
SHIRE OF MENZIES

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF
MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 21ST JULY
2006 COMMENCING AT 9.22AM**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The Shire President welcomed all elected members and declared the meeting open at 9.22am. He extended a welcome to Works Supervisor Quenton Seinor

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

Present:	Cr S Tonkin	Shire President
	Cr A Kelly	Deputy Shire President
	Cr J Dwyer	Member
	Cr I McGregor	Member
	Cr I Tucker	Member
	Cr P Kennedy	Member
Staff:	Mr P Crawford	Chief Executive Officer
	Mr B Pepper	Minutes
Apologies	Cr K Purchase	Member (previously granted Leave of Absence)
Visitors:	Quenton Seinor	Works Supervisor

3. PUBLIC QUESTION TIME:

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

The President advised the Meeting that he had attended the National Roads Forum with the CEO in Alice Springs which included sessions in Asset Management and Road Funding.

COUNCIL DECISION	ITEM 5.
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MOVER Cr J Dwyer

SECONDED Cr I McGregor

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, 23rd JUNE 2006

COUNCIL DECISION

ITEM 6.1

MOVED Cr A Kelly

SECONDED Cr J Dwyer

That the minutes of the Ordinary Meeting held on Friday 23rd June 2006 as previously circulated be confirmed as a true and accurate record, subject to the following amendment:

The wording in item 12.1 – Councillor Tucker was amended

From: Lake Ballard, would like to see some type of Board of Recognition for the Aboriginal people from Menzies who are exhibited on the Lake.

To: Lake Ballard, would like to see some type of Board of Recognition for all people from Menzies who are exhibited on the Lake.

CARRIED 6/0

7. STATUS REPORT:

COUNCIL DECISION

ITEM 7.1

MOVED Cr I Tucker

SECONDED Cr I McGregor

That the Status Report as at 21st July 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 June 2006

SUBMISSION TO: Ordinary Meeting of Council Friday,
21st July 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103a
DISCLOSURE OF INTEREST: None
DATE: 10 July 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 P Kennedy

SECONDED Cr A Kelly

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

CARRIED 6/0

8.2	Accounts for Payment
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SUBMISSION TO: Ordinary Meeting of Council Friday,
21st July 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103

DISCLOSURE OF INTEREST: The author has an interest to the extent that he is a recipient of a reimbursement cheque and the senior officer is the co-owner of a the local roadhouse, one of the creditors

DATE: 10th July 2006

AUTHOR: Brad Pepper, Senior Admin Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

BACKGROUND:

Cheque numbers 3684 to 3808 and bank statement transfers totalling \$518,715.15 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

OFFICER RECOMMENDATION

ITEM 8.2

That cheques numbered 3684 to 3808 and direct bank payments totalling \$518,715.15 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

COUNCIL DECISION

ITEM 8.2

MOVED Cr P Kennedy

SECONDED Cr J Dwyer

That cheques numbered 3684 to 3806 and direct bank payments totalling \$518,715.15 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

Reason for the change was that there was a typing error in the cheque listing and that the report was amended from cheque No 3608 to 3606

8.3 Investments – July 2006

SUBMISSION TO: Ordinary Meeting of Council Friday, 21st July 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103a
DISCLOSURE OF INTEREST: None
DATE: 13th July 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This item is to advise Council of the investment transaction for the month of July 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 Reserve funds currently invested with the National Bank matured on 7th July 2006. The total of the funds invested were \$1,228,376.44 which accumulated an amount of interest on maturity of \$17,082.85 giving an investment total of \$1,245,459.29

The following transaction has been actioned on 28th June 2006:

Place of investment	National Bank
Term of investment	90 days (Mature 5 th October 2006)
Interest rate	5.91% pa
Name of funds invested	Reserve Account
Amount	\$1,245,459.29

Attached are the supporting documents for that transaction.

Current balance of all accounts as at 13th July 2006 is as follows:

Municipal Acct.	\$721,199.86	Interest rate 3.55% pa
Sweeper Acct.	\$714,241.55	Interest rate 5.20% pa
Reserve Acct.	\$1,245,459.29	Interest rate 5.91% pa

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:

- 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
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ITEM 8.3

MOVED Cr A Kelly

SECONDED Cr I Tucker

That Council receive the above report detailing investment transactions for the month of June 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
21st July 2006

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 405a

DISCLOSURE OF INTEREST: None

DATE: 10th July 2006

AUTHOR: Quenton Seignor, Works Supervisor

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

The dozer has finished widening the Snake Hill Road and is currently working on the Leonora – Mt Ida Road. Approximately half the Riverina - Snake Hill Road has had the over burden removed.

