



MINUTES

**FOR THE ORDINARY MEETING
OF COUNCIL**

THURSDAY 28 MARCH 2013 AT

SHIRE OF MENZIES COUNCIL CHAMBERS

COMMENCING AT 10.00AM

SHIRE OF MENZIES



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SHIRE OF MENZIES

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

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

10.30am The President adjourned the meeting due to lack of quorum until 4.15pm on Thursday 28 March 2013.

The Shire President (Cr G Dwyer) declared the meeting open at 4.15pm, welcomed the attendees and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

None

3. RECORD OF ATTENDANCE

**3.1 PRESENT:
Councillors**

Cr G Dwyer	President
Cr I R Tucker	Councillor
Cr J A Dwyer	Councillor
Cr C K Purchase	Councillor
Ms R Jones	Deputy CEO

Staff

**3.2 APOLOGIES
Staff:**

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

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr P J Twigg	Deputy Shire President
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4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None

5. PUBLIC QUESTION TIME

None

6. APPLICATIONS FOR LEAVE OF ABSENCE

None

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

None

8. CONFIRMATION OF MINUTES

**8.1 MINUTES OF ORDINARY COUNCIL MEETING – Thursday 28
February 2012**

VOTING REQUIREMENTS:
Simple majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION: NO: 0310

Moved: Cr K Purchase

Seconded: Cr I Tucker

That the minutes of the Ordinary Meeting of Council held on 28 February 2013 be confirmed.

CARRIED: 4/0

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

None

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 PRESIDENT'S REPORT – TABLED AT THE MEETING

- | | |
|----------|---|
| 12/03/13 | <ul style="list-style-type: none">• CEO and President flew to Perth in the morning and met with Greg Durack (Jupiter Mines) for a progress report on operations at Mt Mason.• Had lunch with Paul Lynch and David Larsen from Macarthur Minerals with discussions on current status of operations at Lake Giles and the Esperance Port.• Met with Denis McLeod, McLeod's Barristers and Solicitors on legal issues dealing with Differential Rating and Power and Water Services to Menzies.• Viewed a display of office and Council Chamber furniture at Warehouse 3. |
| 13/03/13 | <ul style="list-style-type: none">• Met with Robert Fenn and David McFerran, Landcorp with discussions on Menzies Light Industrial Area and Regional Development Assistance Program application. |
| 15/03/13 | <ul style="list-style-type: none">• Attended a briefing of Remote Jobs and Communities Program conducted by Lyn Hazelton FACSIA |
| 19/03/13 | <ul style="list-style-type: none">• Attended Regional Road Group in Kalgoorlie• Met with Robert Hicks GEDC to promote a meeting of stakeholders in regards to development of Yilgarn Iron Ore. |
| 22/03/13 | <ul style="list-style-type: none">• Teleconference meeting of GVROC |

COUNCIL DECISION:

NO: 0311

Moved: Cr J Dwyer

Seconded: Cr I Tucker

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

4.38pm

CARRIED 4/0

11. REPORTS OF COMMITTEES AND OFFICERS

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

NIL

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.1 MINUTES OF AUDIT COMMITTEE MEETING – 28 MARCH 2013

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2013
APPLICANT:	Shire of Menzies
FILE REF:	L/7/5
DISCLOSURE OF INTEREST:	Nil
DATE:	19 March 2013
AUTHOR:	Glenn Bone, Project Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

ATTACHMENTS:

Attachment 11.2.1a – Minutes of the Audit Committee Meeting held 28 March 2013 – to be circulated at the Ordinary Meeting of Council.

SUMMARY:

Minutes of the Audit Committee which is being held on 28 March 2013.

BACKGROUND:

A recent mandatory duty of the Audit Committee is to review the annual compliance audit return.

As a consequence, Council therefore needs to receive the Minutes of the Audit Committee meeting held on 28 March 2013 and consider the Committee's recommendations to Council.

The Minutes of the Audit Committee meeting held on 28 March 2013 are now presented (Attachment 11.2.1a) to Council for consideration.

COMMENT:

It is anticipated the Audit Committee will note the outcome as to the result of the Compliance Audit Return 2012.

Based on this outcome it is then proposed that the Compliance Audit Return 2012 be presented to Council for adoption (along with any comments and/or amendments).

Whilst there were a number of comments made in the Compliance Audit Return 2012, three special comments were noted. These have been explained in detail in the item placed before the Audit Committee. However none of these comments raise any matter for concern and do not in themselves imply any non-compliance.

