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## SHIRE OF MENZIES

### MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 19<sup>TH</sup> AUGUST 2005 COMMENCING AT 9.25 am.

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#### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected members and declared the meeting open  
At 9.25 am.

The Shire President also welcomed Kookynie resident, Mr. Kevin Pusey, Snr. Constable Richard Buchanan and Snr Constable Greg McNamara from the Menzies Police Station to the Meeting.

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

Present:	Cr S Tonkin	Shire President	
	Cr A Kelly	Deputy Shire President	
	Cr I McGregor	Member	
	Cr K Purchase	Member	
	Cr I Tucker	Member	
	Cr P Kennedy	Member	Via electronic communication At 10.10 am
	Cr J Dwyer	Member	Via electronic communication at 10.10 am
Staff:	Mr P Crawford	Acting Chief Executive Officer	
	Mr B Pepper	Works Supervisor	
	Mrs L McNamara	Minutes	
Apologies:	Nil		
Visitors:	Mr R Buchanan	Snr Constable Menzies Police	
	Mr G McNamara	Snr Constable Menzies Police	
	Mr K Pusey	Kookynie resident	

#### 3. PUBLIC QUESTION TIME:

Mr. Kevin Pusey, resident of Kookynie advised Council that he believed Council should exercise caution in regards the MoU with the Tjuntjuntjara Community. His concern was that, due to the distance from Menzies, the works to be carried out on the roads may not be able to be monitored closely enough to prove cost effective to Council.

Snr Cnst Buchanan gave an overview of the Operations Performance Review of Police activities during the past two months. He was pleased that the crime rate was down

considerably on previous months. This was due to the increased Police presence on patrols and the interaction with the Community, mainly Thursday nights sports evenings.

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

Immediately after the calling Public Question Time, the CEO advised Council that Cr. P Kennedy and Cr. J Dwyer requested to attend the Council Meeting via instantaneous communication under Section 5.25(1)(b)(a) of the Local Government Act 1995, regulation 14A.

<b>OFFICER RECOMMENDATION</b>
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MOVED Cr I McGregor

SECONDED Cr K Purchase

That Council approve Cr. P. Kennedy and Cr.J. Dwyer's request to attend the meeting via instantaneous communication under Section 5.25(1)(b)(a) of the Local Government Act 1995, regulation 14A.

CARRIED 5/0

**4. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

**5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION**

President Stephen Tonkin advised Council of the following:

That he believed that the Local Government Week convention was invaluable to him as a Councillor and he would like all Councillors to try to attend next year as the benefits were immense.

He also advised that he had met with Cr I Tucker in an attempt to resolve some issues that had arisen.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

<b>COUNCIL DECISION</b>
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<b>ITEM 6.1</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That the minutes of the Ordinary Meeting held on 15<sup>th</sup> July 2005 as previously circulated be confirmed as a true and accurate record.

CARRIED 5/0

**7. STATUS REPORT**

MOVED Cr I Tucker

SECONDED Cr K Purchase

That the Status Report as at 11<sup>th</sup> August 2005, be received

CARRIED 5/0

**8. FINANCIAL REPORTS****8.1 Financial Statements – to 31st July 2005**

Location:	Menzies
Applicant:	N/A
File Ref:	103a
Disclosure of Interest:	None
Date:	11 <sup>th</sup> August 2005
Author:	Peter Crawford, Acting 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) are 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**

MOVED Cr I McGregor

Seconded Cr I Kelly

That the Financial Statements to 31<sup>st</sup> July 2005 as presented be adopted

MOVED 5/0

**8.2****ACCOUNTS FOR PAYMENT**

Location: Menzies  
Applicant: N/A  
File Ref: 103  
Disclosure of Interest: The author has an interest to the extent that he is co-owner of a local roadhouse, one of the creditors  
Date: 11<sup>th</sup> August 2005  
Author: Peter Crawford – Acting Chief Executive Officer  
Signature of Author:

**Background**

Cheque numbers 3035 and bank statement transfers totaling \$153,090.49 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 Requirement:** Simple Majority required

**COUNCIL DECISION/OFFICER RECOMMENDATION****ITEM 8.2**

MOVED Cr I McGregor

SECONDED Cr K PURCHASE

That cheques numbered 3035 to 3100 and direct bank payments totalling \$153,090.49 which have been paid by the Acting Chief Executive Officer under delegated authority, be adopted.