Garry Miller has finished the Menzies - Evanston Road and is currently working on the Menzies North West Road.

Lloyd Lansdown has been on sick leave for the last two weeks and Jane Francis has ceased her employment with the Shire. Last week we interviewed two people who responded to the Grader Operator advertisement in the West Australian and Kalgoorlie Miner. We will be interviewing a third applicant on Thursday 13th July.

The reticulation on the oval and behind the offices has been completed. The lawn area behind the hall has been top dressed and will be seeded soon. Shredded lawn will be planted on the oval in September when the warmer weather will lead to better establishment.

There has been a problem with the Caravan Park drainage. There was a broken earthenware pipe which had caused a blocked line. It was repaired and we got a vacuum sucker from Kalgoorlie which cleared the lines. Now there appears to be a strong smell coming from the toilet block.

The hand operated water pump (the flush mechanism) in the portable toilet located at Lake Ballard is not working. I have located a new pump from Chem-Loo which is the company that built this toilet.

We are still having problems with the undercarriage on the ride-on mower.

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 A Kelly

That the Works Supervisors report, as tabled, be received.

CARRIED 6/0

10. HEALTH, BUILDING AND TOWN PLANNING BUSINESS:

10.2 RANGERS REPORT

10.2.1 Ranger's Report

SUBMISSION TO: Ordinary Meeting of Council Friday,
21st July 2006
LOCATION: Shire of Menzies
APPLICANT: N/A
FILE REF: 125
DISCLOSURE OF INTEREST: None
DATE: 11th July 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 June 2006.

COMMENT:

**RANGER'S REPORT
JUNE 2006**

Dear Peter

On Friday the 23rd of June I received a telephone call from Robyn McCarthy informing me that a dog had been baited at Niagara Dam. As this is a very popular spot for people to camp at, I was most concerned. I said to Robyn that I'd do some leg work on the issue and get back to her.

I then contacted Peter Dallas at Melita Station and asked him about any baiting being conducted in the area surrounding the Dam. Peter informed me that, yes he had baited in the area, but only at Niagara bore which is 3.6kms from the gate below the dam wall. Peter also said that he had put signs on that gate, but someone had since removed them.

As it was Trent Stallman's parents who lost their dog I went out to Glenorn Station to have a chat to them. Eric and Jeannette are a lovely couple and were most upset to loose their beloved Weimaraner in such a manner. They had purchased a full muzzle before leaving Bunbury and had it on the dog during walks around the Dam, but had taken it off when back in camp. This fits in with

the time span as the dog was away from the camp around 2.30pm for a short time and had to be put down around 7.30pm the evening.

On Thursday the 29th I travelled to Menzies via Kookynie stopping on the way to visit Peter and Roz Sutton at Tampa. They were not home so I left a card and continued on my way. At Kookynie I had a brief chat with Kevin and Marg along with Rus and Judy. From the hotel I called in to see John McCarthy, hoping to catch up with Robyn with more information on the baited issue. John seemed to think that an area between Kookynie and Niagara Dam was all Commonage. Baiting is not to be conducted on Common land.

After leaving a card at Greg and Jill's I visited the Dam where I had a chat with some retired farmers from Kojonup. Before driving out to Niagara bore for a look see. Noting that the bait signs were indeed missing from the gate I put another in place.

From Niagara I continued on into Menzies and had a chat with Brad about the baiting and he was able to burn a CD for the boundaries at Kookynie and the Niagara area, Something handy to have for future reference. After having a chat to Gov and helping to jump start a vehicle (Brad found a pair on jumper leads for me) outside the Roadhouse for a visitor. I then conducted a tour of town before heading back to Leonora.

On the way back I stopped to have a yarn with two relieving Police officers just passed Jeedamya Station. They were doing a roaring trade!

The only plausible explanation I can give to the baiting issue is that a bait had been picked up by an unknown dog and vomited it up around the camp area before Eric and Jeannette's dog happened along. Sounds lame but I can offer no other explanation. Perhaps we could look to placing signs at the Dam entrance. Something that could also be seen to turning visitors away from the area!