CONSULTATION:

Peter Crawford, Chief Executive Officer
Rose Jones, Deputy Chief Executive Officer

STATUTORY ENVIRONMENT:

Local Government (Audit) Regulations 1996

Regulation 14 (1) – requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year.

Regulation 14 (3A) – The local government's audit committee is to review the compliance audit return and is to report to council the results of that review.

Regulation 14 (3) – After the audit committee has reported to the council under sub-regulation (3Z), the compliance audit return is to be –

- a) Presented to a meeting of the council: and
- b) Adopted by council
- c) Recorded in the minutes of the meeting at which it is adopted.

Regulation 15 – a certified copy of the return together with a copy of the relevant section of the minutes at which it was adopted, is to be submitted to the Executive Director by 31 March next following for the period to which the return related.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER'S RECOMMENDATION:

That Council:

- 1. Receives the Minutes of the Audit Committee Meeting held on 28 March 2013; and**
- 2. Adopts the attached Compliance Audit Return as the official return of Council for the period 1 January – 31 December 2012 and the return be certified by the President and the Chief Executive Officer.**

COUNCIL DECISION:	No: 0312
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Moved Cr K Purchase

Seconded Cr J Dwyer

That Council:

- 1. Receives the Minutes of the Audit Committee Meeting held on 28 March 2013,**
- 2. Adopts the attached Compliance Audit Return as the official return of Council for the period 1 January – 31 December 2012 and the return be certified by the President and the Chief Executive Officer,**
- 3. Confirms the appointment of Mr Travis Bate of RSM Bird Cameron as the Auditor for the year ended 30 June 2013 at a fixed price of \$21,646 (plus GST), and that he also be appointed to undertake the Financial Management Review at a fixed price of \$13,680 (includes GST) plus travel, accommodation and incidentals, and,**
- 4. Adopts the recommendations of the Audit Committee as Resolutions of Council**

**Resolutions 1, 2 & 4
Resolution 3**

**CARRIED BY SIMPLE MAJORITY DECISION
CARRIED BY ABSOLUTE MAJORITY DECISION**

Reason for change was that the recommendations of the Audit Committee needed to be included in the Resolution.

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.2	LISTING OF PAYMENTS MADE IN FEBRUARY 2013
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SUBMISSION TO:	Ordinary Meeting of Council 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	21 March 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

Attachment 11.2.2a - List of payments made to Creditors in February 2013

SUMMARY:

The list of payments made is required to be submitted to the Ordinary Meeting of Council

BACKGROUND:

Payments have been made by both cheque payment and electronic funds transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under authority delegated to the CEO and are now reported to Council for approval.

COMMENT:

Payments in February 2013 include cheques numbered 9589 to 9621 and direct payments totalling \$456,600.15.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0313
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Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council approves the payments identified in the list of payments made from the Shire of Menzies Municipal Bank account in February 2013, including cheques numbered 9589 to 9621 and direct payments totalling \$456,600.15.

CARRIED: 4/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR FEBRUARY 2013
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SUBMISSION TO:	Ordinary Meeting of Council 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM052
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	20 March 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

Attachment 11.2.3a - Monthly Statement of Financial Activity and associated reports, including the Compilation Report from UHY Haines Norton

SUMMARY:

Statutory Financial Reports are submitted to Council for receipt as a record of financial activity during the reporting month

BACKGROUND:

The monthly reports have been prepared by UHY Haines Norton to reflect revenue and expenditure transactions for the period to 28 February 2013

COMMENT:

A compilation Report is prepared by UHY Haines Norton to support the report and alert Council to matters of significance or trends outlined by the report presented.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations – Regulation 34

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0314
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council acknowledges receipt of the Statement of Financial Activity and associated reports for the period to 28 February 2013.

CARRIED: 4/0

11.2 FINANCE AND ADMINISTRATION BUSINESS

11.2.4 ADOPTION OF REVISED BUDGET FOR 2012-13

SUBMISSION TO:	Ordinary Meeting of Council 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	B/3/4
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	21 March 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

- 11.2.4a - Rate Setting Statement for year ended 30 June 2013
- 11.2.4b - Quickbooks Report of Revenue and Expense items by program
- 11.2.4c - Capital Acquisition and Capital Works Budget for 2012-13

SUMMARY:

A review of the Annual Budget is required to be carried out between 1 January 2013 and 31 March 2013.

