



SHIRE OF MENZIES

MINUTES

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

Thursday 1 August 2013

Shire of Menzies Council Chambers

Commencing at 10.29am

SHIRE OF MENZIES



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SHIRE OF MENZIES

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MINUTES OF ORDINARY MEETING OF COUNCIL

1. DECLARATION OF OPENING

The Shire President (Cr Gregory Dwyer) declared the meeting open at 10.29am, welcomed the attendees and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

Nil

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors:	Cr G Dwyer	President
	Cr P J Twigg	Deputy President (via conference call)
	Cr J A Dwyer	Councillor
	Cr C K Purchase	Councillor
	Cr I R Tucker	Councillor
Staff:	Mr N P Crawford	Chief Executive Officer
	Ms R Jones	Deputy CEO
	Mrs D Crawford	EA to CEO

COUNCIL DECISION:

No: 0372

MOVED: Cr J Dwyer

Seconded: Cr I Tucker

That Cr P Twigg be able to take part in this meeting by means of teleconference.

10.30am

CARRIED: 4/0

10.30am Mrs D Crawford left the room

10.32am Mrs D Crawford re-entered the room

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE.

Nil

7. DECLARATIONS OF INTEREST

Mr Peter Crawford declared an impartial interest in Item 12.1.1

Cr Ian Tucker declared an impartial interest in Item 12.1.1

Cr Keith Purchase declared an interest in Item 12.1.1

8. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

9. CONFIRMATION OF MINUTES

9.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD 27 JUNE 2013
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VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION
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No: 0373

Moved: Cr K Purchase

Seconded: Cr J Dwyer

That the minutes of the Ordinary Meeting of Council held on 27 June 2013 be confirmed as a true and accurate record.

10.52am

CARRIED: 5/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 PRESIDENT'S REPORT – TABLED AT THE MEETING
--

28 June 2013 In person meeting of GVROC/GERCG, Councillors Conference Room, City of Kalgoorlie Boulder

- 1 Meeting and discussion with Eric Lumsden, Department of Planning
- 2 Meeting and discussion with Dr Vanessa Guthrie – Toro Energy
- 3 Meeting and discussion with Ms Wendy Duncan MLA on Goldfields Revitalisation Fund
- 4 Workshop session with Mr Jon Price and Mr Robert Hicks CEO, GEDC about setting project priorities for the Goldfields Revitalisation Fund

Main Business – GVROC Budget, Goldfields Revitalisation Plan,

- proposal for Digital Strategy for the Goldfields Esperance District and sponsorship strategy for the Goldfields District Display. Application to DLG to assist in implementing Theme 4 of GERCG Business Plan
- 17 July 2013 1 Met with Dave Grills MLC in Menzies re discussion on staff for the Nursing Post.
- 2 Meeting with Jupiter Minerals – Draft copy of proposed loading facility at Yunndaga.
- 25 July 2013 Ordinary Meeting of Council - lack of quorum
- 26 July 2013 Met with Robert Hicks and Brian Jones of GEDC in Kalgoorlie, arranged a meeting for GEDC to address Council regarding a report on the Yilgarn Iron Ore Province and Operations

**VOTING REQUIREMENTS:
Simple Majority Decision required**

COUNCIL DECISION/OFFICER'S RECOMMENDATION	No: 0374
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

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

11.02am

CARRIED: 5/0

12. REPORTS OF COMMITTEES AND OFFICERS

12.1 HEALTH AND BUILDING BUSINESS

- *11.03am: Cr K Purchase declared a Financial Interest in the next Item to the extent that he may benefit from the decision and left the room.*
- *Cr I Tucker declared an Impartial Interest in the next Item to the extent that he has a Council approved sea container on his property.*
- *Mr P Crawford declared an Impartial Interest in the next Item to the extent that he has a Council approved sea container on his property as well as being a personal friend of Mr Purchase*

12.1.1	USE OF SEA CONTAINER ON LOT 95 MERCER STREET, MENZIES
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SUBMISSION TO:	Ordinary Meeting of Council, 25 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	Mr K Purchase
FILE REF:	B/4/7
DISCLOSURE OF INTEREST:	The Author has an impartial interest to the extent that he has an approved sea container on his property.
DATE:	15 July 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 7.1 of Special Meeting of Council 29 May 2013

ATTACHMENTS:

Attachment 12.2.1a – Letter of application from Mr Purchase

SUMMARY:

For Council to consider an Item deferred from the Special meeting of Council on 29 May 2013

BACKGROUND:

The following item was presented to the Special Meeting of Council held Wednesday, 29 May 2013:

9. REPORTS OF COMMITTEES AND OFFICERS

9.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

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

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

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

Cr Purchase left the room at

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

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

ATTACHMENTS:

Attachment 9.1.1a – Letter of application from Mr Purchase

SUMMARY:

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

BACKGROUND:

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

COMMENT:

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

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

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICERS RECOMMENDATION:

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

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

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

COMMENT:

Due to the lack of a quorum, the matter was deferred to the Ordinary Meeting in June 2013. After the Meeting, Mr Purchase advised that he would be submitting a further application regarding this matter (See Attachment 12.2.1a)

Mr Purchase has now requested that he be permitted to store two sea containers on his property and has also indicated that he may wish to construct a roof type structure between the two containers.

The subject of having two containers is a planning issue, however any structure between the containers would be subject to a building permit.

CONSULTATION:

Mr K Purchase – Planning applicant

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No: 0375
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Moved: Cr J Dwyer

Seconded: Cr P Twigg

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

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

11.10am

CARRIED: 5/0

11.10am

EO left the room

11.11am

EO returned to the room

1.11am

Cr Purchase returned to the meeting

12.2 FINANCE AND ADMINISTRATION BUSINESS NIL

12.3 WORKS AND SERVICES BUSINESS

12.3.1	APPOINTMENT OF CHIEF BUSH FIRE CONTROL OFFICER
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SUBMISSION TO:	Ordinary Meeting of Council, 25 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 407
DISCLOSURE OF INTEREST:	None
DATE:	18 July 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.3.1 of Ordinary Meeting of Council, 27 September 2012

ATTACHMENTS:

None

SUMMARY:

For Council to consider appointing Mr Ray Pepper, the Manager Works and Services (MWS) as the Chief Bush Fire Control Officer for the Shire of Menzies

BACKGROUND:

A local government may appoint a person as the Chief Bush Fire Control Officer.

COMMENT:

Due to the sudden demise of our previous MWS Mr Brian Howson, it is proposed that Mr Pepper assumes the role as Chief Bush Fire Control Officer.

CONSULTATION:

Mr Ray Pepper – Shire of Menzies

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.

Bush Fires Act 1954

- Section 38 - A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

There are no implications as a result of this recommendation

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No: 0376
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council Agrees to:

- 1. Appoint Mr Ray Pepper to the position of Chief Bush Fire Control Officer for the Shire of Menzies.**
- 2. Cancel the appointment of Mr Brian Howson as the Chief Bush Fire Control Officer for the Shire of Menzies.**

11.12am

CARRIED: 5/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.1 ORDINARY MEETINGS DATES – 1/7/2013 to 24/10/2013

SUBMISSION TO:	Ordinary Meeting of Council, 25 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 073
DISCLOSURE OF INTEREST:	None
DATE:	18 July 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to consider setting the dates for Ordinary Meetings of Council from 1 August 2013 until 24 October 2013 and to grant permission for attendance at Meetings by electronic means.

BACKGROUND:

Council currently hold their Ordinary Meetings on the last Thursday of each month.

COMMENT:

The present arrangement of holding Ordinary Meetings on the last Thursday of each month appears to be satisfactory to all Members and should continue until 24 October 2013 at which time future Meeting dates will be decided.

It would also be opportune at this time to approve Councillors Peter Twigg and Chris Bennell's attendance at the August 2013 Council Meeting by instantaneous communication means.

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.

Local Government (Administration) Regulations 1996

- Regulation 12(1)(a) – Requires the local government to give local public notice of the dates, times and places at which meetings are to be held
- Regulation 14A – Provides conditions by which a Member may attend a meeting by instantaneous communications

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Recommendations 1 and 2 - Simple Majority Decision required

Recommendation 3 – Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:

No: 0377

Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council resolves:

1. That the last Thursday in each month to be designated as the day of the Ordinary Council Meeting,
2. The following dates, times and locations be appointed as the Ordinary Council Meeting dates for the period ending 24 October 2013:
Thursday 29 August 2013 10.00 am Teleconference
Thursday 26 September 2013 10.00 am Tjuntjuntjara
Thursday 24 October 2013 10.00 am Menzies
3. That Councillors Peter Twigg and Chris Bennell be granted approval to attend the August 2013 Meeting by means of instantaneous communications

11.16am

CARRIED: 5/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.2	COUNCILLORS INFORMATION BULLETIN 06/13
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SUBMISSION TO:	Ordinary Meeting of Council, Thursday 25 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	18 July 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to receive the Information Bulletin.