CARRIED 5/0

Crs P Kennedy and J Dwyer joined the Meeting via telephone.

## **9. WORKS REPORTS**

### **9.1 Works Supervisor Report**

The Report by Council's Works Supervisor, Mr. Brad Pepper, for the month of August 2005 was tabled for Council's information.

<b>COUNCIL DECISION \ OFFICER RECOMMENDATION</b>
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<b>ITEM 9.1</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That the Works Supervisors report for the month of August 2005 be received.

CARRIED 7/0

## **10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS**

### **10.1 Environmental Health Officer's Report**

Nil

### **10.2 Ranger's Report**

The Ranger's report for the month of July 2005 was tabled for Councillor information.

<b>COUNCIL DECISION</b>
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<b>ITEM 10.2</b>
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MOVED Cr k Purchase

SECONDED Cr I McGregor

That the Ranger's report for the month of July 2005 be received.

CARRIED 7/0

## **11. CHIEF EXECUTIVE OFFICER'S REPORT**

<b>11.1.1 Appointment of Chief Bush Fire Control Officer</b>
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Location: Shire of Menzies  
Applicant: FESA  
File Ref: 211  
Disclosure of Interest: None  
Date: 1<sup>st</sup> August 2005  
Author: Peter Crawford – Acting Chief Executive Officer  
Signature of Author:

### **Summary**

This report requires Council to elect a Chief Bush Fire Control Officer to oversee the prevention and control of wild fires within the Shire of Menzies.

### **Background**

With the recent departure of the previous Chief Executive Officer, Mr A Nottle, who was also the Chief Bush Fire Control officer, it is a requirement that Council appoint a successor to this position and review all other Fire Control Officer's status.

### **Comment**

- It is customary for the Chief Executive Officer of the Local Authority to be nominated to this position, however, until the permanent appointment to the position of the Chief Executive Officer to this Shire is determined, I would suggest that our Works Supervisor, Mr Brad Pepper is temporarily selected. Brad has had extensive experience with Local Authorities over the years in fire control measures, and as a senior staff member, already has the responsibility of the supervision of plant and personal.

Our current town employee, Mr Allan Van Der Snoek would ably fill the position as Deputy Chief Bush Fire Control Officer. Allan has had several years as a volunteer fire fighter in the Auguster region and is keen to assist in training and exercises.

Both positions could be reviewed at the end of a six month period.

### **Consultation**

Mr Brad Pepper and Mr Allan Vander Snoek.

**Statutory Environment:** Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions.

**Policy Implications:** Delegation number 006 already grants the Chief Executive Officer the authority to allocate plant and personnel to the disposal of the Chief Bush Fire Control Officer FESA in an emergency.

**Financial Implications:** None.

**Voting Requirement:** Simple Majority required

MOVED Cr I McGregor

SECONDED Cr A Kelly

That council make the following appointments for a six month period:

Mr Brad Pepper to the position of Chief Bush Fire Control Officer, and, Mr Allan van der Snoek to the position of Deputy Chief Bush Fire Control Officer, and, cancel all previous appointments.

CARRIED 7/0

**11.1.2 Request for Signage (Cnr Champion & Britannia Streets, Kookynie)**

Location: Kookynie Townsite  
Applicant: Robyn McCarthy  
File Ref: 139  
Disclosure of Interest: None  
Date: 1<sup>st</sup> August 2005  
Author: Peter Crawford Acting Chief Executive Officer  
Signature of Author:

**Summary**

This matter was deferred from the Ordinary Meeting of Council on July 15<sup>th</sup> to enable Council to assess the situation and make an informed decision.

**11.2.1 Request for Signage (Cnr. Champion & Britannia Streets)**

Location: Kookynie Townsite  
Applicant: Robyn McCarthy  
File Ref: 139  
Disclosure of Interest: None  
Date: 14<sup>th</sup> July 2005  
Author: A G Nottle, Chief Executive Officer  
Signature of Author:

**Summary**

The applicant has requested that Council allow additional signage to assist in the advertising of her business at the corner of 'britannia and Champion Streets in Kookynie.

**Background**

In August 2004, the applicant presented the Council with a proposed signage plan which was considered. Council opted for the matter to be sorted between the CEO and the applicant.

The sites were decided and signs erected at the roundabout and outside the front of the building.