Patrick Kelly
Ranger

CONSULTATION:

Mr Peter Crawford – CEO Menzies

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 11.1
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MOVED Cr I McGregor

SECONDED Cr J Dwyer

That the Rangers Report for the month of June 2006, as presented, be received.

CARRIED 6/0

11. CHIEF EXECUTIVE OFFICER'S REPORT:

11.1	Policy 4.1 – Attendance of Councillors and Staff at Conferences, Seminars, Training Courses, etc.
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SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006
LOCATION: Shire of Menzies
APPLICANT: N/A
FILE REF: 113b
DISCLOSURE OF INTEREST: None
DATE: 30 June 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to advise Council of a proposed addendum to the Policy Manual.

BACKGROUND:

Policy No 4.1 – Attendance of Councillors and Staff at Conferences, Seminars, Training Courses, etc. describes the guidelines pertaining to Councillors and staff attendance at various functions., as follows:

Policy No. 4.1 - CONFERENCES AND MEETINGS

** Originally adopted 19th March 2004*

- 1) Notices inviting Council to nominate delegates to conferences, meetings and similar occasions are to be circulated to Councillors*
- 2) All Councillors are to be advised of all local meetings where a general invitation to Councillors has been made.*
- 3) Where possible any Councillor who wishes to nominate at each event shall request prior nomination at a Council meeting.*
- 4) Council shall decide by resolution to nominate such representatives as Council may consider is appropriate.*
- 5) Where it is considered appropriate for a Councillor to be accompanied by another person when attending a conference, meeting or similar occasion Council will meet the expenses applicable to attendance with a Councillor by that person with full approval of the Council.*
- 6) Those Councillor/s and Officer/s nominated to attend meetings or conferences shall have reasonable expenses met by Council in accordance to Policy No.s 3.7 and 3.6.*

The Policy, however, does not make a distinction between the duties in whether Councillors are entitled to fees and other expenses when attending these functions as a representative of Council or merely as an observer.

COMMENT:

It is expected that when a Councillor is requested to attend a function as a representative of Council by either the Council or the CEO, they should be entitled to be remunerated for fees and other expenses that they may have incurred.

However, when attending any function that is not compulsory, that is as an invitation only, that fees and other expenses are not applicable.

The CEO will, in consultation (if it is deemed necessary) with the Shire President, issue a Request for Attendance or an Invitation to Attend, as per the following addendum to the current Policy:

7. *The Chief Executive Officer shall, in liaison with the Shire President, determine if attendance at such functions on Council's behalf will incur meeting fees or other expenses by issuing a Request for Attendance (Meeting fees and expenses will be approved in accordance with Policy No's 3.6 and 3.7) or an Invitation to Attend (No fees are applicable).*

Copies of the proposed Request for Attendance and Invitation to Attend forms are attached for Councillors perusal.

CONSULTATION:

Shire President

STATUTORY ENVIRONMENT:

LOCAL GOVERNMENT ACT 1995 - SECT 5.98 Fees etc. for council members

5.98 . Fees etc. for council members

(1) A council member who attends a council or committee meeting is entitled to be paid —

- (a) the prescribed minimum fee for attending a council or committee meeting; or*
- (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.*

(2) A council member who incurs an expense of a kind prescribed as being an expense —

- (a) to be reimbursed by all local governments; or*
- (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,*

is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —

- (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or*
- (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.*

(4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

(5) *The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —*

(a) the prescribed minimum annual local government allowance for mayors or presidents; or

(b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for mayors or presidents, that allowance.

(6) *A local government cannot —*

(a) make any payment to; or

(b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

(7) *A reference in this section to a “committee meeting” is a reference to a meeting of a committee comprising —*

(a) council members only; or

(b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s.36.]

POLICY IMPLICATIONS: Will complement and clarify the current Policy.

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION
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ITEM 11.1

MOVED Cr I McGregor

SECONDED Cr P Kennedy

That Council Resolve to Adopt the following amended Policy in it's entirety:

Policy No. 4.1 - CONFERENCES AND MEETINGS

** Originally adopted 19th March 2004*

- 1) Notices inviting Council to nominate delegates to conferences, meetings and similar occasions are to be circulated to Councillors
- 2) All Councillors are to be advised of all local meetings where a general invitation to Councillors has been made.
- 3) Where possible any Councillor who wishes to nominate at each event shall request prior nomination at a Council meeting.
- 4) Council shall decide by resolution to nominate such representatives as Council may consider is appropriate.

