

# Shire of Menzies



## MINUTES

**MINUTES OF THE ORDINARY  
COUNCIL MEETING HELD ON  
THURSDAY 20 MARCH 2008, AT THE  
COUNCIL CHAMBERS, MENZIES**



*Talks at least once a month!*

**COMMENCING AT 9.06 AM**



## **SHIRE OF MENZIES**

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Shire President welcomed all elected Members, staff and visitors and declared the meeting open at 9.06 am.

**2 RECORD OF ATTENDANCE / APOPOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Present:	Cr S Tonkin Cr G Stubbs Cr K Pusey Cr I Tucker Cr J Dwyer Cr J Mazza Cr A Kelly	Shire President / Chairman Deputy President Member Member Member (After 9.12 am) Member Member
Staff:	Mr P Crawford Mr B Pepper  Mr R Pepper	Chief Executive Officer Deputy Chief Executive Officer  Manager of Works and Services
Apologies	Nil	
Visitors	Simon De Been  Paul Breman	Duncan J Jack Engineering Consultant UHYHN @ 9.18am

**3 PUBLIC QUESTION TIME**

Simon De Been presented the draft drawing for the main street upgrade and asked for Councillors to look at the plan and return ideas for changes.

Mr de Been left at 9.19am

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Kelly advised that she was unable to attend the next meeting

**5 DECLARATIONS OF INTEREST**

Nil

**6 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**6.1 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

1. The President attended a course on Presidents roles in Councils.

2. He attended a meeting with Chris Fyson to discuss fees for the blocks of land sale
3. He also attended a meeting with the Zone Control Authority to discuss the declaration and eradication of weeds.

**COUNCIL DECISION**

**ITEM 6**

MOVED Cr Dwyer

SECONDED Cr Pusey

That the Presidents Report as presented be received.

CARRIED 7 / 0

**6.2 QUESTIONS ON NOTICE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 MINUTES OF ORDINARY MEETING OF COUNCIL 20 DECEMBER 2007**

**COUNCIL DECISION**

**ITEM 7.1**

MOVED Cr Tucker

SECONDED Cr Dwyer

That the minutes of the Ordinary Meeting held on Thursday 20 December 2007 as previously circulated be confirmed as a true and accurate record with the exception of the following corrections

- 1 *spelling error – Cr Stubbs*
- 2 *amended voting item 9.6 from 5/1 to 4/2 as Cr Mazza claimed that he had voted against the Motion*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.6**

*MOVED Cr Tucker*

*SECONDED Cr Dwyer*

*That the Financial Statements to 31 December 2007 as presented, be accepted with amendments that clarify the discrepancies and balances.*

*CARRIED 4 / 2*

*Cr Pusey & Cr Mazza wished to be recorded as voting against the Motion*

*CARRIED 7 / 0*

**7.1.1 BUSINESS ARISING FROM MINUTES**

Cr Stubbs – expressed concern with the swing in the playground, that it is possibly not strong enough and more sand needs to be put under the slide.

**9.31 am** *Item 7.1.1 was suspended to allow Mr Paul Breman to conduct a workshop on Financial Reporting.*

Paul Breman presented a lengthy overview on the Monthly Financial Activity Statements and reporting requirements. This was a comprehensive workshop which covered all aspects of the monthly financial report and he also answered questions from the Members.

**10.15 am** *The CEO left the Chambers*

**10.22 am** *The CEO returned to the Chambers*

**10.37 am** *The Meeting was adjourned for a break*

**10.56 am** *The Meeting was reconvened*

**11.03 am** *The CEO, DCEO and MWS left the Chambers*

**11.05 am** *The CEO, DCEO and MWS returned to the Chambers*

**12.22 pm** *The Meeting adjourned for lunch*

**13.16 pm** *The Meeting was reconvened*

*Cr Mazza was absent for the remainder of the Meeting*

The President, with the consent of the Members, brought forward Items 9.1, 9.2 and 14.1 in order that while Mr Breman was still present, he could answer any queries that the Members may have on the Items.

