

SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 15th DECEMBER 2006 COMMENCING AT 1.41 PM

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The Shire President welcomed all elected members and declared the meeting open at 1.41 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED:

Present:	Cr S Tonkin	Shire President
	Cr A Kelly	Deputy President
	Cr I Tucker	Member
	Cr K Purchase	Member
	Cr I McGregor	Member
	Cr J Dwyer	Member
Staff:	Mr P Crawford	Chief Executive Officer
	Mr B Pepper	Deputy Chief Executive Officer
Leave of Absence	Nil	
Visitors	Sgt. R Buchanan	Menzies Police
	Snr Const. J Strong	Menzies Police

3. PUBLIC QUESTION TIME:

Senior Constable Strong reported on the happenings of the Menzies Police

- That the issue resolving Mr Bruce Henderson(resident and dog owner) and Mr P Kelly(Shire Ranger) was resolved
- There are still some ongoing enquires into damage at the Goongarrie Cottages
- There will be a staggered roster to curve speeding through Menzies
- Senior Constable Jenkins will replace Senior Constable Strong when he takes his leave.
- Senior Constable Buchanan has now been promoted to Sargent.

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr P Kennedy submitted an application for Leave of Absence for the Ordinary Council Meeting held on 15th December 2006

COUNCIL DECISION**ITEM 5.**

MOVED Cr A Kelly

SECONDED Cr K Purchase

That an application submitted by Cr P Kennedy for Leave of Absence for the Ordinary Council Meeting held on 15th December 2006 be granted.

CARRIED 6/0

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

The President attended a meeting with Minister Bowler, Main Roads WA, Anglogold Ashanti, the City of Kalgoorlie-Boulder, Shire of Laverton and the GEDC concerning the roads in the Tropicana area

He also attended GEDC meetings with the following themes:

- Skills in demand workshop
- Community foundation group discussion

COUNCIL DECISION**ITEM 5.**

MOVER Cr I McGregor

SECONDED Cr J Dwyer

That the President's report be received

CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING:**6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL, HELD FRIDAY, 17th NOVEMBER 2006****COUNCIL DECISION****ITEM 6.1**

MOVED Cr A Kelly

SECONDED Cr I Tucker

That the minutes of the Ordinary Meeting held on Friday 17th November 2006 as previously circulated be confirmed as a true and accurate record.

CARRIED 6/0

7. STATUS REPORT:**COUNCIL DECISION****ITEM 7.1**

MOVED Cr I McGregor

SECONDED Cr K Purchase

That the Status Report as at 30th November 2006, be received.

CARRIED 6/0

The CEO reported on the items in the Status Report.

No Resolution of Council was made.

8. FINANCIAL REPORTS

8.1 Financial Statements to 30th November 2006
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15th December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103a

DISCLOSURE OF INTEREST: None

DATE: 5th December 2006

AUTHOR: Brad Pepper, Senior Admin 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, 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 (i) (e)

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 8.1
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MOVED Cr K Purchase

SECONDED Cr J Dwyer

That the Financial Statements to 30th November 2006 as presented, be adopted

CARRIED 6/0

8.2	Accounts for Payment – November 2006
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15th December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103

DISCLOSURE OF INTEREST: None

DATE: 5th December 2006

AUTHOR: Brad Pepper, Senior Admin Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

BACKGROUND:

Cheque numbers 4085 to 4150 and bank statement transfers totalling \$446,417.55 are presented for payment as per the submitted lists.

COMMENT:

None required.

CONSULTATION:

Ms Mandy Wynne, Haines Norton

STATUTORY ENVIRONMENT: Local Government (Financial Management)
Regulations 1996 Regulation 13(2)

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

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 8.2
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MOVED Cr J Dwyer

SECONDED Cr A Kelly

That cheques numbered 4085 to 4150 and direct bank payments totalling \$446,417.55 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

8.3	Inter-Account Transfer of Funds – November 2006
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15th December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103a

DISCLOSURE OF INTEREST: None

DATE: 21st November 2006

AUTHOR: Brad Pepper, Senior Admin Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford – Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

SUMMARY:

This item is to advise Council of the Inter Account Transfer of Funds for the month of November 2006.

BACKGROUND:

The Chief Executive Officer is currently delegated authority to invest funds into interest bearing accounts under Delegation 043 – Investments and Policy No 3.9 Investments details the reporting requirements

COMMENT:

The Municipal Trading Account had surplus funds that were not in immediate need and so a sum of \$260,000.00 was transferred into the Sweeper Account which attracts a higher rate of interest.

