



MINUTES

**FOR THE ORDINARY MEETING
OF COUNCIL**

THURSDAY 25 OCTOBER 2012 AT

SHIRE OF MENZIES COUNCIL CHAMBERS

COMMENCING AT 10.25AM

SHIRE OF MENZIES



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SHIRE OF MENZIES

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**MINUTES FOR ORDINARY MEETING OF COUNCIL HELD AT MENZIES ON
THURSDAY 25 OCTOBER 2012 COMMENCING AT 10.25AM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr Gregory Dwyer) declared the meeting open at 10.25am, welcomed the attendees and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

Mr Greg Hall from Toro Energy

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors

Cr G Dwyer	President
Cr P J Twigg	Deputy President (At 10.57 am)
Cr J A Dwyer	Councillor
Cr C K Purchase	Councillor
Cr I R Tucker	Councillor
Cr C Bennell	Councillor (At 10.57 am)
Cr D Hansen	Councillor (At 10.57 am)

Staff:

Mr N P Crawford	Chief Executive Officer
Ms R Jones	Deputy Chief Executive Officer

3.2 APOLOGIES

Mrs D Crawford	Executive Assistant to the CEO
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3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

None

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

The Presiding member brought this Item forward to enable Mr Greg Hall from Toro Energy to give an overview of the Uranium Project to the south of Wiluna.

Carol McAllan entered the room at 10.53am.

Debbie Pianto entered the room at 10.54am.

Carol McAllan and Debbie Pianto left the room at 10.57am.

COUNCIL DECISION

No: 0231

10.57 am Moved Cr I Tucker

Seconded Cr J Dwyer

That Councillors Bennell and Hansen be permitted to attend the Meeting via electronic means from Ilkurlka and Cr Twigg to attend the Meeting via electronic means from Tjuntjuntjara

Carried 4/0

Mr Hall continued his presentation and then answered a number of questions from Councillors.

CEO left the Meeting at 11.06 am

CEO returned to the Meeting at 11.07am

The President thanked Mr Hall for his presentation and Mr Hall left the Meeting at 11.08 am

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2012

VOTING REQUIREMENTS:

Simple majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION

No: 0232

Moved Cr J Dwyer

Seconded Cr P Twigg

That the minutes of the Ordinary Meeting of council held on 27 September 2012 be confirmed as a true and accurate record

Moved 7/0

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None

10.1 PRESIDENT'S REPORT – TABLED AT THE MEETING

Thursday 4 October

Meeting with David Graves, Art Gallery WA regards to inactivity of the Lake Ballard Association, discussed a way forward for the Association, statue maintenance, stairway up the hill and signage.

Met with John Abercrombie LGIS and discussed insurances in relation to Lake Ballard and the Association, Tjuntjuntjara structure and activity insurance and liabilities.

Meeting with Alan Rose, Murray Cook and Adam Sidebottom at Brookfield Rail regarding a rail loading multi user area for iron ore.

Friday 5 October 2012

Meeting with Warren Ormsby and Michele Pigott DMP regards Industrial Estate and Quarantine area within Menzies town site.

1-7pm - Manned the Goldfields District Display at the Perth Royal Show with Laura Dwyer as Menzies representatives. Five awards were won.

Saturday 6 October 2012

9-1pm - Manned the Goldfields District Display at the Perth Royal Show as Menzies representative.

Wednesday 10 October 2012

Meeting with Warren Ormsby and Leon Normore from DMP at Menzies Shire Offices, for further discussion on Quarantining and accepted collection of maps.

CEO left the Meeting at 11.23 am

CEO returned to the Meeting at 11.26 am

Friday 12 October 2012

Attend afternoon session of Joint Agency meeting on Tjuntjuntjara/Spinifex People.

PM - attended Staff BBQ to meet and welcome new staff members to Menzies Shire.

Mon 22 October 2012

Mining Meeting attended by representatives of Macarthur Minerals, Golden West Resources, Jupiter Mines, Mindax who are the likely companies to progress to shipment of Iron Ore through Esperance Port. Brookfield Rail, Wendy Duncan and John Bowler, Councillors and Staff of the Menzies Shire also attended.

Tuesday 23 October 2012

With CEO and DCEO attended Menzies School Assembly.