- 5) Where it is considered appropriate for a Councillor to be accompanied by another person when attending a conference, meeting or similar occasion Council will meet the expenses applicable to attendance with a Councillor by that person with full approval of the Council.
- 6) Those Councillor/s and Officer/s nominated to attend meetings or conferences shall have reasonable expenses met by Council in accordance to Policy No.s 3.6 and 3.7.
- 7) The Chief Executive Officer shall, in liaison with the Shire President, determine if attendance at such functions on Council's behalf will incur meeting fees or other expenses by issuing either a "Request for Attendance" (Meeting fees and expenses will be approved in accordance with Policy No's 3.6 and 3.7) or an "Invitation to Attend" (No fees are applicable).

CARRIED 6/0

11.2	Delegation 047	Menzies Youth and Community Group
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SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006

LOCATION: Shire of Menzies

APPLICANT: N/A

FILE REF: 146

DISCLOSURE OF INTEREST: None

DATE: 3 July 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to request Council to appoint a delegate to the Menzies Youth and Community Group (MYCG).

BACKGROUND:

The Menzies Youth and Community Group was established by locals many years ago to promote and assist the local community in various functions and development applications.

This group is not affiliated with Council in any way and does not have a Council representative on it's committee.

COMMENT:

With the possibility of some mining expansion taking place in Menzies and its surrounds in the near future, there is a real need to involve Council in the group's activities. One such avenue is the sourcing of grants to create some new infrastructure in the district or the upgrade some existing items.

By having a delegate on the committee, Council would get first hand knowledge of any developments that the group intend to become involved in. The group is also an ideal platform to have Council support when applying for grants for those various projects.

If Council were to appoint the Chief Executive Officer as their delegate to the group, a report would be given to Council after each MYCG meeting. This appointment would not put Council under any monetary obligation to the group as any application for grants that would have Council involvement would first require a Council Resolution to the agreement.

CONSULTATION:

Various community members.

STATUTORY ENVIRONMENT:

*LOCAL GOVERNMENT ACT 1995 - SECT 5.42
Delegation of some powers and duties to CEO*

5.42 . Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s.13⁸ .]

POLICY IMPLICATIONS: None that the author is aware

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 11.2
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MOVED Cr I McGregor

SECONDED Cr P Kennedy

That Council approve of the following delegation to the Chief Executive Officer:

- Delegation Number*** - ***047***
- Legislative Power*** - ***Local Government Act 1995 (Section 5.42)***
- Delegation Subject*** - ***Menzies Youth and Community Group***
- Delegate*** - ***Chief Executive Officer***

The Chief Executive Officer is delegated authority to attend meetings of the Menzies Youth and Community Group as the Council representative, and report back to Council on any issues that will require Council agreement, prior any participation or involvement.

CARRIED 6/0

11.3	Mt Menzies
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SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 120
DISCLOSURE OF INTEREST: None
DATE: 9 July 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to advise Council of the report into the proposed access road to the top of Mt Menzies.

BACKGROUND:

At the Ordinary Meeting of Council, held Friday 21 April 2006, Cr Kennedy suggested that the existing track to the top of Mt Menzies be upgraded to allow tourists to access the site and take photos of the surrounding landscape.

Mr Duncan Jack, a consultant engineer was commissioned to carry out an investigation to assess the feasibility of the project and any possible liabilities that may be incurred (Attached is the report from Mr Jack).

COMMENT:

The report states that while the project is feasible, the ongoing liabilities are likely to overshadow any benefits derived from the implementation of the development.

It would appear that the ongoing cost of the duty of care would not be in Council's best interests to proceed any further with this project.

CONSULTATION:

Mr Duncan Jack, Consultant Engineer.

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.

OFFICER RECOMMENDATION

ITEM 11.3

That Council Resolve not to proceed any further with the proposal to upgrade the track to the top of Mt Menzies.

AMMENDMENT

ITEM 11.3

MOVED Cr P Kennedy

SECONDED Cr I Tucker

That the following amendment be approved: "That the CEO explore costing and funding options to provide a track to the top of Mt Menzies hill".

COUNCIL DECISION**ITEM 11.3**

MOVED Cr P Kennedy

SECONDED Cr I Tucker

That the CEO explore costing and funding options to provide a track to the top of Mt Menzies hill.

CARRIED 6/0

The reason for the amendment was to ascertain the possibility of gaining access to funding and the overall cost of the project, as that cost and the ongoing maintenance requirements would be considerable.