<b>9.</b>	<b>FINANCIAL REPORTS</b>
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<b>9.1</b>	<b>Financial Statements to 29 February 2008</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
22 March 2008

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 103a

**DISCLOSURE OF INTEREST:** None

**DATE:** 1 April 2008

**AUTHOR:** Brad Pepper, Deputy Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SENIOR OFFICER:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF SENIOR OFFICER:**

**BACKGROUND:**

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

**COMMENT:**

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) is a rates report and a report on reserves funds

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton.

**STATUTORY ENVIRONMENT:** As per Local Government (Financial Management) Regulations 1996 Regulation 34

**34. Financial activity statement report - s. 6.4**

*(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -*

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- (b) budget estimates to the end of the month to which the statement relates;*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

*(2) Each statement of financial activity is to be accompanied by documents containing -*

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and*
- (c) such other supporting information as is considered relevant by the local government.*

*(3) The information in a statement of financial activity may be shown -*

- (a) according to nature and type classification;*
- (b) by program; or*
- (c) by business unit.*

*(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be -*

- (a) presented to the council -*
  - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
  - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*

*and*

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

(6) In this regulation -  
}committed assets~ means revenue unspent but set aside under the annual budget for a specific purpose;  
}restricted assets~ has the same meaning as in AAS 27.

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50.]

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 9.1</b>
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MOVED Cr Tucker

SECONDED Cr Dwyer

That the Financial Statements to 29 February 2008 as presented, be Adopted.

CARRIED 6 / 0

<b>9.2</b>	<b>Accounts for Payment and Receipts – February 2008</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
20 March 2008

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 103

**DISCLOSURE OF INTEREST:** The Senior Officer has an interest to the extent that he is a co-owner of a local business that is a creditor and in receipt of reimbursement.

**DATE:** 1 April 2008

**AUTHOR:** Brad Pepper, Deputy Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SENIOR OFFICER:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF SENIOR OFFICER:**

**BACKGROUND:**

Cheque numbers 5144 to 5175, including direct debits and bank statement transfers totalling \$432,778.08 are presented for payment as per the submitted lists as well as Receipts totalling \$771,075.38.

**COMMENT:**

Nil

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton

**STATUTORY ENVIRONMENT:** Local Government (Financial Management) Regulations 1996 Regulation 13

***13. LIST OF ACCOUNTS***

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing -*

- (a) for each account which requires council authorisation in that month -
  - (i) the payee's name;*
  - (ii) the amount of the payment; and*
  - (iii) sufficient information to identify the transaction;**

*and*

*(b) the date of the meeting of the council to which the list is to be presented.*

*(3) A list prepared under sub regulation (1) or (2) is to be -*

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

*[Regulation 13 inserted in Gazette 20 Jun 1997 p. 2838-9; amended in Gazette 31 Mar 2005 p. 1048.]*

**POLICY IMPLICATIONS:** All signing of cheques were carried out as per Policy 3.8.

(All amounts over \$15,000 were counter signed by a Council Member).

**FINANCIAL IMPLICATIONS:** Reduction to the Municipal Fund Balance

**VOTING REQUIREMENTS:** Simple Majority required



**OFFICER RECOMMENDATION****ITEM 9.2**

That cheques numbered 5144 to 5175 and direct bank payments totalling \$432,778. which have been paid by the Chief Executive Officer under delegated authority, and Receipts totalling \$771,075.38 be adopted as per amended attached sheets

**COUNCIL DECISION****ITEM 9.2**

MOVED Cr Dwyer

SECONDED Cr Kelly

That cheques numbered 5144 to 5175 and direct bank payments totalling \$432,852.68, as amended, which have been paid by the Chief Executive Officer under delegated authority, and Receipts totalling \$771,075.38 be adopted as per amended attached sheets

CARRIED 6/0

*The payments had to be amended as there was one cheque that was not included in the tally when added up.*

*2.17 pm      The DCEO left the Chambers*

*2.20 pm      The DCEO returned to the Chambers*

**13. Chief Executive Officer's Report.****13.1 2007/2008 Budget Review**

**SUBMISSION TO:** Ordinary Meeting of Council, Thursday,  
20 March 2008

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 103a

**DISCLOSURE OF INTEREST:** None

**DATE:** 12 March 2008

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to present Council with a mid year Budget review.

**BACKGROUND:**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 require Council to carry out a Budget review between 1 January and 31 March in each year.

**COMMENT:**

This review, shown as Attachment "A", gives an account on the current position Council is in this financial year in relation to the Adopted Budget for the same period.