BACKGROUND:

The budget review has been conducted on the basis of comparison with actual revenue and expenditure information for the period to 31 December 2012 and projected information for the year to 30 June 2013.

At Council's Ordinary meeting on 28 February, Councillor's undertook an interim review that indicated a potential deficiency as at 30 June 2013

COMMENT:

Further analysis of the anticipated result for the financial year has been conducted by the CEO and DCEO resulting in the proposed review to achieve a small surplus.

Significant variances include:

- The revision of the surplus brought forward at 1 July 2012 from \$3,787,155 to \$3,278,964 - a reduction of \$508,191
- Reduced Capital program to reflect Building and Road works deferred
- A transfer of \$400,000 from the Main Street Reserve to Municipal Funds
- Additional provision of \$20,000 for Furniture for the new Boardroom

- Confirmation of Council's contribution to the 2012-13 program for two new houses with a commitment to spend \$750,000.
- An increase in Rate Revenue estimated at approximately \$130,000 after increased write-offs
- Deferral or Country Local Government Funding 2011-12 to next year

CONSULTATION:

CEO, Councillors

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must—
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

[Regulation 33A inserted in Gazette 31 Mar 2005 p.1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS

The 2012-13 Budget has been amended to ensure that funds are available to complete Council's program for the year within available funds.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Absolute Majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0315
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Moved: Cr K Purchase

Seconded: Cr I Tucker

That Council adopts the 2012-13 review of the annual budget and the recommendations associated with the review including a transfer of \$400,000 from Main Street Reserve, a revised Capital acquisition program and amended Operating Revenue and Expenditure.

CARRIED BY ABSOLUTE MAJORITY

11.3 WORKS AND SERVICES BUSINESS

11.3.1	THE VECTOR PROPOSAL FOR HEAVY HAULAGE FROM GWENDOLYN TO COOLGARDIE
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SUBMISSION TO:	Ordinary Council Meeting – 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	Vector Resources Ltd
FILE REF:	M/4/28
DISCLOSURE OF INTEREST:	The author has no interest to disclose in this item
DATE:	21 March 2013
AUTHOR:	Bret Howson, Engineering Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

ATTACHMENTS:

Attachment 11.3.1A: - Report on Evanston Menzies Road Strategy

SUMMARY:

This item is to table a report which makes recommendations for the immediate works and longer term works for a Phase 1 and Phase 2 heavy haulage operation from the Gwendolyn Project to the FMR processing facility north of Coolgardie.

The Officer recommendation is seeking the Council's endorsement of the recommendations in the report and requests to the Chief Executive Officer to negotiate these recommendations with Vector Resources Ltd and report back to the Council.

BACKGROUND:

Application was made to the Shire of Menzies on 17 January 2013, for a 2 Phase heavy haulage operation from the Gwendolyn Project to the FMR processing facility north of Coolgardie from Vector Resources Ltd.

Phase 1 will consist of a short-term haulage of ore material as a trial batch not exceeding 45,000 tonnes over a six week period. The scope of this report outlines the works needed to allow permitted vehicles to complete Phase 1. Initial traffic volumes for Phase 1 are expected to be 20 trips per day of a triple road train over a period of six weeks.

The second section of the scope is to determine what additional requirements and improvements would be required to carry out the Phase 2 haulage program. Phase 2 consists of hauling ore material over an 18 month period with a potential total

tonnage of 271,000. Expected traffic volumes for Phase 2 would be similar to that of Phase 1.

The proposed route will be from the Gwendolyn resource to Goldfields Highway via the Evanston Menzies Road, then down Goldfields Highway to access the facility in Coolgardie.

The scope was to conduct an assessment of the road; taking into consideration historical information, documents and drawings available at the time of this report, and to provide a report which outlines work required to meet the applicable roads standards and community expectation for both Phase 1 and Phase 2 of the proposed Gwendolyn Project.

COMMENT:

Bret Howson was engaged by the Shire of Menzies to undertake a strategic works and planning report (See Attachment 11.3.1a) for Evanston Menzies Road, relative to the application from Vector Resources.

The application was to cart from resource at Gwendolyn operation along approximately 10.5km of Trainers Rock Road (No: 0023) then 166.8km along Evanston Menzies Road (No: 0008) to Goldfields Highway. The proposal was to use tri-axle triple road trains (however the applicant's preference would be to use quad road trains).

Overall, the Evanston Menzies Road will require preservation type works to accommodate the traffic movements required for Phase 1 of the application. It is the officer recommendation that the Council should then negotiate further improvement works to accommodate the traffic needs for Phase 2.

