

SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 17TH JUNE 2005 COMMENCING AT 9.05 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected members and declared the meeting open at 9.05 am.

The Shire President also welcomed Snr. Constable Richard Buchanan from the Menzies Police Station and Kookynie resident, Mr. Kevin Pusey, 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	
	Cr K Purchase	
	Cr I Tucker	
	Mr T Nottle	Chief Executive Officer
	Mrs J Nottle	Deputy Chief Executive Officer
	Mr B Pepper	Works Supervisor
Apologies:	Cr P Kennedy	
	Cr J Dwyer	
Visitors:	Mr R. Buchanan	Menzies Police Station
	Mr K Pusey	

3. PUBLIC QUESTION TIME:

Mr. Kevin Pusey, resident of Kookynie advised Council that he wished to attend the meeting due to his interest in the outcomes of previous and future Council Meetings.

Mr. Kevin Pusey also enquired as to whether any action had been taken on the state of the old Maori Hotel.

The CEO advised that a letter had been written to the owner of the property advising of its unacceptable condition of both the building and the property. To date no response has been received and no repairs or maintenance have been carried out on the property.

The CEO advised that he would be speaking to the Shire's Health and Building Officer as to the next step for Council to take.

Snr. Constable Richard Buchanan addressed the Council and verbally presented a monthly report from the Menzies Police Station. Snr. Con. Buchanan discussed the following items:

- There has been reports regarding drunken and disorderly behaviour in the new Playground, with bottles being smashed etc. Police to check regularly on patrols
- Visited the school to talk to the children in regards to bullying
- Higher involvement by the local police with community activities such as the tennis evenings
- Menzies Police Station is achieving better results since the implementation of the second staff member

Cr. I Tucker – Advised that domestic violence had been a big issue with aboriginal affairs, and asked Snr. Con. Buchanan where did the Police “draw the line” in regards to issues with husband/wife, who make up again after an incident.

Snr Con Buchanan – Advised that it is a complex issue but the local Police attempt to adapt various situations dependent on the area and circumstances involved.

The President thanked Snr. Con. Richard Buchanan for encouraging involvement with the children in Menzies through their initiatives.

Snr. Con. Buchanan advised that Snr. Con. McNamara sends his apologies for being unable to attend.

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

President Stephen Tonkin advised Council of the following:

- Attended GECZ of WALGA meeting on Tuesday, 7th June 2005
- Attended Peak Leader’s Forum, facilitated by the Goldfields Area Consultative Committee. It was very beneficial and projects in regards to federal interests were discussed.
- Attended meeting on Monday 13th June at both Carosue Dam and Safari Bore Minesites (with CEO) to discuss the closure of St. Barbara Mines operations within the Menzies Shire.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL DECISION	ITEM 6.1
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That the minutes of the Ordinary Meeting held on 20th May 2005 as previously circulated be confirmed as a true and accurate record.

7. STATUS REPORT

7.1 Status Report as at 7th April 2005.

Item 3 on Status Report

Cr K. Purchase declared an interest in item 3 of the Status report and departed the meeting.

During the discussion Cr. I Tucker requested to be recorded that he disagreed with any proposal to lend funds to the Menzies Hotel.

COUNCIL DECISION	ITEM 3 (7.1)
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council write to the owners of the Menzies Hotel advising that the Council require:

1. Proof in writing that loan/funding applications for the construction of an acceptable sewage system has been declined by a minimum of three (3) financial institutions, to prove that the owners have exhausted all financial options;
2. Three (3) quotations including the scope of works to be carried out.

CARRIED 4/0

Mrs. J Nottle departed the room at 9.55am

Cr. K Purchase and Mrs. J Nottle returned to the meeting at 9.58am

COUNCIL DECISION

MOVED Cr I McGregor

SECONDED Cr A Kelly

That the Status Report as at 10th June 2005, be received.

CARRIED 5/0

8. FINANCIAL REPORTS

8.1 Financial Statements – to 31st March 2005.

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 8.1
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MOVED Cr I Tucker

SECONDED Cr A Kelly

That the Financial Statements for the period to 31st May 2005 as presented, be adopted.

