
SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 18 NOVEMBER 2005 COMMENCING AT 10.53 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected members and declared the meeting open at 10.53 am.

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

Present:	Cr S Tonkin	Shire President
	Cr A Kelly	Deputy Shire President
	Cr K Purchase	Member
	Cr J Dwyer	Member
	Cr I Tucker	Member
	Cr I McGregor	Member

Staff:	Mr P Crawford	Chief Executive Officer
	Mrs L McNamara	Minutes
	Mr B Pepper	Works Supervisor

Apologies:	Cr P Kennedy	Member
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Visitors:

Hon. Minister John Bowler MLA
Minister for Local Government and Regional Development,
Goldfields, Esperance and the Great Southern

Ms K Saunders	Minister's Office
Mr G Della Bona	Hampton Transport
Mr C Woollard	St Barbara Mines
Ms B Bastow	St Barbara Mines
Mr K Pusey	Kookynie Resident
Mr J Tonkin	Guest

The President invited the Hon Minister to address the Meeting:

The Hon Minister spoke in general terms of the need to continue the good communication and cohesion of Councils. The Hon Minister thanked Council for the invitation to attend the Meeting and wished them well for the future.

3. PUBLIC QUESTION TIME:

Mr C Woollard addressed Council and referred to the letter from St Barbara outlining the fact that the company was divesting itself of the old haul roads and that the company considered that the roads would be an asset to Council. He advised that his company would, if agreement

was reached to have the roads transferred to the Shire of Menzies, arrange all legal requirements, or alternatively, reimburse Council for any costs associated with the transfer.

He was advised that Council would inspect the haul roads when they carried out a road inspection at the end of November and discuss the findings at the December Ordinary Meeting of Council. St Barbara would be advised in due course of any decision made.

11.12 Mr Woollard and Ms Bastow left the Meeting

Mr G Della Bona discussed the condition of the access roads into Tjuntjuntjara and Council's proposals regarding the roads. He was advised that Council has already given permission for the Tjuntjuntjara Community to commence a maintenance grade of the access roads that fall within the boundaries of the Shire of Menzies. This will enable the continued delivery of freight, fuel and emergency supplies for the immediate needs. Future works scheduled to the end of June 2006 will consist of several maintenance grades and some heavy formation reconstruction to raise up low levels of the road to above the natural surrounding land.

The Shire of Menzies will also be calling for public tender for the future maintenance / construction needs on those roads, but, in the meantime, Hamptons could expect to see a grader on the road continuously until the end of June 2006.

Mr Della Bona thanked Council for their time and advised that he would be speaking to the City of Kalgoorlie-Boulder regarding the sections of the access road under their jurisdiction.

Mr. Kevin Pusey requested that the Minutes contain the questions and the responses during the Public Question section, the President agreed.

Question Lake Ballard- Some time ago, probably in March 2005, Council Resolved that they accept the funding on offer and install the necessary bollards around the perimeter of the Lake to prevent further degradation to the site.

Answer The CEO advised that until the matter of the vesting of the site in the Management Board is complete, Council does not have any jurisdiction over the site to expend funds.

Mr Pusey said that he was aware of that but that Council had still resolved to install bollards to prevent access to the Lake and that the action should be undertaken.

The CEO again advised that as Council does not have any authority over the site, it cannot legally expend Council funds on any infrastructure. The President also explained that the negotiations with the Traditional Owners were at a delicate stage and that Council did not want to be involved in any acts that may antagonize those negotiations.

Mr Pusey suggested that Council may be able to install the bollards through consultation with the Pastoralist. The CEO would investigate the matter with the GLSC regarding this option.

Question Vehicles are gaining access to the Niagara Cemetery, damaging graves, can the area be fenced to prevent vehicle access.

- Answer The CEO advised that he will inspect the cemetery and make arrangements for the fence to be erected.
- Question There was a request that when the new fire fighting unit was delivered to Menzies, could the old landcruiser be left in Kookynie as a back up unit. He was since advised that the landcruiser had to be disposed of according to FESA's regulations. In lieu of this, could the tandem wheel fire traler that was currently on loan to Kookynie be left there as it was a bigger unit than the one in Menzies having a new engine fitted?
- Answer CEO Yes
- Question Brad Jones from Kookynie had requested a street sign be erected at Cosmos Street?
- Answer The CEO would arrange for the staff to supply and erect a street sign at Cosmos Street in Kookynie.

The President thanked the speakers and invited them to stay for the remainder of the Meeting.

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

The President advised the Meeting that himself and the CEO had met with the Perth International Arts Festival people regarding the current situation with the formulation of the Management Board for Lake Ballard, repairs to the statues and the proposed meeting for the Lake Ballard Advisory Group.

The meeting was very fruitful with an undertaking that PIAF would arrange to repair the damaged statues when they came to the meeting in Menzies.

