. That the Council endorses the Chief Executive Officer to determine a specific section of works, type of works and timeframe for works to be completed for the \$343,390 grant allocation in the 2011/2012 financial year, as per the following:***
 - a. Reshape and form the road for up to a 5km section of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.*
 - b. Gravel resheet the road for the same section of 5kms of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.*
 - c. Council Staff direct manage this project and all costs of Shire staff be allocated to the project grant.*
 - d. That qualified and experienced contractors be allowed to be engaged to work and to provide training if required on this project, and all costs to be allocated to the project grant.*
 - e. All works to be completed by 30th June 2012 or within 30 days of this date.*

3. That the Council endorses the Chief Executive Officer to present a 5 year program to the Department of Local Government to the apply for Commonwealth Indigenous Road Access funding on the following conditions:

- a. Reshape and form the road for section of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.
- b. Gravel resheet the road for the same section of the Tjuntjuntjarra Access Road from the Connie Sue Highway to the Tjuntjuntjarra Community.
- c. Council Staff direct manage this project and all costs of Shire staff be allocated to the project grant.
- d. That qualified and experienced contractors be allowed to be engaged to work and to provide training if required on this project, and all costs to be allocated to the project grant.
- e. All works to be completed by 30th June each financial year or within 30 days of this date.

COMMENT:

Unfortunately weather and other circumstances have prevented Council Officers from visiting Tjuntjuntjarra to carry out a condition inspection of other important roads for the community. This visit is now planned for 30th June, 1st July and 2nd July 2012.

Discussions held with Mr Peter Twigg (also Shire Councillor) from the community suggests that he would prefer the funds be allocated at the Shire's discretion to assist with training and the annual business requirements for the aboriginal corporation involved. It was the Shire Officer's opinion that this arrangement would be difficult to achieve with the Commonwealth Indigenous Access Road funding due to high risks of additional claims against the shire in regards to:

- Breach of the Commonwealth funding agreement,
- Remote distances make it very difficult to control works,

At this stage it is the Council officer's recommendation to restrict any fund monies managed by Menzies Shire from the Commonwealth Indigenous Access Road funding to Tjuntjuntjarra access track only (from Connie Sue Highway to the Community), which allows more accountable in regards to specific sections of works and project expenditure.

In regards to other funding opportunities, the Shire of Menzies has recently been reinstated to the Roads to Recovery program, which has made available additional funding for the entire Shire road network. At the time of this report the outstanding funding from 2011/12 financial year due to the Shire of Menzies is \$864,540; the Council has allocated \$480,000 from the program to the Menzies North West Road (Sandstone Rd). It will be the Shire Officer's recommendation that \$384,540 from the 2011/12 Roads to Recovery program be allocated to important roads in the Tjuntjuntjarra area.

This site inspection is important as the website for Roads to Recovery allocations opens on the 1st July and closes on the 15th July 2012. All projects must be registered during that time frame.

CONSULTATION:

Consultation was held with the following:

- Clive Shepherd from the Department of Local Government,
- Mr Peter Twigg from the Tjuntjuntjarra community,
- Shane Power, Regional Manager Main Roads WA Goldfield Esperance Region.

STATUTORY ENVIRONMENT:

The Indigenous Access Road funding is governed by Commonwealth *Local Government (Financial Assistance) Act 1995*.

The Roads to Recovery funding is governed by the Nation Building Program (National Land Transport) Act 2009.

POLICY IMPLICATIONS:

There are no known policy implications at the time of preparing this report.

FINANCIAL IMPLICATIONS:

The following allowances will be included in the 2012/13 budget considerations:

- \$480,000 for the Menzies North West Road (Roads to Recovery),
- \$343,390 for the Tjuntjuntjarra Access Road (Commonwealth Indigenous Access Road funding grant allocation), and
- \$384,540 for the Tjuntjuntjarra roads (Roads to Recovery)

VOTING REQUIREMENTS:

Absolute Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION**No: 0165**

MOVED: Cr I.R Tucker

SECONDED Cr: J.A Dwyer

1. That the Council allocate \$343,390 (Commonwealth Indigenous Access Road funding) to gravel resheeting and improvement of formation on the Tjuntjuntjarra Access, from the Connie Sue Highway to the Tjuntjuntjarra community.
2. That the Chief Executive Officer (or delegated staff member) visit the Tjuntjuntjarra area; prepare a suitable works program, (suitable for Roads to Recovery funding) to the value of \$384,540.
3. Both the above items are included in the 2012/13 annual budget.

