



MINUTES

**FOR THE ORDINARY MEETING
OF COUNCIL**

THURSDAY 24 APRIL 2013 AT

SHIRE OF MENZIES COUNCIL CHAMBERS

COMMENCING AT 10.00AM

SHIRE OF MENZIES



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The Shire of Menzies warns that anyone who has an application lodged with the **Shire of Menzies** must obtain and only should rely on *WRITTEN CONFIRMATION* of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

SHIRE OF MENZIES

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL
HELD AT MENZIES ON WEDNESDAY 24 APRIL 2013**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr G Dwyer) declared the meeting open at 10.09am, 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 Shire President (after 10.10am)
Cr I R Tucker	Councillor
Cr J A Dwyer	Councillor
Cr C K Purchase	Councillor
Cr C Bennell	Councillor (after 10.10am)

Staff:

Mr N P Crawford	Chief Executive Officer
Ms R Jones	Deputy CEO
Mrs D Crawford	Executive Assistant to CEO

3.2 APOLOGIES
Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED
Nil

COUNCIL DECISION:

NO:

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That approval be granted for Cr P Twigg and Cr C Bennell to attend the meeting via electronic means.

10.10am

CARRIED: 4/0

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION:

NO: 0321

Moved: Cr J Dwyer

Seconded: Cr C Bennell

That approval be granted for Cr K Purchase and Cr I Tucker to attend the meeting to be held at Tjuntjuntjara on Thursday 30 May 2013 via electronic means.

CARRIED: 4/0

7. DECLARATION OF INTEREST

Item 12.1.1 Cr C K Purchase
Item 12.1. Cr I R Tucker - Impartiality
Item 12.1.1 Mr P Crawford
Item 15.1 Mr P Crawford
Item 15.2 Mr P Crawford

8. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Item 15.1 Mr P Crawford Use of Shire Vehicle
Item 15.2 Mr P Crawford CEO Salary Review

9. CONFIRMATION OF MINUTES

**9.1 MINUTES OF ORDINARY COUNCIL MEETING – Thursday 28
March 2012**

**VOTING REQUIREMENTS:
Simple majority decision required**

COUNCIL DECISION/OFFICER RECOMMENDATION:

NO: 0322

Moved: Cr J Dwyer

Seconded: Cr I Tucker

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

CARRIED: 6/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS

None

11. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 PRESIDENT'S REPORT – TABLED AT THE MEETING

05/04/2013	Attended GTN Meeting in Laverton
17/04/ 2013	Attended GERCG and GVROC Council Meeting in Kalgoorlie
18/04/2013	Attended briefing of Digital Futures NBN in Kalgoorlie. Menzies Shire will be covered by two satellites offering high speed broadband, on offer now.
23/04/2013	Attended the official opening of the new Council Chambers, followed by a light lunch.

COUNCIL DECISION:

NO: 0323

Moved: Cr K Purchase

Seconded: Cr J Dwyer

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

CARRIED: 6/0

12. REPORTS OF COMMITTEES AND OFFICERS

Cr K Purchase declared a Financial Interest in the next Item to the extent that he may benefit from the decision and left the Meeting at 10.26am.

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 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

12.1.1 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 12.1.1a – 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 12.1.1a)

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.

10.40am Deferred to May Meeting – letter of application to be re-submitted

10.41am: Cr. K. Purchase returned to the meeting.

12.2 FINANCE AND ADMINISTRATION BUSINESS

NIL

12.3 WORKS AND SERVICES BUSINESS

NIL

10.42am *Shire President Cr G Dwyer left the meeting.
Deputy President Cr P Twigg took the Chair.*

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.1	LOCAL PLANNING POLICIES
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SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	P/9/1
DISCLOSURE OF INTEREST:	The author has an impartial interest in this item to the extent that he has prior Council approval to have a sea container on his property.
DATE:	22 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.6 of Ordinary Meeting of Council held 29 November 2013

ATTACHMENTS:

Appendix 12.4.1a – Local Planning Policies

SUMMARY:

For Council to consider formally Adopting the Local Planning Policies

BACKGROUND:

The Local Planning Policies (Appendix 12.4.1a) were prepared and submitted to Council at the Ordinary Meeting held 29 November 2012. Policies 1, 2, 3, 4, 5, 6, 7, 9 and 10 were approved for advertising and Policy No 8 was approved for advertising at the Ordinary Meeting of Council on 28 February 2013.

COMMENT:

A notice advising that the policies were available for inspection by the public was displayed on the public notice boards in the district inviting comments from interested persons.

No submissions have been received and Council is now requested to formally Adopt the policies.

CONSULTATION:

Mr N Mitchell - Consultant

STATUTORY ENVIRONMENT:

Planning and Development Act
Shire of Menzies Town Planning Scheme No.1

POLICY IMPLICATIONS:

Guidance and framework for development in the Shire

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0324
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Moved Cr J Dwyer

Seconded: Cr C Bennell

That Council Adopts the Local Planning Policies as appended as Appendix 12.4.1a

10.44am

CARRIED BY ABSOLUTE MAJORITY

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.2	PROPOSED LOCAL LAW AMENDMENT – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES 2007
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SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Niagara Dam
APPLICANT:	Shire of Menzies
FILE REF:	L/10/1
DISCLOSURE OF INTEREST:	None
DATE:	22 March 2013
AUTHOR:	Niel Mitchell, Consultant
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.2a – Proposed Activities in Thoroughfares and Public Places
Amendment Local Law 2013
Attachment 12.4.2b – Shire of Menzies Reserve Data

SUMMARY:

To allow –

- 1) the Presiding Person to give notice to the meeting of the intent to make a new Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment local law 2010;
- 2) the Presiding Person to give notice of the purpose and effect of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment local law 2010,
- 3) for the Council to adopt the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment local law 2010, and
- 4) for advertising of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment local law 2010 for public comment.