Prior to any carting, the applicant will be required to resolve the issue regarding access to the Goldfields Highway from Evanston Menzies Road in Menzies townsite.

CONSULTATION:

- Shire of Menzies, Chief Executive Officer & Manager Works and Services,
- Vector Resources Ltd, Managing Director – Glynn Povey

STATUTORY OBLIGATIONS:

Issuing of Restricted Assess Vehicle permits is the statutory responsibility of Main Roads WA; however Local Government endorse will always be required prior to Main Roads WA issuing any permission to use a Local Government road.

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

There are no initial financial implications with this item, however longer term improvement works may require contribution from the Council.

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0316
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council

- 1. Endorses the recommendations for the immediate works and longer term works related to the heavy haulage carting application from Vector Resources Ltd.**
- 2. Endorses requests to the Chief Executive Officer to negotiate these recommendations with Vector Resource and report back to the Council.**

CARRIED: 4/0

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.1 REGIONAL DEVELOPMENT ASSISTANCE PROGRAM

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	L/3/18
DISCLOSURE OF INTEREST:	None
DATE:	14 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	
REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.1a – Application for Regional Development Assistance Program

SUMMARY:

For Council to consider approving an application to LandCorp to participate in the Regional Development Assistance Program

BACKGROUND:

On a recent trip to Perth, the Shire President and Chief Executive Officer met with Mr Robert Fenn, Project Manager and Mr David McFerran, Business Manager from LandCorp to discuss where LandCorp could assist the Shire in developing a light industrial area for Menzies.

COMMENT:

The current industrial area site has a “no build” embargo over it which prohibits any development of the site due to the mineralisation of the area. This embargo was placed on the area by the Department of Mines and Petroleum following a request by Intermin Mining who holds the leases of the open cuts on the edge of Menzies.

With the potential development of the iron ore industry in the Menzies district, there would be a demand for industrial land for contractors servicing the mining company sites.

The DMP has advised that any site for a light industrial area would have difficulty being approved unless it was situated in the granite belt which is about three kilometres from the town centre.

There is also the issue of just where the train loading facility would be situated as it would be beneficial to have the light industrial area located in proximity to that infrastructure for ease of access.

Discussions with the mining companies and Brookfield Rail have indicated that the probable site could be somewhere down near the old Yundaga siding. This being the case, the three kilometre limit as set by the DMP would not be an unreasonable distance from the township.

The application to LandCorp is to form a partnership with them to progress the creation of a light industrial area. Further funding would be required through such avenues as Royalties for Regions, Regional Development Australia etc to construct the site.

Attachment 11.4.1a is the application form that must be submitted by the end of March to qualify for consideration in this round of funding. Councillors should read the commitments carefully that the Shire is proposing to enter into with LandCorp.

CONSULTATION:

Mr R Fenn and Mr D McFerran – LandCorp
Shire President

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Any impact on the Shire's finances will be provided for in the 2013/2014 Budget

STRATEGIC IMPLICATIONS:

Will greatly assist in the development of Menzies to provide for the potential impact of the iron ore industry

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION:

That Council supports the lodgement of submission to LandCorp to secure funding under the 2013 RDAP application round for LandCorp to identify a site

COUNCIL DECISION:

NO: 0317

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council supports the lodgement of submission to LandCorp to secure funding under the 2013 RDAP application round for LandCorp to identify a site in Menzies for the development of a light industrial area and that LandCorp undertake the necessary work to service and release a stage 1 development.

CARRIED: 4/0

Reason for the change was that the original Agenda Item was not printed in its entirety and a full version of the Recommendation was circulated to the Meeting by the Deputy Chief Executive Officer

11.4 MANAGEMENT AND POLICY BUSINESS

Cr J Dwyer and DCEO Ms Rose Jones both declared an interest in this item as they may be beneficiaries if the decision is adopted.

11.4.2	OVER THE HORIZON FORUM
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SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2013
LOCATION:	Esperance
APPLICANT:	Shire of Menzies
FILE REF:	M/3/1
DISCLOSURE OF INTEREST:	The author has an interest to the extent that he may be a beneficiary if the recommendation is Adopted.
DATE:	21 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.2a – Program for the Over the Horizon Forum

SUMMARY:

For Council to consider approving the attendance of Members and staff at the Over the Horizon Forum to be held in Esperance on 3 May 2013.