Carried 5/0

*Bret Howson, Project Manager (Consultant) left the meeting at 11.35am
Cr. P.J Twigg returns to the meeting at 11.35am.*

SUBMISSION TO:	Ordinary Meeting of Council – 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/4/4
DISCLOSURE OF INTEREST:	Nil
DATE:	25 June 2012
AUTHOR:	N Mitchell, Acting Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the condition and occupancy of the Old Post Office

BACKGROUND:

This matter was previously brought to Council in February 2012, with a report concerning the septic system at the building. At that time it was resolved –

That the Chief Executive Officer is authorized to contract a “Licensed Plumber” to urgently install a new compliant bacteriolytic treatment system (combined septic tanks and 2 9m Atlantis leach drains) and upgrade the waste plumbing system to the Old Post Office Building at Lot 102 Shenton Street Menzies.

Since that date a further detailed inspection of the premises has been carried out in April 2012 by the EHO, and a lengthy report prepared. This report was circulated as a confidential memo to Councillors in April.

COMMENT:

It is clear from the detailed inspection that the building is dilapidated and is in very poor condition, both externally and internally.

The EHO’s report notes among a wide range of matters raised –

- concern with the electrical wiring, and a full check is necessary
- presence of asbestos
- health issues from positioning of the toilet off the kitchen area
- health issues due to substandard septic system
- health issues relating to water pipes and waste lines
- damp rot in some area
- presence/evidence of termite damage

In his report the Environmental Health Officer queries the value of replacement of the septic system, given the amount of other work required to bring it up to a usable standard. This work has not commenced as yet.

His conclusion is that –

This old building is dilapidated and substandard in terms of structure and facility, therefore according to requirements under the Health Act 1911 is statutorily unfit for human habitation.

Several matters Council for Council’s attention –

- a) the property is owned by Council in freehold
- b) under the Town Planning Scheme No.1, the property is zoned as “Public Purposes”, and occupancy of the building as a residence is not permitted
- c) although the property is listed on the permanent list of the State Heritage Register, it does not automatically mean that Council is required to maintain the building.

Maintaining and improving the building is mandatory if a conservation or restoration order is issued. However, there seems to be little point in registering the building if there is not the intent to maintain it.

Despite this, the premises are occupied as a residence by Mr Christopher Deavin, agreement having been reached in March and then December 2009, and a tenancy agreement signed.

In discussion with Mr Agnew he advised that the most critical matter is the septic, and these must be addressed as a matter of urgency. However, the premises will still remain in a much run-down and deteriorated condition that is far from satisfactory, even when the immediate health issues are alleviated. It would be pointless spending the funds on fixing the septic, if there is no intention of completing the remainder of necessary works.

Three options appear to be available –

1. That immediate action to upgrade waste disposal and septic systems be taken, and that Council also commit to substantial commencement of building upgrade in 2012/2013 Budget.

Or –

2. That –
 - a) if immediate action to upgrade septic is not to be taken and commitment in 2012/2-13 Budget is not made, then the old Post Office situated at Lot 102 Brown Street Menzies be declared Unfit for Human Habitation pursuant to Section 135 of the Health Act 1911, as it is dilapidated in structure with a non-compliant failed sewage treatment and effluent disposal system,
 - b) the building shall then remain Unfit for Human Habitation until compliance is certified by the Environmental Health Officer, with all work necessary completed pursuant to Section 137 of the Health Act 1911, and
 - c) consistent with any declaration as Unfit for Human Habitation that is made, Mr Christopher Deavin, be advised that he is required to vacate the premises within 60 days of notification, as per his written agreement with the Shire of Menzies, and in accordance with the Residential Tenancies Act.

Or –

3. That
 - a) immediate action to upgrade waste disposal and septic systems be taken, and that Council also commit to substantial commencement of building upgrade in 2012/2013 Budget.
 - b) consistent with the Town Planning Scheme zoning requirements, Mr Christopher Deavin, be advised that he is required to vacate the premises within 60 days of notification, as per his written agreement with the Shire of Menzies, and in accordance with the Residential Tenancies Act.

If a commitment to commence substantial works on the Old Post Office is given, other matters in the Budget may need to give way to this priority.