BACKGROUND:

The current principal Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law was first adopted by Council on 18 May 2007, and gazetted on 6 July 2007.

The purpose of this report is to allow the Presiding Person to-

- 1) give notice to the meeting of the intent to make a new Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law; and
- 2) give notice of the purpose and effect of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law,
- 3) for the Council to adopt the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Facilities Amendment Local Law, and
- 4) allow for advertising of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law for public comment.

COMMENT:

The proposed amendments to the Shire of Menzies Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law are set out in the attachment to this report (See Attachment “XX”). In making a new local law, Council must comply with the provisions of section 3.12 of the Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2013 is to –

- control the use of vehicles within the Niagara Dam Reserve, limiting them to delineated parking areas and tracks,
- prohibit the use of firearms with in the Reserve, and
- review modified penalties.

The effect of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2013 is that all persons visiting the Niagara Dam Reserve are to comply with the provisions of this local law.

CONSULTATION:

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment local law 2010, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment.

STATUTORY ENVIRONMENT:

Local Government Act 1995:

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Road Traffic Code 2000
Firearms Act 1973

POLICY IMPLICATIONS:

There are no policy implications for this item.

FINANCIAL IMPLICATIONS:

Advertising costs associated with state-wide advertising.

STRATEGIC IMPLICATIONS:

Reserve management

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0325
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Moved: Cr C Bennell

Seconded: Cr I Tucker

That Council –

1. **approves the proposed Shire of Menzies Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2013, as contained in Attachment 12.4.2a for the purposes of advertising;**
2. **pursuant to section 3.12 of the Local Government Act 1995, gives State wide public notice that it intends to make the Shire of Menzies Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2013, as contained in Attachment 12.4.2a**
 - i) **the purpose of which is to enhance the safety of visitors to the Reserve and protect the environment,**
 - ii) **the effect is that all persons having control or charge of vehicles are restricted to delineated parking areas and vehicle access and prohibition on use of firearms in or so as to affect the amenity of the Reserve.**

10.45am

CARRIED: 5/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.3 STRATEGIC COMMUNITY PLAN

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	W/1/3
DISCLOSURE OF INTEREST:	None
DATE:	22 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.3 of Ordinary Meeting of Council held 29 November 2012

ATTACHMENTS:

Appendix 12.4.3a – Strategic Community Plan

SUMMARY:

For Council to consider formally Adopting the Shire of Menzies Strategic Community Plan

BACKGROUND:

The Strategic Community Plan (Appendix 12.4.3a) was prepared and submitted to Council at the Ordinary Meeting held 29 November 2012.

COMMENT:

A notice advising that the plan was available for inspection by the public was displayed on the public notice boards in the district inviting comments from interested persons.

No submissions have been received and Council is now requested to formally Adopt the plan.

CONSULTATION:

Mr N Mitchell – Consultant

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan s made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
- (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to sub-regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.**
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

Guides the development of all other integrated planning requirements and preparation of the annual budget

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0326
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council Adopts the Strategic Community Plan as appended as Appendix 12.4.3

10.47am

CARRIED BY ABSOLUTE MAJORITY

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.4 MENZIES RAILWAY STATION

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	B/4/4
DISCLOSURE OF INTEREST:	None
DATE:	08 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.4a – Lease Agreement for old Railway Station

SUMMARY:

For Council to consider surrendering the lease agreement for the Menzies Railway Station that the Shire has with Westnet Rail.

BACKGROUND:

The Shire has, for many years, leased the old Menzies Railway Station from Westnet Rail and has subsequently subleased the premises to other third parties at different intervals.

The last lease agreement was signed with Westnet Rail in 2010.

COMMENT:

The Shire has enquired on a number of occasions about having the old Railway Station vested in the Shire but this proposal has not been received positively by Westnet Rail. It is unlikely, considering where the boundaries would lie, that this is ever likely to happen due to liability issues. As well, in the event that the iron ore industry does become a reality, Westnet Rail could quite possibly utilise the old station for their own purposes such as offices, etc.

Another factor affecting this building is that it is on the state register of Heritage Buildings. Under the legislation recently introduced, the owner of a state registered heritage building is responsible for ensuring that the building does not fall into a state of disrepair, there is expectation that the owner of the building will maintain the upkeep of the building. In the case of the railway station that the Shire currently leases, there could be some responsibility for the Shire to ensure that the building is maintained.

A tentative estimate to upgrade the building is in the vicinity of \$700,000 to 800,000. As well as Shire funds, grants would have to be applied for to carry out these works. One of the first requirements of any grant application is for the applicant to show details of ownership of the land on which the development is to take place. As this property is not under the ownership of the Shire, it could make the grant funding rather unlikely and it does not make sense to spend ratepayers funds on a building that they do not own.

As it is extremely improbable that the Shire will ever own the building coupled with the possibility that the Shire could be in some way responsible for the maintenance of the building, it is not appropriate that any Shire funds should be invested in the building. It would be more appropriate to terminate the lease and hand the building back to Westnet Rail as soon as possible thereby removing any liability that the Shire may have towards the building.