The President also advised that himself and the CEO had attended the Goldfields Esperance Country Zone meeting in Norseman yesterday and read out the resolution the group had passed in relation to the shared services concept.

The group had advised that the concept had the support of the Minister for Local Government and Regional Development as well as the Treasurer.

Discussions with the Esperance Shire representatives suggested that the decision to share the Mt Ridley project with their local Aboriginal Community had ensured that the project had progressed much quicker than could have otherwise have been expected. There was a significant time line to progress the approval procedure through the various Government Departments and that we would seek the Minister's assistance to speed up the process. The CEO had also been given a contact name to further enquiries as to the best way to assist our Lake Ballard project in this manner.

MOVER Cr I McGregor

SECONDED Cr J Dwyer

That the President's report be received

CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL DECISION / OFFICER RECOMMENDATION**ITEM 6.1**

MOVED Cr A Kelly

SECONDED Cr K Purchase

That the minutes of the Ordinary Meeting held on Friday 21 October 2005 as previously circulated be confirmed as a true and accurate record.

CARRIED 6/0

6.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING TO INTERVIEW CEO APPLICANTS**COUNCIL DECISION / OFFICER RECOMMENDATION****ITEM 6.2**

MOVED Cr J Dwyer

SECONDED Cr A Kelly

That the Minutes of the Special Meeting held Wednesday, 2 November 2005 to interview the applicants for the position of Chief Executive Officer, be confirmed as a true and correct record.

CARRIED 5/0

Cr Tucker queried the fact that he had not been presented with a copy of the applicants details

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

MOVED Cr I Tucker

SECONDED Cr I McGregor

That the Status Report as at 31 October 2005, be received.

CARRIED 6/0

8. FINANCIAL REPORTS**8.1 Financial Statements to 31 October 2005**

SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103a
DISCLOSURE OF INTEREST: None
DATE: 8 November 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

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

COUNCILLOR DECISION / OFFICER RECOMMENDATION	ITEM 8.1
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MOVED Cr I McGregor

SECONDED Cr K Purchase

That the Financial Statements to 31 October 2005 as presented, be adopted

CARRIED 6/0

8.2	Accounts for Payment
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103

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

DATE: 8 November 2005

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

BACKGROUND:

Cheque numbers 3234 to 3300 and bank statement transfers totalling \$126,117.70 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.

FINANCIAL IMPLICATIONS: Reduction to the Municipal Fund Balance

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 8.2

MOVED Cr J Dwyer

SECONDED Cr I Tucker

That cheques numbered 3234 to 3300 and direct bank payments totalling \$126,117.70 which have been paid by the Acting Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

9.1 Works Supervisors Report

9.1.1 Roadworks and General Report

LOCATION:	18 th November 2005
APPLICANT:	Menzies Shire
FILE REF:	N/A
DISCLOSURE OF INTEREST:	405a
DATE:	None
AUTHOR:	August 2005
SIGNATURE OF AUTHOR:	Brad Pepper, Works Supervisor
SENIOR OFFICER:	Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

Menzies Airstrip

The Menzies airstrip was graded, rolled and watered to fill in washouts and remove weeds. This is part of a annual maintenance programme to keep the airstrips in good condition. When the crew is in the Kookynie area next that airstrip will receive some attention.

Garry Miller Grading Contractor

Garry Miller has completed grading the entire west side of the Goldfields Highway. Up until the Christmas break he will be grading the prominent roads on the East side of the highway: - Kookynie, Kookynie-Yarri, Kookynie Malcolm, Mt Remarkable, Yarri and Cranky Jack.

Future Construction Work

Planning at this stage for the next construction project will be the "Blackspot Funded Project" on the Menzies Northwest Road. It is however dependant on Aboriginal Heritage Clearance and the Dozer Hire tender before it can proceed.

The site is located 10.3km – 13.6km from town and intercepts a salt lake. Crests will be lowered, the formation will be widened, culverts installed and finished with gravel sheeting.

A selection of pavement material will be sent away for analysis to determine its compatibility for its application.

Slip-on Fire tender units

Both the Menzies and Kookynie slip-on units have been serviced in time for the fire season. Temporarily the Menzies unit is in Kookynie while the engine on the Kookynie unit is being rebuilt / replaced due to a damaged seal allowing water to enter the engine internals.

New Rigid Truck and Trailer

On arrival of the new truck it was found that the drawbar was 250mm too short due to an inspection by Weights and Measures. After discussions with Howard Porter the Managing Director visited to view the problem and arrived at a solution. A new drawbar was sent from Perth and the truck is now in operation. _

Employees

Lloyd has returned to work after a series of treatments and is in fine spirits.

