



MINUTES

**FOR THE ORDINARY MEETING
OF COUNCIL**

**COMMENCING AT 10.06AM
THURSDAY 27 SEPTEMBER 2012 AT
TJUNTJUNTJARA COMMUNITY**

SHIRE OF MENZIES



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SHIRE OF MENZIES

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**MINUTES FOR ORDINARY MEETING OF COUNCIL HELD AT TJUNTJUNTJARA
COMMUNITY ON THURSDAY 27 SEPTEMBER 2012 COMMENCING AT 10.06AM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr Gregory Dwyer) declared the meeting open at 10.06am, 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 P J Twigg	Deputy President
Cr C Bennell	Councillor
Cr J A Dwyer	Councillor
Cr C K Purchase	Councillor (by electronic means)
Cr I R Tucker	Councillor

Staff:

Mr N P Crawford	Chief Executive Officer
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3.2 ABSENT:

Cr D Hansen

3.3 APOLOGIES

Ms R Jones	Deputy Chief Executive Officer
Mrs D Crawford	Executive Assistant to the CEO

3.4 LEAVE OF ABSENCE PREVIOUSLY APPROVED

None

Resolution – Moved Cr J Dwyer

Seconded Cr Tucker

That Councillor K Purchase attend the meeting via electronic means from the Shire of Menzies office

Carried 5/0

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 31 AUGUST 2012

VOTING REQUIREMENTS:
Simple majority decision required

COUNCIL DECISION/OFFICER RECOMMENDATION

No: 0217

Moved C P Twigg

Seconded Cr C Bennell

**That the minutes of the Ordinary Meeting of council held on 31 August 2012
be confirmed as a true and accurate record**

Moved 6/0

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

None

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None

10.1 PRESIDENT'S REPORT – TABLED AT THE MEETING

The President advised that he did not have a report prepared but did have a meeting with Mr J Phillips – MACARTHUR Mines and Mr T Crook from the National Party during the past month.

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 HELD THURSDAY, 20 SEPTEMBER 2012
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10.17 am *The Deputy Chief Executive Officer Ms Rose Jones attended the meeting by teleconference to provide Council with an explanation regarding the list of accounts for payments*

SUBMISSION TO:	Ordinary Meeting of Council, Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/11
DISCLOSURE OF INTEREST:	The author has no interest in this matter.
DATE:	20 September 2012
AUTHOR:	Rose Jones, Manager Corporate Services
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.2.1a – Minutes of Audit Committee Meeting held Thursday 20 September 2012

SUMMARY:

For Council to consider receiving the Minutes of the Audit Committee Meeting held Thursday, 20 September 2012

BACKGROUND:

The Meeting of the Audit Committee was held Thursday, 20 September 2012, attached as Attachment 11.2.1a are the Minutes of that Committee Meeting.

COMMENT:

At that Meeting, the Audit/Finance Committee considered the following Items:

- 5.1 Financial Statements and Reports to 31 July 2012
- 5.2 Accounts for Payment to 31 July 2012

- 5.3 Appointment of Auditor for 2011- 2012

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:

Any impact will be provided for in the 2012/2013 Financial Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required for Items 5.1 and 5.2

Absolute Majority Decision required for Item 5.3

OFFICER RECOMMENDATION

Moved:

Seconded:

That Council receives the Minutes of the Audit Committee Meeting held Thursday, 20 September 2012 and that the Committee Recommendations contained therein:

Confirmation of Minutes of Audit Committee Meeting 17 July 2012

- 5.1 Financial Statements and Reports to 31 July 2012
- 5.2 Accounts for Payment to 31 July 2012
- 5.3 Appointment of Auditor for 2011- 2012

be Adopted as a Resolution of Council.

COUNCIL DECISION

No: 0218

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council receives the Minutes of the Audit Committee Meeting held Thursday, 20 September 2012 and that the Committee Recommendations contained therein:

Confirmation of Minutes of Audit Committee Meeting 17 July 2012

- **5.1 Financial Statements and Reports to 31 July 2012**
- **5.2 Accounts for Payment to 31 July 2012**

be Adopted as a Resolution of Council.

Carried: 6/0

COUNCIL DECISION

No: 0219

Moved: Cr I Tucker

Seconded: Cr J Dwyer

That Council receives the Minutes of the Audit Committee Meeting held Thursday, 20 September 2012 and that the Committee Recommendations contained therein:

- **5.3 Appointment of Auditor for 2011- 2012**

be Adopted as a Resolution of Council.