CONSULTATION:	Mr Garry Agnew, Environmental Health Officer
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	\$

VOTING REQUIREMENTS:

Simple Majority.

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0166

MOVED Cr: P.J Twigg

SECONDED Cr: E. Hansen

That immediate action to upgrade waste disposal and septic systems be taken, and that Council also commit to substantial commencement of building upgrade in 2012/2013 Budget.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	W/1/4
DISCLOSURE OF INTEREST:	Nil
DATE:	21 ST June 2012
AUTHOR:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

That Council determine the level of membership applicable to WALGA for the 2012/13 year.

BACKGROUND:

The Shire of Menzies is currently a member of WALGA and also subscribes to a number of the “fee for service” options that WALGA provides.

The current status in this regard is shown in the Attachment following this item.

COMMENT:

The current level of WALGA membership is generally considered appropriate for the Shire of Menzies. However, several items, Council may wish to consider whether participation is to be continued –

- Procurement Consultancy – most purchasing is done in-house, and there is little that needs external assistance. If additional advice is required, generally it is in the area of works etc, and specialist assistance is otherwise available. If Council withdraws, access to the preferred supplier contracts remains available.
- Local Laws – this is a very detailed and precise area. Amendments to Local Laws will almost certainly require external consultancy.
- ROMAN II Pavement Services – intended as the answer to ROMAN I, to easily provide data to Main Roads WA and the WA Local Government Grants Commission. The program has had endless teething problems which continue, is difficult for ordinary staff to use relying on consultants to update and access, and comes nowhere near to fulfilling its original intention. In discussion with Bret Howson, he has recommended that Council does not participate in 2012-13.

The Association Membership level is seen as the absolute minimum as it ensures that the Shire of Menzies has a voice in local government be it direct or through the Zone structure

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

N/A

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

The costs of the membership is included in each annual budget.

VOTING REQUIREMENTS:

Simple Majority

MOVED Cr: J.A Dwyer

SECONDED Cr: I.R Tucker

That the Shire of Menzies continue membership to WALGA and the following associated “fee for service” subscriptions totalling \$\$8,297.00 ex GST as per the proposal from WALGA shown in the attachment –

- | | |
|------------------------------------|-------|
| - Association Membership | 6,172 |
| - Workplace Solutions | 1,468 |
| - Complete Guide to Local Govt Act | 657 |

Carried 6/0

No: 9.5 AMALGAMATION OF RESERVES

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	G/3/18
DISCLOSURE OF INTEREST:	Nil
DATE:	21 st June 2012
AUTHOR:	Kim Hastie, Acting Chief Executive Officer Niel Mitchell, Acting Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

That the Shire of Menzies advise the Lands Division of the Department of Regional Development and Lands that it has no objections to the amalgamation of –

- Reserve 7745 into Reserve 12202.
- Reserve 5059 into Reserve 17013

BACKGROUND:

Reserve 12202 is under Management Order to the Shire of Menzies for the purposes of “Common”. It relates to the Davyhurst townsite. Reserve 7745 is adjacent to Reserve 12202 and is currently under Management Order to the Water and Rivers Commission (WRC) for the purpose of “Water”

Reserve 17013 is under Management Order to Shire of Menzies for the purposes of “Common”, and relates to the Mulline townsite. Reserve 5059 is completely encompassed by Reserve 17013 and is currently managed by WRC for the purposes of “Water”.

The Lands Division has advised that the WRC has advised that it no longer requires the Reserve 5059 or 7745 and as such this approach is made to the Shire regarding amalgamation of the Reserves.

Plans of these Reserves are shown in the Attachment to this item.

COMMENT:

While these Reserves are in a relatively remote location there may be some future use that the Shire of Menzies may utilise these Reserves.

CONSULTATION:

N/A

STATUTORY ENVIRONMENT:

N/A

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

MOVED Cr: P. J Twigg

SECONDED Cr: J.A Dwyer

That the Lands Division of the Department of Regional Development and Lands be advised that –

- Council has no objections to the amalgamation of Reserve 7745 into the Reserve 12202, and
- Council has no objections to the amalgamation of Reserve 5059 into the Reserve 17013, and
- Council agrees to accept management of the amalgamated reserves

Carried 6/0

**No: 9.6 ENDORSEMENT OF TJUNTJUNTJARA LAYOUT PLAN NO:1
AMENDMENT 2.**

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	A/1/5
DISCLOSURE OF INTEREST:	Nil
DATE:	2 nd June 2012
AUTHOR:	Kim Hastie, Acting Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

That Council review the Tjuntjuntjara Layout Plan No.1 Amendment 2 and advise the Department of Planning accordingly.