Alan Van Der Snoek will be leaving us at the end of the year; Angela has a new job based in Albany close to family and friends. Alan has filled the position of Parks and Gardens for the past year and has been busy attending to all the duties required over that time. Best wishes to them both.

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 9.1.1

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.1.1

MOVED Cr I McGregor

SECONDED Cr J Dwyer

That the Works Supervisors report, as tabled, be received

CARRIED 6/0

10.1.1 Environmental Health Officer's Report for Month of October 2005

SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Menzies
APPLICANT: N/A
FILE REF: H11 & H13
DISCLOSURE OF INTEREST: None
DATE: 8 November 2005

AUTHOR: Marius Olsen, Principle Environmental Health Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

COMMENT:

1.0 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

1.1 Premise Inspections

1.2.1 Food Premises

Nil

1.2 Septic Tank Applications

Nil

1.3 Building Licences

21 October 2005 – Issued licence to Telstra to commence installation of mobile antennae to existing towers at Menzies telecommunication services.

1.4 General Business

20 October 2005 – Public building inspection was conducted at the Menzies Hotel in conjunction with FESA representative. The inspection was a great success with the Menzies Hotel showing the highest level of compliance in the Leonora/Laverton/Menzies region.

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 10.1.1

MOVER Cr J Dwyer

SECONDED Cr A Kelly

That the Environmental Health Officer's report for the month of October 2005, as presented, be received.

CARRIED 6/0

10.2.1	Ranger's Report
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: shire of Menzies
APPLICANT: N/A
FILE REF: 125
DISCLOSURE OF INTEREST: None
DATE: 8 November 2005
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 October.

COMMENT:

Dear Peter

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

- **On Monday the 10th I received a call from Robyn McCarthy requesting information on our Local by Laws with regard to the keeping of roosters. A neighbour at Kookynie had complained about the noise her roosters were making!!**

Action: Being unsure if we even had much law. I rang to check with you first up. After some discussion and no joy in finding anything in writing, you suggested I contact Tony Nottle. This I did and Tony was able to confirm that indeed we did have such laws and was even able to tell us where we would find them.

- **Thursday the 13th I travelled to Menzies.**

Action: On the way down, I stopped at our new Rest Stop and had a brief chat to a couple from Albany. They were very impressed with the set up and were making comments in their Diaries when I pulled up, good ones I hope!

At the Shire, I collected some road work tender documents from Lisa for Wayne Taylor of Marlou Contracting in Leonora.

From my conversation with Tony, you were able to locate the By Laws regarding roosters and so armed I hoped to be able to sort out the tension in Kookynie.

After a slow tour of town, I stopped and had a yarn with Keith and Bev at the Hotel, but they did not have much to report. I then had a chat to Greg McNamara about the dog incident he rang about while I was at the Rangers Conference (He needed a dog destroyed but apparently it has since died, despite Sam's efforts).

- **From Menzies I travelled to Kookynie via Niagara.**

Action: I called into Niagara Dam to find every thing clean and in order. There were three campers on site, one from South Australia, Queensland and Geraldton.

Further on I stopped in on Greg for a quick chat, before continuing on into Kookynie. Here I hoped to see Peter Audrie, unfortunately he was not home, so I left my card asking him to contact me at his convenience.

From here I called in to see Robyn and after some discussion arranged with her to reduce the number of roosters (I had arranged with Braemore Station to take rehouse the others). I also advised Robyn to write a letter requesting Shire permission to keep a rooster and also suggested she ask Judy if there were any objections, her being the closest neighbour.

After a short chat to Kevin and Margaret I headed home via Glenorn Station (where I had to collect a cat trap). Coming in to telephone range I had a message to ring Peter in Kookynie. After contacting him he seemed please with the effort and was happy to have only the one rooster in town.

A few days later John McCarthy delivered the other roosters to Braemore Station.

PS All that for a couple of 'flammin' roosters!!

**Patrick Kelly
Ranger**

Time: 10.00am-4.30pm = 5.5 hrs

Distance: 240kms

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
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ITEM 10.2.1

MOVER Cr I McGregor

SECONDED Cr A Kelly

That the Rangers Report, as presented, be received.

CARRIED 6.0

11. CHIEF EXECUTIVE OFFICER'S REPORT

11.1 Corporate Credit Cards

SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 113b
DISCLOSURE OF INTEREST: None
DATE: 29 October 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

Council need to consider adopting the Policy that allows the Shire President to be issued with a Corporate Credit card.

BACKGROUND:

Policy No 2.7 Corporate Credit Cards relates to the Chief Executive Officer who has been issued with a Corporate Credit Card for Council business related use. It is proposed that the Council authorise the Shire President also be issued with a Corporate Credit Card for Council related business use.

COMMENT:

All functions that the Shire President attends on the behalf of the Council are usually prearranged through the office with the issuing of an order number or prepaid with the CEO's corporate credit card.