The recent land auction, details of which is not included in the review, has been difficult to project as no final figures are yet available including the back rates that are eligible to be included in the claim. It will be some weeks before any information regarding this matter begin to emerge.

**CONSULTATION:**

UHY Haines Norton.

**STATUTORY ENVIRONMENT:** As per Local Government (Financial Management) Regulations 1996 *Regulation 33A. Review of budget*

(1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

(2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

(3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

(4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Reporting on Financial Activity

**VOTING REQUIREMENTS:** Absolute Majority required

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 13.1</b>
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That Council Resolve to Adopt the Budget Review, as shown as Attachment :”A”.

<b>COUNCIL DECISION</b>	<b>ITEM 13.1</b>
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MOVED Cr Dwyer

SECONDED Cr Pusey

That Council Resolve to Adopt the Budget Review, as shown as Attachment :”A” and set a materiality level for variance of 10% and \$5,000.

CARRIED 6/0

*The Motion needed to include the materiality level for variance.*

This concluded Mr Breman’s involvement and the President thanked him for his contribution.

2.55 pm      *The Meeting was adjourned for a break.*  
3.05 pm      *The Meeting reconvened*

*The Meeting resumed Business on Item 7.1.1*

<b>COUNCIL DECISION</b>	<b>ITEM 7.1.2</b>
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MOVED Cr Kelly

SECONDED Cr Dwyer

Item 13.9 – Tender was amended from previous meeting to purchase a Ford Falcon for \$8,111.55 as Westland Autos were unable to supply a 2008 model Falcon XR6

CARRIED 6/0

The President met with Chris Fyson the auctioneer and discussed the fees for the blocks of land that were sold.

<b>COUNCIL DECISION</b>	<b>ITEM 7.1.3</b>
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MOVED Cr Kelly

SECONDED Cr Tucker

That Council resolve to pay Chris Fyson \$750.00 plus GST per block sold with an end date of 28<sup>th</sup> March 2008.

CARRIED 6/0

The President advised that the CEO's performance appraisal will be carried out by Gary Martin some time after the 4<sup>th</sup> April 2008 – possibly the 10<sup>th</sup> April.

CARRIED 6/0

<b>8      STATUS REPORT</b>
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<b>8.1      STATUS REPORT TO 29 FEBRUARY 2008</b>
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<b>COUNCIL DECISION</b>	<b>ITEM 8.1</b>
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MOVED Cr Kelly

SECONDED Cr Dwyer

That the Status Report to 29 February 2008 be received.

CARRIED 6 / 0

<b>9.      FINANCIAL REPORTS</b>
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<b>10.      WORKS REPORT</b>
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Nil

**11. HEALTH / BUILDING / TOWN PLANNING / RANGERS REPORT**

**11.1 Principal Environmental Health Officer / Building Surveyor's Report**

Nil

**11. HEALTH / BUILDING / TOWN PLANNING / RANGERS REPORT**

**11.2 Ranger's Report**

Nil

**12. COMMUNITY DEVELOPMENT**

Nil

**13.2. Local Government Scholarship Program**

**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
20 March 2008  
**LOCATION:** Menzies Shire  
**APPLICANT:** N/A  
**FILE REF:** 200  
**DISCLOSURE OF INTEREST:** As per the requirements of the Local Government  
Act 1995  
**DATE:** 6 March 2008  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to present Council with the opportunity to apply for a scholarship for a young indigenous person.

**BACKGROUND:**

Attached as Attachment "B" is a letter from the Department of Local Government seeking expressions of interest in applying for scholarship funding for a young indigenous person.

**COMMENT:**

The scholarship will be partly funded by the Department with the balance being a requirement from the Shire of Menzies. It is envisaged that at this point, the Shire's contributions would be in the vicinity of some \$15,000 - \$16,000.

Expressions of interest must be submitted before 11 April 2008.

Advertising inviting applicants for this scholarship would be locally through notice boards and the Menzies Matters.

**CONSULTATION:**

None

**STATUTORY ENVIRONMENT:** As per section 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Would need to be included in the 2008/2009 Financial Budget.

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 13.2</b>
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MOVED Cr Kelly

SECONDED Cr Dwyer

That Council submit an expression of interest to the Local Government Department regarding the Local Government Scholarship Program.