COUNCIL DECISION

No: 0233

Moved: Cr J Dwyer

Seconded: Cr I Tucker

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

Carried 7/0

11. REPORTS OF COMMITTEES AND OFFICERS

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

11.1.1 PLANNING APPLICATION – TAKE AWAY FOOD SALES

SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	Mr Justin Lee
FILE REF:	L/1/5
DISCLOSURE OF INTEREST:	None
DATE:	10 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.1.1a – Planning Application

SUMMARY:

For Council to consider a planning application to operate a “Cafe – Take Away” from the premises of the building known as the former Menzies Hotel

BACKGROUND:

The building known as the former Menzies Hotel was purchased in 2008 by the current owners and extensively renovated to provide comfortable living quarters for the family.

The owners now wish to open a small cafe to sell take away foods and non-alcoholic beverages on the weekends and submit the attached planning application for Council’s approval.

COMMENT:

Although this business will operate (to a small extent) in direct competition with another local business in Menzies, this is a common factor in almost every town in the country and would not be grounds for refusing the application.

The application meets all of the Shire of Menzies Town Planning requirements and as the land is zoned commercial, a cafe is a permitted use. The applicant will only need to apply and be issued with a Certificate of Registration of a Food Business under the Food Act 2008 to be able to commence operations.

The opportunity for a small business to open in Menzies would be a huge boost to the travelling public as well as local people and should prove to be very successful.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0234

Moved Cr J Dwyer

Seconded Cr I Tucker

That Council approves the planning application from Mr Justin Lee to operate a Cafe – Take Away from the premises at Lot 1 Shenton Street Menzies, subject to the applicant applying and being granted a Certificate of Registration of a Food Business under the Food Act 2008 prior to being able to commence operations.

Carried 7/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.1 MINUTES OF AUDIT COMMITTEE MEETING 16 OCTOBER 2012

SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	L/9/10
DISCLOSURE OF INTEREST:	None
DATE:	18 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.2.1a– Minutes of Audit Committee Meeting held Tuesday 16 October 2012

SUMMARY:

For Council to consider receiving the Minutes of the Audit Committee Meeting held Tuesday, 16 October 2012

BACKGROUND:

A Meeting of the Audit Committee was held Tuesday, 16 October 2012, attached as Attachment 11.2.1a are the Minutes of that Committee Meeting.

COMMENT:

At that meeting, the Committee considered the following Items:

- 5.1 Financial Statements and Reports to 31 August 2012
- 5.2 List of payments made in August 2012
- 5.3 Consideration of Audit Report 2010/2011

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

Provision for this Item has been included in the current Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0235

Moved: Cr J Dwyer

Seconded Cr K Purchase

That Council receives the Minutes of the Audit Committee Meeting held Tuesday 16 October 2012 and that the Committee Recommendations contained therein:

- **Confirmation of Minutes of Audit / Finance Committee Meeting held 20 September 2012,**
- **5.1 Financial Statements and Reports to 31 August 2012**
- **5.2 List of payments made in August 2012**
- **5.3 Consideration of Audit Report 2010/2011**

be adopted as a Resolution of Council

Carried: 7/0

11.36 am *The President adjourned the Meeting*

11.41 am *The President resumed the Meeting*

11.3 WORKS AND SERVICES BUSINESS

11.3.1 CLOSURE OF RIGHT OF WAY

SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/6/6
DISCLOSURE OF INTEREST:	None
DATE:	8 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 9.6 of Ordinary Meeting of Council held Tuesday 29 May 2012

ATTACHMENTS:

Attachment 11.3.1a – Map of proposed closure

SUMMARY:

For Council to consider the closure of a road in Menzies town site.

BACKGROUND:

The “road” as marked in yellow on Attachment 11.3.1a is in fact a public “Right of Way” (ROW) that traverses from Shenton Street through to Walsh Street.

At the Ordinary Meeting of Council held Tuesday 29 May 2012, Council resolved to begin the action to close the ROW.

COMMENT:

A public notice has been posted both in the West Australian newspaper on Wednesday, 8 August 2012 as well as on all local notice boards detailing Council’s intentions.

Letters detailing Council’s intentions were forwarded to all service providers as required under Section 58 of the Land Administration Act 1997. A number of replies have been received agreeing to the closure with no objections by the closing date.