CARRIED 5/0

*Mr. B Pepper departed the meeting at 10.00 am
Mr. B Pepper returned to the meeting at 10.03 am*

8.2 Accounts for Payment

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 8.2

MOVED Cr I McGregor

SECONDED Cr A Kelly

That cheque numbers 2902 - 2966 and direct bank payments totaling \$300,759.78 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 5/0

9. WORKS REPORTS

9.1 Works Supervisor Report

The Report by Council's Works Supervisor, Mr. Brad Pepper, for the period to 10th June 2005 was tabled for Council's information.

Council requested that Works Supervisor install "Slippery when wet" signs on section of the Yarri Road, and Cranky Jack Road.

COUNCIL DECISION \ OFFICER RECOMMENDATION

ITEM 9.1

MOVED Cr I McGregor

SECONDED Cr A Kelly

That the Works Supervisors report for the period to 10th June 2005 be received.

CARRIED 5/0

10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS

COUNCIL DECISION

ITEM 10.

MOVED Cr A Kelly

SECONDED Cr I Tucker

That Council accept late agenda items 10.1.1 and 10.1.2.

CARRIED 5/0

10.1.1	Lot 864 & 865 Mahon Street (Planning Application)
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Location: Menzies Townsite
Applicant: Energy Generation P/L (EnGen) & Western Power
File Ref: 231
Disclosure of Interest: None
Date: 13th June 2005
Author: Marius Olsen, Environmental Health Officer / Building Surveyor
Signature of Author:

Summary

This report requests the Council to consider a planning application from Energy Generation P/L (EnGen) on lot 864 & 864 Mahon Street, Menzies.

Background

Council has received a joint application for planning approval from Energy Generation Pty Ltd and Western Power relating to a proposal to install a new power station at Lots 864 & 865 Mahon Street Menzies (currently leased by Western Power). Western Power proposes to transfer the generation of power to Energy Generation Pty Ltd which is an independent power producer. Western Power would still be responsible for the distribution and billing requirements in Menzies. The proposal also includes upgrading of the power distribution grid which will increase efficiency. The site was selected on the basis of close proximity to existing power lines, and allows for future expansion if required.

The new power station provides more efficient generation with less noise attenuation. The Power will be run with back-up systems in place to ensure that if one engines drops-out, a backup will automatically takeover. This ensures that power disruption would be significantly reduced if not eliminated completely.

Comment

The Shire of Menzies Town Planning Scheme No.1 nominates Lots 864 & 865 Mahon Street as a rural zone use. The Shire is currently seeking an amendment to the TPS to change the use of land to public purpose. Planning approval is required before commencement of development on any property within the Shire of Menzies TPS. However as the TPS will be amended Council can approve planning consent in principal.

The new power station is a modern design which would greatly improve the power distribution and reduce current noise levels. The noise levels allowable at noise sensitive premises (residential properties) are determined in accordance with the *Environmental Protection (Noise) Regulations 1997*. Energy Generation Pty Ltd proposes to achieve compliance with the regulations by housing the generators collectively in sound attenuated containers.

Electric and magnetic field emissions are negligible and will remain unchanged from that of the existing power station as no new overhead lines are planned. The fuel storage will comply with AS 1940, and exhaust emissions have been calculated at less than the

existing system, therefore reducing greenhouse gas emissions and complying with the EPA/DEP regulations.

The proposal to install a new power station complies with the relevant regulations and Australian Standards. It will improve the current system and cope with future growth in the town of Menzies.

A copy of the application detailing the proposal will be circulated at the meeting (see file 231) for Councillors information.

Consultation – Energy Generation P/L and Paul Bashall (Planwest)

Statutory Environment

Shire of Menzies Town Planning Scheme No. 1 – The power station is a public utility, which is listed as ‘AA’ in the rural zone. This means the use is not permitted unless Council exercises its discretion and grants planning approval.

Environmental Protection (Noise) Regulations 1997 – will be complied with.