BACKGROUND:

The Information Bulletin 06/13 containing general and confidential information was previously circulated to Councillors.

COMMENT:

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

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

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No: 0378
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council acknowledges receipt of Information Bulletin 06/13 for the period ended 30 June 2013.

11.19am

CARRIED: 5/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.3 COUNTRY LOCAL GOVERNMENT FUNDS
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**This item was deferred to later in the meeting to allow time for a full discussion.
See Page 34.**

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.4 LONG TERM FINANCIAL PLAN - DRAFT

SUBMISSION TO:	Ordinary Meeting of Council, 27 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 400
DISCLOSURE OF INTEREST:	None
DATE:	27 July 2013
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	Item 12.4.6 of Ordinary Meeting of Council 27 June 2013

ATTACHMENTS:

Appendix 12.4.4a - Long Term Financial Plan – draft

SUMMARY:

Final draft brought forward from June 2013 Ordinary meeting of Council.

The Local Government Act requires Council to plan for the future, and has mandated that a strategic community plan and a corporate business plan must be prepared and adopted by Council prior to 30 June 2013.

COMMENT:

While the Long Term Financial Plan is not required by legislation, the Corporate Business Plan does require long term financial issues to be addressed. To do so means that an LTFP must be prepared, in order to provide the information stipulated.

Council's attention is particularly drawn to several matters –

1. KPI's, as noted in the LTFP schedules –

1. Operating surplus ratio – Trend is for continuing increase, and although above the DLG Target, this is considered appropriate. Given the Shire's circumstances, of a relatively small rate base and a large capital infrastructure, a greater proportion of expenditure is needed on capital (renewal/upgrade/new of roads buildings and other infrastructure), requiring a greater input from own resources than average.
 2. Current ratio – A significant improvement is expected in Year 2, and then gradual improvements in following years.
 3. Rates coverage ratio – Long term and greater effort will be needed on capital expenditure, which will have the effect of reducing rates coverage ratio. The Asset Management Plan suggests that this will need to commence in about Year 6, resulting in the ratio likely stabilising around the 45%. Again, considering limited rate base and large infrastructure requirement, this is considered to be an appropriate target.
 4. Debt service coverage ratio – No loan liability after 2013-2014, and no new loans proposed.
2. Statement of Financial Position – the opening and closing funds figure at the bottom of the Schedule indicates the expected general use funds to be available at the end of each financial year, excluding the Reserves. Accordingly, if the figure is a negative, the Council is effectively operating in “overdraft”. The estimates do show a continual improvement, but the low starting position is not unexpected given the experiences of the past several years.
 3. Rate Setting Statement – A positive figure indicates in excess of that year's expenditure requirement is estimated to be raised, similarly, a negative figure indicates a deficit. There is no legal requirement to adopt a balance budget, and if necessary, balancing can be easily achieved through transfers to or from reserve. The first year indicates a significant surplus is raised, but when considered with the bottom line of the Statement of Financial Position, this surplus is essential to reduce the deficit expected to be carried forward from the previous year, and due to the large expenditures in Year 2.
 4. Assets – this is a critical tab linking to the Asset Management Plan for acquisition, disposal and depreciation of assets.
 5. Capital Expenditure, Capital Funding, Forward Capital Estimates Year 1-10 – These tabs are also critical to the AMP. The schedules effectively replace the previous Forward Capital Works Plan, and can be utilised separately to the rest of the LTFP if desired. However, any changes in the schedules do follow through to other schedules automatically.

There is a need to review the LTFP every two years, but in reality, it is going to be simpler and less work to update them annually for the purposes of the Corporate Business Plan (which is annual review) even if the AMP is not updated. Accordingly, the Schedules have been developed and modified to make the process of review/update as easy as possible, utilising formulae where able rather than manually entered data.

The LTFP is closely linked with the AMP with the need to have the following estimates agree between the two plans –

- capital expenditure in the various classes of asset
- disposal of assets within those classes
- depreciation of assets

It is emphasised that the LTFP should not be treated as something fixed and unable to be altered. It should be viewed as a broad statement of Council's intentions and directions, guided by the other documents in the integrated planning framework. As such, it has no capacity to commit funds or authorise expenditures to be incurred, in other words, inclusion in the LTFP does not mean that it must happen or will necessarily happen. The authorisation for expenditures and specific commitment to actions and projects arises out of the adoption of the annual Budget, which over-rides the LTFP, whether it takes forward the original intentions of the LTFP or not. If there are inconsistencies, the annual Budget, as the specific authorising document, takes precedence.