Carried: Absolute Majority

10.30 am *The Deputy Chief Executive Officer Ms Rose Jones left the Meeting*

11.3 WORKS AND SERVICES BUSINESS

11.3.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	F/1/1
DISCLOSURE OF INTEREST:	None
DATE:	4 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:
None

SUMMARY:

For Council to consider appointing Mr Brian Howson, Manager Works and Services as the Chief Bush Fire Control Officer and Mr Peter Crawford, Chief Executive Officer as the Deputy Chief Bush Fire Control Officer.

BACKGROUND:

A local government may appoint a person as the Chief Bush Fire Control Officer and may also have two or more persons as Deputy Chief Bush Fire Control Officers respectively.

COMMENT:

It is practical that Mr Howson assume the role as Chief Bush Fire Control Officer as he is continuously roving across the whole Shire in the course of his duties. This fact ensures that he is more familiar with the locations where any bush fires may start.

The Deputy Chief Bush Fire Control Officer will act as a back up in the event that Mr Howson is unavailable at any time.

CONSULTATION:

Mr Brian Howson – Shire of Menzies

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

Bush Fires Act 1954

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

There are no implications as a result of this recommendation

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0220

Moved: Cr C Bennell

Seconded: Cr I Tucker

1. 0221 of 27 September 2012

Carried: 6/0

11.3.2 GRID REPLACEMENT ON YARRI ROAD

SUBMISSION TO:	Ordinary Meeting of Council, Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	R/4/46
DISCLOSURE OF INTEREST:	None
DATE:	19 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.3.2a – Email from Menangina Station Manager and photos of grids

SUMMARY:

For Council to consider the replacement of two grids on the Yarri Road.

BACKGROUND:

An approach has been made from the Manager of Menangina Station to our Manager Works and Services to have a number of grids on the Yarri Road cleaned out (See Attachment 11.3.2a). These are the two grids immediately north of the intersection with the Cranky Jack Road.

The station has renewed fences on either side of the existing grids and is stocking up on cattle numbers as well as sheep. The grids are full of materials, some have bent and broken rails and are unserviceable at the moment.

COMMENT:

The Manager Works and Services inspected the site with the Station Manager and has measured up the grids to source replacement segments. However, it was noticed that the grids are only 2.7 metres wide giving an overall carriageway width of 5.4 metres.

This is too narrow for the vehicles using the road and does present some safety concerns considering that over width vehicles regularly use the road.

Inspections of the two grids in question reveal that when the grid segments are removed, it is almost certain that they will be rusted out to the extent that they need to have new segments made and inserted. As the mould will be only 2.7 metres wide, it is not possible to widen the existing grids.

There are two new complete grids in the depot that were purchased some time ago and have not been used. These grids can be used to replace the existing grids and will conform to the guidelines in Council Policy 7.4 in that any new grids must be a minimum of 8 metres in width.

It will be recommended that these grids be used to replace the existing grids on the Yarri Road. The fencing either side of the grid has been renewed with stock proof materials and the grid segments are pre fabricated, both conditions which conform to Policy 7.4.

Other grid cleaning will be provided for under roads maintenance allocation.

CONSULTATION:

Mr B Howson – Manager Works and Services, Shire of Menzies
Mr G Dwyer – Riflepoint Contractors

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:

Shire of Menzies Policy 7.4 – Describes the various conditions relating to grid replacement.

FINANCIAL IMPLICATIONS:

Would be provided for in the general roads maintenance budget

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0221

Moved: Cr J Dwyer

Seconded: Cr P Twigg

That Council approves the replacement of the two grids on the Yarri Road as recommended above.

Carried: 6/0

11.4 MANAGEMENT AND POLICY BUSINESS

Crs Greg Dwyer and Cr Jill Dwyer declared a financial interest in this Item to the extent that they may be a recipient of the decision of Council and left the Meeting at 9.54 am

The Chief Executive Officer declared a financial interest in this Item to the extent that he may be a recipient of the decision of Council

11.4.1	2012 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS
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SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	L/11/1
DISCLOSURE OF INTEREST:	The author has an interest to the extent that he may be a recipient of this Item.
DATE:	14 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.1a – Letter from the Australian Local Government Association

SUMMARY:

For Council to consider having the Shire of Menzies represented at the 2012 National Local Roads and Transport Congress in Hobart by the Shire President and Chief Executive Officer.