BACKGROUND:

The Department of Planning has prepared this document for Council's consideration and if appropriate endorsement at Appendix C at the back of the document.

COMMENT:

The author does not have sufficient knowledge of the Tjuntjuntjara community to offer comment and it may be more appropriate for the Councillors from Tjuntjuntjara to inform Council of the suitability of the proposal.

CONSULTATION:

Nil.

STATUTORY ENVIRONMENT:

State Planning Commission.

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

N/A

VOTING REQUIREMENTS:

Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0169

MOVED Cr: I.R Tucker

SECONDED Cr: P.J Twigg

That the Tjuntjuntjara Layout Plan No.1 Amendment 2 be endorsed and the Shire President and Acting Chief Executive Officer be authorised to seal and sign the document.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	21 st June 2012
AUTHOR:	N Mitchell, Acting CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider a replacement for former Cr Greg Stubbs as an alternate member to the Development Assessment Panel.

BACKGROUND:

The DAPs were set up approx. 12 months ago, to advise on applications for major developments, with the intention of streamlining the planning approvals process. Members and alternate members nominated by the Shire must be Councillors.

COMMENT:

After enquiry, Dept of Planning confirmed that they have the following record –

DAP Members	Cr Greg Dwyer Cr Ian Tucker
DAP Alternate members	Cr Jill Dwyer Cr Greg Stubbs

With the resignation of Cr Stubbs, a replacement should be nominated.

CONSULTATION:

STATUTORY ENVIRONMENT:

Development Assessment Panel Regulations 2011

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

9.7

MOVED Cr:

SECONDED Cr:

That Cr _____ be nominated as an alternate member of the Menzies Development Assessment Panel.

This item lapsed for want of a Mover and Seconder, and Nominee.

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	21 June 2012
AUTHOR:	N Mitchell, Acting CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider membership of the Goldfields Tourism Network for 2012/2013

BACKGROUND:

The GTN is a not-for-profit organisation that promotes and markets tourism attractions, trails and tourism industry throughout the Goldfields.

COMMENT:

The GTN is requesting Council's commitment for two matters –

- | | |
|--|-----------|
| - General subscription for the operation of GTNA | 25,000.00 |
| - Golden Quest Discovery Trail MOU contribution | 11,500.00 |

As a separate matter, the GTN has been engaged to prepare a marketing plan for Lake Ballard at a value of \$50,000.00 as per Lotteries West grant approved in December 2007. The grant also included \$128,472 for infrastructure and \$70,000 for preparation of a management plan.

CONSULTATION:**STATUTORY ENVIRONMENT:****POLICY IMPLICATIONS:**

Promotion of the area

FINANCIAL IMPLICATIONS:

2012-2013 Budget commitment of 36,500.00 ex GST

VOTING REQUIREMENTS:

Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0170

MOVED Cr: J.A Dwyer

SECONDED Cr: P.J Twigg

That Council make a 2012/2013 Budget allocation of \$36,500.00 ex GST for –

- | | |
|--|-----------|
| - General subscription for the operation of GTNA | 25,000.00 |
| - Golden Quest Discovery Trail MOU contribution | 11,500.00 |

Carried 6/0

SUBMISSION TO: Ordinary Meeting of Council- 26th June 2012
LOCATION: Shire of Menzies
APPLICANT: N/A
FILE REF: F/1/1
DISCLOSURE OF INTEREST: Nil
DATE: 21ST June 2012
AUTHOR: N Mitchell, Acting CEO
SIGNATURE OF AUTHOR:
SENIOR OFFICER: N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

SUMMARY:

To consider amendments to restricted and prohibited burning periods.

BACKGROUND:

In February 2012, WALGA circulated advice of the FESA Bush Fires Restricted and Prohibited Burning Times Notices 2012.

COMMENT:

I understand that there has been comment that consideration should be given to aligning restricted and prohibited dates with neighbours for improved consistency.