Public notice of the Plan is not required.

The Plan as now presented has been reviewed by UHN Haines Norton, and their comments incorporated.

CONSULTATION:

Mr Peter Crawford, CEO Shire of Menzies

Mr Paul Breman and Mr Russell Barnes, UHY Haines Norton

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

(3) A corporate business plan for a district is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

Guides the development and preparation of the annual budget

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATIONS:	No: 0379
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That the draft Long Term Financial Plan as presented, be adopted.

11.28am

CARRIED: 5/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.5 MENZIES POLICE STATION BUILDING

SUBMISSION TO:	Ordinary Meeting of Council, 25 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	PM 001
DISCLOSURE OF INTEREST:	None
DATE:	19/07/2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 9.4.1 of Special Meeting of Council 29 May 2013

ATTACHMENTS:

Attachment 12.4.5a

Email from Stratum Metals

Appendix 12.4.5b

Proposed Lease Agreement

SUMMARY:

For Council to consider increasing the number of persons previously approved by Council to reside at the property at any one time.

BACKGROUND:

At the Special Meeting of Council held 29 May 2013, Council Adopted the Minutes of the Housing Committee Meeting held 7 May 2013.

Contained within that Resolution was a condition that limited the number of persons residing at the property at any one time to three persons.

COMMENT:

Stratum Metals was advised of Council's decision regarding the number of persons permitted on the property and have asked that the matter be revisited (See Attachment 12.4.5a). Their claim is that their work force is normally two or four people together as they consider that a good match for safety reasons as well as economics.

There doesn't appear to be any real grounds for objecting to that request as Council itself promotes the environment of safety and value for money with its operations.

Also, Appendix 12.4.5b is a copy of the proposed Lease Agreement as prepared by McLeods Barristers and Solicitors for Council's perusal.

There are a number of clauses in the agreement that need to be clarified with the solicitors. The main clauses include:

- Alcohol on the premises
- Right of entry
- Assignment/Subletting the premises

The recommendation will include a request to authorise the CEO to liaise with McLeods Barristers and Solicitors to make changes to the lease agreement document to coincide with Council's preferred wishes as indicated to the CEO during discussions.

CONSULTATION:

Ms Leah Christie - McLeods

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 3.58 – Provides the conditions with which the local government must comply with to dispose/lease/sell property

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

No impact at present though some expenditure will be incurred in upgrading the property

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No: 0380
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Moved: Cr P Twigg

Seconded: Cr I Tucker

That Council:

- 1. Agrees to increase the number of persons permitted to reside at the old Police Station property at any one time from three persons to four persons,**
- 2. Authorises the Chief Executive Officer to liaise with McLeods Barristers and Solicitors to progress the preparation of the Lease Agreement document to completion, and,**
- 3. Authorises the Shire President and Chief Executive Officer to affix the Common Seal to the Lease Agreement document once it has been signed by Stratum Metals Limited.**

11.31am

CARRIED: 5/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.6 ELECTED MEMBERS – FEES AND ALLOWANCES FOR 2013/2014

SUBMISSION TO:	Ordinary Meeting of Council, 25 July 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM 258
DISCLOSURE OF INTEREST:	None
DATE:	19 July 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:
 None

SUMMARY:

To consider the legislation and prescribed scale of Elected Member Fees and Allowances to be paid in 2013-2014, in accordance with the Local Government Act and Regulations, and the Determination of the Salaries and Allowance Tribunal.

BACKGROUND:

Current

Current figures are as per adoption in June 2013. As Menzies falls within Band 4, as for CEO Salary determination, only the SAT Determination for Band 4 is quoted.

CATEGORY	CURRENT		DETERMINATION – June 2012			
			Meeting		Annual	
Attendance	S	Basis	Min.	Max.	Min.	Max.
President	6,000	Annual	88	463	3,500	18,500
Elected member – all others	3,600	Annual	88	225	3,500	9,000
Committee Meeting – all	n/a	Included	44	113	Included in	