BACKGROUND:

Each year, the Australian Local Government Association hosts the National Local Roads and Transport Congress at a major venue throughout Australia.

The congress is all about local government's involvement in road networks and what influences are being impacted on the local governments both from a physical side as well as funding wise.

This year, the congress is being held in Hobart, Tasmania.

COMMENT:

The National Local Roads and Transport Congress is beneficial to all local governments as it is the only gathering where a broad vision can be gained from how other local governments across Australia deal with similar type issues. Everyday problems occur in respect to road funding, land and materials access, weather impact, traffic patterns, bureaucracy, red tape and the congress is where local governments can collectively discuss and learn of other types of solutions.

Of particular interest will be how other small rural local governments faced the challenges of providing road access to projects such as the iron ore deposits in the Menzies Shire.

Also important this year is the announcement of the next phase of the Nation Building Program and the policies of the respective political parties in the lead up to the next federal election.

The CEO, Cr J Dwyer and Cr G Dwyer declared a financial interest and left the room at 9.54am. They returned to the room at 9.50am.

CONSULTATION:

Institute of Public Works Engineers Australia
Australian Road Research Board

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:

Provision for any expenses would be available in the Budget

STRATEGIC IMPLICATIONS:

Will assist in providing Council with the latest information relative to roads and proposed changes to funding policies from future governments

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0222

Moved: Cr I Tucker

Seconded: Cr C Bennell

That Council:

- 1. Appoints the Shire President and Chief Executive Officer as delegates to attend the 2012 National Roads and Transport Congress in Hobart on behalf of the Shire of Menzies,**
- 2. That provision be made for the President and Chief Executive Officer's partners to accompany them, and,**
- 3. That the President and Chief Executive Officer provide detailed reports to Council on their return of the benefits of attending the Congress.**

Carried: 4/0

9.50 am – Crs Greg Dwyer and Jill Dwyer returned to the Meeting

11.4.2	MINUTES OF GVROC MEETING HELD WEDNESDAY 30 AUGUST 2012
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SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	W/1/3
DISCLOSURE OF INTEREST:	None
DATE:	14 August 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.2a – Minutes of GVROC Meeting held Thursday 30 August 2012

SUMMARY:

For Council to receive the Minutes of the Meeting of the Goldfields Voluntary Regional Organisation of Councils held Thursday, 30 August 2012

COMMENT:

Meeting of the GVROC group was held in Perth on Thursday, 30 August 2012 by teleconference

The Minutes of that Meeting are appended as Attachment 11.4.2a

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

There are no financial implications in relation to this matter

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0223

Moved: Cr J Dwyer

Seconded: Cr I Tucker

**That Council receives the Minutes of the GVROC Meeting held Thursday,
30 August 2012**

Carried 6/0

11.4.3 USE OF THE COMMON SEAL

SUBMISSION TO:	Ordinary Meeting of Council 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	H/4/1
DISCLOSURE OF INTEREST:	None
DATE:	
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Minute 11.4.6 of the Ordinary Meeting of Council held Friday, 31 August 2012

ATTACHMENTS:

Appendix 11.4.3a– Financial Assistance Agreement - Royalties for Regions

SUMMARY:

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

BACKGROUND:

Council is a recipient to the receiving of funding from Royalties for Regions Projects through the Country Local Government Funds administered by the Department of Regional Development.

At the Ordinary Meeting of Council held Friday, 31 August 2012, Council approved a review to the Five Year Forward Capital Works Plan to construct two new houses for Shire staff. The bulk of the cost of this project will be funded from Royalties for Regions.

COMMENT:

One of the Department of Regional Development's requirements is that a Financial Assistance Agreement be signed and the Common Seal affixed to the document prior to any funding being released.

In readiness for tenders being called for the supply of staff housing, Council is being asked to permit the Common Seal be affixed to this document in order for funding to be released

CONSULTATION:

Ms Linda Leonard – Department of Regional Development

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Provision has been made in the Budget for this Item.

STRATEGIC IMPLICATIONS:

Will increase the housing numbers in Menzies.