Termination of this lease is a simple matter of repudiating the agreement as in Clause 12.1(1). The termination may result in the Shire having to remove any additions or alterations to internal walls but should not be of a large expensive nature.

This would then leave the Shire clear to concentrate on the old Post Office. Now this is a building that the Shire does own and can be restored according to the conditions as dictated by the State Heritage Commission. This building is in a very poor state and already has an order placed on it by our Health Surveyor because of its condition.

The building, when restored, could be used as a museum to house many of the artefacts that are currently in storage. As the building currently has a caretaker, it would be appropriate that caretaker would remain in residence when the living quarters are upgraded. Estimates for the restoration of this building are around \$600,000 to \$700,000. As this was the first of its type of building in its day, it would receive quite a favourable response to any grant application.

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:

The termination of this lease may result in some costs but these are unknown at this time.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0327
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council:

- 1. Resolves to terminate the lease of the Old Menzies Railway Station currently held with Westnet Rail,**
- 2. Directs the Chief Executive Officer to begin investigating options for upgrading and funding to restore the old Menzies Post Office, and,**
- 3. Provides a report of these findings to the Ordinary Meeting of Council in July 2013.**

10.55am

CARRIED: 5/0

12.4.5	CONSTRUCTION OF PUBLIC TOILETS
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SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	B/4/8
DISCLOSURE OF INTEREST:	None
DATE:	20 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.5a – Quote from Landmark Engineering and Design Pty Ltd
Attachment 12.4.5b – Quote from Zarzal Pty Ltd
Attachment 12.4.5c – Map of main street

SUMMARY:

For Council to consider the quotations received to construct new public toilets and decide on a suitable location for these units.

BACKGROUND:

Council have for some time, recognised the need to provide new public toilets to replace the old and dilapidated units behind the town hall that are currently still in use.

Provision has been made in the 2012/2013 Budget to construct new public toilets.

COMMENT:

There are two quotations received (See Attachments 12.4.5a and 12.4.5b) for the supply and construction of public toilets.

While there is a significant variance between the two prices, they do represent two different types of construction. Both are aesthetically pleasing, one is more robust than the other and makes cleaning much simpler and effective. Both sits at the upper end of the price scale and one allows a surplus to be carried over into next year to include a multiuser unit at the war memorial park.

With the location of the new toilets, it is intended that the units be located down in the bottom corner of the sports playing field and fronting onto Shenton Street. This will also serve the new proposed water park to be positioned alongside the existing playground.

Water connection to this point has already been made and a power connection application has been submitted to Horizon Power.

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 has been made in the current budget for this item

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER'S RECOMMENDATION:

That Council Resolves:

1. To accept the quotation from Landmark Engineering and Design Pty Ltd for the supply and installation of public toilets as per their quotation (See Attachment 12.4.5a) of 20 March 2013 for the sum of \$59,790 plus GST, and,
2. That the toilets be located on Lot 1066 and in a position at the southwest corner of the playing field fronting onto Shenton Street.

COUNCIL DECISION:

NO: 0328

Moved Cr I Tucker

Seconded: Cr J Dwyer

That Council Resolves:

1. To accept the quotation from Landmark Engineering and Design Pty Ltd for the supply and installation of public toilets as per their quotation (See Attachment 12.4.5a) of 20 March 2013 for the sum of \$59,790 plus GST, and,
2. That the toilets be located on Lot 1066 and in a position at the southwest corner of the playing field fronting onto Shenton Street.
3. That the hinges and door hardware be heavy duty and that the door be metal clad.

REASON FOR CHANGE: Council wanted to ensure that the hinges were heavy duty and metal clad doors.

11.09am

CARRIED: 5/0

11.10am: Cr G Dwyer re-entered the meeting to participate as a Member, not as Chairperson

12.4.6	CONFIRMATION OF AGENDA ITEM – NOVEMBER 2012
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SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	25 March 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	
REFERENCE:	Item 11.4.5 of Ordinary Meeting of Council held 29 November 2012

ATTACHMENTS:

Attachment 12.4.6a – Letter from Department of Local Government

SUMMARY:

For Council to consider an addendum to the Confirmed Minutes of the Ordinary Meeting of Council held Thursday, 29 November 2012.

BACKGROUND:

At the Ordinary Meeting of Council held Thursday, 25 October 2012, Council were presented with an Agenda Item detailed "RECOGNITION OF SERVICE – ELECTED MEMBERS". As each Councillor declared a financial interest in this Item, it was not addressed. The CEO then wrote to the Minister for Local Government seeking special permission for the Council to address this Item.

Permission was given and a copy of that letter is appended as Attachment 12.4.6a

COMMENT:

That particular Agenda Item was represented to Council at the Ordinary Meeting on 29 November 2012 when the Policy Manual was reviewed in its entirety. The CEO provided each Councillor with a copy of the letter from the Department.

When the Agenda Item was presented at the meeting, each Councillor declared a financial interest in the Item. Following the declarations, the CEO then read out the copy of the letter to the Councillors present and those Councillors then proceeded to address the Item. When the Minutes of that Meeting were prepared, the Interest Declarations by the Councillors was noted but the Minutes did not record the conditions as approved in the letter from the Department.

Through the preparation of the Annual Compliance Return, this error was noted.

Council is now requested to approve that the conditions as stated in the letter be recorded in an addendum to be attached to the November 2012 Minutes.