BACKGROUND:

At the Ordinary Meeting of Council held 28 February 2013, Council Resolved to seek legal advice regarding a number of issues that were confronting Council. The Shire President and CEO met with our lawyers in Perth to discuss the matters.

Whilst in Perth, an invitation was extended by Landcorp to meet with them to discuss the establishment of a light industrial area in Menzies.

COMMENT:

During that meeting with Landcorp, they advised the Shire to meet with the GEDC in Kalgoorlie and ask the GEDC to coordinate a meeting between the GEDC, Shire and the main stake holders to further this light industrial area project as well as assess the progress of the potential future mining operations that may affect Menzies.

After GEDC had spoken to a few of these stake holders, the GEDC suggested that all the participants would be gathered together in Esperance on 3 May 2013 to attend the Over the Horizon Forum. A meeting between the Shire, GEDC and these

mining companies would be scheduled for either late Thursday or early on the Friday morning.

It will be recommended that the President, Cr J Dwyer, the CEO and DCEO be authorised to attend this forum in order to meet with the participants to discuss the proposed light industrial area and potential future impact that the mining industry may have on Menzies.

CONSULTATION:

Mr R Hicks – GEDC

Mr R Fenn and Mr D McFerran - Landcorp

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:

There is provision in the current budget for personnel to attend this meeting

STRATEGIC IMPLICATIONS:

The impact of the mining industry in the near future could have a huge impact on Menzies in the way of land and housing

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICERS RECOMMENDATION:

That Council approves the attendance at the Over the Horizon Forum in Esperance by the President Councillor G Dwyer, Councillor J Dwyer, the Chief Executive Officer and the Deputy Chief Executive Officer.

Deferred to April meeting.

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.3 PAINTING OF GROH HOUSE

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	H/4/2
DISCLOSURE OF INTEREST:	None
DATE:	11 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.3a – Housing inspection report, 16 February 2011

SUMMARY:

For Council to consider expending funds to paint a GROH house that the Shire currently has leased.

BACKGROUND:

When the Police were removed from Menzies back in about 2006, the Shire leased the Police Sergeant's residence from GROH to house Shire staff. This arrangement still continues today with the former tenant resigning some weeks ago.

COMMENT:

When the Shire first gained access to the house, it was in very good condition as it was only a few months after the Police had vacated the house. Under the terms of the lease, GROH would be responsible for all structural repairs and in situ white goods such as stove, oven, HWS and air conditioners and the Shire was responsible for all "running repairs", subject to fair wear and tear.

There have been quite a few tenants in this house since the Shire first leased the house and very little, if any, maintenance has been carried out. The last housing inspection carried out in February 2011 (See Attachment 11.4.3a) indicated that there were some repairs needed which were apparently not actioned. Whilst Council does have a Policy on the inspections of Shire housing, the Policy does not refer to leased properties but it is expected that that unit would be governed by the same policy conditions.

The Shire has made an offer to Mr Ray Pepper for the position of Manager Works and Services. Mr Pepper is currently undergoing medical and drug and alcohol testing and when satisfactory reports of those tests have been received, a firm offer of employment will be made.

Council is currently in the process of tendering for the supply of new housing, however, the earliest that these units will be liveable would be somewhere in the region of six to nine months at the very best. Mr Pepper would be agreeable to living in this GROH house for such a period until one of the new Shire houses is available to him to move into. When this move does take place, it is my intention to release this house back to GROH.

Under the current lease agreement, the Shire would have to paint the house before handing it back to GROH due to the condition of the house. Other minor repairs will also be needed as there are holes in the walls, doors need rehanging, fly screens have holes in them and some guttering has fallen down. These are just general run of the mill maintenance items that should be attended to when they are noted but the painting will be a major cost.

The proposal is for the Shire to engage a suitable contractor to paint the house and have our current contractor initiate the required carpentry repairs to bring the house back to a liveable standard.

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 No 9.3 – Shire Housing – Inspections – Provides guidelines for the inspections of Shire housing.

FINANCIAL IMPLICATIONS:

Will have some impact but there is a Budget allocation for maintenance to staff housing.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICERS RECOMMENDATION:

That Council agrees to paint the former Police Sergeant's house situated in Wilson Street prior to the new Manager Works and Services commencing with the Shire.

This item is deferred to seek more information

11.4 MANAGEMENT AND POLICY BUSINESS

11.4.4 COUNCILLORS INFORMATION BULLETIN 02/13

SUBMISSION TO:	Ordinary Meeting of Council 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	20 March 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 02/13 containing general and confidential information was previously circulated to Councillors.