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0224

Moved: Cr J Dwyer

Seconded: Cr C Bennell

That Council authorises the Shire President and the Chief Executive Officer to affix the Common Seal to the Financial Assistance Agreement with the Department of Regional Development.

Carried: 6/0

11.4.4	MINUTES OF HOUSING COMMITTEE MEETING	13
	SEPTEMBER 2012	

SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/11
DISCLOSURE OF INTEREST:	None
DATE:	17 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Minute 11.4.2 of the Ordinary Meeting of Council held Friday 31 August 2012

ATTACHMENTS:

Attachment 11.4.4a – Minutes of Housing Committee Meeting held 13 September 2012

SUMMARY:

For Council to receive the Minutes of the Housing Committee Meeting held Thursday, 13 September 2012.

BACKGROUND:

At the ordinary meeting of Council held Friday 31 August 2012, Council authorised the establishment of a Housing Committee to assist with specifications and monitor construction of proposed new staff housing.

That Committee held its first Meeting on Thursday, 13 September 2012. Appended as Attachment 11.4.4a are the Minutes of that Meeting

COMMENT:

The Committee Members were supplied with a set of draft specifications for housing with which to select the most suitable application to the Menzies situation.

There is a pressing need for Council to progress this matter through the tender process and appoint a company to supply the housing. While there appears to be a slight downturn in the housing market at present, this does not automatically guarantee that

the supply time for the new housing will be any less as many orders are still to be filled by the builders.

The Committee will assist in determining the most suitable aspects of the draft specifications. To this extent, it will be recommended that Council approve the calling of tenders as soon as this process has been developed to enable the process to begin. The selection criteria should also, at this time, be determined as this criteria is what the evaluation panel will use to assess the tenders received.

CONSULTATION:

Ms Cheryl Dogru - WALGA
Shire of Menzies Housing Committee

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION

No: 0225

Moved Cr P Twigg

Seconded: Cr I Tucker

That Council:

- 1. Receives the Minutes of the Housing Committee held Thursday, 13 September 2012 and that the Committee Recommendations as contained therein be Adopted as resolutions of Council,**
- 2. Approves the calling of Tender 09/12 – Supply of 3 x Two Bedroom Houses,**
- 3. Authorises the Chief Executive officer to approve the specifications for Tender 09/12 – Supply of 3 x Two Bedroom Houses, and,**
- 4. Adopts the following selection criteria to be used for the evaluation of Tender 09/12 – Supply of 3 x Two Bedroom Houses.**

ITEM	CRITERIA	WEIGHTING
A	Organisation Capabilities	25
B	Personnel	15
C	Performance	20
D	Design	20
E	Pricing	20
	TOTAL	100

Carried: 6/0

11.4.5 COUNCILLORS INFORMATION BULLETIN 8/12

SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	C/9/2
DISCLOSURE OF INTEREST:	None
DATE:	19 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Nil

SUMMARY:

For Council to receive the Information Bulletin.

BACKGROUND:

The Information Bulletin 8/12 containing general and confidential information was previously circulated to Councillors.

COMMENT:

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

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

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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

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

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

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

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0226

Moved Cr J Dwyer

Seconded Cr C Bennell

That Council acknowledges receipt of Information Bulletin 8/12 for the period ended 31 August 2012.

Carried 6/0

Crs Twigg and Bennell advised that they had not received their copy of the Information Bulletin, the CEO will investigate and advise the reason for this happening.

The President deferred this Item until later in the meeting to allow a representation from Tjuntjuntjara to address the meeting.

11.20 am ***Mr Mike Brewer, Regional Manager from the Department of Sport and Recreation and Mr Liam Byrne, Community Development Officer from the Tjuntjuntjara Community attended the Meeting to speak on behalf of this request for funding.***

11.44am ***Item was addressed by Council***

11.4.6	REQUEST FOR FUNDING – TJUNTJUNTJARA COMMUNITY
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SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/6/1
DISCLOSURE OF INTEREST:	None
DATE:	17 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Attachment 11.4.6a – Request from Tjuntjuntjara Community

SUMMARY:

For Council to consider the request for funding from the Tjuntjuntjara Community.

BACKGROUND:

An email has been received from the Tjuntjuntjara Community seeking “in principal support” of approximately \$40,000 which would shore up the shortfall in an application to various other funding bodies for sporting infrastructure at the community (See Attachment 11.4.6a)

COMMENT:

The Community is submitting applications to a number of bodies for funding for the infrastructure and is seeking “in principal support” from Council for the shortfall which is approximately \$40,000.