CONSULTATION:

Mr Glen Bone – Consultant

Mr Andrew Borrett – Department of Local Government

Mr David Morris – Department of Local Government

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0329
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Moved: Cr C Bennell

Seconded: Cr J Dwyer

That Council approves an addendum be attached to the Minutes of the Ordinary Meeting of Council on 29 November 2012, confirming that:

“Approval for Councillors G Dwyer, J Dwyer, K Purchase, I Tucker and E Hansen to participate in the discussion and decision making procedures relating to this Item has been given by the Acting Manager Governance Department of Local Government under delegation of the Minister in correspondence dated 15 November 2012, subject to the following conditions:

- 1. The approval is only valid for the Meeting of Council held on 29 November 2012,**
- 2. The disclosing Members declare the nature and extent of their interest at the 29 November 2012 Council Meeting when this matter is considered together with the approval provided,**

- 3. The approval is only granted for the determination of this matter subject to the limitations placed upon such gifts under Regulation 34AC of the *Local Government (Administration) Regulations 1996*,**
- 4. The CEO is to provide a copy of the Department's letter advising of the approval to each declaring Member, and,**
- 5. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the Minutes of the 29 November 2012 Council Meeting when this matter is discussed".**

11.13am

CARRIED: 6/0

12.4.7	MINUTES OF ANNUAL ELECTORS MEETING HELD ON THURSDAY 31 JANUARY 2013
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SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	3 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.7a – Minutes of Electors Meeting 31 January 2013

SUMMARY:

For Council to receive the Minutes of the Electors Meeting of 31 January 2013

BACKGROUND:

The Annual Meeting of Electors of the Shire of Menzies was held on Thursday, 31 January 2013 and are appended as Attachment 12.4.7a

COMMENT:

The Annual Meeting of Electors held Thursday, 31 January 2013 did not attract any persons from the public.

No decisions were made at the meeting other than a number of suggestions for future consideration.

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.
- Section 5.33 – Provides for any decisions made at the electors meeting to be considered by Council.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0330
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Moved: Cr I Tucker

Seconded: Cr C Bennell

That Council Receives the Minutes of the Annual Meeting of Electors held Thursday, 31 January 2013 and note discussions regarding:

- a) Shire to continue to promote the Goldfields Cyclclassic, and,**
- b) Give consideration to sealing the first 50 metres of all roads leading onto the proposed upgrading to bitumen standard section of the Menzies Northwest Road in the vicinity of Lake Ballard.**

11.19am

CARRIED: 6/0

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.8 COUNCILLORS INFORMATION BULLETIN 02/13

SUBMISSION TO:	Ordinary Meeting of Council 24 April 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 03/13 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: 0331
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Moved: Cr. I.R. Tucker

Seconded: Cr. C. Bennell

That Council acknowledges receipt of Information Bulletin 03/13 for the period ended 31 March 2013.

CARRIED: 6/0

11.22am

12.4 MANAGEMENT AND POLICY BUSINESS

12.4.9 MINUTES OF ELECTORS MEETING 28 MARCH 2013

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	3 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 12.4.9a – Minutes of Electors Meeting 28 March 2013

SUMMARY:

For Council to receive the Minutes of the Electors Meeting of 28 March 2013

BACKGROUND:

The Annual Meeting of Electors of the Shire of Menzies was held on Thursday, 28 March 2013 and are appended as Attachment 12.4.9a

COMMENT:

The Annual Meeting of Electors held Thursday, 28 March 2013 did not attract any persons from the public.

No decisions were made at the meeting other than a number of suggestions for future consideration.

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.
- Section 5.33 – Provides for any decisions made at the electors meeting to be considered by Council.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0332
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council Receives the Minutes of the Annual Meeting of Electors held Thursday, 28 March 2013 and note discussions regarding:

- a) Interest in progressing water park
- b) Location of toilets additional required for truck drivers/parking current year to be near BBQ/water park

11.27am

CARRIED: 6/0

Item 15.1 and Item 15.2 were brought forward as Cr I Tucker had to leave the meeting at 12.00midday.

11.28am: CEO Peter Crawford declared a Financial Interest in the next two items as they refer to his contract of employment and he may benefit from any decisions made and left the meeting.

CEO Executive Assistant Daphne Crawford declared a Financial Interest in the next two items as she is the spouse of the CEO and may benefit from any decisions made and left the meeting.

11.28am Cr G Dwyer resumed the chair.

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council goes behind closed doors to discuss the confidential items.

11.28am

CARRIED: 6/0

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council come from behind closed doors.

11.50am

CARRIED: 6/0

11.50am: CEO Peter Crawford and CEO Executive Assistant Daphne Crawford returned to the room

Item 15.1

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No 0333
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That the Chief Executive Officer be permitted to use the Shire Vehicle, Toyota Land Cruiser 1 MN outside the state of Western Australia when on annual leave in August / September 2013, subject to him being responsible for all fuel costs whilst the vehicle is outside the state of Western Australia.

CARRIED: 6/0

Item 15.2

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	No 0334
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Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council endorses the salary package offered to Chief Executive Officer, Peter Crawford as an annual inclusive package of \$186,630 for 2012-13 with the contract amount being retrospective to the review date of 1 July 2012.