The following transaction has been actioned on 21 November 2006:

Place of investment	National Bank
Term of investment	On call as required
Interest rate	5.20%pa
Name of funds invested	Sweeper Account
Amount	\$800,360.21

Attached are the supporting documents for that transaction.

CONSULTATION:

Chief Executive Officer – Peter Crawford

STATUTORY ENVIRONMENT: As per Local Government (Financial Management) Regulations 1996 Regulation 19

19. Management of investments

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

(2) The control procedures are to enable the identification of —

(a) the nature and location of all investments; and

(b) the transactions related to each investment.

POLICY IMPLICATIONS:

Policy No. 3.9 - INVESTMENTS

The Chief Executive Officer be authorised to invest monies, not required for immediate need, in short term interest bearing deposits, thereby securing the best advantage to Council. This action should be cognisant of the need to ensure that sufficient operating funds are available to offset day to day expenses.

The Chief Executive Officer is to prepare a monthly report to be presented to Council showing details of all previous month's transactions including:

a) *place of investment*

b) *term of investment*

c) *interest rate*

d) *name of funds invested (eg. municipal, sweeper, reserve, trust)*

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 8.3
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MOVED Cr A Kelly

SECONDED Cr J Dwyer

That Council receive the above report detailing Inter Account Transfer of Funds for the month of November 2006.

CARRIED 6/0

8.4	Investments – November 2006
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 December 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103a
DISCLOSURE OF INTEREST: None
DATE: 5 December 2006
AUTHOR: Brad Pepper, Senior Admin Officer

**SIGNATURE OF AUTHOR:
OFFICER:
SIGNATURE OF OFFICER:**

Peter Crawford, Chief Executive Officer

SUMMARY:

This item is to advise Council of the investment transaction for the month of November 2006.

BACKGROUND:

The Chief Executive Officer is currently delegated authority to invest funds into interest bearing accounts under Delegation 043 – Investments and Policy No 3.9 Investments details the reporting requirements

COMMENT:

The Surplus Reserve Account fund currently invested with the National Bank matured on 21 November 2006.

The total of the funds invested were \$955,000.00 which accumulated an amount of interest on maturity of \$14,411.35 giving an investment total of \$969,411.35

The following transaction has been actioned on 22 November 2006:

Place of investment	National Bank
Term of investment	90 days (Mature 19 February 2007)
Interest rate	6.27%pa
Name of funds invested	Surplus Reserve
Amount	\$969,411.35

Attached are the supporting documents for that transaction.

CONSULTATION:

None

STATUTORY ENVIRONMENT: As per Local Government (Financial Management) Regulations 1996 Regulation 19

19. Management of investments

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

*(2) The control procedures are to enable the identification of —
(a) the nature and location of all investments; and
(b) the transactions related to each investment.*

POLICY IMPLICATIONS:

Policy No. 3.9 - INVESTMENTS

The Chief Executive Officer be authorised to invest monies, not required for immediate need, in short term interest bearing deposits, thereby securing the best advantage to Council. This action should be cognisant of the need to ensure that sufficient operating funds are available to offset day to day expenses.

The Chief Executive Officer is to prepare a monthly report to be presented to Council showing details of all previous month's transactions including:

- c) place of investment*
- d) term of investment*
- c) interest rate*
- d) name of funds invested (eg. municipal, sweeper, reserve, trust)*

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 8.4
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council receive the above report detailing investment transactions for the month of November 2006.

CARRIED 6/0

9. WORKS REPORT:

9.1 WORKS SUPERVISORS REPORT

9.1.1 Roadworks and General Report

SUBMISSION TO: Ordinary Meeting of Council, Friday
15 December 2006

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 405a

DISCLOSURE OF INTEREST: None

DATE: 5 December 2006

AUTHOR: Quenton Senior, Works Supervisor

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

MAINTENANCE GRADING:

Garry Miller has finished grading the Yarri Road and Pingin Road and is at present grading the Mt Cecila Road.

The road crew should finish resheeting the Yarri Road this week and then will be grading and rolling the Air Strips at Kookynie and Menzies.

Lloyd is still in hospital.

The new water tank at the oval has been installed and has water in it.

The new depot office and amenities room has been moved from the old power station and is set in position with the fuel tank.

The Giga truck is in KalMec having the hoist repaired, there was a problem with stack 3 not lowering.