Policy Implications

There are no current policies relating directly to this matter

Financial Implications N/A

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 10.1.1
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council approve Planning consent for the proponent to install a new power station at Lots 864 & 865 Mahon Street Menzies, in accordance with the design specifications and all other relevant policy’s, codes and standards.

CARRIED 5/0

10.1.2	Lot 102 Walsh Street (Planning Application)
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Location:	Menzies Townsite
Applicant:	Telstra Corporation P/L
File Ref:	231
Disclosure of Interest:	None
Date:	13 th June 2005
Author:	Marius Olsen, Environmental Health Officer / Building Surveyor
Signature of Author:	

Summary

This report requests the Council to consider a planning application from Telstra Corporation P/L on lot 102 Walsh Street, Menzies.

Background

Council has received application for planning approval from Telstra Corporation Limited relating to a proposal to install a Mobile base station at Lot 102 Walsh Street Menzies. This property is the existing site of Telstra communications in Menzies. Due to the general public concern on the health effects of mobile phone base stations, Telstra has submitted a detailed application of the proposed structures including the estimated electromagnetic energy levels that would be emitted.

Comment

The Shire of Menzies Town Planning Scheme No.1 nominates Lot 102 Walsh Street as a Public Purpose use zone. Planning approval is required before commencement of development on any property within the Shire of Menzies TPS. The proposed installation is consistent with the existing use of the property and the TPS.

The estimated levels of electromagnetic energy emitted have been calculated in accordance with the Australian Communications Authority standards, to the value of 0.0048% of the mandated limit. Therefore the levels do not pose any significant risk to public health and safety.

As Telstra is a licensed Carrier under the Commonwealth Telecommunications Act 1997, they must comply with the Industry Code on the Deployment of Radio communications Infrastructure. The 4 Argus Omni Antennae would be mounted on top of the existing structure on site; therefore no additional towers would be required. The site has existing fencing which provides security from unauthorised entry.

The installation of the mobile base station will provide mobile network coverage to the Menzies locality, therefore providing a valuable service in terms of convenience and emergency situations for Menzies ratepayers and tourists visiting the area.

A copy of the application detailing the proposal will be circulated at the meeting for Councillors information. (See also file No. 231)

Consultation – Telstra Corporation P/L and Paul Bashall (Planwest)

Statutory Environment – N/A

Policy Implications

There are no current policies relating directly to this matter

Financial Implications - N/A

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 10.1.2

That Council approve Planning consent for the proponent to install a mobile base station at Lot 102 Walsh Street Menzies in accordance with the design specifications and all other relevant policy's, codes and standards.

CARRIED 5/0

10.2 Rangers Report

Nil

11. CHIEF EXECUTIVE OFFICER'S REPORT

11.1.1 Council Meetings for 2005/2006
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Location:	N/A
Applicant:	N/A
File Ref:	109
Disclosure of Interest:	None
Date:	9 th June 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

Each year Council is required by the Local Government Act 1995 to set the Council meeting dates for the following financial year. This report advises on the most likely venues and times for the meetings.

Background

This financial year Council held its first meeting at the Davyhurst Minesite courtesy of Croesus Mining.

The Local Government Act 1995 and Administration Regulations require that at least once in each 12 month period, Council is to advertise the dates, times and places of its ordinary meetings. The meeting of the 19th June 2004 is the last advertised meeting date for this year and Council should now confirm its meeting programme for the ensuing 12 month period.

Comment

Council has agreed in the past to the holding of each monthly meeting on the third Friday of each month, commencing at 9.00 am in the Council Chambers, Menzies. Exclusions to this are:

- No ordinary meeting held in January

- September ordinary meeting held at Kookynie, commencing at 9.00 am followed by a bus trip to review roads
- December ordinary meeting commencing at 1.00 pm

It is proposed this financial year, that we include the meetings as mentioned above regarding the minesites. Croesus Mining has indicated that they would be more than happy to accommodate the Council in the 05/06 year.

Consultation

External liaison with Croesus Mining. There is a requirement that a public notice be circulated regarding these meetings.

Statutory Environment

Section 5.25(g) of the Local Government Act 1995 and section 12 of the Local Government (Administration) Regulations 1996.