CARRIED: 6/0

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

Nil

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

COUNCIL DECISION:

NO: 0335

Moved: Cr J Dwyer

Second: Cr I Tucker

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

- 14.1 OVER THE HORIZON WORKSHOP**
- 14.2 MONTHLY FINANCIAL REPORT, MARCH 2013**
- 14.3 LIST OF ACCOUNTS PAID, MARCH 2013**
- 14.4 OLD MENZIES POLICE STATION BUILDING**
- 14.5 ADOPTION OF 2012/2013 FINANCIAL BUDGET**
- 14.6 THE VECTOR PROPOSAL FOR HEAVY HAULAGE FROM GWENDOLYN TO COOLGARDIE**
- 14.7 PROPOSAL TO IMPOSE DIFFERENTIAL RATES 2013-2014**

11.57am

CARRIED: 6/0

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

14.1 OVER THE HORIZON WORKSHOP

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Esperance
APPLICANT:	Shire of Menzies
FILE REF:	M/3/1
DISCLOSURE OF INTEREST:	None
DATE:	22 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.2 of Ordinary meeting of Council 28 March 2013

ATTACHMENTS:
None

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:
The following Item was presented at the Ordinary Meeting of Council held Thursday, 28 March 2013:

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

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2013
LOCATION:	Esperance
APPLICANT:	Shire of Menzies
FILE REF:	M/3/1
DISCLOSURE OF INTEREST:	<i>The author has an interest to the extent that he may be a beneficiary if the recommendation is Adopted.</i>
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.

COMMENT:

The matter was deferred to the April Meeting to provide the opportunity for any other Members to be authorised to attend the forum.

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

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0336
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Moved: Cr I Tucker

Seconded: Cr K Purchase

That Council approves the attendance at the Over the Horizon Forum in Esperance on 3 May 2013 by Councillors Greg Dwyer and Jill Dwyer and the Deputy Chief Executive Officer.

11.58am

CARRIED: 6/0

12.02pm: Cr I Tucker left the meeting

14.2 MONTHLY FINANCIAL REPORT

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM053
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	19 April 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:

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 31 March 2013

COMMENT:

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

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations – Regulation 34

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0337
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council acknowledges receipt of the Statement of Financial Activity and associated reports for the period to 31 March 2013.

12.06pm

CARRIED: 5/0

14.3 LISTING OF PAYMENTS MADE IN MARCH 2013

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	ADM053
DISCLOSURE OF INTEREST:	The author has no interest in this item
DATE:	19 April 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:

List of payments made to Creditors in March 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 March 2013 include cheques numbered 9622 to 9663 and direct payments totalling \$709,066.03.

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: 03380339
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Moved: Cr P Twigg

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 March 2013, including cheques numbered 9622 to 9663 and direct payments totalling \$709,066.03.

12.10pm

CARRIED: 5/0

14.4 OLD MENZIES POLICE STATION BUILDING

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Stratum Metals Limited
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	9 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	
REFERENCE:	None

ATTACHMENTS:

Attachment 14.4a – Letter from Stratum Metals Limited

SUMMARY:

For Council to consider an offer by Stratum Metals Limited to lease the old Menzies Police Station.

BACKGROUND:

Stratum Metals Limited (SXT) has recently acquired a large number of leases in and around the town of Menzies and has advised plans to mine the deposits in the near future. They have expressed an interest in leasing the old Menzies Police Station as accommodation and storage area for their staff and equipment (See Attachment 14.4a).

COMMENT:

SXT have inspected the premises and are quite happy with the building albeit they have expressed their intentions to carry out some upgrading and maintenance before they can occupy the building.

With regards the request:

- The rental figure offered is quite acceptable considering that the premises are in a fairly poor state facilities wise to support accommodation. The letter states an intent to carry out capital improvements and offset the costs against rent payments. This may need to be discussed further as to exactly what is proposed and at what cost, it may not fit in with what Council's long term plans are for the building.
- The request is for the initial lease for twelve months with an option to either purchase at the end that lease or extend the lease. It may not be a desirable outcome to consider selling the property due to the small number of Shire owned building assets in Menzies but a lease may be quite acceptable as Council then has some semblance of control over the agreement. If a lease

agreement was the preferred course of action, a residential lease agreement would be the most appropriate form of agreement.

- The storing of a sea container on the property would follow exactly the same procedures as for anyone else, ie, application for planning approval and a building permit would be a pre-requisite.

The proposal does need considerable discussion and whilst not a core duty of the Housing Committee, could be delegated to Chief Executive Officer and the Committee (in an advisory capacity) to investigate and report back to Council at the May Meeting on how this whole matter should be approached.

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'S RECOMMENDATION:	NO: 0340
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That Council directs the Chief Executive Officer to liaise with the Housing Committee regarding the request from Stratum Metals Limited and provide a report on the matter to the May Meeting of Council.

12.15pm

CARRIED: 5/0

14.5 ADOPTION OF 2012 / 2013 FINANCIAL BUDGET

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	B/3/1
DISCLOSURE OF INTEREST:	None
DATE:	4 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.4.7 of Ordinary Meeting 28 February 2013

ATTACHMENTS:

Attachment 14.5a – Order from the State Administration Tribunal
Attachment 14.5b – Letter from Department of Local Government granting permission to impose differential rates for the 2012/2013 Financial Budget.
Attachment 14.5c – Copy of 2012/2013 Budget Item

SUMMARY:

For Council to Re-Adopt the 2012/2013 Financial Budget.