elected members					annual fee	
Prescribed meetings – all elected members. See following	Not made	Annual	44	113	Not applicable	
Allowance	S	Basis	Min.	Max.	Min.	Max.
President – lesser of 0.2% of Operating Revenue, or	9,000	Annual	n/a	n/a	500	19,000
Deputy President (maximum 0.25% of President)	2,250	Annual	n/a	n/a	125	4,750
Expenses – Set by Council	S	Basis	Min.	Max.	Min.	Max.
Communications – now ICT Allowance	50	Month	n/a	n/a	n/a	n/a
Travel – per km - Conditions apply. See following	Public Service Rate	Claim / Month	n/a	n/a	50	50
Information and Communications Technology Allowance	n/a	n/a	n/a	n/a	500	3,500
Expenses – Authorised by LG Act	S	Basis	Min.	Max.	Min.	Max.
Childcare	Actual	Claim	Actual if under 25/hour	25/hour	n/a	n/a
Out of pocket expenses where expressly authorised delegate of Council	Actual	Claim	Actual	Actual	n/a	n/a
Expenses must be able to be validated, e.g. receipts to be produced, known/calculable distances for travel etc.						
In some instances, the expenses of one accompanying person may be met, e.g. WALGA Convention.						

Other Authorised Meetings

Under Admin Regulations r.30 (3A), prescribed meetings are those where attending as the duly appointed delegate of the Council –

- a) WALGA Zone (i.e. Goldfields-Esperance Country Zone)
- b) Regional Roads Group
- c) A (constituted) regional local government (i.e. not GEVROC)
- d) At a meeting attended by a Minister of the Crown, at the request of that Minister

- e) Other meetings where representing the Council as the duly appointed delegate (does include GEVROC)
- f) May only be paid if the meeting organiser does not make a payment

Regulation 30(3A) Prescribed meetings also stipulates that the eligibility for other meetings is limited to the authorised delegate only, who may claim a meeting fee and travel. Observers are not eligible for either prescribed meeting fee or travel.

If the organiser of the meeting pays costs or meeting fee, it is not permitted to also claim travel and fee from the Shire.

Travel Allowances

There is no discretion for Council to vary the rate paid for travel as the Determination specifically states in 4.2 that –

- (5) For the purposes of subsections (3) and (4), travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate applicable to the reimbursement of travel costs in the same or similar circumstances under the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as at the date of this determination.

Clause 47 of the Public Service Award lists –

- Definition of areas for application of various rates
- Separate rates for a person required to provide their own vehicle a term of their employment as stipulated in Schedule F
- Where not a term of employment, alternative rates as in Schedule F to the Award

Councillors are covered by Schedule F of the Award. Current rates quoted on the Public Sector Commission website as at 21 June 2013, with the last update being from 2011 are–

MOTOR VEHICLE ALLOWANCE	Rate (cents) per kilometre		
	Engine Displacement (in cubic centimetres)		
Area Details	Over 2,600 cc	Over 1,600 to 2,600 cc	1,600 cc and under
Metropolitan Area	89.5	64.5	53.2
South West Land Division	91.0	65.4	54.0
North of 23.5 degrees South Latitude	98.6	70.6	58.3
Rest of State	94.3	67.5	55.6

Please note –

- a) Menzies falls into the definition of “Rest of State”.
- b) There is no direction given as to travel between differing areas.

- c) A flat rate for all vehicles cannot be adopted, but the rate for differing engine capacity must be applied.

Payment

Paying on a “meeting fee” basis requires Members to attend Meetings in order to obtain that fee. However, Council resolved last year to adopt the annual fee payment for 2012/2013 Financial Year. This allows for the payment of an “annual fee” which covers all meetings attended whether Council or Committee.

Council can resolve to pay an “annual fee” but deduct pro rata amounts for Council Meetings not attended. While this may not be strictly in line with the intention of the SAT, Council could use this resolution to encourage Members to attend Meetings.

Annual Fee Allowance

The maximum annual fee payable to Councillors in Band 4 is \$9,000 per year with the Shire President eligible for \$18,000 per year.

Allowances

The maximum allowance for Shire Presidents in Band 4 is \$19,000 or 0.2% of operating revenue for 2012/2013, whichever is the lesser. In the case of Menzies, that would be a maximum of \$11,732 on present figures.

The Deputy Shire President is entitled to 25% of the allowance paid to the President.

Superannuation

There is no liability on the Shire to pay occupational superannuation as a result of the determination. Occupational superannuation would only apply if Council unanimously resolved to be an Eligible Local Governing Body under the Income Tax Act. Such a decision would also be subject to the financial interest provisions of the Local Government Act.

However, where the Councillor chooses to, the whole or part of the meeting fees may be paid to a superannuation fund.

Discretionary Payment

Council has the discretion to set fees within the stipulated ranges, but cannot refuse to pay a valid claim for a fee, allowance or expense authorised by the Act, Regulation, or Determination.