Attached is a letter from the applicant (also see file 139) suggesting one of the signs on the highway was not an authorised Main Toads sign and therefore should be removed. The sign has since been removed, leaving an unused sign at the depot.

Mrs McCarthy has requested that she be able to attach the sign to the existing Champion / Britannia Street pole that was recently erected under the new signage program.

### **Comment**

The sign erected on the highway was done so in error, which leaves an unused sign that could be utilised in another area.

The applicant advises Council in the letter:

*“I have also discovered that my business sign at the roundabout in Kookynie is not large enough to attract attention to all visitors”*

It is the opinion of the author that any more signage (albeit larger) at the Kookynie roundabout would only create confusion for motorists and become unsightly.

If the existing sign was to be attached to the street sign pole, it would also seem out of place due to the coloured powder-coated pole and coloured signs. (green & yellow) The sign in question is silver, blue and white.

It is also important to note that Council has not received payment from the applicant for the three signs and poles that were purchased on her behalf. (Council erected the signs free of charge).

It seems that the applicant requires more adequate signage and advertising at the corner of Britannia and Champion streets. A standard sandwich board sign, placed in the area during business hours should address both the issues of larger signage and enhanced location signage.

It would also be advised that Council resolve not to purchase or erect any signs on behalf of applicants in the future. Council may wish to credit the applicant's outstanding debtor's bill for the cost of the sign not being used.

### **Consultation - None**

### **Statutory Environment**



Permanent signage is stipulated under the current Shire of Menzies Town Planning Scheme. Temporary sandwich board signs are permitted at the discretion of Council.

**Policy Implications**

There are no current policies relating to this matter.

**Financial Implications**

Council purchased the original signs on behalf of the applicant which were to be reimbursed upon erection. Due to one of the signs being erected in an incorrect location, Council may wish to credit the applicant the cost of this sign.

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.2.1</b>
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That Council:

1. Reject the application to attach the unused “Old Miners Cottage Crafts” sign onto the existing Britannia / Champion Streets sign pole.
2. Authorise the CEO to discuss alternative arrangements with Mrs. McCarthy in regards to advertising signs for Old Miners Cottage Crafts; and
3. That all future requests for signage be presented to Council for authorisation.

<b>COUNCIL DECISION</b>
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<b>ITEM 11.2.1</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

*This item was deferred until the next Council Meeting on the 19<sup>th</sup> August 2005 to allow the Councillors enough time to assess the situation and make an informed decision.*

Carried Simple Majority 7/0

**STATUTORY ENVIRONMENT:** Permanent signage is stipulated under the current Shire of Menzies Town Planning Scheme. Temporary sandwich board signs are permitted at the discretion of Council.

**POLICY IMPLICATIONS:** There are no current policies relating to this matter.

**FINANCIAL IMPLICATIONS:** Council purchased the original signs on behalf of the applicant which were to be reimbursed upon erection. Due to one of the signs being erected in an incorrect location, Council may wish to credit the applicant the cost of this

sign.

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION/OFFICER RECOMMENDATION**

**ITEM 11.1.2**

MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council:

1. Reject the application to attach the unused “Old Miners Cottage Crafts” sign onto the existing Britannia / Champion Streets sign pole.
2. Authorise the CEO to discuss alternative arrangements with Mrs. McCarthy in regards to advertising signs for Old Miners Cottage Crafts; and
3. That all future requests for signage be presented to Council for authorisation.

CARRIED 7/0

**11.1.3 Toilets at Truck Bay**

Location:	Shenton Street, Menzies
Applicant:	N/A
File Ref:	120
Disclosure of Interest:	The author has an interest to the extent that he operates a roadhouse adjacent to the truck bay.
Date:	1 August 2005
Author:	Peter Crawford Acting Chief Executive Officer
Signature of Author:	

**Summary:**

A request was made at the ordinary Meeting of Council, held Friday, 15 July 2005 for a report regarding the possibility of installing a public toilet at the truck bay at the northern end of Menzies townsite.

**Background**

The area commonly used as a truck bay comprises a number of privately owned blocks and some unclaimed crown land. Under the Local Government Act 1995, Council is not permitted to authorise expenditure on any general activities on land owned either privately or by either the State or Federal Government Departments.

**Comment**

The package of Lots numbering 61, 62, 64, 65, 66, 810, 811 and 812 are all freehold title and Lot 67 in classified as UCL.