Rodney has started back with the Shire on a casual basis, same as before.

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

COUNCIL DECISION / OFFICER RECOMMENDATION ITEM 9.1.1

MOVED Cr J Dwyer

SECONDED Cr I Tucker

That the Works Supervisors report, as tabled, be received

CARRIED 6/0

10. HEALTH, BUILDING AND TOWN PLANNING BUSINESS

10.2 Chief Executive Officer

10.2.1 Ranger's Report.

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 December 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 125
DISCLOSURE OF INTEREST: None
DATE: 4 December 2006
AUTHOR: Patrick Kelly, Shire Ranger
SIGNATURE OF AUTHOR:

SENIOR OFFICER:

Peter Crawford, Chief Executive Officer

**SIGNATURE OF SENIOR
OFFICER:**

SUMMARY:

This Item is to advise Council of the Ranger's activities during the past month of November 2006.

COMMENT:

RANGER'S REPORT NOVEMBER 2006

Dear Peter,

Here contains a report on my activities and contribution to the shire for the month of November.

- **On Monday the 13th I received a call from the new Police Officer in town John Strong regarding the killing of two kangaroos in Brad Peppers yard overnight. To say I was saddened to hear this news was an understatement as they had belonged to Lesley before her death almost 12 months ago.**

Action: After the conversation with John, I had a chat to you about how to conduct the investigation into this issue. At your suggestion I then contacted Gary Tucker and arranged that I visit town on Wednesday the 15th. Gary seemed rather vague during this conversation and I hoped that would not be reflected during my visit.

During September Gary and I conducted a comprehensive program to encourage everyone to control and register their dogs. During this exercise it was mentioned that a couple of dogs fitting the description had been seen wondering at large on numerous occasions of recent times.

On the Wednesday I travelled to Menzies and again had a word with you before picked up a list of registered dogs. I then went around to MAC and picked up Gary. After giving Gary a description of the two dogs concerned he informed me that "one had been destroyed already" but the large white Bull Mastiff cross was still at large. Gary then told me the dog did not like him and was afraid that it would bite him if he attempted to catch it. His commitment to the job is of a concern to me as the role of a Dog Control Officer is sometimes to have to catch nuisance dogs.

Gary and I then re visited each house in town to reinforce the message from our September exercise. Visiting the second house on our list we were both surprised with the aggressive attitude of Bruce Henderson, who said on several occasion that he "**would shoot anyone who tried to take his dog**". I tried to explain to

Bruce that this was not the purpose of our visit and future talk of that nature would have to involve the Police for further investigation.

Bruce was not at all happy with our visit. But I did notice that later he was in the office to register his dog!!

After this unpleasant incident we continued on, making our way to the Village and while speaking with some ladies the white dog we were looking for appeared. While handing a collar and lead to one of these ladies, I somehow managed to slip a lead around the dogs neck and leading to the vehicle grabbed it by the scruff of the neck and rear end and unceremoniously throw it into the cage quickly closing the door. I think the dog was as stunned as I was!!!

It also appears that this particular dog was one of those responsible for the killing of a small dog in town some time ago. Murray Harris also showed me the scars on his arm inflicted by this same dog.

From here we went on to speak to each person in town. It should be mentioned here that Gary and a Councillor (who has three dogs) had not bothered to register their dogs to date. This does not set a very good example as each claim to be a community leader of sorts.

After lunch Gary and I returned to the office and brought you up to speed on our progress during the day. The good, the bad and the ugly.

After dropping Gary around to MAC I returned directly to Leonora. The white dog was impounded and destroyed in due course, as it was not claimed.

May I conclude with the best wishes to you, Steve and all Councillors for a Merry Christmas and wish each of you a happy New Year. It continues to be a real pleasure to assist the Shire if and where I'm able, thank you. Let's do it all again in 2007 hey?

Patrick Kelly
Ranger

Time: 9.30am-3.00pm =4.5 hrs
Distance: 215kms

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

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 10.2.1
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MOVED Cr I McGregor

SECONDED Cr J Dwyer

That the Ranger's report, as presented, be received

CARRIED 6/0

11. Chief Executive Officer's Report.

11.1 Christmas Office Closure

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 104

DISCLOSURE OF INTEREST: None

DATE: 29 November 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to request Council Authorisation for the annual closure of the Menzies Office.

BACKGROUND:

Over the previous years, the Menzies office has been closed for approximately two weeks over the Christmas period.