BACKGROUND:

Some months ago, staff were alerted to the fact that the 2012/2013 Financial Budget had been Adopted without the permission from the Minister to impose differential rates.

Legal advice was sought and an application made to the State Administration Tribunal (SAT) to have the rates quashed.

COMMENT:

Appended as Attachment 13.5a is the order from the SAT quashing the rates. The next procedure was for permission to be granted by the Minister for Local Government to impose differential rates in the Menzies district. A letter from the Minister granting that permission is appended as Attachment 13.5b

It now remains for Council to formerly Adopt the 2012/2013 Budget under Section 6.3 of the *Local Government Act 1995* and re impose differential rates under Section 6.32(3)(b) of the *Act*.

CONSULTATION:

Ms Jenni Law and Mr Vern McKay – Department of Local Government
Mr Denis McLeod and Ms Melissa Ross – McLeods Barristers and Solicitors

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 6.2 – Requires a local government to prepare an annual budget by 31 August
- Section 6.16 – Allows a local government to impose and recover a fee or charge for goods or services it provides
- Section 6.32 – States that a local government may impose differential rates to make up a budget deficiency.
- Section 6.33(1) – Allows a local government to impose differential rates
- Section 6.33(3) – Requires that local government to obtain permission from the Minister prior to imposing differential rates more than twice the lowest differential rate imposed.

POLICY IMPLICATIONS:

Policy 3.5 – Budget Preparation, outline the process and timetable for setting The Budget and the striking of the rates prior to 31 August in that year.

FINANCIAL IMPLICATIONS:

In Adopting this 2012/2013 Budget, Council is clarifying the imposition of differential rates with Ministerial approval.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0341
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Moved: Cr K Purchase

Seconded: Cr J Dwyer

That Council:

1. **Notes that the State Administrative Tribunal has quashed the general rate imposed on 31 August 2012 in accordance with s 6.82 of the *Local Government Act 1995*, as the Shire of Menzies had not obtained Ministerial approval for the 'UV Mining' general rate under s 6.33(3) of the Act which was more than twice the lowest general rate (See Attachment 13.5a).**
2. **Adopts a budget for 2012/13 in accordance with section 6.3 of the Act, in the same form and manner as the annual budget adopted at the council meeting held on 31 August 2012 (Recorded as Item 11.4.1 and included as Attachment 11.4.1 to the minutes of that meeting, and tabled herewith as Attachment 13.5c).**

3. Notes that the Ministerial approval required for the 'UV Mining' general rate has now been obtained and in accordance with s 6.32(3)(b) of the Act imposes the following general rates and minimum payments (See Attachment 13.5b):

UV Rates

UV Pastoral and Other	\$0.0212
UV Mining	\$0.1235

Minimum Payments

UV Pastoral and Other	\$200.00
UV Mining	\$200.00

4. Notes that resolutions 2 and 3 above validate the general rate and minimum payments imposed for 2012/13 and as the amount yielded by the general rate to cover the budget deficiency of \$1,911,580 is unaltered, there is no effect on ratepayers.

12.16pm

CARRIED BY ABSOLUTE MAJORITY

14.6 THE VECTOR PROPOSAL FOR HEAVY HAULAGE FROM GWENDOLYN TO COOLGARDIE
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SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Vector Resources Ltd
FILE REF:	M/4/28
DISCLOSURE OF INTEREST:	None
DATE:	22 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 11.3.1 of Ordinary Meeting of Council 28 March 2013

ATTACHMENTS:

Attachment 14.6A – Letter from Vector Resources Ltd

SUMMARY:

For Council to consider the proposal from Vector Resources Ltd to upgrade the Evanston Menzies Road.

BACKGROUND:

This matter was presented at the ordinary Meeting of Council held Thursday, 28 March 2013 at which time Council authorised the Chief Executive Officer to negotiate with Vector Resources Ltd regarding their proposal to haul ore along the Evanston Menzies Road into Menzies as well as the upgrading of the Evanston Menzies Road.

COMMENT:

Mr Glyn Povey from Vector Resources Ltd (VEC) met with the CEO, the Manager Works and Services and our consultant Mr Bret Howson in Menzies on Wednesday, 10 April 2013 to discuss the proposal and determine the best course of action regarding their proposal that would also be agreeable to by Council.

Appended as Attachment 14.6A is a letter from VEC with a number of issues that were discussed at that meeting.

In general, the points in the letter:

1. This was agreed to be the responsibility of VEC to action.
2. This was agreed to be the responsibility of VEC to action
3. This was agreed to be the responsibility of VEC to action
4. This was discussed with the MWS and agreed to at the time. The Shire would need Regional Roads Group authority to reallocate the funds.
5. An application for Commodity Routes Funding would be submitted by our consultant for the Evanston Menzies Road.

Points 1, 2 and 3 are the sole responsibility of VEC to action providing that VEC supply the Shire of Menzies with copies of all approvals prior to final approval by Council.

A condition of Council approval would be that the use of engine brakes within one kilometre of the Menzies town boundary are only permitted during daylight hours but are absolutely prohibited during the hours of darkness.

Point 4 was discussed and was tentatively agreed to at the time. Our MWS was confident that he was able to carry out the works within the given time. However, since that time, one of our road crew staff has had to take a month off for medical reasons and another is on three weeks leave. This has had the effect of leaving him very short handed and little chance of carrying out the upgrading works.

The recommendation will be for VEC to use a contractor to carry out the works and for our consultant Bret Howson to oversee the upgrading to the CEO's satisfaction.