At this point in time, there does not appear to be any reason not to support the request in principal, subject to the application for funding assistance meeting the necessary criteria and providing substantial details when Budget deliberations are being conducted next year.

CONSULTATION:

Ms Fiona Pemberton - General Manager PTAC.

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 implications for this matter would be subject to Budget approval next year.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER’S RECOMMENDATION:

That Council:

1. **Provides in principal support at this time to the request from the Tjuntjuntjara Community for funding of approximately \$40,000 for a sporting project in the 2013/2014 financial year, and,**
2. **Gives further consideration for funding in the 2013/2014 Budget will be subject to the Community providing all necessary details of the project to allow Council to deliberate the matter further at that time.**

COUNCIL DECISION	No: 0231
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Moved Cr J Dwyer

Seconded: Cr I Tucker

That Council:

- 1. Provides support for the concept of a Rage Cage application to various funding bodies, and,**
- 2. Gives further consideration for funding in the 2013/2014 Budget will be subject to the Community providing all necessary details of the project to allow Council to deliberate the matter further at that time.**

Carried: 6/0

Reason for Change: Council did not agree with the use of the wording “In principle support” as this did not signify indicate any definitive action on their behalf.

(Please note correction of spelling ‘in principle’)

11.50am Cr K Purchase left the Meeting

12.02 pm Mr Brewer and Mr Byrne left the Meeting.

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

None

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

Moved Cr J Dwyer

Seconded Cr I Tucker

That Council Agree to consider the following Items of late business:

- 13.1.1 CEO Performance Review**
- 13.1.2 Tender 10/12 Supply of Plant Hire**
- 13.1.3 Tender 11/12 Supply and Installation of Brick paving for Menzies Main Street**
- 13.1.4 Variation to Tender 05/11 Design and Construction of Two (2) liquid Waster Evaporation Basins**

Carried 6/0

13.1.1 CEO PERFORMANCE REVIEW

SUBMISSION TO:	Ordinary Meeting of Council Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	S/4/4
DISCLOSURE OF INTEREST:	The author expresses an interest in this item to the extent that he may benefit from any action arising out of this matter
DATE:	24 September 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 9.1 of Special Meeting of Council held Wednesday, 6 June 2012.

ATTACHMENTS:

None

SUMMARY:

For Council to appoint an interview panel to assess the CEO's performance after a three months probationary period.

BACKGROUND:

The author commenced duties as the Chief Executive Officer on 28 June 2012 under a four year contract of employment.

As a three months probationary period has now been completed, Council must decide whether to make the appointment permanent and to carry out a review of the remuneration package as per the Resolution of the Special meeting of Council held Wednesday, 6 June 2012.

COMMENT:

Council, in order to make a decision on the permanent appointment and the remuneration package, should appoint a working group to conduct these activities and for that panel to report back with recommendations to the Ordinary meeting of Council in October 2012.

The CEO will be available to meet with the panel at the panel's convenience.

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:

Some implications may impact on Council but should be contained within the current Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority Decision required

OFFICER RECOMMENDATION

That Council appoint a working group comprising of Crs _____, _____ and _____ to carry out an assessment of the CEO's performance to date and to make recommendation to Council on:

1. Appointing the Chief Executive Officer to permanent status in accordance with the conditions of his contract of employment, and,
2. Details of a review of the Chief Executive Officer's remuneration package.

COUNCIL DECISION

No: 0227

Moved: Cr P Twigg

Seconded: Cr I Tucker

That Council appoints a working group comprising of all Councillors who can be available on the day, to carry out an assessment of the CEO's performance to date and to make recommendation to Council on:

3. Appointing the Chief Executive Officer to permanent status in accordance with the conditions of his contract of employment, and,
4. Details of a review of the Chief Executive Officer's remuneration package.

Carried: 6/0

Reason for Change – Council wanted to ensure that all councillors had the opportunity to be on the working group

13.1.2 TENDER 10/12: SUPPLY OF PLANT HIRE
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SUBMISSION TO:	Ordinary Meeting of Council, Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/3/3
DISCLOSURE OF INTEREST:	None
DATE:	28 August 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 9.6 of the Ordinary Meeting of Council held Friday, 30 March 2012

ATTACHMENTS:

None

SUMMARY:

For Council to approve the calling of tenders for the supply of plant hire.