Currently –

Shire	Restricted commences	Prohibited commences	Prohibited ends	Restricted ends
Sandstone	1 October	15 December	31 March	30 April
Leonora	20 September	1 September	31 March	12 May
Laverton	20 July	1 November	30 April	12 June
MENZIES	19 September	1 November	15 March	15 March
Yilgarn	19 September	1 November	31 January	15 March
Coolgardie Outside townsites	20 July	1 September	30 April	12 June
Kalgoorlie-Boulder Outside Fire District	1 November	1 November	30 April	31 May

Commencing dates for Restricted and Prohibited are generally not too far out, however, Menzies end dates for both are a fair bit out with some.

In order for any changes to be made so that information may be circulated with the rates notice, decision needs to be made at this meeting. Application then needs to be made to FESA, who assess the application and make a recommendation to the Minister. Once the Minister for Emergency Services approves any amendment, it is published in the Government Gazette, and it is only at that point that the changes have legal status. The process generally takes several months.

Once amended, the Shire will need to amend the Fire Breaks Order, and publish it in the Government Gazette.

Unless there is a pressing need for change, it is suggested that the dates and times be left as is, and that discussion be imitated with neighbouring Shires to see if greater consistency can be obtained.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Bush Fires Act

Bush Fires (Restricted Burning Periods) Notice 2012

Bush Fires (Prohibited Burning Periods) Notice 2012

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Cost of [publication of any amended Fire Breaks Order in the Government Gazette.

VOTING REQUIREMENTS:

Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0171

MOVED Cr: P.J Twigg

SECONDED Cr: J.A Dwyer

That no change be made to current restricted and prohibited burning periods until comments from neighbouring Shires regarding improved consistency of dates is received.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	21 st June 2012
AUTHOR:	N Mitchell, Acting CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider provision of a vehicle for the new CEO, and disposal of the current vehicle

BACKGROUND:

Council has agreed to provide a Toyota Landcruiser for Mr Peter Crawford, as part of his package, once he commences as Chief Executive Officer in early July 2012.

COMMENT:

In discussion, the possibility of purchasing the Landcruiser he is currently using at the Shire of Laverton was raised. The vehicle is only two months old, and meets the specifications and wishes of Mr Crawford.

Shire of Laverton have made a preliminary offer of the vehicle to us for \$74,000 ex GST including a second spare rim and tyre. Council may wish to offer an alternative amount

A new Landcruiser would be in the order of \$80,000 (\$88,000 RRP less 10% dealer discount, plus statutory charges). This list estimate does not include roo bar, second spare, tow bar, or other items to bring it up to the desired specification. Time required for delivery is unknown.

The current Ford G6 turbo sedan, is tentatively valued at approx. \$28,000 by Westland Autos. Disposal of the vehicle could be by tender, on consignment with a car dealer, or through auction. Assuming 10% fees or approx. \$3,000, the net cost to the Shire would be in the order of \$49,000.

CONSULTATION:

Steve Deckert, CEO Shire of Laverton
Cr Greg Dwyer

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Purchase of near new vehicle at less than replacement value

VOTING REQUIREMENTS:

Simple Majority

MOVED Cr: I.R Tucker

SECONDED Cr: J.A Dwyer

That –

- Council offer the Shire of Laverton \$74,000 ex GST for the Toyota Landcruiser 200 series GXL as fitted plus second spare rim and tyre, currently being used by their Executive Manager Technical Services, and
- The CEO be authorised to dispose of the Ford G6 turbo sedan under such arrangements as appropriate in order to maximise income.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council- 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	Nil
DATE:	21 ST June 2012
AUTHOR:	N Mitchell. Acting CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the request of the Shire of Leonora for financial support for a feasibility study for a proposed custom rolling mill

BACKGROUND:

The Shire of Leonora have been pursuing the possibility of a custom rolling mill for some time and have requested the support from adjoining local governments.

In April, Shire of Laverton resolved –

1. *Agrees to make a one-off contribution to the Shire of Leonora of \$10,000 towards the costs they have incurred in carrying out investigations into a regional toll mill;*
2. *Approves the cost of this contribution be met from the surplus as identified in the 2011/12 Budget Review.*
3. *Advises the Shire of Leonora that this Shire, while supporting the concept of a mobile regional toll mill, has not seen any evidence that a fixed operation in Leonora would be utilised by miners in the Shire of Laverton, therefore declines to participate in contributing to any future investigations unless benefits to Laverton miners can be demonstrated.*
4. *Wishes the Shire of Leonora all the best in their endeavours in progressing this project which will benefit their area significantly*

Shire of Menzies decided in late March to request more information prior to making a decision.