It now remains for Council to request the Department of Regional Development and Lands to approve the closure of the right of way and integrate the closed section into adjoining Lot 124

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

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

Land Administration Act 1997

Section 58 – Details the requirements for closing a road

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None expected but any impact from this action would be minimal.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0236

Moved: Cr K Purchase

Seconded Cr J Dwyer

That Council:

- 1. Requests the Department of Regional Development and Lands to close the Right of Way as detailed in Attachment 11.3.1a under Section 58 of the Land Administration Act 1997**
- 2. Indemnifies the Minister for Regional Development and Lands against any action arising out of any incident relating to the dedication and closing of this section of road.**

Carried: 7/0

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.1 REVIEW OF DELEGATION REGISTER

SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/4
DISCLOSURE OF INTEREST:	None
DATE:	11 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.1a – Delegation Register

SUMMARY:

For Council to approve and adopt the Delegation Register

BACKGROUND:

In exercising their responsibilities under the Local Government Act 1995, a local government has many tasks that have legislative actions and compliance requirements. A number of these responsibilities can be delegated to other bodies within the Act.

In accordance with Sections 5.18 and 5.46(1) of the Local Government Act 1995, these delegations must be reviewed once per year.

COMMENT:

A Council can delegate certain powers of authority to committees and other bodies but most significantly, to the Chief Executive Officer to enable the CEO to carry out the day to day operations of the local government. Many delegations are often then sub delegated from the CEO to other authorised staff members.

A register of those delegations must be kept and reviewed at least once annually by the local government.

The Delegation Register has been comprehensively reviewed and updated. Many superfluous delegations have been deleted as they are a function of the CEO's role and are not a delegation of Council.

Having been previously circulated to Council for their comments, the Delegations Register (Attachment 11.4.1a) is now presented for Council's Adoption.

CONSULTATION:

Mr Niel 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.
- Section 5.18 – Requires the local government to keep a register of delegations made to committees and to review that register at least once annually
- Section 5.46 – The CEO is to keep a register of delegations made to the CEO and other authorised staff and to review that register AT once annually.

POLICY IMPLICATIONS:

Council has no policies in relation to this matter as this responsibility is a legislative requirement.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

Will support the senior management of the Shire in operating efficiently.

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0237

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council resolves to adopt the list of Delegations as detailed below:

1. DELEGATIONS FROM COUNCIL TO COMMITTEES

1.1 Local Government Act Committees

1.2 Local Emergency Management Committee

2. DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE OFFICER

- 2.1 Use of Common Seal**
- 2.2 Acquisition of Assets and Goods/Services – Tenders for Supply**
- 2.3 Disposal of Assets**
- 2.4 Creditors – Payment of accounts**
- 2.5 Investment of surplus funds**
 - Delegation Schedule 2.5 – Investments*
- 2.6 Debtors - Write-off of minor amounts**
- 2.7 Fire fighting – Emergency plant hire**
- 2.8 Control of Building Matters**
 - Delegation Schedule 2.8 – Issue of Building Licences*
- 2.9 Mining tenements, exploration licences etc**
- 3. DELEGATIONS FROM COUNCIL TO OTHER OFFICERS**
 - 3.1 Alteration to Restricted and Prohibited Burning Periods**
 - 3.2 Control of Environmental Health Matters**
 - Delegation Schedule 3.2 – Septic Tank Licences*
 - 3.3 Control of Food Matters**
- 4. DELEGATIONS FROM CEO TO OTHER OFFICERS**
 - 4.1 Employment and Management of Staff**
- 5. OTHER STATUTORY MATTERS NOT BEING DELEGATIONS**
 - 5.1 Media Releases**

Carried 7/0

11.4.2	GVROC TECHNICAL OFFICERS WORKING GROUP – MINUTES OF MEETING HELD FRIDAY 7 SEPTEMBER 2012
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SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	W/1/3
DISCLOSURE OF INTEREST:	None
DATE:	8 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.2a – Minutes of GVROC Meeting held Friday, 7 September 2012

SUMMARY:

For Council to receive the Minutes of the Meeting of the Goldfields Voluntary Regional Organisation of Councils Technical Officers Working Group held Friday, 7 September 2012

COMMENT:

Meeting of the GVROC Technical Officers Working Group was held in Norseman on Friday 7 September 2012 at the Shire of Dundas Council Chambers.