This is to allow staff time to travel away for relaxation and family reasons.

COMMENT:

The works crew will be on annual leave from Friday 22 December 2006 until Wednesday, 3 January 2007, in line with standard past procedures.

It is proposed that the Menzies Shire Office close at 5.00 pm on Friday, 22 December 2006 and reopen at 8.30 am on Wednesday, 3 January 2007. This will ensure that the office will only be closed for a total of four business days in that time frame.

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: No Policy is currently applicable to this matter.

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION ITEM 11.1

MOVED Cr I McGregor

SECONDED Cr J Dwyer

That Council Resolve to close the Shire of Menzies office for the Christmas break, at 5.00 pm on Friday, 22 December 2006 and reopen at 8.30 am on Wednesday, 3 January 2007.

CARRIED 6/0

11.2 Record Keeping Policy and Procedure Manual

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 153

DISCLOSURE OF INTEREST: None

DATE: 27 November 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with the Record Keeping Policy and Procedure Manual for Adoption (See Appendix "A").

BACKGROUND:

All Local Governments are required to comply with Section 19 of the State Records Act 2000, in ensuring that all activities relating to the business of the Local Government must be properly recorded.

Council Adopted their Record Keeping Plan in February 2004. This plan was required to be reviewed and resubmitted to the State records Commission within one year of adoption.

We have had an extension of time due to the changeover of staff.

COMMENT:

The original Record Keeping Plan only dealt with the statutory responsibilities and liabilities of the plan. This manual is the procedure by which the plan will be implemented and maintained.

CONSULTATION:

State records Commission staff.

STATUTORY ENVIRONMENT:

State Records Act 2000

Part 3 – Record keeping plans for local government organisations:

Division 2 - Plans of government organizations other than those to which Division 3 applies

19. Government organizations to have plans

Every government organization must have a record keeping plan that has been approved by the Commission under section 23.

POLICY IMPLICATIONS: Will eventually be included in Council’s Policy manual

FINANCIAL IMPLICATIONS: This Item is budgeted for in this financial year, some administrative costs will be ongoing.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.2
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council Adopt the “Record Keeping Policy and Procedure Manual” as detailed in Appendix “A”.

CARRIED 6/0

11.3	Minutes of the Audit Committee Meeting
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 114

DISCLOSURE OF INTEREST: None

DATE: 4 December 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with the Minutes of the Audit Committee Meeting held Friday, 15 December 2006.

BACKGROUND:

The Audit Management Report for the year ended 30 June 2006 has just been received from the Chartered Accountants, Anderson, Munro and Wyllie.

This report has been submitted to the Audit Committee and the Minutes of that Meeting are now presented to Council.

COMMENT:

As well as the Audit Management report, an item was presented to the Committee on quotations received from three organisations to carry out the Auditor duties for the next three years.

CONSULTATION:

Mr Chris McLaughlin, Anderson Munro and Wyllie. Mr Darrell Forrest, DLGRD. David Tomasi, Haines Norton.

STATUTORY ENVIRONMENT:

LOCAL GOVERNMENT ACT 1995 - SECT 5.22
Minutes of council and committee meetings

5.22 . Minutes of council and committee meetings

(1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.

(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

(3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

POLICY IMPLICATIONS: As to the extent as indicated in the respective Committee report

FINANCIAL IMPLICATIONS: Auditors fees are provided for in the 2006/2007 Financial Budget

VOTING REQUIREMENTS: As detailed below.

This Item is to request Council to propose an amendment to the Town Planning Scheme to allow the construction of the new caravan park in Menzies.

PROPOSAL TO AMEND A SCHEME

1. **LOCAL AUTHORITY:** Shire of Menzies
2. **DESCRIPTION OF TOWN PLANNING SCHEME:** Town Planning Scheme No. 1
3. **TYPE OF SCHEME:** District Zoning Scheme
4. **SERIAL NUMBER OF AMENDMENT:** Amendment No. 3
5. **PROPOSAL**
 - a) To rezone Lots 58-60 Reid Street and Lot 60 Brown Street, **Menzies** from 'Residential' zone to 'Special Use – CP - Caravan Park' zone,
 - b) To rezone Lots 41-45 Shenton Street, **Menzies** from 'Commercial' zone to 'Special Use – CP - Caravan Park' zone, and
 - c) To zone portion of the Right of Way adjacent to Lots 41-45 Shenton Street, **Menzies** to 'Special Use – CP - Caravan Park' zone.