11.4 Kookynie Walk Trail

SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006

LOCATION: Kookynie

APPLICANT: N/A

FILE REF: 139

DISCLOSURE OF INTEREST: None

DATE: 13 July 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to request Council to consider assuming responsibility for the creation of a proposed walk trail within the Kookynie townsite.

BACKGROUND:

Quite a few months ago, an idea was floated between locals to create a walk trail around some of the historic sites within the Kookynie townsite. A public meeting was called to gauge the interest amongst the locals with the results being that the concept was more than feasible.

A quote has been received from two organisations that can supply the necessary signage and a grant has been submitted to Lotterywest for funding to carry out the project.

COMMENT:

The idea was that if the proposed walk trail was possible to implement, that the group would then seek approval from the Shire of Menzies for the Shire to take over the project and maintain the trail in the future.

The local community have committed themselves to erect the signage with some assistance from the Shire for materials.

This trail will aid tourists to the area in understanding the history of the region and the town. The trail will also complement the other improvements in the town such as a community building and information bay.

The project will still be dependant on a successful grant application before any commencement is envisaged.

CONSULTATION:

Kookynie community, Lotterywest.

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: Provided for in the 2006/2006 Budget

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 11.4
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MOVED Cr I McGregor

SECONDED Cr J Dwyer

That Council Resolve to assume responsibility for the creation and maintenance of the Kookynie Walk Trail, with any further action being decided when the outcome of the grant funding submission to Lotterywest is known.

CARRIED 6/0

11.5 Council Meeting Dates for 2006/2007

SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006
LOCATION: Shire of Menzies
APPLICANT: N/A
FILE REF: 109
DISCLOSURE OF INTEREST: None
DATE: 3 July 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with a list of Meeting Dates for the next twelve months.

BACKGROUND:

Under Section 5.25 (1) (g) of the Local Government Act 1995, Council is required at least once in every twelve months, to give public notice of when and where Council, Committee or Special Meeting are to be held.

COMMENT:

It is a Council Policy that Ordinary Meetings of Council are held on the third Friday of each month, commencing at 9.00 am. These Meetings are generally held in the Council Chambers, Shenton Street, Menzies. the exceptions to this rule is as follows:

- No Meeting is held in January of each year
- The September Meeting is held at Kookynie, commencing at 9.00 am
- December Ordinary Meeting commences at 1.00 pm

The following is the recommended dates for these Ordinary Meetings to be held:

18 August 2006	Council Chambers, Menzies	9.00 am
15 September 2006	Grand Hotel, Kookynie	9.00 am
20 October 2006	Council Chambers, Menzies	9.00 am
17 November 2006	Council Chambers, Menzies	9.00 am
15 December 2006	Council Chambers, Menzies	9.00 pm
January 2007	No Meeting	
15 February 2007	Council Chambers, Menzies	9.00 am
16 March 2006	Council Chambers, Menzies	9.00 am
20 April 2006	Council Chambers, Menzies	9.00 am
18 May 2006	Council Chambers, Menzies	9.00 am
15 June 2006	Council Chambers, Menzies	9.00 am
20 July 2007	Council Chambers, Menzies	9.00 am

CONSULTATION:

None

STATUTORY ENVIRONMENT:

LOCAL GOVERNMENT ACT 1995 - SECT 5.25

Regulations about council and committee meetings and committees

5.25 . Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

- (a) the matters to be dealt with at ordinary or at special meetings of councils;*
- (b) the functions of committees or types of committee;*
- (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;*
- (c) the procedure to be followed at, and in respect of, council or committee meetings;*
- (d) methods of voting at council or committee meetings;*
- (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);*
- (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;*
- (g) the giving of public notice of the date and agenda for council or committee meetings;*
- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;*
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and*
- (j) the circumstances and time in which notice papers and agenda relating to any*

council or committee meeting and reports and other documents which could be —
(i) tabled at a council or committee meeting; or
(ii) produced by the local government or a committee for presentation at a council or committee meeting,
are to be made available for inspection by members of the public.

(2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended by No. 64 of 1998 s.28.]