As the truck parking area can be utilised without encroaching into the block that is of unclaimed crown land status, I would suggest that Council request the Department of Land Administration to release the remaining blocks to the Shire of Menzies for this purpose.

I am not aware as to whether there will be a cost involved but it would seem unlikely.

### **Consultation**

Mr Ken McCrackan and Mr Jan Pruyn from the Department of Land Administration.

**Statutory Environment :** Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions.

**Policy Implications:** Council currently has no Policy regarding this matter.

**Financial Implications:** None at this stage.

**Voting Requirement** – Simple Majority Required

<b>COUNCIL DECISION / OFFICERRECOMMENDATION</b>	<b>ITEM 11.1.3</b>
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MOVED Cr I Tucker

SECONDED Cr I McGregor

That Council request the Department of Land Administration give consideration to releasing Lot No's 61, 62, 64, 65, 66, 810, 812 to the Shire of Menzies, without cost, to enable Council to proceed with the construction of public toilets

CARRIED 7/0

<b>11.1.4</b>	<b>Memorandum of Understanding (Tjuntjuntjara Community)</b>
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Location:	Eastern sector of Menzies Shire
Applicant:	Department of Local Government and Regional Development
File Ref:	Tjun
Disclosure of Interest:	None
Date:	11 August 2005
Author:	Peter Crawford, Acting Chief Executive Officer
Signature of Author:	

### **Summary**

A request was received from the Department of Local Government and Regional Development regarding the proposed signing of a Memorandum of Understanding with the Tjuntjuntjara Community (See Attached).

### **Background**

This issue has been the topic of debate with Council for some time regarding the excising from the Shire of Menzies into the Shire of Laverton, of a sizable portion of land from Blue Robin Hill, east to the South Australian border. This segment of land is home to the Paupiyala Tjaritja Aboriginal Corporation, more commonly known as the Tjuntjuntjara Community.

At the Ordinary Meeting of Council held on Friday 15 August 2005, Council briefly discussed this matter with Mr Steve Cole from the Department of Local Government and Regional Development. The Department has indicated that it would like to see commitment from the Shire of Menzies towards the Tjuntjuntjara Community regarding the provision and support of services.

### **Comment**

During Budget deliberations for the current Financial Year, Council committed to expending some \$120,000 on the upgrade and maintenance of local roads in the area. As well as this allocation, a further \$10,000 WAS COMMITTED TO SITE INSPECTIONS OF THE Community TO ascertain the extent of assistance that may be available during the next financial year, the extent of this support would obviously be dependant on financial assistance being made available to Council from other avenues.

Council declined to make a decision on whether to become a signatory to the MoU at the Meeting, mainly due to the lack of information available at the time and also because of the unknown factor of Council becoming involved in an agreement that would to all extents, be rather unique and ground breaking in its innovation.

Since then, at the request of the Administrator at Tjuntjuntjara, Mr Peter Twigg, I have met with him and the previous Administrator, Mr Ian Baird in Kalgoorlie to discuss progress with the MoU and what Council has planned for the remainder of this financial year in regards services to the community.

I advised him that Council had budgeted to expend some \$120,000 on roads upgrade and maintenance this year and an allocation of \$10,000 towards the Advisory Committee to fly to the community and meet with their Advisory Committee and inspect and discuss their requests.

At this point in time, I indicated that we could travel to Tjuntjuntjara sometime in September or October this year. I plan a road trip with the Works Supervisor to the community also in the very near future to inspect the roads and to identify the immediate needs of the community in regards to the formulation of a five year plan of road upgrading and maintenance.

### **Shire of Menzies:**

Shire President  
One Elected Member  
Chief Executive Officer

### **Tjuntjuntjara Community:**

Community Coordinator

## Two Community Representatives

With secretarial support supplied by the Menzies Shire.

I would suggest that obviously, Cr Stephen Tonkin fill one role and Cr Jill Dwyer fill the other as the community falls within her Ward. Council may wish to nominate a proxy to stand in if either above Councillor is unable to attend any meetings.

The role of the Committee will be to identify projects within the Community region and make recommendation to the Council for approval to implement, subject to financial resources being budgeted and available.

Also, since that July Meeting, a letter has been received from Mr Steve Cole thanking Council for their time and advising that, in order to have the situation resolved for all concerned, he will recommend that the Local Government Advisory Board commence their formal assessment of the proposed transfer of the land to the Shire of Laverton (See attached).