CARRIED 6 / 0

<b>13.3</b>	<b>Rates Policy</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
20 March 2008  
**LOCATION:** Menzies Shire  
**APPLICANT:** N/A  
**FILE REF:** 113b & 302  
**DISCLOSURE OF INTEREST:** As per the requirements of the Local Government  
Act 1995  
**DATE:** 8 March 2008  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to present Council with an alternative to the current system of rates discount and interest.

**BACKGROUND:**

Council Policies **3.1 – Rating Policy** and **3.4 – Discount of Rates** governs the manner in which rates are deemed to be eligible for discounts and interest and the time frame for which penalties will apply for the non payment of those rates.

Interest on non paid rates accrues on a daily basis and is a source of continuous confusion to rate payers when querying their rates bill. The system is governed by the rates program and is not subject to alteration by the Shire staff. When a rate payer requests what their rates bill is and forward a cheque for that amount or pay it later on line, the interest continues to accrue until the receipt is issues, ie, at the actual time of payment.

Staff usually try to ascertain when the rate payer is intending to pay the bill and estimates the accumulated amount of interest at that time, however, the rate payer doesn't always settle when they say that they will.

When this happens and the interest continues to be debited to the account, it causes an unacceptable tirade against which ever staff member is attending to the matter at the time of payment, or when the next rates bill is sent out.

There is also the Interim Rates charges for which the current policy allows for any interim rates below \$20 to be written off.

This ruling allows for the system to be fairly well abused by alert rate payers.

#### **COMMENT:**

There are two proposals to streamline the system and make it more user friendly.

#### **Proposal “A”**

Proposal “A” is to reduce the amount of time spent on attending to rates queries and at the same time, simplify the system by removing the “grey areas”.

Were the Council to abolish the interest factor, the amount of rates owing for any period of time would remain constant. There could be no arguments on either side of how much is actually owing on a rate bill because the variance factor has been removed.

As a balance to the removal of the interest factor, also abolish the early payment scheme.

The time frame for when accounts have to be paid would not change. Final notices and legal recovery action would still follow the current practice.

#### **Proposal “B”**

This proposal is for the Chief Executive Officer to be authorised to write off interest of amounts less than \$5 on a bi- monthly basis. If this proposal was adopted, the rates book would be cleaned up and alleviate the amount of time needed to monitor the rates accounts as is now the situation.

A report would be forwarded to Council every two months indicating the rates that had been written off.

Accepting either proposal would occur during the Adoption of the 2008/2009 Financial Budget.

**CONSULTATION:**

Mr Chris McLaughlin – Auditor,

**STATUTORY ENVIRONMENT:**

**: LOCAL GOVERNMENT ACT 1995 - SECT 2.7**

***The role of the council***

***2.7. The role of the council***

*(1) The council —*

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

***6.46. Discounts***

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may, when imposing a rate or service charge, resolve\* to grant a discount or other incentive for the early payment of any rate or service charge.*

*\* Absolute majority required.*

***6.47. Concessions***

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

***6.51. Accrual of interest on overdue rates or service charges***

*(1) A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on  $\frac{3}{4}$*

*(a) a rate or service charge (or any instalment of a rate or service charge); and*

*(b) any costs of proceedings to recover any such charge,  
that remains unpaid after becoming due and payable.*

*\* Absolute majority required.*

*(2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*

*(3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*

*(4) If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge<sup>3/4</sup>*

*(a) no interest is to accrue in respect of that rate or service charge payable by that person; and*

*(b) no additional charge is to be imposed under section 6.45(3) on that person.*

*(5) Regulations may provide for the method of calculation of interest.*

*[Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]*

**POLICY IMPLICATIONS:** As per the Policy Manual

**FINANCIAL IMPLICATIONS:** Policies are provided for in the Annual Budget

**VOTING REQUIREMENTS:** Simple Majority required

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 13.3</b>
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That Council debate the above matter and make a recommendation to be presented during the Adoption of the 2008/2009 Financial; Budget.