INTRODUCTION

The Shire of Menzies seeks the WA Planning Commission's support and the Hon. Minister's approval to a Scheme Amendment that seeks to a) rezone Lots 58-60 Reid Street and Lot 60 Brown Street, Menzies from 'Residential' zone to 'Special Use – CP - Caravan Park' zone, rezone Lots 41-45 Shenton Street, Menzies from 'Commercial' zone to 'Special Use – CP - Caravan Park' zone, and zone portion of the Right of Way adjacent to Lots 41-45 Shenton Street, Menzies to 'Special Use – CP - Caravan Park' zone.

2 BACKGROUND

The Shire of Menzies Town Planning Scheme No 1 was gazetted on 18 December 1998 and covers the whole of the Shire district. The Shire has two major townsites of Menzies and Kookynie. The Shire measures around 128,353 square kilometres with over 2000 kilometres of unsealed roads as well as the sealed Highway that travels the

breadth of the Shire. Menzies town is located 730 kilometres north of Perth and 130 kilometres north of Kalgoorlie.

Menzies is increasingly becoming popular as a destination for tourists in the region. The attraction of the Outback Highway from Kalgoorlie attracts tourists and travellers from both directions. There are serious prospects of increased mining activities in the area that will be required to accommodate a construction and setup workforce.

3 THE LAND

This amendment includes nine lots and portion of a right of way within the Menzies Townsite. The location plan is shown in **Figure 1** with the specific land areas shown in Figure 2. Shenton Street, shown as the red dotted line, is the Goldfields Highway connecting Kalgoorlie to Leonora, Laverton and Leinster.

PURPOSE OF THE AMENDMENT

The Shire is keen to establish the caravan park as soon as possible but requires this Scheme Amendment as a caravan park is not a permitted use in a Residential or a Commercial zone.

Lot 57 will be used for two single persons quarters that will not be part of the caravan park, but one of these units will be used for the caravan park manager's dwelling. The other unit will be used for staff accommodation. The Country Housing Authority is funding these two units and will not permit them to be part of the caravan park site.

Lot 45 is included in the caravan park site and will cater for visitor parking.

The Council will seek to acquire these properties and close the right of way to incorporate in the development site. The photograph below (Figure 3) shows the site (Lot 45) facing the Shire offices and Council chambers in Shenton Street.

PROPOSAL

The details of the Amendment include the creation Special Use zone on the Scheme Map Legend, insertion of the Special Use in Schedule 3 of the Scheme, the rezoning from Residential and Commercial to the new zone, as well as deletion of the R Code, and the zoning of the portion of the Right of Way. As this area currently has no zone it is not considered a rezoning.

CONCLUSION

In view of the minor nature of this proposal and the current negotiations with land owners and nearby occupiers a reduced advertising period is applied.

CONSULTATION:

Paul Bashall – PLANWEST.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005
Part 5-Local planning schemes
Division 1-Continuation and formulation of local
planning schemes

75. Local planning scheme may be amended

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

(a) prepared by the local government, approved by the Minister and published in the Gazette; or

(b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

OFFICER RECOMMENDATION	ITEM 11.4
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Council Resolve that, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

- a) Rezoning Lots 58-60 Reid Street and Lot 60 Brown Street, **Menzies** from 'Residential' zone to 'Special Use – CP - Caravan Park' zone,
- b) Rezoning Lots 41-45 Shenton Street, **Menzies** from 'Commercial' zone to 'Special Use – CP - Caravan Park' zone, and
- c) Zoning portion of the Right of Way adjacent to Lots 41-45 Shenton Street, **Menzies** to 'Special Use – CP - Caravan Park' zone.

as more clearly shown on the Scheme Amendment Map

Dated this Fifteenth day of December 2006

COUNCIL DECISION	ITEM 11.4
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14.26 pm

MOVED Cr I McGregor

SECONDED Cr I Tucker

That the item was Tabled until the Caravan Park Upgrade had been discussed as 2 blocks of land were pending status on zoning requirements.

CARRIED 6/0

COUNCIL DECISION

ITEM 11.4

3.00 pm

MOVED Cr J Dwyer

SECONDED Cr I McGregor

That **Item 11.4 Town Planning Scheme No 1 – Amendment No 3** be revisited.