COMMENT:

Council will still need to make a number of decisions for the 2013-2014 Budget, as in the past, since the SAT only stipulates a range of payment for each Band.

The fundamental decision for Council is whether or not fees are paid as a meeting fee, or as an annual allowance.

Given Menzies' circumstances, it will be recommended that the fees and allowances be set as follows –

Annual Meeting Fees & Allowances	2013-14
President	12,000
Elected member – all others	6,000
President's Allowance	11,000
Deputy President's Allowance	2,750

CONSULTATION:

Cr Greg Dwyer, President

STATUTORY ENVIRONMENT:

The Local Government Act 1995 s.5.98 to s.5.102 provides for a range of fees and/or allowances to be paid to elected members.–

- s.5.98 – prescribed fees or approved expenses may be paid, to the prescribed maximum or actual cost of expense
 - President and Deputy may be paid an allowance within the prescribed ranges
 - Payments outside the ranges or not being prescribed expenses are not permitted
- s.5.98A – Deputy President's allowance may not exceed 25% of that approved for payment to President
- s.5.99 – Council may elect to pay annual fees rather than meeting fee
- s.5.99A – Council may elect to pay an annual allowance in lieu of payments of expenses
- s.5.100A – Gifts to elected members can only be as prescribed
- s.5.100 – members of Committees who are not elected members are not to be paid meeting fees but may be reimbursed actual expenses on application
- s.5.101 – members of staff cannot be paid a committee meeting fee, but may be reimbursed actual expenses
- s.102 – the Shire may make a cash advance for approved expenses which will be incurred.

Local Government Administration Regulations 1996 –

- r.30 – stipulating the various fees, maxima and minima, for Council and Committee meetings, whether meeting fee or annual allowance, and President and Deputy allowances
- r.31 – expenses that may be reimbursed –
 - Rental charges for one telephone and one facsimile machine
 - Child care costs for the member to attend council or committee meeting where they are a member to a maximum of \$20 per hour
 - Travel costs for council meeting or committee meeting s of which they are a member, from place of residence/work to place of meeting and return, but

limited to maximum of boundary and back if place of residence/work is outside the Shire

- The expense has to be able to be verified

r.32 – expenses that may be approved for reimbursement –

- if incurred as a result of carrying out an activity at the request of the Council
- if considered appropriate, Council can approve an expense incurred due to the elected member being accompanied by one other person
- an expense incurred due to the being a Councillor
- the expense has to be able to be verified

r.33 – annual allowance for President in addition to meeting/annual fee

r.33A – annual allowance for Deputy President in addition to meeting/annual fees not to exceed 25% of that for President

r.34 – Annual attendance fees for Councillors other than President

r.34A – Allowance in lieu of telephone expenses

r.34AA – Allowance in lieu of info technology expenses

r.34AB – Allowance in lieu of reimbursement of travelling and accommodation expenses

r.34AC – Permitted gifts to elected members, conditions and maximum amount

r.34AD – Use of Council vehicle, conditions, requirements etc, by elected member

Salaries and Allowances Act –

s.7B – Tribunal to set fees etc for elected members

Salaries and Allowance Tribunal Determination of June 2013

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Cost of elected members fees and allowances for 2013-2014

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

11.45am CEO left the room

11.47am CEO returned to the room

OFFICER'S RECOMMENDATION:

That Council Resolves to pay the following Meetings Fees, Allowances and Reimbursements to elected Members for the 2013/2014 Financial year:

1. MEETING FEES

In accordance with Section 5.99(1)(b) of the *Local Government Act 1995*, the annual meeting fee to apply to all Council, Committee and Delegated Meetings is:

Shire President	\$12,000
Councillors	\$6,000

This annual fee is to be paid monthly and in arrears and a pro rata deduction to be applied for Council Meetings not attended. It should be recognised that this fee cover all meetings attended by the Member as a delegate of Council

2. PRESIDENT'S ALLOWANCE

In accordance with Section 5.98(5)(b) of the *Local Government Act 1995*, the annual allowance to be paid to the President is:

President	\$11,000
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This payment is to be paid monthly and in arrears.

3. DEPUTY PRESIDENT

In accordance with Section 5.98 A(1) of the *Local Government Act 1995*, the annual allowance to be paid to the Deputy President cannot exceed 25% of the President's allowance and is:

Deputy President	\$2,750
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This payment is to be paid monthly and in arrears

4. REIMBURSEMENT OF MEETING TRAVEL EXPENSES

In accordance with Section 5.98(2)(a) of the *Local Government Act 1995* and Regulation 31(b) of the *Local Government (Administration) Regulations 1996*, the actual costs of Members attending Meetings on Council business will be reimbursed. These costs may be determined by applying the per kilometre rate as prescribed by the Public Service Act 1992 to the total kilometres travelled between their place of residence in the Shire and the meeting place when attending official Council or committee meetings.