The Minutes of that meeting are attached as Attachment 11.4.2a

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

The are no financial implications in relation to this matter

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0238

Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council receives the Minutes of the GVROC Technical Officers Working Group Meeting held Friday 7 September 2012.

Carried: 7/0

Cr G Dwyer declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr I Tucker declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr J Dwyer declared a financial interest in the next Item as she is a sitting member and to the extent that she may be a recipient of the Resolution

Cr K Purchase declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr P Twigg declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr D Hansen declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

Cr C Bennell declared a financial interest in the next Item as he is a sitting member and to the extent that he may be a recipient of the Resolution

11.4.3	RECOGNITION OF SERVICE – ELECTED MEMBERS
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SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/7
DISCLOSURE OF INTEREST:	None
DATE:	11 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.3a – Policy 1.6 Recognition of Service – Elected Members

SUMMARY:

For Council to consider Adopting the Policy that deals with recognition of Elected Members' service.

BACKGROUND:

In the current Shire of Menzies Policy Manual, Policies 4.5, 4.6 and 4.7 all deal with gifts for departing Members.

These gifts qualify as a financial interest and the Minister has declared that there is to be a limit as to the value of these gifts.

COMMENT:

The current Policies 4.5, 4.6 and 4.7 will all be substituted by this single policy. Council will be asked to approve this Policy in preparation for the Policy Manual being adopted in its entirety at the November 2012 Ordinary Meeting of Meeting

CONSULTATION:

Mr Vern McKay – Department of Local Government
Mr Niel 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.
- Section 5.60 – Outlines the situations under when a person has a financial interest
- Section 5.60A – Describes the action under how a person may have a financial interest
- Section 5.65 – Details the procedures when a member must declare a financial interest
- Section 5.69 – Allows for the Minister to permit the disclosing member to participate in a meeting

POLICY IMPLICATIONS:

Current Policies 4.5, 4.6 & 4.7 of the Shire of Menzies Policy Manual

FINANCIAL IMPLICATIONS:

Minimal financial impact on the Shire due to the level of costs that may occur.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICERS RECOMMENDATION:

That Council resolves that the following Policy be Adopted and included in the Shire of Menzies Policy Manual:

1.6 Recognition of Service – Elected Members NEW / REPLACED

<p>Introduction</p>	<p><u>Written permission of the Minister for Local Government must be obtained prior to any change to this Policy.</u></p> <p>This Policy is a Financial Interest as defined by the Local Government Act s.5.60 and 5.60A and the consent of the Minister under s.5.69, is therefore required prior to any amendment, alteration or revocation of the Policy.</p> <p>The Policy is made under the authority of the Local Government Act s.5.100A and the Administration Regulations r.34AC.</p> <p>Although Councillors are able to claim travel, meeting expenses etc as of right, it is considered appropriate that there be some recognition from the Shire on behalf of the community, for their commitment to the district.</p> <p>Where qualifying, enquiries should also be made through the Department of Local Government to obtain a Certificate of Appreciation from the Minister.</p>
<p>Objective</p>	<p>To recognise the service of, and show appreciation to, departing Councillors.</p>
<p>History</p>	<p>Former – Policies 4.5, 4.6, 4.7 Replaced – _____</p>
<p>Policy Statement</p>	

1. Each departing Councillor shall receive an appropriate plaque or certificate of service.
2. Outgoing Shire Presidents, whether retiring from Council or relinquishing the office of President, may be presented with their gavel and striker plate suitably engraved on the completion of their term of Shire President.

- 3. The CEO is to arrange a suitable gift for departing Councillors, up to the specified value, after the following periods of service –**

Less than 4 years of service	Nil
More than 4, less than 8 years of service	\$150
More than 8, less than 12 years of service	\$300
More than 12, less than 16 years of service	\$750
16 or more years of service	\$1,000

- 4. The cumulative value of commemorative plaque or certificate, gavel & striker plate and gift is not to exceed the limits specified in (3) above.**
- 5. Multiple periods of service as a member of Council are to be considered individually according to each period, and not cumulatively.**
- 6. Where qualifying, application for a Certificate of Appreciation from the Minister is to be made through the Department of Local Government.**
- 7. Presentation of any commemorative plaque, certificate or gavel & striker plate and gift will generally be made at the final meeting being attended by the Councillor, or at an alternative function.**
- 8. Councillors are entitled to a civic dinner after they have completed three (3) terms or twelve (12) years in office.**

– End of Policy

Motion lapsed due to there being no quorum.