CARRIED 6/0

COUNCIL DECISION

ITEM 11.4

MOVED Cr J Dwyer

SECONDED Cr I McGregor

That an amendment to the Officer's Recommendation be as follows:

- a) Rezoning Lots 57-60 Reid Street and Lot 60 Brown Street, **Menzies** from 'Residential' zone to 'Special Use – CP - Caravan Park' zone,
- b) Rezoning Lots 41-44 Shenton Street, **Menzies** from 'Commercial' zone to 'Special Use – CP - Caravan Park' zone, and
- c) Zoning portion of the Right of Way adjacent to Lots 41-44 Shenton Street, **Menzies** to 'Special Use – CP - Caravan Park' zone.

as more clearly shown on the Scheme Amendment Map

Dated this Fifteenth day of December 2006

CARRIED 6/0

COUNCIL DECISION

ITEM 11.4

MOVED Cr I McGregor

SECONDED Cr I Tucker

Council Resolve that, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

- a) Rezoning Lots 57-60 Reid Street and Lot 60 Brown Street, **Menzies** from 'Residential' zone to 'Special Use – CP - Caravan Park' zone,
- b) Rezoning Lots 41-44 Shenton Street, **Menzies** from 'Commercial' zone to 'Special Use – CP - Caravan Park' zone, and
- c) Zoning portion of the Right of Way adjacent to Lots 41-44 Shenton Street, **Menzies** to 'Special Use – CP - Caravan Park' zone.

as more clearly shown on the Scheme Amendment Map

Dated this Fifteenth day of December 2006

CARRIED 6/0

Reason for the change was to allow the caretakers residence to be sited on the Shenton Street side of the caravan park to allow greater security over the entrance to the park

11.5 Main Street Upgrade

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 December 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 157

DISCLOSURE OF INTEREST: None

DATE: 7 December 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

BACKGROUND:

For a number of years, Council has been discussing the feasibility of carrying out an upgrade of the main street. A Reserve Account has been created and funds allocated to that account to allow the design of the plan to be carried out by consultants.

Council has appointed the firm of Duncan J Jack, Consultant Engineers to begin work on the design of the planned upgrade. To date, a survey of the main street and surrounding environs has been carried out and preliminary designs are being drawn up for Council's perusal.

COMMENT:

A major portion of the upgrading will be to have the existing power distribution infrastructure relocated underground.

Horizon Power have advertised the Guidelines for Localised Enhancement Projects and submissions for assistance are now being received. Under this scheme, if such a submission is successful, the State will provide 50% of the project costs up to a maximum of \$250,000.

As the costs involved in shifting the power underground are quite substantial, it is imperative that Council make application to access this funding.

In order to begin that process, a Council Resolution is necessary in order to demonstrate to the Office of Energy that the project has the support of Council.

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: The project will be budgeted for in the next financial year.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.5
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council Resolve to make application to the Office of Energy under the Localised Enhancement Scheme for funding to allow the conversion of the status of the existing power lines to underground, in preparation for the upgrading of the main street in Menzies.

CARRIED 6/0

12. REPORTS:

12.1 REPORTS FROM COUNCILLORS:

Cr Tucker Drivers doing wheelies around town and causing concern in regards to hurting children

Advised that he is not the Chair for GLSC and has also resigned from the committee

Niagara and Morapoi will see a lot of people turn up for a cultural gathering very shortly

Cr Dwyer Ross Norrie is unable to Audit the books for the MYCG as the appropriate documents are not able to be found.

She has nominated Allan Henderson for Volunteer of the Year

12.2 CHIEF EXECUTIVE OFFICER'S SUPPLEMENTARY REPORT:

Chief Executive Officer reported on the following items:

- Road to Mt Menzies, tabled a costing from the consultant to construct a road to the top of the hill. CEO to prepare an Agenda Item for February 2007
- Mat Longworth – Heron Resources, would like to meet with Council on Tuesday, 23 January 2007 to outline the company's plans for the Jump Up Dam Project

- Blocks of Land, some rate payers want to hand the blocks back to Council. CEO suggested that this could happen provided all rates are paid in full first.
- Menzies Muster, general agreement that this project should be shelved until the following year.
- Emergency Management Act Plan, CEO has a consultant engaged to prepare the plan.
- Disability Access and Inclusion Plan, also will be prepared by a consultant
- Livestock Transport Assoc. Were seeking a donation of \$1000 to carry out Route Assessment Guidelines. Council declined the donation
- Entry Statements, these have been completed and are ready to be collected and installed.
- Bruce Morrin – Monarch, gave an overview during a meeting of the plans for Davyhurst and the general area.
- Lake Ballard Association, CEO requested four names for the Board. Nominations were Crs. Tonkin, Dwyer, Kelly and Tucker.
- LG Week, next year will be on 3-6 August 2007, further details will be forthcoming.
- Upgrading of the Menzies caravan park, discussion ensued regarding the location of the care taker’s cottage.