Clause 3.3 – Resolving Disputes that I am uneasy with. In that clause, it states that In the case of a dispute between the signatories that cannot be resolved internally, and it then requires outside mediation by the Department, both parties i.e. Shire of Menzies and Tjuntjunjara, will share the costs of such mediation.

I believe that the Case needs to be clarified to state that all costs associated with such mediation will be drawn from allocated funds in line with the MoU. In such a case for dispute, the Shire of Menzies would not be penalised unfairly for an issue raised over which they had no control.

I will give a further verbal report to Council during this Agenda Item.

### **Consultation**

Council, Mr Steve Cole and Mr Lindsay Bridge from the Department of Local Government and Regional Development, Mr Peter Twigg and Mr Ian Baird from the Tjuntjunjara Community.

**Statutory Environment:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions.

**Policy Implications:** No Policy is currently in force for a situation such as this and would have to be formulated

**Financial Implications:** The financial implications in this matter are not yet known but could be beneficial.

**Voting Requirement:** Simple Majority required

MOVED Cr A Kelly

SECONDED Cr J Dwyer

That Council discuss the proposed Memorandum of Understanding at length, consider all aspects of the document, and, agree in principal to become a signatory to the Memorandum of Understanding, subject to:

- (i) Suitable funding arrangements are agreed to and implemented that will not disadvantage Councils current and future operations,
- (ii) Expenditure and auditing on all projects identified and agreed to by the Committee are carried out accordance with the Local Government Act 1995, and,
- (iii) That all costs associated with the Department of Local Government and Regional Development mediating over a dispute between the signatories be levied against the allocated and identified funding of Community Projects.

CARRIED 5/2

Cr I McGregor and Cr K Purchase wished to be recorded as voting against the Motion

**11.1.5 Mining Exploration Licence 30/311**

Location:	Menzies Shire (Western Sector)
Applicant:	Croesus Mining N/L
File Ref:	213
Disclosure of Interest:	None
Date:	3 <sup>rd</sup> August 2005
Author:	Peter Crawford, Acting Chief Executive Officer
Signature of Author:	

**Summary**

Notice has been received from Croesus Mining N/L that they have applied for an exploration licence for an area in the western sector of the Shire of Menzies.

**Background**

The area in question is south east of Riverina Station between the Menzies/Evanston and the Davyhurst Roads.

Objections to this license close on 22 August 2005

**Comment**

There does not appear to be any reason for Council to object to the granting of this license.

**Consultation**

Works Supervisor.

**Statutory Environment:** Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions.

**Policy Implications:** None

**Financial Implications:** None

**Voting Requirement:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.5</b>
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council raise no objection to the granting of Exploration Licence 30/311 to Croesus Mining  
N/L

CARRIED 7/0

**11.1.6 Fly In / Fly Out Mining Operations Impact on Local Authorities**

Location: Shire of Menzies  
Applicant: Department of Local Government and Regional Development  
File Ref: 200  
Disclosure of Interest: The author has an interest to the extent that he is co-owner of a local roadhouse.  
Date: 4<sup>th</sup> August 2005  
Author: Peter Crawford, Acting Chief Executive Officer  
Signature of Author:

**Summary**

The Department of Local Government and Regional Development has requested the views of Council regarding the survey that was carried out some time previously relating to the impact of mining fly in/fly out operations on the Shire (See attached circular).

**Background**

The Western Australian Local Government Grants Commission carried a survey out last year, to gauge the impact on Local Authorities from mining companies engaged in fly in/fly out operations.

The findings were to assist in determining the level of 2005/2006 Financial Assistance Grants.

**Comment**

As stated in the attached circular, the original findings from the survey did not support the theory that fly in/fly out operations impacted on the operations of Local Authorities. As a result, the FIFO Adjusted Population formula will more than likely be abandoned.

However, the Department will consider a FIFO Disability Factor formula in future determination of financial assistance grants to Local Authorities who have FIFO operations carried out in their Shires.

Council have the opportunity to make their views known to the Commission. The submissions must be forwarded prior to 30 September 2005.

**Statutory Environment:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions.

**Policy Implications:** A general policy to encourage mining companies to support infrastructure of the Shire by housing employees on site

**Financial Implications:** Could have beneficial financial implications for the Shire.



**Voting Requirement:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.1.6**

MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council make submission to the Department of Local Government and Regional Development supporting the implementation of a Fly In/Fly out Disability Factor for future Financial Assistance Grants allocations.