5. REIMBURSEMENT OF OTHER EXPENSES

In accordance with Sections 5.98(2)(3) & (4) of the *Local Government Act 1995*, reimbursements for other actual expenses incurred on Council business will be in accordance with Council Policies No 1.5 – External Organisations – Council

Representatives and Expenses and Policy No 3.2 – Conferences, Meetings and Training – Attendance and Expenses.

Expenditure not incurred under these Policies must be referred to Council for a decision

6. TELECOMUNICATIONS AND INFORMATION TECHNOLOGY ALLOWANCES

In accordance with Section 5.99A of the *Local Government Act 1995*, an annual telecommunications allowance of \$600 will apply to all Members who have a dedicated email address and receive communication of Council business

This allowance to be paid monthly and in arrears.

COUNCIL DECISION	No: 0381
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Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council Resolves to pay the following Meetings Fees, Allowances and Reimbursements to elected Members for the 2013/2014 Financial year:

1. MEETING FEES

In accordance with Section 5.99(1)(b) of the *Local Government Act 1995*, the annual meeting fee to apply to all Council, Committee and Delegated Meetings is:

Shire President	\$18,500
Councillors	\$9,000

This annual fee is to be paid monthly and in arrears and a pro rata deduction to be applied for Council Meetings not attended. It should be recognised that this fee cover all meetings attended by the Member as a delegate of Council

2. PRESIDENT'S ALLOWANCE

In accordance with Section 5.98(5)(b) of the *Local Government Act 1995*, the annual allowance to be paid to the President is:

President	\$11,000
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This payment is to be paid monthly and in arrears.

3. DEPUTY PRESIDENT

In accordance with Section 5.98 A(1) of the *Local Government Act 1995*, the annual allowance to be paid to the Deputy President cannot exceed 25% of the President's allowance and is:

Deputy President	\$2,750
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This payment is to be paid monthly and in arrears

2. REIMBURSEMENT OF MEETING TRAVEL EXPENSES

In accordance with Section 5.98(2)(a) of the Local Government Act 1995 and Regulation 31(b) of the Local Government (Administration) Regulations 1996, the actual costs of Members attending Meetings on Council business will be reimbursed. These costs may be determined by applying the per kilometre rate as prescribed by the Public Service Act 1992 to the total kilometres travelled between their place of residence in the Shire and the meeting place when attending official Council or committee meetings.

3. REIMBURSEMENT OF OTHER EXPENSES

In accordance with Sections 5.98(2)(3) & (4) of the Local Government Act 1995, reimbursements for other actual expenses incurred on Council business will be in accordance with Council Policies No 1.5 – External Organisations – Council Representatives and Expenses and Policy No 3.2 – Conferences, Meetings and Training – Attendance and Expenses. Expenditure not incurred under these Policies must be referred to Council for a decision

4. TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY ALLOWANCES

In accordance with Section 5.99A of the Local Government Act 1995, an annual telecommunications allowance of \$600 will apply to all Members who have a dedicated email address and receive communication of Council business

This allowance to be paid monthly and in arrears.

11.53am

CARRIED BY ABSOLUTE MAJORITY

Reason for change is that Members wanted to give incoming Councillors in October the opportunity to make their own decisions on remuneration levels.

11.55am Meeting adjourned for lunch

12.4 MANAGEMENT AND POLICY BUSINESS

2.25pm: The Meeting was resumed.

12.4.3 COUNTRY LOCAL GOVERNMENT FUNDS
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SUBMISSION TO:	Ordinary Meeting of Council, 25 July 2013
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LOCATION:	Shire of Menzies
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APPLICANT:	Shire of Menzies
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FILE REF:	G/6/1
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DISCLOSURE OF INTEREST:	None
DATE:	15 July 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	Item 12.4.8 of Ordinary Meeting of Council
REFERENCE:	27 June 2013

ATTACHMENTS:
None

SUMMARY:

For Council to consider reviewing the allocation of the Country Local Government Funds (CLGF) for 2011/2012 and 2012/13 as previously decided at the Ordinary Meeting of Council on Thursday, 27 June 2013

BACKGROUND:

At the Ordinary Meeting of Council held Thursday, 27 June 2013, Council resolved to allocate the Country Local Government Funds as follows:

1. Commit \$438,741 from the 2011/2012 Country Local Government Funds towards the provision of a water park in Menzies, and,
2. Commit \$438,741 from the 2012/2013 Country Local Government Funds towards the provision of new staff housing for Shire employees in Menzies.