As was found recently during the trip to Halls Creek, in Perth and at York, had the Acting CEO not been present, the President would have had to pay a number of expenses from his own pocket and recoup those costs from the office at a later date.

This practice creates added expenses by way of bank charges to the recipient, time and costs involved in Council staff processing recoups. The President should be issued with a credit card for Council related charges that may occur when he is away representing Council at a function.

The adoption of this submission and the conditions as outlined in Policy 2.7 Corporate Credit Cards, would govern the use of the card and Council could set a limit of perhaps \$5,000 on the card.

CONSULTATION:

Cr S Tonkin - Menzies Shire President

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

POLICY IMPLICATIONS: Council's current Policy is as follows:

Policy No. 2.7 – CORPORATE CREDIT CARDS

Council Corporate Credit Cards are provided for the use of the following persons for Council business related expenditure:

- Chief Executive Officer

Use of Corporate Credit Cards is restricted to meeting attendance by officers and Councillors and expenditure relating to Council business is required, and cannot be financed by purchase orders or any other means. A restricted level of personal expenditure may be allowed up to \$300.00 in total at any one time, however must be paid by the proceeding pay period.

FINANCIAL IMPLICATIONS: There are no Financial Implications as the Policy dictates the conditions of use.

VOTING REQUIREMENTS: Simple majority required

OFFICER RECOMMENDATION

ITEM 11.1

That Council adopt the following Policy as the new Policy No 2.7 Corporate Credit Cards

Policy No. 2.7 – CORPORATE CREDIT CARDS

Council Corporate Credit Cards are provided for the use of the following persons for Council business related expenditure:

- Shire President (Maximum limit \$5,000)
- Chief Executive Officer (Maximum limit \$25,000)

Use of Corporate Credit Cards is restricted to meeting attendance by officers and Councillors and expenditure relating to Council business is required, and cannot be financed by purchase orders or any other means.

A restricted level of personal expenditure may be allowed up to \$300.00 in total at any one time, however must be paid by the proceeding pay period.

COUNCIL DECISION

ITEM 11.1.1

MOVED CR I Tucker

SECONDED Cr A Kelly

That Council Resolve not to adopt the Policy to supply the Shire President with a Corporate credit card

CARRIED 6/0

Reason for the change was that the Chief Executive Officer had received recent information that the Local Government Act 1995 does not have provision for Local Governments to issue Corporate Credit Cards to Elected Members

12.16 Ms L McNamara left the Chambers

12.17 Cr Purchase and the Chief Executive Officer both declared a financial interest in the next item, Cr Purchase left the Chambers

11.2

Donations

SUBMISSION TO: Ordinary Meeting of Council Friday,

18 November 2005
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 113b
DISCLOSURE OF INTEREST: The author has an interest to the extent that he is the co-owner of a local business house.
DATE: 31 October 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

Council requested a change to the Policy relating to donations

BACKGROUND:

At the last Ordinary Meeting of Council, when considering the Minutes from the previous Meeting of 16 September 2005, Council directed the Acting Chief Executive Officer to prepare a Policy relating to donations to organisations within the Shire of Menzies.

COMMENT:

The Council decided that the Policy 3.3 Donations and Grants should be modified to direct that local organisations within the Shire of Menzies should be , where possible, issued with a voucher to the same value that could be redeemed at a local business house.

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: Council's current Policy is as follows:

Policy No. 3.3 – DONATIONS AND GRANTS

** Originally adopted 19th March 2004*

- 1) That requests for donations and grants be decided by Council with preference to those of a local nature, the Royal Flying Doctor Service, Salvation Army Red Shield Appeal and natural disaster appeals.
- 2) Contributions to regional organisations, shall take into account, amongst other things, the relevant populations and revenues of the Shires contributing.
- 3) The Chief Executive Officer may grant a donation request of a local nature, (eg: School, Nursing Post) to the amount of \$100.00 provided the request is made formally in writing.

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 11.2

MOVED Cr J Dwyer

SECONDED Cr A Kelly

That Council adopt the following Policy as the new Policy No 3.3 Donations and Grants:

Policy No. 3.3 – DONATIONS AND GRANTS

- 1) That requests for donations and grants be decided by Council with preference to those of a local nature, the Royal Flying Doctor Service, Salvation Army Red Shield Appeal and natural disaster appeals.
- 2) Contributions to regional organisations, shall take into account, amongst other things, the relevant populations and revenues of the Shires contributing.
- 3) The Chief Executive Officer may grant a donation request of a local nature, (eg: School, Nursing Post) to the amount of \$100.00 provided the request is made formally in writing.
- 4) Financial donations to organisations within the Shire should, where possible, be replaced with a voucher that is redeemable at a local business house to the same value.