With regards the reallocation of Commodity Routes Funding. This will firstly have to be approved by Council and then, a submission forwarded to the Regional Roads Group for their permission to prior to any funds being expended. While the RRG would generally agree to Council's request via an "out of session" process, it will still have to go through the approvals corridor which may take some time. There is also an Industry Contribution to support this funding which would have to be at cost to VEC.

Point 5 deals with future grants which would not be approved for drawing on until July 2014 as all projects for the 2013/2014 works program are already itemised. Currently, there is a Commodity Route Funding application approved for the Evanston Menzies Road in the next works program (2013/2014) for \$350,350 which is comprised of:

Commodity Routes Supplementary Funds	\$233,567
Local Government Contribution	\$11,678
Industry Contribution	<u>\$105,105</u>
	<u>\$350,350</u>

Roads to Recovery funding for the current program is already committed to the Menzies Northwest Road in conjunction with a State Black Spot project so cannot be reallocated. No RRG funds are allocated to the Evanston Menzies Road for this next financial year.

CONSULTATION:

Mr Glyn Povey – Vector Resources Limited
Mr Brian Howson – Manager Works and Services
Mr Bret Howson – Engineering consultant

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None other than current Budget allocations

STRATEGIC IMPLICATIONS:

Will ensure that the road infrastructure does not fall into disrepair during the haulage period.

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0342
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Moved: Cr P Twigg

Seconded: Cr J Dwyer

That Council Approves, subject to Vector Resources Ltd agreeing to the following conditions in writing:

- 1. That Vector Resources Ltd engage a reputable organisation to conduct a safety audit on the intersection (on the southern end of the Menzies town site) of the Goldfields Highway and an existing bypass road and submit that audit to Main Roads Western Australia for their approval,**
- 2. That Vector Resources Ltd seek and gain approval from the current owner of that bypass road prior to Vector Resources Ltd's use of the road for haulage,**
- 3. That Vector Resources Ltd be responsible for engaging an authorised agent to conduct an assessment of the Evanston Menzies Road to determine the RAV rating of that road and submit that assessment to Main Roads Western Australia for their approval,**
- 4. That the surplus monies allocated to the Lake Barlee Road from the Commodity Routes Supplementary Funds program be reallocated to the Evanston Menzies Road and approval be sought from the Regional Roads Group for this purpose,**
- 5. That the Shire, upon being advised on any Regional Roads Group surplus funds, make application for a portion of those funds to be allocated to the Evanston Menzies Road providing that Vector Resources Ltd makes a matching contribution,**
- 6. That Vector Resources Ltd be advised that they must engage a private contractor to carry out the proposed upgrading of the Evanston Menzies Road and that Mr Bret Howson be appointed to oversee the upgrading,**

- 7. That Vector Resources Ltd be advised that the use of engine brakes by their haulage company are only permitted within one kilometre of the Menzies town site during the hours of daylight, and,**
- 8. That Vector Resources Ltd provides Council with copies of reports from items 1, 2, and 3 above before final approval for this haulage route be considered.**

12.25 pm

CARRIED: 5/0

14.7 PROPOSAL TO IMPOSE DIFFERENTIAL RATES 2013-14

SUBMISSION TO:	Ordinary Meeting of Council, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/2/10
DISCLOSURE OF INTEREST:	Nil
DATE:	17 April 2013
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	

ATTACHMENT:

Attachment 14.7a - Objects and Reasons for adoption of differential rating

SUMMARY

This item is to seek Council endorsement of the proposal to impose differential rates for the 2013-14 Financial Year.

BACKGROUND:

There is provision under the Local Government Act 1996 to impose differential rates within its boundaries and in considering this imposition, there are certain statutory obligations that the local government must comply with.

- Before any consideration to its Budget, the local government is required to give local public notice of its intention to impose differential rates,
- The local government must provide information of each new rate or minimum payment,
- Electors or rate payers are invited to make submissions in respect of the proposed rate or minimum payment. This submission period must be for a minimum of 21 days.

COMMENT:

Since 2008-09 Council's rate increases have been kept to a minimum and no increase was put in place for in 2011-12 or 2012-13. Benchmarks that many local governments use to assess the overall increase in the cost of providing municipal services is the Local Government Cost Index (LGCI) as developed by WALGA and the CPI which includes all costs associated with that delivery of services that the CPI does not take into consideration such as isolation factors, freight charges, access issues and many more. The LGCI for 2013-14 is estimated at 3.25% and Perth CPI at around 3%.

The rate modelling for the financial year 2013-14 is proposed as follows:

AREA	VALUATION	2012-13	2013-14 Proposed	% change
Menzies	GRV	6.14c/\$	6.52c/\$	6.1% (2% per annum over 3 years)

Townsite				
Mining Sector	UV	12.35c/\$	12.68c/\$	2.7% (VGO valuations have increased)
Kookynie Townsite	GRV	6.14c/\$	6.52c/\$	6.1% (2% per annum over 3 years)
Pastoral	UV	2.12c/\$	2.25c/\$	6.1% (2% per annum over 3 years)
Minimums (All Cat)	Minimum	\$200	\$220	10% (3.25% per annum over 3 yrs)

	2012-13 Budget	2012-13 Actual to 31.03.13	2013-14
GRV	37,188	61,543	68,434
UV – Pastoral & Other	33,024	82,485	52,588
UV – Mining	1,888,496	2,156,094	2,289,477
Total Rates	1,961,580	2,300,122	2,357,912
Less Write-offs	(\$50,000)	(\$96,665)	(\$100,000)
Net Total rates	\$1,911,580	\$2,203,457	\$2,257,912