CARRIED 7/0

**11.1.7 Goldfields Highway Dedication**

Location:	Shire of Menzies
Applicant:	Fugro Spatial Solutions
File Ref:	402
Disclosure of Interest:	None
Date:	4 <sup>th</sup> August 2005
Author:	Peter Crawford, Acting Chief Executive Officer
Signature of Author:	

**Summary**

A request has been received from Fugro Spatial Solutions for Council to agree to the taking of land bordering the Goldfields Highway for the purpose of Road Dedication (See attached).

**Background**

The process of rationalisation and dedication of land for a road reserve is a requirement under the Department of Land Information Regulation.

Although the road has been in existent for many years, it has never been officially dedicated. Main Roads are in the process of formalizing many of these discrepancies around the state and it is for this reason that the request has been made to Council

**Comment**

The process of dedication of the road and reserve will not have any impact on the land holders through whose property the road traverses. It is merely a formality to ensure that the road gains a legal status in its entirety.

**Consultation**

Not required.

**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 Requirement:** Absolute Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.1.7**

MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council concur to the taking of the land the subject of Deposited Plans 217641 to 217661 contained within the Shire of Menzies and to its dedication as a road under Section 56 of the Land Administration Act 1997.

CARRIED 7/0

**11.1.8 Goldfields Esperance Development Commission**

Location:	Shire of Menzies
Applicant:	Goldfields Esperance Development Commission
File Ref:	219
Disclosure of Interest:	N/A
Date:	11 <sup>th</sup> August 2005
Author:	Peter Crawford, Acting Chief Executive Officer
Signature of Author:	

**Summary**

The Goldfields Esperance Development Commission (GEDC) has various Local Government Members on its Board of Management.

**Comment**

. The GEDC has advised that there are currently three vacancies on that Board, with nomination closing at 10.00 am on Friday, 23<sup>rd</sup> September 2005

The positions are:

- Community – Persons resident in the Region and nominated by a community organization or self –nominated (! Vacancy)
- Local Government – persons nominated by a Local Government Authority in the Region (! Vacancy)
- Ministerial – person appointed at the Minister's discretion (1 vacancy)

Appointment to the Board is for a period of three years and members are paid a sitting fee and travelling and accommodation allowance.

Persons being nominated by the Shire of Menzies will need to be formally endorsed by Council.

**Consultation**

N/A

**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 Requirement:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.8</b>
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MOVED Cr J Dwyer

SECONDED Cr I McGregor

That Council endorse the nomination of Councillor Cr A Kelly to the Board of Management of the Goldfields Esperance Development Committee.

CARRIED 7/0

<b>11.1.9 Relocation of 80 KPH Signs – Goldfields Highway</b>
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Location:	Menzies Townsite
Applicant:	N/A
File Ref:	402
Disclosure of Interest:	N/A
Date:	11 <sup>th</sup> August 2005
Author:	Peter Crawford, Acting Chief Executive Officer
Signature of Author:	

**Summary**

At the Ordinary Meeting of Council, held Friday 15<sup>th</sup> July 2005, a request was made for the Chief Executive Officer to present a report on options available to Council in regards to relocating the 80kph signs at the southern entrance to Menzies.

**Background**

This request was brought about due to the recent and previous accidents at the location.

Responsibility for all regulatory signage in Western Australia is the sole prerogative of the Commissioner of Main Roads, regardless of whether the road is under Federal, State or Local Government jurisdiction.

**Comment:**

Council only has one available course of action, request Main Roads Western Australia to carry out an inspection of the site in order to justify the relocation of the existing signage.

Currently, motorists have approximately 400 lineal metres of sight visibility from when they first catch sight of the sign to reduce their speed down to the regulated level.

Main Roads will instruct their Speed Zoning Department to investigate the site and advise of their results.

**Consultation:**

Mr B Miller, Regional Manager, Goldfields-Esperance Region, Main Roads Western Australia.

**Statutory Environment:** As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general Functions provision.

**Policy Implications:** None

**Financial Implications:** None

**Voting Requirement:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.9</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council resolve to request Main Roads Western Australia to investigate the relocating of the 80 KPH signs at the southern edge of Menzies Townsite further back from their current position to enable more time for motorists to reduce speed.