13 NEW BUSINESS OF AN URGENT NATURE:

13.1 ELECTED MEMBERS

Nil

13.2 CHIEF EXECUTIVE OFFICER

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 13.2
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MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council receive New Business of an Urgent Nature

CARRIED 6/0

13.2.1	Actions against Various Lands for Unpaid Rates
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SUBMISSION TO:	Ordinary Meeting of Council Friday, 15 December 2006
LOCATION:	Menzies Shire
APPLICANT:	N/A
FILE REF:	307
DISCLOSURE OF INTEREST:	The author of this item has been retained as a casual employee to oversee the process of dealing with lands for the non-payment of rates

DATE: 14 December 2006
AUTHOR: Lance Croft, Casual Employee
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

SUMMARY:

At its meeting of 17 March 2006 Council resolved to have the entire parcel of those vacant lots in Kookynie and Menzies, for which it had on 8 December 2004 written off doubtful debts relating to rates and interest thereon owing more than three years, vested in Council for future use.

BACKGROUND:

Information provided by the Shire of Menzies to the Director General, Department of Local Government and Regional Development (DLGRD) on 7 April 2006 states that there are 165 lots in Menzies township and a further 105 in Kookynie township upon which rates have not been paid for a period of more than three years, the owners either being not contactable, or who are deceased.

Acting on advice, rates and interest charges applicable to those lots were written off by Council in December 2004, although current rates have been subsequently raised, the land still being rateable.

Nonetheless, the situation is largely unchanged (except that the level of debt for rates in the balance sheet has been reduced) in that current rate charges (and interest accruing thereon) are not being paid, for the same reasons as applied pre-December 2004.

Council has formed a view that it would be beneficial to have the land acquired by the local government in the event that prospective mining developments come to fruition, and for community development generally.

The appendix to this report (Appendix "B") is a revised listing of those lots against which it is recommended that Council authorise action for taking possession thereof and subsequent disposal. Rates owing include those which were written off in 2004, and current levies and interest since.

COMMENT:

The local government is required to have attempted at least once during the preceding three years to recover rates owing on the land through court action before invoking any of the powers of the Act relating to disposal of land for unpaid rates. Alternatively, it may avoid that requirement where it holds a reasonable belief that the cost of such proceedings would equal or exceed the value of the land.

It is understood that the Shire of Menzies has not made such an attempt during the period of the previous three years.

The following rationale attempts to consider the matters which are relevant should Council decide not to attempt to recover these rates by court action.

The lots under consideration are contained within the townships of Kookynie and Menzies, which serve and are predominantly reliant upon the pastoral industry and economic activity through mining. Both towns provided for considerably larger populations in the early part of the twentieth century (as evidenced by these lots and historical records), and are now relatively deserted or near-deserted by comparison.

It is unlikely that there will be future community growth from development in the pastoral industry sector, which is considered to be relatively static in potential for development and employment opportunity. Current mining exploration promises some expectation of economic activity in the Shire based on the development of those prospects. Nevertheless, the penchant of contemporary mining to fly-in fly-out does not necessarily translate into community growth for a district with mining operations.

Of the 270 lots under consideration in this exercise only 12 have had dealings on them since 1970. Of the remaining 258, the last dealings were between 1931 and 1952 on 18, and between 1896 and 1925 on the other 240.

Whilst there has been some transacting of land generally occurring of recent time as evidenced in the information provided by the VGO, there have been no dealings on most of these lots for many years. This clearly indicates an absence of any significant demand over a very long period of time.

The foregoing considerations, combined with the number of lots being contemplated in this exercise, leads to the view that expensive legal action would produce costs that would most likely exceed returns from the disposal of the lots.

CONSULTATION:

DLGRD advised on 13 June, 2006 that it had obtained legal advice to the effect that..... "a write off of a debt owed to the Shire does not legally remove the debt.....", and therefore those applicable provisions of the Local Government Act (the Act) relating to actions against land where rates or service charges are unpaid, can be used even though the write off has happened.