11.4.4 USE OF THE COMMON SEAL

SUBMISSION TO:	Ordinary Meeting of Council 27 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	L/1/4
DISCLOSURE OF INTEREST:	None
DATE:	17 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Minute 9.12 of the Ordinary Meeting of Council Tuesday 26 June 2012

ATTACHMENTS:

Appendix 11.4.4a – Appointment of Settlement Agent for Vendor agreement

SUMMARY:

For Council to approve the affixing of the Common Seal to a document.

BACKGROUND:

Council recently resolved to sell of block of Shire owned land in Kookynie to Mr John Cash and Mr Harley Abbott.

COMMENT:

Following negotiations with Mr Cash and Mr Abbott, a sale price was reached and the sale was approved by Council. As the process has now reached the point of the transfer of land, Council needs to appoint a settlement agent to handle the transaction.

As Goldfields Settlements are the company that Council is currently using, the Appointment of Settlement Agent for Vendor requires the signature of the Shire President and CEO and the Common Seal affixed to the document.

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:

Policy 2.9 – Outlines the procedure of use of the Common Seal.

FINANCIAL IMPLICATIONS:

Any impact will be provided for in the sale price of the land

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0239

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council authorises the Chief Executive Officer to affix the Common Seal to the Appointment of Settlement Agent for Vendor document with Goldfields Settlements.

Carried: 7/0

11.4.5 COUNCILLORS INFORMATION BULLETIN 9/12

SUBMISSION TO:	Ordinary Meeting of Council 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	15 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Nil

SUMMARY:

For Council to receive the Information Bulletin.

BACKGROUND:

The Information Bulletin 9/12 containing general and confidential information was previously circulated to Councillors.

COMMENT:

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

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

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION
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NO: 0240

Moved: Cr K Purchase

Seconded: Cr I Tucker

That Council acknowledges receipt of Information Bulletin 9/12 for the period ended 30 September 2012.

Carried: 7/0

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

None

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

COUNCIL DECISION/OFFICER RECOMMENDATION

No: 0241

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council agree to receive and address the following late Item:

Tender 10/12 Supply of Plant Hire

Carried: 7/0

13.1 TENDER 10/12 – SUPPLY OF PLANT HIRE

SUBMISSION TO:	Ordinary Meeting of Council, 25 October 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/3/3
DISCLOSURE OF INTEREST:	None
DATE:	24 October 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	
REFERENCE:	Item 13.1.2 of Ordinary Meeting of Council, 27 September 2012

ATTACHMENTS:

None

SUMMARY:

For Council to receive the results of the Evaluation Panel's assessment of Tender 10/12 – Supply of Plant hire

BACKGROUND:

The advertising of Tender 10/12 – Supply of Plant Hire was approved by Council at the Ordinary Meeting on 27 September 2012.

COMMENT:

Tender 10/12 – Supply of Plant Hire was advertised in the West Australian newspaper on Saturday, 29 September 2012 and closed at 2.00 pm on Tuesday, 16 October 2012.

Tenders were opened at 8.35 am on Wednesday 17 October 2012 in the Council Chambers in the presence of:

- Mr Keith Purchase Councillor
- Mr Peter Crawford Chief Executive Officer
- Ms Daphne Crawford Executive Assistant

and in the following order:

- Kooda Contracting Pty Ltd
- McKenna Pty Ltd
- Breakaway Earthmoving
- BIMs Earthmoving
- Blackwood Plant Hire

During the evaluation process, it was discovered that there had not been any provision in the tender documents for the supply of side tippers or road train tippers. The CEO would contact all tenderers seeking submission for these items. Only Kooda Contracting and Breakaway Earthmoving submitted a price for these services.