Policy Implications – Policy No. 2.3 relates

Financial Implications –

It is estimated that the costs involved with the proposed meeting dates will not increase, and will be accounted for in the 2005/06 budget.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION**ITEM 11.1.1**

MOVED Cr I McGregor

SECONDED Cr K Purchase

That the following dates, times and places be advertised in accord with section 5.25(g) of the Local Government Act 1995:

July 15 2005	Menzies	9.00 am
August 19 2005	Menzies	9.00 am
September 16 2005	Kookynie	9.00 am
October 21 2005	Menzies	9.00 am
November 18 2005	Menzies	9.00 am
December 16 2005	Menzies	1.00 pm
January 2006	No Meeting	
February 17 2006	Menzies	9.00 am
March 17 2006	Davyhurst	10.00 am
April 21 2006	Menzies	9.00 am
May 19 2006	Menzies	9.00 am
June 16 2006	Menzies	9.00 am

As Councils ordinary meeting arrangements for the financial year 2005 / 2006.

CARRIED 5/0

11.1.2 Proposal to Dispose of Property

Location: N/A
 Applicant: N/A
 File Ref: 404
 Disclosure of Interest: None
 Date: 9th June 2005
 Author: Tony Nottle, Chief Executive Officer
 Signature of Author:

Summary

The author requests the Council to consider the sale of the Ford Front End Loader MN 813.

Background

Council purchased the Ford tractor (MN813) in 2002 to assist in the pushing up of the rubbish tip and general slashing of areas around town.

Since the amalgamation of the Shire's east and west works crews, the Komatsu WA 180 loader has been brought to town and used regularly, as it was no longer needed out at the various camps.

Since the employment of the casual parks and gardens labourer and the new purchase of a ride-on lawn mower, the Ford tractor is no longer required to perform slashing around the town.

Comment

A review of the Council's equipment proves that the tractor is not being used due to the skid steer and the loader's ability to undertake all tasks that it was originally purchased for.

Council had originally budgeted to sell the Komatsu loader believing that it would not be needed in the future.

Consultation

Council will be required to tender this plant item for outright purchase according to Council's tendering policy and the Local Government (Functions & General) Regulations 1996.

Statutory Environment

Section 3.58 (2)(b) states that –

a Local Government can only dispose of property to – the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Policy Implications

Council Policy 2.5 relates to the procedures to be carried out regarding tenders.

Financial Implications

Council originally budgeted to sell the Komatsu WA180 Loader in the 2004/05 budget for the amount of \$60,000.

Should Council opt to sell the Ford front end loader it is estimated that the sale may only be in the vicinity of \$15 - \$20,000.

As Council's decision will affect the adopted budget for the 2004/05 financial year Council will need to move a resolution by absolute majority.

Voting Requirement – Absolute Majority

OFFICER RECOMMENDATION**ITEM 11.1.2**

1. That Council invite tenders for the outright purchase of the Ford tractor front end loader (MN 813)
2. That Council choose not to sell the Komatsu WA180 Loader as originally budgeted for in the 2004/05 budget.

COUNCIL DECISION**ITEM 11.1.2**

MOVED Cr I McGregor

SECONDED Cr A Kelly

1. That Council invite tenders for the outright purchase of the Ford tractor front end loader (MN 813) and its attachments
2. That Council choose not to sell the Komatsu WA180 Loader as originally budgeted for in the 2004/05 budget.

CARRIED BY ABSOLUTE MAJORITY 5/0

Reason for Change:

After discussion with Council staff, it was decided that there was no use for the attachments that were purchased for the tractor.

- *Council adjourned the meeting for morning tea at 10.30am*
- *Council resumed the meeting with all in attendance with the exception of Snr. Con. Richard Buchanan and Mr. Kevin Pusey at 10.55am .*
- *Mr. Peter Crawford joined the meeting at 10.55 am at the request of Council.*
- *Due to items 14.1.1, 14.1.2 & 14.1.3 being related to the visit by Mr. Crawford, Council agreed to deal with these items out of sequence, immediately following item 11.1.2.*
- *Mr. Crawford gave a brief description of his involvement in Local Government over the years.*

11.1.3 Bill Payment Services – Bill Express (WALGA Preferred Supplier)

Location: N/A
 Applicant: N/A
 File Ref: 108
 Disclosure of Interest: None
 Date: 10th May 2005
 Author: Tony Nottle, Chief Executive Officer
 Signature of Author:

Summary

This report requests the Council to consider engaging Bill Express to provide an alternative payment method to the Shire of Menzies by electronic means.