BACKGROUND:

Tender 03/11 – Hire of Plant and Services was awarded to Gary Miller grading P/L and Hamptons Transport Services P/L at the Ordinary Meeting of Council held Friday, 30 March 2012.

This tender is to allow the Shire to utilise contractors to complement the Shire plant on their road works when extra assistance is required.

COMMENT:

Gary Miller Grading and Hampton Transport Services have both indicated that they are unable to assist the Shire due to either ill health or prior commitments.

It is intended to terminate their contracts under Clause 2.1 of the Specifications and Clauses 11.1 and 11.2 of the General Conditions of Services. Neither party has been proactive in supplying their services to the Shire of Menzies.

The new tender will also make provision of the following two items:

- All machines to be self sufficient in regards to refuelling and camping

- A special price for a maintenance grading package

Council will also need to approve the selection criteria and appoint a selection panel to assess the tenders when received.

CONSULTATION:

Mr Bret Howson – HOWSON Management

Mr Brian Howson – Manager Works and Services, Shire of Menzies

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine 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 (Functions and General) Regulations 1996

Regulation 11A – States that a local government must adopt a policy that details requirements and procedures when calling tenders

Regulation 11 – States the criteria when tender must be called

POLICY IMPLICATIONS:

Shire of Menzies Policy 2.5 – details the process regarding the calling of tenders

FINANCIAL IMPLICATIONS:

As this is an ongoing contract, provision has been made in the budget for this matter.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0228

Moved: Cr C Bennell

Seconded: Cr J Dwyer

That Council:

1. Approves the calling of Tender 10/12 – Supply of Plant Hire
2. Appoints Cr G Dwyer and Cr I Tucker, Mr Bret Howson (Howson Management) and Mr Brian Howson (Manager Works and Services) to the selection panel,
3. That the selection panel meets at 10.00 am on Wednesday, 17 October 2012 to assess the tenders received, and,
4. That the following Selection Criteria be applied to tender 10/12 – Supply of Plant Hire

CRITERIA	WEIGHTING
Pricing	70
Availability, machinery condition, staff competency	15
References	15
TOTAL	100

Carried: 6/0

13.1.3	TENDER 11/12 SUPPLY AND INSTALLATION OF BRICK PAVING FOR MENZIES MAIN STREET
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SUBMISSION TO:	Ordinary Meeting of Council, Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	T/3/3
DISCLOSURE OF INTEREST:	None
DATE:	28 August 2012
AUTHOR:	Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

For Council to approve the calling of tenders for further upgrading of the main street in Menzies.

BACKGROUND:

The main street in Menzies has been in the process of being upgraded for several years now. The cables supplying power to the street lights and properties has been laid underground and the foot paths now need to be constructed.

COMMENT:

Tender 11/12 – Supply and Installation of Brick Paving to Menzies Main Street will be the next step in the upgrading of the main street.

Provision will be made for inserts measuring approximately 1.3 metres square will be made in four locations along each side of the street to allow for the implementation of artworks at a later date.

Council will also need to approve the selection criteria and appoint a selection panel to assess the tenders when received.

CONSULTATION:

Council – Shire of Menzies

Mr Bret Howson - HOWSON Management

Mr Brian Howson – Manager Works and Services, Shire of Menzies

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine 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 (Functions and General) Regulations 1996

Regulation 11A – States that a local government must adopt a policy that details requirements and procedures when calling tenders

Regulation 11 – States the criteria when tender must be called

POLICY IMPLICATIONS:

Shire of Menzies Policy 2.5 – details the process regarding the calling of tenders

FINANCIAL IMPLICATIONS:

Provision for this project has been allowed for in the 2012/2013 Budget

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority decision required

OFFICER RECOMMENDATION/COUNCIL DECISION
--

No: 0229

Moved: Cr J Dwyer

Seconded: Cr P Twigg

That Council:

- 1. Approves the calling of Tender 11/12 – Supply and Installation of Brick Paving to Menzies Main Street,**
- 2. Appoints Cr G Dwyer and Cr I Tucker, Mr Bret Howson (Howson Management) and Mr Brian Howson (Manager Works and Services) to the selection panel,**
- 3. Requests that the selection panel meet at 11.00 am on Wednesday, 17 October 2012 to assess the tenders received, and,**
- 4. Applies the following Selection criteria to Tender 11/12 – Supply and Installation of Brick paving to Menzies Main Street**