POLICY IMPLICATIONS: As per Policy 2.3

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

OFFICER RECOMMENDATION	ITEM 11.5
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That Council Resolve to Adopt the following Meeting dates, places and time for the Ordinary Meetings of Council, from August 2006 until July 2007:

18 August 2006	Council Chambers, Menzies	9.00 am
15 September 2006	Grand Hotel, Kookynie	9.00 am
20 October 2006	Council Chambers, Menzies	9.00 am
17 November 2006	Council Chambers, Menzies	9.00 am
15 December 2006	Council Chambers, Menzies	9.00 pm
January 2007	No Meeting	
15 February 2007	Council Chambers, Menzies	9.00 am
16 March 2006	Council Chambers, Menzies	9.00 am
20 April 2006	Council Chambers, Menzies	9.00 am
18 May 2006	Council Chambers, Menzies	9.00 am
15 June 2006	Council Chambers, Menzies	9.00 am
20 July 2007	Council Chambers, Menzies	9.00 am

COUNCIL DECISION	ITEM 11.5
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MOVED Cr P Kennedy

SECONDED Cr J Dwyer

That Council Resolve to Adopt the following Meeting dates, places and time for the Ordinary Meetings of Council, from August 2006 until July 2007:

16 August 2006	Council Chambers, Menzies	9.00 am
15 September 2006	Grand Hotel, Kookynie	9.00 am
20 October 2006	Council Chambers, Menzies	9.00 am
17 November 2006	Council Chambers, Menzies	9.00 am
15 December 2006	Council Chambers, Menzies	1.00 pm
January 2007	No Meeting	
15 February 2007	Council Chambers, Menzies	9.00 am
16 March 2006	Council Chambers, Menzies	9.00 am
20 April 2006	Council Chambers, Menzies	9.00 am

18 May 2006	Council Chambers, Menzies	9.00 am
15 June 2006	Council Chambers, Menzies	9.00 am
20 July 2007	Council Chambers, Menzies	9.00 am

CARRIED 6/0

Reason for the change was that some Councillors may not have been available to attend the August Meeting when the Budget is to be presented, and, the December Meeting to be rescheduled to commence at 1.00 pm.

**The meeting was adjourned at 10.30 am for a break.
The meeting re-convened at 10.48 am.**

12. REPORTS:

12.1 REPORTS FROM COUNCILLORS:

Cr A Kelly	Reset the town clock. Advisory signage on southern highway approach to Menzies, CEO to forward a list of suggestions to MR WA in Kalgoorlie for their comments. Missing maps from Library.
Cr I Tucker	Bends on the Mt Ida Rd north of Bottle Creek need attention.
Cr J Dwyer	Asked about asbestos disposal, CEO advised that he will make provision for asbestos dumping pits at both Menzies and Kookynie.
Cr I McGregor	Suggested Council purchase an art item from Cottage Crafts and display. Kim Turnock may be interested doing some painting work in Menzies. Keith Mader has destroyed 59 wild dogs in 60 days. There may be a possible part time dogger position available.
Cr S Tonkin	Received a copy of a dogging report. Asked about plans for the upcoming Menzies Annual Event, requested that a report from the Councillors involved be presented at the next Meeting

12.2 CHIEF EXECUTIVE OFFICER'S SUPPLEMENTARY REPORT:

- AGM / LG Week / Travel arrangements, CEO presented Councillors with all information that was available at the time.
- Annual returns, CEO distributed forms and requested Councillors and staff to have the forms completed and returned well before 31 August
- Temporary ablutions for caravan park, CEO advised Council on current arrangements for the lease of the unit.
- Differential rates, notice from the Department of Local Government that approval had been granted.
- Ularring lease, advised Council that a lease had been proposed by the Department of Planning and Infrastructure.
- Australia day, call for nomination for awards.
- Audrey Bambury & Dennis Forrest – blocks of land in Kookynie,

The President declared an interest in this item (as Mr Forrest had made enquiries regarding purchasing a building from the President to place on the Kookynie property) and left the Chambers at 11.26 am

- Council discussed the matter of the lots in Kookynie and Menzies and agreed that, as previously Resolved by Council a number of years ago, the prices of lots in Kookynie and Menzies would remain at \$1,500 each and that, as a condition of sale, a single house should be completed on the lot sold within two years time from date of purchase of the lot.

The President returned to the Chambers at 11.28 am.