Background

In January 2005 the Western Australian Local Government Association (WALGA) appointed Bill Express as their preferred supplier of Bill Payment services.

In December 2004, Council requested the Chief Executive Officer to investigate alternative methods of payment, as many of the Shire's ratepayers did not live close-by to the administration office, and that cheques were becoming a payment method of the past.

Council's website was launched in April 2005, which can be the medium for which an alternative method of payment can be accessed.

Comment

With the both Council and staff recognising the difficulties in paying bills and rates in person, Bill Express offers the opportunity for customers to pay on time saving on unnecessary reminder notices and waste of staff resources.

While there are costs involved by utilising this service (see Financial Implications) Council may opt to pay a monthly fee, trial the service for a period of twelve (12) months, to ascertain its effectiveness and value for money.

Consultation

Council would be supplied with sufficient material (leaflets/brochures) to advertise the availability of an alternative payment method by Bill Express. The Menzies Matters will also be utilised to inform the local community of the service available.

Statutory Environment

All requirements as per the Local Government (Financial Management) Regulations 1996, Regulation 3(b) are taken into consideration with the payment method. This covers the identity of the customer and the amount of the payment amount.

Policy Implications

There are no current policies relating to this matter.

Financial Implications

Costs involved with the Bill Express program are as follows:

Once only fee paid to WALGA (3 year contract)	\$1,400
OR Monthly fee	\$40
Costs per transaction (internet)	.17c + merchant fee 0.654%
Costs per transaction (telephone)	.19c + merchant fee 0.654%

For a twelve (12) month period, Council's costs are estimated to be as follows:

WALGA Fee	\$480
Transaction Fees	\$51

Merchant Fees \$1,000

Total Cost for 05/06 Consideration \$1,531

Administration costs are not likely to increase, as the processing of these payments is approximately the same as processing cheque or in-person payments.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 11.1.3

MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council agree to use the services of Bill Express to provide an alternative payment method for a period of twelve (12) months, after which the service will be reviewed.

CARRIED 5/0

11.1.4 Nomination of Shire of Menzies Representative Zone Control Authority

Location: N/A
Applicant: N/A
File Ref: 223
Disclosure of Interest: None
Date: 10th May 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The Shire of Menzies membership on the Zone Control Authority (ZCA Kalgoorlie Zone) needs to be reviewed prior to August 2005.

Background

The Shire's previous representative on the ZCA was Mr. Murray McQuie of Bulga Downs Station. His term expires in August 2005.

Cr. Iain McGregor, represents the Pastoralists' and Graziers Association (PGA) on the board and his term expires in August 2005 also.

Comment

After a discussion with Mr. Murray McQuie and Cr. McGregor, it was decided that the most logical choice would be to nominate Cr. Iain McGregor to be the Shire's representative on the Board and Mr. Murray McQuie would represent the PGA.

Consultation

Consultation has taken place with both Cr. Iain McGregor and Mr. Murray McQuie. Cr. McGregor has verbally confirmed that he would represent the Shire of Menzies.

Statutory Environment – N/A

Policy Implications - There are no current policies relating to this matter.

Financial Implications - Nil

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.1.4

MOVED Cr A Kelly

SECONDED Cr I Tucker

That Council nominate Cr. Iain McGregor to represent the Shire of Menzies on the Kalgoorlie Zone Control Authority.

CARRIED 5/0

11.1.5 Old Kookynie School House (Res. 7301 - Kookynie)
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Location:	N/A
Applicant:	Greg Dwyer M/L 40/6 Kookynie
File Ref:	139
Disclosure of Interest:	None
Date:	10 th May 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

This report requests the Council to consider the purchase of the Old Kookynie School House, Reserve 7301 Kookynie.