COMMENT:

Council had previously resolved to expend the CLGF allocation for 2010/2011 on new staff housing.

Following this resolution of 27 June 2013, an application was made to the Department of Regional Development and Lands (RDL) for approval for the respective programs. Subsequent discussions with RDL have revealed that the funding allocated for the staff housing from the 2012/2013 program cannot be accessed until the 2010/2011 funding is acquitted. It was originally intended that the funds from 2010/2011 and 2012/2013 would be pooled to ensure that the tender for the four houses would be an attractive prospect for tendering companies thereby giving the Shire the advantage of reduced costs.

What this directive now means is that with the current situation, the Shire will now only be able to advertise tenders for two new staff houses.

There is an alternative course of action to correct this hindrance which will enable the calling of tenders for four houses as initially proposed and that would be to make a new resolution in regards the allocation of CLGF allocations for 2011/2012 and 2012/2013.

Shire staff are currently involved in preparing an application to the Department of Sport and Recreation (DSR) for a grant for the provision of a water park in Menzies. As well, a second application is being prepared to Regional Development Australia Fund (RDAF) for a supporting grant towards the water park project thereby requiring a smaller contribution from Council.

The previous allocation for the 2012/2013 Country Local Government Funds is then free to be allocated to another significant project of Council's choosing, albeit the funds will not be available until the 2010/2011 housing project funds are acquitted. It is expected that these funds would be expended by early next year at the latest.

It is expected that this action of having four houses tendered in the one contract will significantly reduce Council's contribution towards the housing project overall.

Should the funds from the \$150m Goldfields Funds allocated towards a water park become a reality, those funds could then be reassigned to another project within the Shire.

CONSULTATION:

Mr Peter Rampellini – RDL

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:

Country Local Government Funds have already been allocated to the Shire of Menzies but need to be committed to a project.

STRATEGIC IMPLICATIONS:

Will provide much needed infrastructure for the Menzies residents

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER'S RECOMMENDATION:

That Council:

1. Acknowledges that the resolution of 27 June 2013 to:
 - a. Commit \$438,741 from the 2011/2012 Country Local Government Funds towards the provision of a water park in Menzies, and,
 - b. Commit \$438,741 from the 2012/2013 Country Local Government Funds towards the provision of new staff housing for Shire employees in Menzies.

cannot be progressed further due to the 2010/2011 Country Local Government Funds needing to be acquitted before the 2012/2013 funds can be accessed,

2. Reallocates the \$438,741 from the 2011/2012 Country Local Government Funds towards the provision of new staff housing for Shire employees in Menzies.
3. Not re-allocate the 2012/2013 Country Local Government Funds to any specific project until the 2013/2014 Budget is being considered.

COUNCIL DECISION:

No: 0382

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council:

1. **Acknowledges that the resolution of 27 June 2013 to:**
 - a. Commit \$438,741 from the 2011/2012 Country Local Government Funds towards the provision of a water park in Menzies, and,**
 - b. Commit \$438,741 from the 2012/2013 Country Local Government Funds towards the provision of new staff housing for Shire employees in Menzies.**

cannot be progressed further due to the 2010/2011 Country Local Government Funds needing to be acquitted before the 2012/2013 funds can be accessed,

2. **Reallocates the \$438,741 from the 2011/2012 Country Local Government Funds towards the provision of new staff housing for Shire employees in Menzies.**
3. **Not re-allocate the 2012/2013 Country Local Government Funds to any specific project until the 2013/2014 Budget is being considered.**
4. **Authorise the Chief Executive Officer to call tenders for the supply of four transportable type houses.**

Reason for change was that Council wanted the matter of Staff housing expedited as soon as possible.

2.31pm

CARRIED: 5/1

2.31pm Cr K Purchase left the meeting

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

Nil

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

Nil

15. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Nil

16. NEXT MEETING

A Special Meeting of Council will be held on Thursday 15 August 2013 in the Council Chambers in Menzies commencing at 10.00am

The next Ordinary Meeting of Council will be held on Thursday 29 August 2013 in the Council Chambers at Menzies commencing at 10.00am.

17. CLOSURE OF MEETING

The President closed the meeting at 2.38pm.