COMMENT:

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

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

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0318
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council acknowledges receipt of Information Bulletin 02/13 for the period ended 28 February 2013.

CARRIED: 4/0

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

Nil

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

COUNCIL DECISION:

NO: 0319

Moved: Cr I Tucker

Second: Cr J Dwyer

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

13.1 Write-off rates and interest – Mr Ron Andrei

6.15pm

CARRIED 4/0

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

13.1 Write-off of Rates and Interest – Mr Ronald Andrei

SUBMISSION TO:	Ordinary Meeting of Council 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/2/11
DISCLOSURE OF INTEREST:	None
DATE:	22 March 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	

ATTACHMENTS:

Attachment 13.1a: Minutes of Ordinary Meeting of Council, April 2011

SUMMARY:

Council approval is required to write-off rate and interest charges exceeding \$500.

BACKGROUND:

Council's attempts to recover rates from Mr Ronald Andrei have extended over many years have been fraught with difficulties and allegations by Mr Andrei of impropriety or lack of due process by Council.

The matter has been referred to Council previously at Meetings in 2011 and a resolution was passed to reduce the ratepayer's debt from \$12,622.30 to \$8,525.37 on the condition that the amount was paid by 30 September 2011.

While some lack of adherence to process appears to have been admitted in the past, the debt relating to three mining tenements and two blocks in Kookynie was quantified and submitted to Dun and Bradstreet late in 2012. Mr Andrei appealed to the Department of Local Government and following some investigation and our submission to the Department of supporting documentation they advised Mr Andrei that they could find no grounds for his non-payment of rates.

COMMENT:

Dun and Bradstreet were a few days from proceeding to Court to collect a debt totalling \$20,040.50 when Mr Andrei contacted the Shire via telephone and asked to settle the debt for \$14,000. After consultation with Peter Crawford, CEO, I telephoned Mr Andrei and offered him a settlement of \$14,674.34 plus any further

legal fees. Mr Andrei was keen to agree a settlement amount so I agreed that \$15,000 would be an acceptable settlement but that it must be received by 19th March 2013. Subsequent telephone calls resulted in a further extension of time until 22 March 2013 and Mr Andrei made his last payment to meet the agreement on that date.

I now seek Council's approval to write-off the balance of interest and charges necessary to reduce the balance on two blocks and two tenements in Mr Andrei's name to zero and the tenement M40/00100 to \$17.95 being the value of a later interim charge. This write-off has been calculated in recognition of the previously proposed write-off to include an amount of \$1,650 being 50% of a 'missing' payment of \$3,300 as well as interest charges and rates on a second block in Kookynie that Mr Andrei has asked to be contiguously rated.

The request to write-off these amounts is made as a goodwill gesture and is not a confirmation of any deficiency in recordkeeping or rating procedure. To continue to pursue this debt through the Court system is likely to result in additional (possibly uncollectible) expenditure incurred as well as the Shire's scarce resources being allocated to the task.

Details of the total account and reduction now to be approved are as follows:

Assessment 3469		\$	86.36
Assessment 1769	4720 (contiguously rated)		
Assessment 1770	now 4720		\$2,302.82
Assessment 1105			\$3,364.07
Assessment 1107		\$	189.11
Total including interest			\$20,942.36
Amount of proposed write-off			
Interest charges		\$2,640.36	
Disputed payment 50%		\$1,650.00	
Rates – Lot 284 Cosmos St		\$1,652.00	\$ 5,942.36
Balance paid by Mr Andrei			\$15,000.00

CONSULTATION:

Dominic White, Dun & Bradstreet
Peter Crawford, CEO
Mr Ronald Andrei, ratepayer

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:

Policy 4.6 – Debt recovery – outstanding rates and sundry debtors

FINANCIAL IMPLICATIONS:

A Provision exists for doubtful rate debts. The provision will be reduced by the amount of the write-off.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION:	NO: 0320
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council endorse the write-off of rate charges and interest totalling \$5.942.36 in relation to assessments 1105, 1107, 1769, 1770 and 3469 being land and mining tenements held by the ratepayer, Mr Ronald Andrei.

CARRIED: 4/0

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Nil

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday 24 April 2013 in the Council Chambers at Menzies commencing at 10.00am

16. CLOSURE OF MEETING

The Chairperson closed the meeting at 6.22pm.

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 28 March 2013 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 24 April 2013.

Signed _____

Dated: _____ 2013