<b>COUNCIL DECISION</b>	<b>ITEM 13.3</b>
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MOVED Cr Dwyer

SECONDED Cr Stubbs

That Council keep the discount on early payment for rates and do away with interest penalties

CARRIED 6 / 0

<b>13.4</b>	<b>Common Seal</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
20 March 2008  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 154  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 8 March 2008  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

It is a requirement that the use of the Common Seal of the Shire of Menzies be endorsed by Council.

**COMMENT:**

During the previous month, the Shire President and the Chief Executive Officer witnessed the affixing of the Common Seal of the Shire of Menzies to the following document:

1. Funding Agreement – Lake Ballard Visitor Amenities Project

This document was a funding agreement with the Western Australian Tourism Commission who are part funding the infrastructure upgrade at Lake Ballard.

**CONSULTATION:**

None

**STATUTORY ENVIRONMENT:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required.

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 13.4</b>
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MOVED Cr Kelly

SECONDED Cr Pusey

That Council endorse the affixing of the Common Seal to the following document:

1. Funding Agreement – Lake Ballard Visitor Amenities Project

CARRIED 6 / 0

<b>14. REPORTS</b>
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## **14.1 COUNCILLORS REPORTS**

Cr Stubbs:

- Can Morapoi get road closed exemptions. CEO explained that once a road was closed, only essential services vehicles were permitted to use the road in an emergency.
- Cattle are on the highway, CEO will write to MR WA

**4.35pm**      *Cr Stubbs left the Chambers*

Cr Kelly:

- Can history of the local area be bought, CDO will investigate and report back.

**4.37 pm**      *Cr Stubbs returned to the Chambers*

Cr Tucker:

- There is a lot of unlicensed vehicles hooning around town, CEO will advise Leonora Police of the situation.
- If there is water at Sibby's it may be available for the oval

Cr Pusey:

- Is the bike race staying the same, President said that it appeared to be the case as no further contact had been had from the organisers. CEO will contact John Bowler for his comments.
- The GQDT sign at the junction of the Kookynie Road and the Goldfields Highway was down. MWS will investigate and replace.

Cr Tonkin:

- Sandalwood inspector on his station was very tourist orientated and would like to meet with staff to discuss tourism strategies.
- Entry statements, staff were working on a range of possible signs and will present drafts at the next Meeting.
- Considering the main street upgrade, requested the CEO to convene a public meeting to get local input

## **14.2 CHIEF EXECUTIVE OFFICERS SUPPLEMENTARY REPORT**

1. Independent contractors (Plant operators) advice was tabled from Minter Ellison regarding the queries raised at the last Meeting, the matter will be tabled at the next Ordinary Meeting of Council for a decision.
2. Cometvale, a Management Order was being offered to the Shire by the State Land Services. CEO to investigate further what responsibilities that the Shire will have if agreed to.
3. There has been some discussion regarding late payments to our contractor, Gary Miller for grader hire. CEO tabled documents relating to this matter.
4. There had been a query from Cr Mazza regarding Monarch Gold's intention to mine part of the Riverina Reserve. CEO investigated and found that no correspondence had been received from the company. This documentation was requested from the company and had since arrived.

5. An application from Faurex P/L for an exploration licence fro the north eastern section of the Shire. No objections to that application.
6. Watercorp have advised that they are currently investigating their options regarding the future water resources to Menzies. These options include the installation of a desalination plant or locating suitable fresh water further out from Menzies.
7. CEO contacted Peter Twigg at Tjuntjuntjara to discuss the community's preferred access road from Tropicana. The community would like to see a heavy haulage access in from Tropicana and still maintain the road down along the dog fence for light vehicles.
8. An invitation has been received from the Local Government Advisory Board to attend a workshop dealing with the proposed delivery of municipal services to Aboriginal communities. The meeting will be held at the City of Kal/Boulder's offices on Monday 7 April.
9. A report has been received from a traveller regarding a big cat like creature seen out towards the Mt Jackson area. This report was forwarded on to DEC who advise that they have had several reports of this animal in the region.
10. A Mr Travis Young has commenced duties as the Northern Goldfields Sports Officer as a replacement for Kelly Furhmann.
11. Contact was made with a Ms June Saint who is acting as a financial counsellor for Mr Tony Macpherson from Diemals Station. Diemals Station is currently in debt to the Shire for rates totalling in excess of \$9,000. Ms Saint has applied for Exceptional Circumstances funding for Mr Macpherson and is asking that the amount of rates owing be reduced to \$8,000 in full. Since that request, we have received \$1,000 from Mr Macpherson in rates and awaiting news of the funding application.
12. CEO advised Council that the staff are beginning to prepare the 2008/2009 Budget and need any budget requests from Councillors for costing purposes.
13. CEO clarified with Cr Pusey regarding the status of Lots 13, 14 & 15 in Cosmos Street in Kookynie. The Lots do not flood and can be released for sale.
14. A survey of lots that are in conflict with the airstrip in Kookynie will begin on 7 April.