CARRIED 5/0

12.25 Cr Purchase re-entered the Chambers

12.28 Ms L McNamara re-entered the Chambers

12.30 The President adjourned the Meeting for lunch

The Hon Minister thanked the Council during the lunch break and departed for Kalgoorlie

13.10 The President re-opened the Meeting

11.3	Policy Manual
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 113b

DISCLOSURE OF INTEREST: None

DATE: 31 October 2005

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

Council should review their Policy Manual each year

BACKGROUND:

The Policy Manual was presented to Council at the Ordinary Meeting of Council, 21 October 2005, however, Council Resolved to leave the matter on the table until the November Meeting to enable the Acting Chief Executive Officer to present additional Policies for inclusion in the Manual;

COMMENT:

Council need to consider the adopting the Policy Manual including the additional Policies adopted at this Meeting.

CONSULTATION:

None

STATUTORY ENVIRONMENT: Section 2.7 (2) of the Local Government Act states that Council is to:

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government policies.

POLICY IMPLICATIONS: Policies are provided for in the Annual Budget

FINANCIAL IMPLICATIONS: Policies are provided for in the Annual Budget

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.3
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MOVED Cr J Dwyer

SECONDED Cr I McGregor

That Council review and adopt the Policy Manual including amendments.

CARRIED 6/0

11.4	2004/2005 Annual Report
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 112
DISCLOSURE OF INTEREST: None
DATE: 31 October 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to advise Council of the presentation of the 2004/2005 Annual Report at the December 2005 Ordinary Meeting of Council.

BACKGROUND:

Council's 2004/2005 Auditor's report was presented to and Adopted by Council at the Ordinary meeting of Council held Friday, 21 October 2005.

As part of the requirements under the Local Government Act 1995, the Annual Report must be presented to Council, an electors meeting held and the Annual Report provided to the Local Government Department, prior to December 31 of this year.

COMMENT:

Owing to the time constraints in this matter, it is proposed that the Annual Report will be presented to Council at the December 2005 Ordinary Meeting of Council. Upon receiving this report, an electors meeting will be held at the completion of the Ordinary Meeting.

This will allow the Annual Electors Meeting to be advertised to be held at 1.00 pm on Friday, 15 December 2005.

CONSULTATION:

None.

STATUTORY ENVIRONMENT: Section 5.53 of the Local Government Act 1995 states:

5.53. *Annual reports*

- (1) *The local government is to prepare an annual report for each financial year.*
 - (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president;*
 - (b) *a report from the CEO;*
 - [(c), (d) deleted]*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor's report for the financial year;*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (i) *such other information as may be prescribed.*
- [Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5).]*

Table of Provisions

5.54. *Acceptance of annual reports*

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

[Section 5.54 amended by No. 49 of 2004 s. 49.]

Table of Provisions

5.55. *Notice of annual reports*

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.4
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MOVED Cr AQ Kelly

SECONDED Cr J Dwyer

That Council Resolve to Receive the Annual Report at the December 2005 Ordinary Meeting of Council and authorise the Chief Executive Officer to advertise the Annual Electors Meeting to be held at 1.00 pm on Friday, 15 December 2005.

CARRIED 6/0

11.5	Keeping of Poultry and a Rooster
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Kookynie Townsite
APPLICANT: Ms Robyn McCarthy
FILE REF: 119
DISCLOSURE OF INTEREST: None
DATE: 7 November 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to seek Council Approval to keep Poultry and a Rooster in the Kookynie Townsite.

BACKGROUND:

Ms R McCarthy sought direction as to the requirements for the keeping of poultry and a rooster in her yard at Kookynie. Ms McCarthy was advised to seek guidance from Council's Health Surveyor or Ranger on the matter.

Ms McCarthy has discussed the matter with the Health Surveyor and as a consequence, submitted an application to Council to keep eleven hens and one rooster in her yard at Kookynie (See attached).

COMMENT:

Division 4. Sections 5.4.2, 5.4.3 and 5.4.4 of the Shire of Menzies Local Health Laws states that all requests for the keeping of poultry must be submitted to Council for their approval.

Ms McCarthy has provided a sketch of the area showing the locations of nearby neighbours in conjunction to the poultry yard.

As the number of birds that is involved is small considering the location, I would see little problem with Council agreeing to the request, providing that the enclosure is kept in a clean and maintained condition as per Section 5.4.4 (4).

CONSULTATION:

Mr Patrick Kelly – Shire Ranger and Mr Marius Olsen – Shire Health / Building Surveyor.