- Water Resources, Standing Committee on WA’s Water Resources have announced an enquiry into the governance of WA’s Water Resources.
- Road Safety Council will be in Kalgoorlie on 31 August and 1 September, any interested Councillors are invited to attend
- AITS – fuel rebate scheme, CEO advised on the rebate scheme offered by AITS and that Council may become a signatory to a once only payment for services rendered pending further investigation
- LGMA subs are now due
- LGMA pocket diaries for Councillors required to be ordered
- SIPA Gold – mining lease covering part of the Menzies town lease, CEO to lodge objection with the Mining Registrar
- Heritage Council of WA have advised that the old Menzies post office is being considered for listing
- Dept of Housing and Works seek permission to place a temporary transportable at the Menzies school site
- Chapman Valley Shire letter to be further discussed at the next GECZ meeting
- Pooling resources – Leonora Shire have indicated that they may be interested with some conditions
- Crime Prevention – a grant has been received from the Office of Crime Prevention to carry out a study, a public meeting will be called very shortly
- Lake Ballard Plan, a copy of the plan has been received from the architect, a meeting of the advisory group will be called for August to inspect the plan.

13 NEW BUSINESS OF AN URGENT NATURE:

13.1 ELECTED MEMBERS

Nil

13.2 CHIEF EXECUTIVE OFFICER

COUNCIL DECISION	ITEM 13.2
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MOVED Cr A Kelly

SECONDED Cr J Dwyer

That Council receive New Business of an Urgent Nature.

CARRIED 6/0

13.2.1	Land Resumption
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SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 116
DISCLOSURE OF INTEREST: None
DATE: 21 July 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, 17 February, 2006, Council Resolved to not hand any blocks of land back to the Crown but have them vested in Council for the non payment of rates.

Accordingly, the Department of Local Government and Regional Services were advised on the decision but advised us that the procedure that had been commenced twelve months previously had been incorrect.

Subsequent discussions and correspondence with the Department have now revealed that Council is able to begin the procedure of getting access to the blocks but the procedure will take about twelve months to complete.

COMMENT:

The expansion and upgrading of the Menzies Caravan Park is being planned to commence in the coming Budget and twelve months will seriously complicate those plans. To further delay the upgrading of the ablutions block in the current park is not an option due to the poor state of the building.

The compulsory acquisition of land under the Land Administration Act 1997 is an avenue under which Council can get access to the necessary blocks of land to enable the expansion and upgrading of the park to proceed.

There is a procedure to follow but as the blocks of land have not had a change of ownership for many years, it is not expected that any objections will be raised.

As well, there is a need to access a block of land in Kookynie for the purpose of erecting a community meeting building and public toilets.

CONSULTATION:

Mr Ian Allison – Land Administration Services, Mr Lou Naumovski – Department of Local Government and Regional Services

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

ITEM 13.2.1

MOVED Cr A Kelly

SECONDED Cr J Dwyer

That Council Resolve 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.

CARRIED 6/0

13.2.2 Closure of Right-of Way

SUBMISSION TO: Ordinary Meeting of Council Friday,
21 July 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 400
DISCLOSURE OF INTEREST: None
DATE: 17 July 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

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

BACKGROUND:

With the proposed upgrading and expansion of the Menzies Caravan Park, there is a need to have a portion of the existing Right of Way between Brown Street and Florence Street closed to public access.

COMMENT:

The section of the right of way from Brown Street to and including Lot 57 Reid Street will eventually become part of the new extensions to the caravan park. As such, there is a need to formerly begin the closure procedure.

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

ITEM 13.2.2

MOVED Cr J Dwyer

SECONDED Cr I Tucker

That Council Resolve to have a section of the Right-of Way between Brown Street and Florence Street closed to public access between Brown Street to and including Lot 57 Reid Street.

CARRIED 6/0

14. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS:

The CEO requested Council go behind closed doors to discuss matters of a personal nature concerning him.

COUNCIL DECISION

ITEM 14.

MOVED Cr J Dwyer

SECONDED Cr I McGregor

That Council conduct Confidential Business Behind Closed Doors

CARRIED 6/0

COUNCIL DECISION

ITEM 14.

MOVED Cr J Dwyer

SECONDED Cr I McGregor

That Council come out from behind closed doors

CARRIED 6/0

No Resolution of Council was made

15. NEXT MEETING:

The next Ordinary Council Meeting is scheduled for Wednesday 16th August 2006 at the Council Chambers, Menzies, commencing at 9.00 am

16. CLOSURE:

There being no further business to discuss, the Shire President declared the Meeting closed at 12.07pm pm

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 16th August 2006

CONFIRMED

SHIRE PRESIDENT.....