CARRIED 7/0

**13. NEW BUSINESS OF AN URGENT NATURE**

<b>13.1 MEMBERS</b>
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Nil

<b>13.2 OFFICERS</b>
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<b>COUNCIL DECISION</b>	<b>ITEM 13.2A</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council receive New Business of an Urgent Nature

<b>13.2.1</b>	<b>Tender MN 128</b>	<b>Sale of Surplus Plant</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday, 19 August  
2005

**LOCATION:** Menzies

**APPLICANT:** N/A

**FILE REF:** 408

**DISCLOSURE OF INTEREST:** None

**DATE:** 15 August 2005

**AUTHOR:** Peter Crawford

**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

As per Section 3.58 of the Local Government Act 1995, Council previously agreed to advertise for the sale of plant, namely, the Holland/Fiat tractor which is surplus to requirements.

**COMMENT:**

Tender MN 128 Sale of Surplus Plant was advertised in the Kalgoorlie Miner and West Australian newspapers on Saturday, 23<sup>rd</sup> July 2005 and closed at 4.00 pm on Friday, 12<sup>th</sup> August 2005.

Tenders were opened in the Shire of Menzies Council Office at 8.15 am on Monday, 15<sup>th</sup> August in the presence of:

Mr Keith Purchase	Councillor
Mr Peter Crawford	Acting Chief Executive Officer
Mr Brad Pepper	Works Supervisor

and in the following order:

John Rees	
SS & HE Martin	
S White	
Farm Salvage	
C Day	
J Rees	(Non compliant)

A summary is attached for Council's perusal.

It is noted for Council's interest that the original tender from Mr J Rees was not addressed correctly, as per the tender instructions contained in the General Conditions. As a result, the tender was opened with incoming mail. The tender was then resealed and deposited in the Tender Box. In keeping with the Tender Regulations, the tender is deemed to be Non compliant.

During a telephone call to the Shire office, Mr Rees advised that he would like to withdraw his submitted tender and resubmit a new tender as he believed that he had tendered too low. He was advised that the tender he had submitted would have to remain but that he was at liberty to submit a new tender if he wished.

The recommendation is for Council to award the Tender MN 128 Sale of Surplus Plant to Mr Shane Martin for a total sum of \$22,165 which includes GST.

**CONSULTATION:**

N/A

**STATUTORY ENVIRONMENT:** Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions provisions and Section 3.58 relating to tendering.

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION/OFFICER RECOMMENDATION</b>	<b>ITEM 13.2.1</b>
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council award Tender MN 128 Sale of Surplus Plant to Mr Shane Martin, for the sum of \$22,165 which is inclusive of GST.

CARRIED 7/0

<b>13.2.2</b>	<b>Delegation 047</b>	<b>Attendance at Meetings By Electronic Means</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday, 19 August 2005  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 113 (b)  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 12 August 2005  
**AUTHOR:** Peter Crawford  
**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

Council requested that a delegation be formulated to allow the Chief Executive Officer to approve the attendance at Council Meetings by electronic means for Members who were unable to attend physically.

**COMMENT:**

Due to the fact that some Councillors may be unable to attend Council Meetings through work commitments, there is allowance through the Local Government Act to attend via electronic means.

This action is permissible under Section 5.25 (1)(b) of the Local Government Act 1995 and Section 14(A) of the Local Government (Administration) Regulations 1996 concerning Council and/or Committee Meetings.

While this attendance is permissible, there are certain conditions applicable to the attendance in this fashion. Copies of the relevant Acts are attached for Council's perusal. The Act should be studied with due diligence and carefully noted what those conditions define.

In granting this Delegation of power to approve the attendance by electronic means, it gives the Chief Executive Officer the flexibility to arrange the connection before hand in order to alleviate any confusion on the Meeting day.

**CONSULTATION:**

N/A

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

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION/OFFICER RECOMMENDATION</b>	<b>ITEM 13.2.2</b>
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MOVED Cr I Tucker

SECONDED Cr I McGregor

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

***Delegation Number*** - **046**

**Legislative Power** - **Local Government Act 1995**

Delegation Subject - Attendance at Meetings by Electronic Means.

Delegate - Chief Executive Officer

Pursuant to Section 5.25(1)(b)(a) of the Local Government Act 1995 and Section 14(A) of the Local Government (Administration) Regulations 1996 relating to Regulations concerning Council and Committee Meetings, the Chief Executive Officer is delegated authority to approve the attendance at Meetings by electronic means.