CRITERIA	WEIGHTING
Pricing	70
Availability, competency, experience staff previous	15
References	15
TOTAL	100

Carried: 6/0

13.1.4	VARIATION TO TENDER 05/11 DESIGN AND CONSTRUCTION OF TWO (2) LIQUID WASTE EVAPORATION BASINS
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SUBMISSION TO:	Ordinary Council Meeting, Thursday 27 September 2012
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	R/8/4
DISCLOSURE OF INTEREST:	The author has no interest to disclose in this item
DATE:	24 September 2012
AUTHOR:	Bret Howson, Projects Manager (Consultant)
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

This item is to recommend a variation to the value of Tender 05/11 The Design and Construction of Two (2) Evaporation Basins awarded to Yarnell Pty Ltd in February 2012.

BACKGROUND

At a February 2012 Special Meeting of The Council it was resolved:

- 1. That Council awards Tender 05/11 for the Design and Construction of Two(2) Evaporation Basins to Yarnell Pty Ltd for the following prices:**
 - Design - \$26,950 (ex GST), and
 - Construction - \$172,243.95 (ex GST)
- 2. That Council makes budget amendment of its 2011/12 budget for this project to allocate \$240,000, making allowance for tender price, contingencies and supervision.**

The tender for design and construction was awarded to Yarnell Pty Ltd in February and for the past 6 months Yarnell and Council staff have been preparing the design

documents and obtaining the works approval of the Department of Environment and Conservation (DEC).

COMMENT

Following substantial effort from Yarnell to develop a design and obtain the Department of Environment and Conservation's approvals, they have approached the Council for variation to the contracted price for the additional material required to satisfy the DEC conditions.

The original design which was tendered in February 2012 was based on a past design example used at the Shire of Carnamah. The DEC requirements required the basins to be larger and to be lined with plastic membrane. The larger basins also required addition fencing.

The tender did allow the successful tenderer to approach the Council for variation should the design alter from the example in the tender.

Yarnell Pty Ltd has not increased the price for the design, even though the additional works were required, nor have they increased any unit rates for the works. The variation is solely to cover the cost of additional material.

The revised contract price will be varied from:

- Design - \$26,950 (ex GST), and
- Construction - \$172,243.95 (ex GST)

To:

- Design - \$26,950 (ex GST), and
- Construction - \$221,294.79 (ex GST)

CONSULTATION

- Department of Environment and Conversation,
- Shire of Menzies Health and Building Officer,
- Yarnell Pty Ltd

STATUTORY OBLIGATIONS

The preparation, assessment and award of this tender complies with Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996 Division 2 – Tendering for Goods and Services.

The Shire of Menzies has a statutory requirement to comply with the Department of Environment and Conservation license for liquid waste receipt.

POLICY IMPLICATIONS

It is recommended that Council Officers develop a policy for the receipt of liquid waste at the facility to ensure ongoing maintenance costs are met, and volumes are recorded to ensure that use does not exceed capacity.

FINANCIAL IMPLICATIONS

This project is considered has been included the 2012/13 budget with a cost of \$240,000.

It is recommended that the Council approves the variation of \$49,050.84 (+GST) and requests the Chief Executive Officer to allocate the additional funding from general revenue accounts.

VOTING REQUIREMENTS

Absolute Majority Decision Required

OFFICER RECOMMENDATION/COUNCIL DECISION
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No: 0230

Moved: Cr J Dwyer

Seconded: Cr I Tucker

That Council approves the variation of \$49,050.85 (+GST) for the Tender 05/11 for the Design and Construction of Two(2) Evaporation Basins awarded to Yarnell Pty Ltd for the following prices:

- a. Design - \$26,950 (ex GST), and**
- b. Construction - \$221,294.79 (ex GST)**

Carried: 6/0

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

None

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday 25 October 2012 in the Council Chambers at Menzies commencing at 10.00am

16. CLOSURE OF MEETING

There being no further business, the President, Cr G Dwyer, declared the meeting closed at 12.05pm

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 27 September 2012 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 25 October 2012.

Signed _____

Dated: _____ 2012