In determining rate in the dollar charges the 2012-13 charges of neighbouring shires is also a factor. Some of these are listed below:

	GRV c/\$	GRV MIN	UV General	UV Min.	UV Mining	UV Min.
Coolgardie	8.88	530	4.44	530	16.96	353
Cue	9.15	300			26	300
Dundas	11.976	305	3.582	305	11.6904	305
Laverton	8.8482	250			12.8672	250
Leonora	5.8			267	12.8	267
Mount Magnet	8.8144	360			27.265	408
Sandstone	5.25	200	5.25	285	24.75	285

While the modelling indicates an overall increase in revenue of around 18% from 2012-13 to 2013-14, the increase is almost entirely due to additional mining tenements and comparison with actual revenue to 31 March 2013 reflects only a marginal increase. The number of mining tenements has increased from 1564 to almost 2,000 and the value of those tenements has increased from \$14,962,546 to \$17,148,658. It is as a result of these increases that the rate in the dollar for mining tenements has been increased only slightly. Given the volatility in mining at present it is difficult to predict what 2013-14 will bring so a provision for rate write-off has been set at \$100,000.

The final amount raised from rates may vary as a result of changes in valuations before rates are calculated but this is expected to be minimal.

Should Council Adopt the recommendation, the proposal will have to be advertised publicly for a period of 21 days (advising that a copy of the Objects and Reasons for the proposal is available) inviting submissions from the general public. Council must

then consider any submissions received before making application to the Minister for approval.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

The Local Government Act 1995

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics—*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;*
 - (b) *a purpose for which the land is held or used as determined by the local government;*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
 - (2) *Regulations may—*
 - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
 - (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
 - (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*
-
- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
 - (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
 - (3) *A notice referred to in subsection (1) —*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) *is to contain —*
 - (i) *details of each rate or minimum payment the local government intends to impose;*

- (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
- (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
 - (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

POLICY IMPLICATIONS:

Council has no specific policy in relation to this matter

FINANCIAL IMPLICATIONS:

Financial management standards in relation to the delivery of Council services

VOTING REQUIREMENTS:

Simple Majority Decision required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0343
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Moved: Cr J Dwyer

Seconded: Cr P Twigg

That Council:

1. **Imposes differential rates in the 2013-14 Financial year as follows:**

AREA	VALUATION	PROPOSED 2012/13
Menzies Townsite	GRV	6.14c/\$
Mining Sector	UV	12.68c/\$
Kookynie Townsite	GRV	6.14c/\$
Pastoral	UV	2.25c/\$
Minimums (All Cat)	Minimum	\$220

2. **Requests the Minister for Local Government to approve an application for the imposition of differential general rates in accordance with Section 6.33 (3) of the Local Government Act 1995**

12.48pm

CARRIED: 5/0

14.8 CLARIFICATION OF APPOINTMENT OF AUDITOR FOR 2012-13

SUBMISSION TO	Ordinary Council Meeting, 24 April 2013
LOCATION:	Shire of Menzies
APPLICANT:	Rose Jones, Deputy Chief Executive Officer
FILE REF:	A/7/1
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	23 April 2013
AUTHOR:	Rose Jones, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

ATTACHMENTS:

Attachment 14.8a – Item from minutes of 28 March 2013

SUMMARY

Council is required to appoint a person and not an entity as its auditors.

BACKGROUND:

At the Ordinary Council meeting in March 2013 Council appointed Travis Bate as auditor. Travis was appointed on the basis of a quotation received from RSM Bird Cameron.

COMMENT:

On the basis of the Council resolution correspondence was forwarded to Bird Cameron appointing Travis as auditor for 2012-13. Subsequently, closer examination of their audit proposal reveals that the Audit Partner in Simon Cubitt and Travis Bate is to be the Audit Manager and the person through whom the audit will be conducted. In order to endorse the contractual arrangement between the Shire and Simon Cubitt it is necessary to amend the original resolution.

CONSULTATION:

Peter Crawford, CEO
Travis Bate, RSM Bird Cameron

STATUTORY ENVIRONMENT:

Local Government (Financial Management Regulations 1966) Regulation 6.
Local Government Act 1995 – Part 7 Auditors

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Provision has been made in Council's budget for 2012-13 for Audit Services.

VOTING REQUIREMENTS:

Absolute Majority required

COUNCIL DECISION/OFFICER'S RECOMMENDATION:	NO: 0344
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Moved: Cr J Dwyer

Seconded: Cr K Purchase

That item 3 of Resolution Number 0315 of 28 March 2013 Ordinary Meeting of Council be amended to read as follows:

“Confirms the appointment of Simon Cubitt of RSM Bird Cameron as Auditor for the Shire of Menzies for 2012-13 at a fixed price of \$21,646 (incl GST) and that he also be appointed to undertake the Financial Management Review at a fixed price of \$13,860 (incl GST) plus travel, accommodation and incidentals

12.49pm

CARRIED: 5/0

16. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday 30 May 2013 at the offices of the Tjuntjuntjara Community.

17. CLOSURE OF MEETING

The Chairperson closed the meeting at 12.52pm.

18. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 24 April 2013 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 27 June 2013.

Signed _____

Dated: _____ 2013