STATUTORY ENVIRONMENT: Sections 5.4.2, 5.4.3 and 5.4.4 of the Shire of Menzies Local Laws states:

STATUTORY ENVIRONMENT: Sections 5.4.2, 5.4.3 and 5.4.4 of the Shire of Menzies Local Laws states:

Division 4 - Keeping of Poultry and Pigeons

Interpretation

5.4.1 In this Division, unless the context otherwise requires -
"poultry" includes bantams, ducks and other domestic fowls;

Limitation on Numbers of Poultry and Pigeons

5.4.2 An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of Council, on any one lot of land.

Conditions for Keeping Poultry in Limited Numbers

5.4.3 A person who keeps poultry or permits poultry to be kept shall ensure that -

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry are able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance;
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.

Roosters, Geese, Turkeys, Peafowl's and Gamebirds

5.4.4 (1) An occupier of premises within a townsite, shall not without the written approval of the Council, keep or permit to be kept on those premises, any one or more of the following fowl -

- (a) a rooster;
- (b) a goose or gander;
- (c) a turkey;
- (d) a peacock or peahen;
- (e) a gamebird (includes emus and ostriches)

(2) The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1)

(3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.

(4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 11.5

MOVED Cr I McGregor

SECONDED Cr K Purchase

That Council Resolve to approve the application from Ms Robyn McCarthy to keep eleven hens and one rooster at her place of residence in Kookynie, subject to the enclosure being kept in a condition as directed by the Council Health Surveyor.

CARRIED 6/0

11.6 Northern Goldfields Recreation Officer
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Shire of Menzies
APPLICANT: Department of Sport and Recreation
FILE REF: 225
DISCLOSURE OF INTEREST: None
DATE: October 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to advise Council of developments regarding funding for a Northern Goldfields Recreation Officer.

BACKGROUND:

Council received a presentation from an Officer of the Department of Sport and Recreation earlier this year regarding the proposed provision of a Recreation Officer for the region.

The main centres were the Shires of Menzies, Leonora and Laverton with coverage to the various Aboriginal Communities situated in those Shires.

At that presentation, Council expressed some concern regarding the provision of services to a smaller Shire like Menzies in relation to the amount of funding requested.

The CEO attended a follow up meeting at the Shire of Leonora on Monday, 31 October 2005 at which the attendees were given an update of progress.

Attached are the Minutes of that Meeting.

COMMENT:

The success of funding submissions by the Department of Sport and Recreation has been very positive with some funding guaranteed and other applications receiving a favourable reception.

Based on that evidence, it appears almost certain that the project will proceed as planned, however, it is also crucial that the Shire of Menzies is supportive of this proposal. It is also possible that should all applications be successful, that we may not have to contribute any funds during this current Financial Year.

The role of the Recreation Officer would also entail submitting funding applications to various bodies to ensure that the position is ongoing with limited support from the Shires involved.

CONSULTATION:

Dean Holder / Department of Sport and Recreation, Shire of Leonora

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: Could have some implications this Financial year and would require an absolute majority vote.

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.6

MOVED Cr J Dwyer

SECONDED Cr I McGregor

That Council resolve to support the creation of a Northern Goldfields Recreation Program and the appointment of a Sport and Recreation Coordinator to be centrally based in Leonora, subject to funding being available through a Budget Revision.

CARRIED 6/0

11.7	Five Year Road Plan - Inspections
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005

LOCATION: Shire of Menzies

APPLICANT: N/A

FILE REF: 400

DISCLOSURE OF INTEREST: None

DATE: 7 November 2005

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This item is to advise Council of arrangements for an Annual Roads Inspection

BACKGROUND:

The Shire of Menzies is in the process of drawing up a Five Year Plan for the upgrading of our Road Network. This matter has been discussed at various Meetings and Council requested that the CEO prepare an agenda for this inspection.

COMMENT:

There are approximately eleven major roads that will comprise the Five Year Plan, however, there is always be the opportunity to add other roads should the priorities change due to external factors.

It is proposed that the inspection party depart from the Shire Office at 0700 hrs on Monday, 28 November and inspect the following roads:

Menzies – Evanston Rd = 70 klms

Davyhurst – Mulline Rd = 20 klms

Riverina – Snake Hill Rd = 40 klms

Menzies – North West Rd = 100 klms
Mt Ida Rd = 50 klms
Leonora – Mt Ida Rd = 35 klms

The second day on inspection would see the following roads travelled:

Kookynie Rd = 25 klms
Kookynie – Malcolm Rd = 16 klms
Kookynie – Yarri Rd = 80 klms
Yarri Rd = 90 klms
Cranky Jack Rd = 40 klms

At the completion of this inspection run, it will be left to the staff to draw up the Five Year Plan, based on the criteria that Council sees as its prerogatives for each road.

The parties will be split between the CEO and the Works Supervisor's vehicles but will be in constant radio communication at all times..

CONSULTATION:

Council, Works Supervisor

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

POLICY IMPLICATIONS: None at present but a Policy will be drawn up and presented to Council covering Annual Roads Inspections.