An evaluation of the tenders resulted in the following averaged weightings:

COMPANY	TOTAL WEIGHTING (100)
Kooda Contracting Pty Ltd	90.5
McKenna Pty Ltd	90
Breakaway Earthmoving	92
BIM's Earthmoving	93.5
Blackwood plant Hire	85.5

A problem in the past with appointing single or only two contractors has been that if those contractors are unable to supply the plant required, it requires the Shire going outside the tender regulations so as to procure the necessary items of plant. On occasions, this has been an essential course of action in order for the Shire to continue with its road construction and maintenance program and meet budget objectives.

In order to negate the possibility of this situation arising again, it will be recommended that all tenders be approved so as to guarantee the supply of plant as and when required.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no policies in relation to this matter

FINANCIAL IMPLICATIONS:

Will assist in completing the 2012/2013 road works program

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION

NO: 0242

Moved: Cr K Purchase

Seconded: Cr I Tucker

That Council Resolves to:

1. Receive the tenders submitted for Tender 10/12 Supply of Plant Hire, namely, Kooda Contracting Pty Ltd, McKenna Pty Ltd, Breakaway Earthmoving, BIM's Earthmoving and Blackwood Plant Hire,
2. Accept the following tendered rates (Rates include GST) for hourly hire of plant for a two (2) year period, commencing on 1 November 2012 and concluding on 31 October 2014:

KOODA CONTRACTING PTY LTD	HOURLY RATE	MOB/DEMOB Per hour
Motor Grader 140H or similar	187.00	DNQ
Front end loader 2.5 - 3.0m ³	181.50	DNQ
Dozer D6R	192.50	DNQ
Water cart 10,000 ltrs		DNQ
Water cart 35,000 ltrs	187.00	DNQ
9 tonne side tipper (with 7,500 ltr water tank)	154.00	DNQ
13 tonne smooth drum roller	148.50	DNQ
Multi tyre roller	165.00	DNQ
Heavy machinery float	181.50	DNQ

PC 220 Excavator	187.00	DNQ
Single side tipper	176.00	55.00
Double road train side tippers	214.50	55.00
Triple road train side tippers	258.50	55.00

McKENNA PTY LTD	HOURLY RATE	MOB/DEMOB Per hour
Motor Grader 140H or similar	160.00	160.00
Front end loader 2.5 - 3.0m³	130.00	160.00
Water cart 10,000 ltrs	150.00	15.00
Heavy machinery float	160.00	160.00
Excavator – 9 tonne	140.00	160.00
Single side tipper (Tandem)	150.00	DNQ

BREAKAWAY EARTHMOVING	HOURLY RATE	MOB/DEMOB Per hour
Motor Grader 140H or similar	188.10	181.50
Front end loader 2.5 - 3.0m³	170.50	181.50
Dozer D8T	253.00	181.50
Dozer D9T	330.00	320.00
Water cart 10,000 ltrs	154.00	154.00
Water cart 30,000 ltrs	170.50	170.50
Water cart 64,000 ltrs	214.50	214.50
6 Wheel end tipper	154.00	154.00
16 tonne smooth drum roller	148.50	181.50
Multi tyre roller	143.00	181.50
		+
Grid roller	148.50	181.50
Heavy machinery float	181.50	181.50
Excavator 30 tonne	236.50	181.50
Single side tipper	170.50	170.50
Double road train side tippers	217.80	217.80
Triple road train side tippers	253.00	253.00

BIM's EARTHMOVING PTY LTD	HOURLY RATE	MOB/DEMOB Per unit
Motor Grader 140H or similar	187.00	3,212.00
Front end loader 2.5 - 3.0m³	165.00	DNQ
Water cart 10,000 ltrs	154.00	3,212.00
Water cart 30,000 ltrs	154.00	2,050.00
16 tonne smooth drum roller	129.00	3,212.00
Multi tyre roller	129.00	3,212.00
Heavy machinery float	150.00	3,212.00
Excavator – 30 tonne with float	170.00	3,212.00
Double road train side tippers	198.00	1,650.00

BLACKWOOD PLANT HIRE	HOURLY RATE	MOB/DEMOB Per klm loaded
Dozer D7 or similar	220.00	4.95

Carried: 7/0

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

None

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday 29 November 2012 in the Council Chambers at Menzies commencing at 10.00am

16. CLOSURE OF MEETING

There being no further business, the President, Cr G Dwyer, declared the meeting closed at 12.02pm.

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 25 October 2012 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 29 November 2012.

Signed _____

Dated: _____ 2012