<b>15. NEW BUSINESS OF A URGENT NATURE</b>
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MOVED Cr Stubbs

SECONDED Cr Kelly

That Council receive New Business of an Urgent Nature

CARRIED 6 / 0

<b>16.1 ELECTED MEMBERS</b>
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<b>16.1.1 COUNCIL DECISION</b>
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<b>Item 16.1.1</b>
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MOVED Cr Pusey

SECONDED Cr Tucker

That Menzies Shire Council initiate the necessary actions to hold formal meetings with suitable Local Governments to discuss the advantages / disadvantages and logistics of possible future amalgamations.

5.07 pnm *Cr Tucker declared an interest in the next Agenda Item and left the Chambers. The interest was to the extent that the item referred to a property that was owned by his wife.*

**16.2 CHIEF EXECUTIVE OFFICER**

**16.2.1 Closure of Right-of Way**

**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
20 March 2008  
**LOCATION:** Menzies  
**APPLICANT:** Mrs Joan Tucker  
**FILE REF:** 400  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 19 March 2008  
**AUTHOR:** Peter Crawford, Chief Executive Officer  
**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to advise Council of an application to have a Right-of-Way in the Menzies townsite closed to public access.

**BACKGROUND:**

An application has been received from a Mrs Joan Tucker requesting Council approval to have a right of way at the side of her property closed to traffic (See Attachment "A").

**COMMENT:**

The purpose of the closure is to enable vehicular access to the side of Mrs Tucker's house. There is no reason why Council should not support the application.

**CONSULTATION:**

None

**STATUTORY ENVIRONMENT: LOCAL GOVERNMENT ACT 1995 - SECT 3.50**  
*Closing certain thoroughfares to vehicles*

***3.50 . Closing certain thoroughfares to vehicles***

*(1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles.*

- (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
- (3) *The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.*
- (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*
- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
  - (b) give written notice to each person who —*
    - (i) is prescribed for the purposes of this section; or*
    - (ii) owns land that is prescribed for the purposes of this section;*
  - and*
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*
- (7) *Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.*
- (8) *If, under subsection (7), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.*

*[Section 3.50 amended by No. 1 of 1998 s.11; No. 64 of 1998 s.15.]*

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION/OFFICER RECOMMENDATION    ITEM 16.2.1**

MOVED Cr Dwyer

SECONDED Cr Kelly

That Council Resolve to have a section of the Right-of Way between Lots 303, 304 and 425 closed to public access.

CARRIED 6 / 0

*5.09 pm      Cr Tucker returned to the Chambers*

**16.2.2      Caravan Park – Change of Location**

**SUBMISSION TO:** Ordinary Meeting of Council Thursday,  
20 March 2008

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 400

**DISCLOSURE OF INTEREST:** None

**DATE:** 19 March 2008

**AUTHOR:** Peter Crawford, Chief Executive Officer

**SIGNATURE OF AUTHOR:**

**SUMMARY:**

This Item is to continue with the issue regarding the proposed relocation of the existing Menzies Caravan Park.

**BACKGROUND:**

The following Item was presented to the Ordinary Meeting of Council in February 2008 with Council voting to leave the matter on the table and have a Heritage Clearance carried out on the proposed site in Onslow Street in Menzies. A quote was approved from the NEIB to carry out this clearance.