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.7
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MOVED Cr I McGregor

SECONDED CR A Kelly

That Council Resolve to carry out an inspection of the Shire Roads to provide data for staff to compile a Five Year Plan for Roads Upgrading and Maintenance.

CARRIED 6/0

11.8	Donkey Rocks Road
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Eastern Sector – Shire of Menzies
APPLICANT: Menangina Station
FILE REF: 400
DISCLOSURE OF INTEREST: None
DATE: 7 November 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item concerns the request from Menangina Station to discontinue maintenance of the Donkey Rocks Road which traverses through the station property.

BACKGROUND:

Council's maintenance grading contractor was recently directed to commence a maintenance grade along the Donkey Rocks Road. While in the process of this operation, a telephone call was received from the Station Manager expressing concern that the improved road would lead to an increase in traffic.

He was advised that he should put his concerns in writing and a letter was subsequently received on 31 October 2005 outlining the issues (See attached letter).

COMMENT:

After speaking to Mr Le Fanu, the Works Supervisor was requested by the CEO to direct the contractor to alternative roads until the matter was considered by Council.

The matter of the Donkey Rocks Road, along with two other roads, was addressed in the Works Report submitted to the Ordinary Meeting of Council on 16 September 2005 with the Resolution that the Status Quo remain, ie, the roads continue to be maintained. Current funding levels for this road is \$27,830 annually.

In addressing relevant points in the letter, grid installation is not an issue. If the Station Manager wishes to have a grid installed on a public road where the road crosses an existing fence line, it is a Council decision to install the grid at Council's expense.

Installation of appropriate signage is dependant on an assessment by staff as to the condition of the road alignment and would be installed where considered necessary. While the issue of illegal activities is a civil matter to be pursued with the local Police, Council would be considerate to the ramifications of any road upgrading and the extra traffic that resulted in that action.

At this stage, the upgrading of the road by installing grids and signage is an unbudgeted item and there would be no action in this area until after the next Financial Budget in the 2006/2007 year.

CONSULTATION:

Mr Peter Le Fanu, Menangina Station.

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: Any resultant action would be budgeted for in the 2006/2007 Financial Budget.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.8

MOVED Cr I McGregor

SECONDED CR J Dwyer

That Council Resolve to delay the upgrading of the Donkey Rocks Road until after the criteria has been formulated in preparation of the Five Year Plan for Shire Roads.

CARRIED 6/0

11.9	Rates Write Off
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SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Kookynie
APPLICANT: N/A
FILE REF: 303
DISCLOSURE OF INTEREST: None
DATE: 8 November 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to request Council to write off partial rates and interest accrual on a property in Kookynie to the value of \$18.43.

BACKGROUND:

When the 2005/2006 Rates notices were sent out, there was an error on the amount of rebate due on a property in Kookynie. A Mr Peter Lloyd has two properties and the rebate was levied on the wrong property. Mr Lloyd had requested that the matter be resolved.

COMMENT:

Haines Norton have rectified the error and the new rates notice has been forwarded to Mr Lloyd.

The error was due in part to the rebate being registered on the wrong property by the claimant and an incorrect receipting process on our part.

In view of the time that has elapsed in having this matter resolved, it is the recommendation that Council Resolve to write off the amount of \$18.43, being interest and discount options on Assessment No 2056.

CONSULTATION:

Ms Mandy Wynne, Haines Norton.

STATUTORY ENVIRONMENT: Permitted under the Local Government Act 1995

POLICY IMPLICATIONS: There are no current Policies relating to this item.

FINANCIAL IMPLICATIONS: Provision has been made in the Budget this year to write-off doubtful or unrecoverable debts. An amount of \$15,000 has been set aside for this purpose.

VOTING REQUIREMENTS: Absolute Majority required

MOVED Cr A Kelly

SECONDED Cr J Dwyer

That Council resolve to write off rates discounts and interest to the amount of \$18.43, being due on Assessment No 2056 for the 2005/2006 Financial Year only.

CARRIED 6/0

11.10 Application for Mining Leases

SUBMISSION TO: Ordinary Meeting of Council Friday,
18 November 2005
LOCATION: Menzies Shire
APPLICANT: MILLWARD SURVEYS P/L
FILE REF: 213
DISCLOSURE OF INTEREST: None
DATE: October 2005
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is an application for Mining Leases, one which will partially cover the townsite of Menzies.

BACKGROUND:

An application has been received from MILLWARD SURVEYS PTY LTD, acting on behalf of Westex Resources Pty Ltd, for two mining leases immediately to the north of the Menzies townsite.

COMMENT:

As is indicated in the sketches accompanying the application, one of the leases will partially cover the Menzies townsite. Based on this fact, Council may need to examine the application and lodge an objection

While there appears to be no real concern regarding the actual area of the mining lease, it would be prudent to request that that area of the Menzies Townsite is excised from Lease No M29/391.