COMMENT:

The mill's target capacity is 2 million t.p.a of ore, and has been estimated to have a \$85 million +/- 20% start up cost (August 2011). At that time processing costs of \$30/tonne compare favourably with income of \$35/tonne for an annual gross profit of \$10 million. A number of companies have expressed an interest in the proposal, however,

There does appear to be a lot more work required before a final decision on viability can be made, and it is for this feasibility study that Leonora is seeking support.

One of the principal issues for Council, other than funding, will be the legal capacity to enter into arrangements in a profit making enterprise.

While Laverton has contributed \$10,000, could may wish to consider a different amount, or decide not to make a contribution.

CONSULTATION:

STATUTORY ENVIRONMENT:

None for feasibility study

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Cost of contribution to be included in 2012/2013 Budget.

VOTING REQUIREMENTS:

Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION No: 0173

MOVED Cr: J.A Dwyer

SECONDED Cr: I.R Tucker

That the Shire of Leonora be advised that a contribution of \$10,000 will be considered in the 2012/2013 Budget process.

Carried 6/0

SUBMISSION TO:	Ordinary Meeting of Council- 26 TH June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	L/1/3
DISCLOSURE OF INTEREST:	Nil
DATE:	21 st June 2012
AUTHOR:	C. McAllan, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Mr. N Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the sale of Lot 42 Cosmos Street Kookynie to Mr. John R Cash, as proposed in the attached letter.

BACKGROUND:

This land is owned by the Shire of Menzies. It is an 1012square metre block. Council have in the past sold land in the Kookynie townsite to try to boost the number of people living in the town. Mr. Cash is fully aware that there are not and will not be services (power and water) in the town of Kookynie.

COMMENT:

Mr. Cash has made an offer of \$2,000.00 but is willing to negotiate on a price if Council is willing to sell.

CONSULTATION:

N. Mitchell, Chief Executive Officer

STATUTORY ENVIRONMENT:

Section 3.58 Local Government Act

3.58. *Disposing of property*

- (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) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*

- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

An increase in income.

VOTING REQUIREMENTS:

Simple Majority

OFFICERS RECOMMENDATION	9.12
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MOVED Cr:

SECONDED Cr:

1. That Council dispose of Lot 42 Cosmos Street Kookynie by way of Section 3.58 subsection 3, (public notice) to Mr. John R Cash subject to advertising as required by the Local Government Act
2. Subject to there being no submissions, the Chief Executive Officer is authorised to accept the offer of Mr. Cash.
3. Approve Delegated Authority for the Chief Executive Officer and the President to use the Common Seal on the processing of this transfer of Land.

MOVED Cr: J.A Dwyer

SECONDED Cr: P.J Twigg

1. That Council dispose of Lot 42 Cosmos Street Kookynie for \$3000.00 by way of Section 3.58 subsection 3, (public notice) to Mr. John R Cash subject to advertising as required by the Local Government Act
2. Subject to there being no submissions, the Chief Executive Officer is authorised to accept the offer of Mr. Cash.
3. Approve Delegated Authority for the Chief Executive Officer and the President to use the Common Seal on the processing of this transfer of Land.

Carried 6/0

Reason for variation: \$3,000.00 is the price paid for other blocks in the area.

SUBMISSION TO:	Ordinary Meeting of Council – 26 th June 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/4/4
DISCLOSURE OF INTEREST:	Nil
DATE:	21 st June 2012
AUTHOR:	C. McAllan, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Mr. N Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To approve a budget recommendation for \$20,000 for Goldfields Tourism Network to carry out the lake Ballard Marketing Plan.

BACKGROUND:

Some time ago Shire of Menzies received a grant from Lotterywest for Lake Ballard which was split into 3 parts. The first part was \$128,472 for Infrastructure at Lake Ballard. This has been completed. The second part was \$70,000 for a Management Plan. This has been completed. The third part was for \$50,000 for a Marketing Plan which is still outstanding.

COMMENT:

Because the Shire of Menzies does not have the staff or expertise to carry out this plan it has been offered to the Goldfields Tourism network to do. The cost for this was quoted as \$70,000 in February 2011. Lotterywest have been contacted and are in agreeance with Goldfields Tourism Network implementing the Marketing Plan.