**BACKGROUND:**

*At the Ordinary Meeting of Council held Thursday, 20 December 2007, Council directed the Chief Executive Officer to explore all options regarding the possibility of changing the caravan park location from the existing site to Lot 178 Onslow Street.*

*In the meantime, the CEO has suspended all action regarding the proposed upgrade and expansion of the existing site.*

**COMMENT:**

*Lot 178 Onslow Street is currently designated as Reserve 4531. Enquiries to the Department of Land Administration have revealed that the time frame for Council to secure this lot for the a caravan park site would be anywhere from 6 to 9 months (See*

*attachment “A”). However, judging by the current delay in obtaining clearances and land transfers, this time frame could easily extend to over twelve months.*

*Once this land was vested in the Council, an application would have to be lodged to the Western Australian Planning Commission to have the zoning status of the lot changed from that of a reserve to a caravan park (Bearing in mind that we are in the midst of having an application to have the current site changed to a caravan park in front of the Commission at this very moment).*

*This process will take about twelve months going on the current rate.*

*This means that we would be looking at about two years before we could commence the construction of the new park if funds were available.*

*Attached as Attachment “B” is a reply from our consultant who prepared the grant application to the Department of Infrastructure, Transport, Regional Development & Local Government in Canberra. It means that the grant application process would have to commence from the beginning again.*

*Discreet enquiries on the two other grant applications also indicated that should the location and type of project change, those applications would have to be resubmitted in a new form.*

*The design work and surveys already carried out would need to be started again as the existing design was prepared based on the park being expanded where it is located.*

*The utility providers advise that the Onslow Street site could be powered without any extra charges and water is also not a problem*

*The soil stability at the site is a small problem with some treatment necessary to ensure that foundations are sound.*

**SUMMARY:**

*Changing the location will be a long involved process before Council has access to the land, at least twelve months.*

*Changing the zoning status of the land will also be another twelve months.*

*Applying for grants could further delay the start of construction by at least six to twelve months, depending on when certain grants were available.*

*With respect to all the information that is available at present, it appears that to change to location of the proposed caravan park would ensure that the new park would be at least three years away before it would be open for business.*

*It is recommended that Council continue with the upgrade and expansion of the caravan park in it's current location.*

*With regards the proposed site in Onslow Street, perhaps in light of the information received at the recent Mining Liaison Meeting, that the Onslow Street site could be*

*offered to a developer in the event that extra accommodation was required to house staff or contractors aligned to any future mining operations. Certainly, the Shire would not be attracted the prospect of building a caravan park for purely commercial purposes due to the capital investment required.*

**CONSULTATION:**

*Horizon Power, Water Corporation, Duncan Jack – Consultant Engineers,  
Rachael Nieuwenhuis – Grant Consultant, Ken McCrackan – DLA.*

**STATUTORY ENVIRONMENT:** *As per Section 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.*

**POLICY IMPLICATIONS:** *None*

**FINANCIAL IMPLICATIONS:** *None at this point as all existing events have been budgeted for.*

**VOTING REQUIREMENTS:** *Simple Majority required*

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 13.2</b>
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*That Council Resolve to continue with the plan to upgrade and expand the Menzies Caravan Park in its present location.*

<b>COUNCIL DECISION</b>	<b>ITEM 13.2</b>
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*MOVED Cr Mazza*

*SECONDED Cr Tucker*

*That the matter be left on the table and a heritage survey be carried out on the new proposed site in Onslow Street.*

*CARRIED 6 / 0*

*Council were interested in getting a heritage clearance for the proposed site and Cr Mazza would come and assist the CEO in getting the letter of request prepared.*

*5.15 pm The DCEO and the MWS left the Chambers*

<b>COUNCIL DECISION/OFFICER RECOMMENDATION</b>	<b>ITEM 16.2.2</b>
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*MOVED Cr Dwyer*

*SECONDED Cr Tucker*

*That Council Resolve to continue with the plan to upgrade and expand the Menzies Caravan Park in its present location.*

*CARRIED 4 / 2*



*Crs Pusey and Kelly wished to be recorded as voting against the motion.*

**17. CONFIDENTIAL BUSINESS TO BE HEARD BEHIND CLOSED DOORS.**

Nil

**18. NEXT MEETING**

The next Meeting will be held on Thursday, 17 April 2008 at the Council Chambers, Menzies, commencing at 9.00am.

**19. MEETING CLOSED**

There being no further business to discuss, the President declared the meeting closed at 5.41 pm

These Minutes were confirmed as a true and accurate record of proceedings at the Ordinary Meeting of Council, held Thursday 17 April 2008

UNCONFIRMED

**SHIRE PRESIDENT** .....