Further to this delegation, the Chief Executive Officer is also empowered to approve the electronic means of communication and the location of the distant base from which the transmission is effected.

CARRIED 7/0

**13.2.3****Acknowledgement of Traditional Owners**

**SUBMISSION TO:** Ordinary Meeting of Council Friday, 19 August  
2005  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 113 (b)  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 12 August 2005  
**AUTHOR:** Peter Crawford  
**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

Council has been requested to acknowledge the Aboriginal people when future Council public speeches are made.

**COMMENT:**

In recent times, it has become almost formal practice by Heads of Government to acknowledge the Traditional Custodians of the land on which speeches at public functions are being made.

The format usually follows the standard text, "At this point, I would like to acknowledge the Aboriginal people as the Traditional Custodians of the land on which we meet today".

The acceptance of this statement as acknowledgement of the Aboriginal people will aid Council in our future relationships.

Council could adopt this statement as a Policy of Council.

**CONSULTATION:**

President Cr S Tonkin, Cr I Tucker.

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

**POLICY IMPLICATIONS:** Could be adopted as Policy.

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION/OFFICER RECOMMENDATION****ITEM 13.2.3**

MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council adopt the following statement to be made at the commencement of any speech at any future Council public function,



“At this point, I would like to acknowledge the Aboriginal people as the Traditional Custodians of this land on which we meet today”,

as a Policy of Council.

CARRIED 7/0

<b>13.2.4</b>	<b>Town Public Toilets</b>
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**SUBMISSION TO:** Ordinary Meeting of Council Friday, 19 August 2005  
**LOCATION:** Menzies  
**APPLICANT:** N/A  
**FILE REF:** 104  
**DISCLOSURE OF INTEREST:** None  
**DATE:** 17 August 2005  
**AUTHOR:** Peter Crawford  
**SIGNATURE OF AUTHOR:**

**BACKGROUND:**

At the Ordinary Meeting of Council, held Friday, 15<sup>th</sup> July 2005, Council requested a report on the current condition of the public toilets situated at the rear of the Town Hall.

**COMMENT:**

The existing toilets are of timber and corrugated iron design, comprising of a single pedestal cubicle for females and pedestal and urinal cubicles for males. Both compartments have sinks with running water but no lighting.

The building is of timber and corrugated iron construction but has no internal lining to the walls.

The building appears to be in fairly reasonable condition, albeit somewhat sparse. The wash basin drains require some plumbing repairs, as well as the cistern and urinals, although they function at present.

The toilets are cleaned on a twice weekly basis, Wednesdays and Sundays.

The problems that are experienced currently is the manner in which public toilets are treated everywhere. They, because of their condition, are not user friendly and instil little incentive amongst the patrons to treat them with any respect. Lack of security, taps left on, urinals and pedestal pans not flushed, toilet paper forced into the pans are just some of the many issues that have to be dealt with.

In the short term, corrective action to rectify some of the problems could be:

- 1) Increasing the cleaning frequency to daily
- 2) Install gates and lock them every night or install vandal proof lighting
- 3) Carry out some plumbing repairs
- 4) Install adequate directional signage for the public
- 5) Install vandal proof toilet roll holders

The long term solution would be to construct new toilets with minimum vandal attractive options. A more suitable location in the public view would also reduce the vandalism factor.

As with all public toilets, they are extremely difficult to keep clean and in a fair state of repair, due to the very nature of their purpose.

Should Council consider maintenance repairs to the existing or the option of building new toilets, there is the outcome of the acquisition of the blocks at the truck bay to consider before committing to any permanent action.

**CONSULTATION:**

N/A

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

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** None at this point in time.

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION/OFFICER RECOMMENDATION</b>
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<b>ITEM 13.2.4</b>
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MOVED Cr I Tucker

SECONDED Cr I McGregor

That Council agree not to take any action on the above matter at this time and to leave the item on the table until the possible acquisition of vacant blocks of land at the truck bay is determined.

CARRIED 7/0

**14. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS**

Nil

**15. NEXT MEETING**

The next Ordinary Council Meeting is scheduled for Friday 16<sup>th</sup> September 2005, Kookynie Hotel 9.00 am.

**16. CLOSURE**

There being no further business to discuss, the Shire President declared the Meeting closed at 11.37am.

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 19<sup>th</sup> August 2005

CONFIRMED

**SHIRE PRESIDENT**.....