CONSULTATION:

Mr. N Mitchell, Acting Chief Executive Officer
Arianne Webb, Goldfields Tourism Network.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

\$20,000 in the 2012/2013 Annual Budget

VOTING REQUIREMENTS:

Simple Majority.

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION

No: 0175

MOVED Cr: I.R Tucker

SECONDED Cr: J.A Dwyer

That Council approve an allocation of \$20,000 in addition to the Lotterywest grant of \$50,000 (Total project \$70,000) in the 2012/13 Annual Budget for Goldfields Tourism Network to implement the Lake Ballard Marketing Plan as per the requirements of Lotterywest funding agreement 2008.

Carried 6/0

9.19 SCULPTURE COURSE TJUNTJUNTJARA- REQUEST FOR DONATION

This item was deferred from the Finance/Audit Committee Meeting to Full Council.

5.3 SCULPTURE COURSE TJUNTJUNTJARA- REQUEST FOR DONATION

SUBMISSION TO:	Finance Committee Meeting 19 TH June 2012
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	T/6/2
DISCLOSURE OF INTEREST:	Nil
DATE:	1 st June 2012
AUTHOR:	C McAllan, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	N. Mitchell, Acting Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

Paupiyala Tjarutja Aboriginal Corporation, on behalf of the Tjuntjuntjara Community are requesting a donation of \$6,000 for the second stage of Sculpture Course.

BACKGROUND:

The Shire of Menzies donated \$6,000 for Ange Leech and Louise Allerton to conduct a Creative Skills Development Program at Tjuntjuntjara in April.

It was quite successful and culminated in an exhibition in Kalgoorlie of the art created.

COMMENT:

The Community are now ready for the 2nd round of the program and are asking for assistance in delivering this. The workshop will be over a five week period in October. This program has been designed specifically for the Tjuntjuntjara community.

The sculptures produced will be a combination of the elder artist's traditional knowledge and skills and Ange's contemporary art making techniques.

The main objective of the project is to carry the knowledge from the elder members of the community to the younger members. Ange will be based in the Tjuntjuntjara community for 4 weeks.

The aim is to hold these workshops three times over the 2012/2013 financial year at a cost of \$7,000 per workshop.

CONSULTATION:

Ange Leech. Sculptor.
Gordon Jacob Community Development
Officer Paupiyala Tjarutja Aboriginal
Corporation

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Absolute Majority required

**AUDIT/FINANCE COMMITTEE RECOMMENDATIONS TO ORDINARY COUNCIL
MEETING OF 24th JANUARY 2012**

MOVED Cr:I.R Tucker

SECONDED Cr C.K Purchase

That the Council approve the recommendations of the Audit / Finance Committee to approve a Budget Cost Centre for Tjuntjuntjara Sculpture Workshops with a budget of \$21,000 to be drawn on over 3 workshops at \$7,000 each in the 2012/2013 Financial Year.

AGREED:To Defer This item To the Full Meeting of Council on Tuesday 26th June 2012.

OFFICERS RECOMMENDATION

MOVED Cr:

SECONDED Cr:

That the Council approve a Budget Cost Centre for Tjuntjuntjara Sculpture Workshops with a budget of \$21,000 to be drawn on over 3 workshops at \$7,000 each in the 2012/2013 Financial Year.

COUNCIL RESOLUTION

No: 0176

MOVED: Cr I.R Tucker

SECONDED: Cr E. Hansen

That the Council approve a Budget Cost Centre for Tjuntjuntjara Sculpture Workshops with a budget of \$21,000 to be drawn on over 3 workshops at \$7,000 each in the 2012/2013 Financial Year and that applications for funding be made as soon as possible.

Carried 6/0

Reason for variation: Council requested Administration apply for funding.

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

Nil

10.1 ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE

Nil

10.2 CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS

Nil

11. NEXT MEETING / MEETING CLOSURE

The next Ordinary Meeting of Council is due to be held on Tuesday 24th July at Menzies

There being no further business to discuss, the President declared the meeting closed at: 12.54pm

These Minutes were confirmed as a True and Accurate record of proceedings at the Ordinary meeting of Council, held on Tuesday 24th July 2012

**Confirmed by the Shire of Menzies President,
Cr. Gregory Dwyer**