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: None

VOTING REQUIREMENTS: Simple Majority required

OFFICER RECOMMENDATION

ITEM 11.10

That Council direct the Chief Executive Officer to lodge an objection with the Mining Registrar in Kalgoorlie that when considering the granting of the Mining Lease M29/391 to Westex Resources Pty Ltd, that the area of that lease that falls within the Menzies Town boundary be excised from that lease prior to the granting of that lease.

COUNCIL DECISION

ITEM 11.10

MOVED Cr I McGregor

SECONDED Cr J Dwyer

That Council direct the Chief Executive Officer to lodge an objection with the Mining Registrar in Kalgoorlie that when considering the granting of the Mining Lease M29/391 to Westex Resources Pty Ltd, that the area of that lease that falls within the Menzies Town boundary and airport reserve be excised from that lease prior to the granting of that lease.

CARRIED 6/0

Reason for the change was that Council did not want any mining activity on or near the airport reserve

12. REPORTS FROM COUNCILLORS

Cr K Purchase

Enquired on what the latest information was regarding mobile phone coverage.
CEO advise that Telstra had informed him that it would probably be February 2006 before the coverage was extended.

Cr McGregor

Requested that the old car at the side of the Kookynie airstrip be removed to the tip.
CEO to arrange
That the old grid wings alongside the refurbished grids be removed.
CEO to arrange

Cr J Dwyer

Referred to the matter of fencing the Niagara Cemetery and reminded the Council that an earlier offer from the Kookynie locals to carry out the fencing amongst the community was still valid and if the Shire would supply the materials, the community would carry out the fencing.
CEO to inspect the cemetery and make arrangements to acquire the materials.
Trail markers at Niagara were purported to be missing, will inspect and report back to the CEO

President, Cr Tonkin

Thanked the staff for the good work in preparation for the FESA event and the painting of the Chambers

13. CHIEF EXECUTIVE OFFICER'S SUPPLEMENTARY REPORT

Shire Christmas function:

13.42 Cr Purchase declared a financial interest in the item and left the Chambers

Council advised that the Christmas function was to be held at the Menzies Hotel, from about 5.30 pm to 7.30 pm. Light finger food and drinks. Cr Dwyer will liaise with the CEO regarding details. The function is to be open to the towns people, the CEO to put out circulars in both Menzies and Kookynie.

13.46 Cr Purchase re-entered the Chambers

CEO reminded Councilors of the need to have their responses to the Electoral reform Survey by early next week.

CEO advised Council that he would be attending a Workshop with Haines Norton in Perth on 1 & 2 December 2005

CEO requested some comments on the New Concept for Tourism survey recently issued to Councilors

CEO advised that WALGA would like to change the Meeting date for the State Council, the February Meeting has been cancelled and the next Meeting is in Geraldton on 2 March 2006

CEO advised that there were a lot of requests for advertising from services/volunteers publications, however, the requests have come in too late for consideration.

CEO advised that he would be advertising the Prohibited / Restricted Burning periods for the Shire of Menzies

CEO advised that he had received a list of ESL amounts due on blocks in the townsites of Menzies and Kookynie. He would explore further the possibility of having some of the blocks vested in the Shire of Menzies for future use and report back to Council

CEO advised Council that the Local Government Act 1995 requires that the Audit Committee must meet annually with the Auditor. That will require having the Auditor travel to Menzies for the Meeting. An alternative would be for Council to deputize the Shire President to meet with the Auditor when next in Perth, thereby ensuring compliance with the Act.

MOVED Cr I McGregor

SECONDED Cr J Dwyer

That Council Resolve to move a Motion

CARRIED 6/0

MOVED Cr I McGregor

SECONDED CR J Dwyer

That Council Resolve to appoint the Shire President, Cr S Tonkin to meet with the Auditor, Mr Paul Gilbert and discuss the 2004/2005 Annual Audit Report.

CARRIED 6/0

14 NEW BUSINESS OF AN URGENT NATURE

14.1 MEMBERS

Nil

14.2 OFFICERS

Nil

15. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS

MOVED C I McGregor

SECONDED Cr A Kelly

That Council hear Confidential Business behind closed doors.

CARRIED 6/0

The purpose of the Business was for the CEO to advise Council on staff matters and outline what changes that he was about to implement

MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council come out from behind closed doors (No Resolution was made by Council)

CARRIED 6/0

16. NEXT MEETING

The next Ordinary Council Meeting is scheduled for Friday 15 December 2005 at the Council Chambers, Menzies, commencing at 1.00 pm

17. CLOSURE

There being no further business to discuss, the Shire President declared the Meeting closed at 14.41 hrs

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 15 December 2005

CONFIRMED

SHIRE PRESIDENT.....