The Office of the Valuer General (VGO) was consulted about recent sales history in the district. There have been six sales in the Shire since September 2005, five of these being for vacant lots of 1012m². All were in the Menzies township, none being in Kookynie. Of the five vacant lots three sold for \$1000 each, one for \$1900, and one for \$7000. The remaining sale refers to 'Quarters' which also sold for \$7000. The VGO is unsure of the rationale of the \$7000 vacant land sale which is unusual by comparison with the others.

STATUTORY ENVIRONMENT:

To paraphrase the DLGRD letter of 13 June, 2006, to utilise the provisions of the Act in relation to actions against land where rates or service charges are unpaid, requires observance of the following provisions -

- rates must be unpaid for at least 3 years (see consultation note which allows the incorporation of the written off sums in the unpaid rates total)
- there must have been at least one attempt to recover the unpaid rates in a court of appropriate jurisdiction, unless Council holds a reasonable belief that the cost of such proceedings would equal or exceed the value of the land
- the Shire must give formal notification that it is taking possession of the land
- the land must be offered up for sale, and the local government is empowered to also buy in at auction
- 12 months after the date the land is offered for sale, if not sold the local government may make application for it to be conveyed to itself or to the Crown.

POLICY IMPLICATIONS:

No known policy implications.

FINANCIAL IMPLICATIONS:

The exercise of sale of land for rates will incur a number of costs, relating to posting of notices, advertising, and conducting an auction including engaging an auctioneer.

Additionally, Council has engaged the author of this report on a casual part-time basis to oversee the process.

VOTING REQUIREMENTS:

Absolute Majority required (by virtue of the recommendation about a delegation to the CEO).

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 13.2.1
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MOVED Cr I Tucker

SECONDED Cr K Purchase

That Council authorize the following matters in relation to those lots listed in the appendix to this item (Appendix “B”) -

- (1) That the local government take possession of the lots and to sell them at auction for the recovery of outstanding rates in accordance with the provisions of the Local Government Act 1995, and where not sold transfer the lots to the Shire of Menzies; and
- (2) That the Chief Executive Officer be delegated those powers of the local government in relation to the process approved at (1) of this resolution to the extent authorized by the Act, including but not limited to -
 - (a) setting reserve prices on the lots, sufficient to cover the amount of outstanding rates and equal portions of the costs relative to this action; and
 - (b) establishing auction arrangements including time and place, and appointing an auctioneer.

CARRIED 6/0

13.2.2	Land Resumption
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SUBMISSION TO:

Ordinary Meeting of Council Friday,

15 December 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 116
DISCLOSURE OF INTEREST: None
DATE: 15 December 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to request Council Resolve to proceed with the resumption of land in Menzies and Kookynie to enable public works to progress.

BACKGROUND:

At the Ordinary Meeting of Council, held Friday, 21 July, 2006, Council Resolved to commence action to have Lots 57, 58, 59 and 60 in Reid Street Menzies, and Lot 80 in Cumberland Street Kookynie compulsorily acquired under Sections 9 and 10 of the Land Administration Act 1997 for the purpose of public works.

Notices were posted advising the public of that decision and invited public comments.

COMMENT:

No submissions have been received and it is now necessary for Council to resolve to proceed with that land resumption

CONSULTATION:

None

STATUTORY ENVIRONMENT: Parts 9 and 10 of the Land Administration Act 1997

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 13.2.2
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MOVED Cr A Kelly

SECONDED Cr J Dwyer

That Council Resolve to advise the Department of Land Administration that, having had no submissions to the publicly advertised land resumption, that the Department of Land Administration commence action to have Lots 57, 58, 59 and 60 in Reid Street Menzies, and Lot 80 in Cumberland Street Kookynie, compulsorily acquired under

Sections 9 and 10 of the Land Administration Act 1997 for the purpose of public works.

CARRIED 6/0

13.2.3	2005-2006 Annual Report
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The CEO tabled the 2005-2006 Annual Report that had been distributed to Councillors with the Agenda

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 13.2.3
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MOVED Cr I Tucker

SECONDED Cr I McGregor

That Council Adopt the 2005-2006 Annual Report as tabled.

CARRIED 6/0

14. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS:

Nil

15. NEXT MEETING:

The next Ordinary Council Meeting is scheduled for Friday 16th February 2007 at the Council Chambers, Menzies, starting at 9.00am.

16. CLOSURE:

There being no further business to discuss, the Shire President declared the Meeting closed at 3.13pm

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 16 February 2007

UNCONFIRMED

SHIRE PRESIDENT.....