Background

In March 2005, DPI held a public tender, offering the sale of the reserve and the building for the amount of \$8,800. No tenders were received. (See item 11.2.2 May 2005 Minutes for further background detail.)

A letter was received from Mr. Greg Dwyer, resident of the Kookynie area, requesting that the Council purchase the building, and that local residents may spend an amount of \$4,000 on the facility for materials.

At the May 2005 meeting of Council, Mr. Dwyer's letter was considered and the Council resolved the following:

“That the CEO investigate further funding and associated costs with purchasing the Kookynie School House and liaise with the Department for Planning and Infrastructure in regards to a suitable offer.”

Comment

Since the May meeting of Council, there has been further interest in the Kookynie School house by private parties.

after a conversation with Land Asset Management Services (DPI, LAMS) I was informed of the following:

That an offer of \$500.00 to purchase the property was declined.

That the cost of \$3,600.00 to re-seal the roof on the building has to be taken into account when considering any offers made to the Department for Planning & Infrastructure.

While the title regarding the reserve will not initially be made freehold, it can be made freehold after completing the necessary process.

Land transfer costs of \$79.00 would also be applicable to the purchaser

Further conveyancing costs may also be applicable

As mentioned in the minutes of the May ordinary meeting of Council, the Shire of Menzies had previously declined the offer to accept this building (and reserve) due to the ongoing costs involved as well as the lack of interest from the community of Kookynie at the time.

An opportunity for residents to use (and retain) this facility existed while the Kookynie Social Club Inc. was in operation. Council runs the risk of history repeating itself and being responsible for the costs involved, should it decide to purchase the property.

Kookynie’s population is estimated at 10 - 15 permanent residents.

In comparison, Menzies population is estimated at 80 – 100 permanent residents and the Menzies Town Hall is used approximately 6 – 8 times per year. It would be in the best interests of Council to encourage the use of the current facility which we maintain.

Consultation

Consultation with Land Asset Management Services and Municipal Insurance Broking Services (Council’s insurance broker) has taken place.

Statutory Environment – N/A

Policy Implications - There are no current policies relating to this matter.

Financial Implications -

The cost to Council for the 2005/06 financial year is estimated as follows:

Purchase of Reserve 7301, Kookynie	\$4,000
Land Transfer Costs	\$ 79
Conveyancing Costs	\$1,000
Insurance Increase (Public Liability, Property Ins.) (est.)	\$1,200
Maintenance Costs	\$2,500
Inspection by Health & Building Officer	\$ 500
TOTAL	\$9,279

It is also likely that the group involved may request financial assistance for specialised areas such as any electrical maintenance, unforeseen circumstances or donations towards infrastructure required (eg: generator, bore etc.)

It seems that the costs involved would not justify the amount of use that this facility would receive.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.5
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MOVED Cr I McGregor

SECONDED Cr K Purchase

That Council write to Mr. Greg Dwyer advising that it will not purchase Reserve 7301 – Old Kookynie School House citing the following reasons:

1. Council was previously offered the reserve in February 2004 and declined due to the lack of resources available to maintain the facility for a small amount of people
2. Costs involved with the purchase and maintenance of the facility are unable to be justified for a small population base
3. Council would prefer to see an incorporated body or community group established to take responsibility of such a facility
4. There are other private parties interested in the purchase of this facility
5. The Department for Planning and Infrastructure had previously offered the facility for public tender and no interests were raised with the Shire at that time

CARRIED 5/0

11.1.6 Tjuntjuntjarra Community – Draft Letter of Intent

Location: N/A
Applicant: N/A
File Ref: CEO/Tjun
Disclosure of Interest: None
Date: 10th May 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

A draft letter of intent has been produced by the Chief Executive Officer for the Council to endorse prior to it being forwarded to the WA Local Government Advisory Board.

Background

In December 2004, Council wrote to the WA Local Government Advisory Board advising them that the Shire had decided to cancel proceedings for the proposed transfer of the Tjuntjuntjarra Community to the Shire of Laverton.

Council was requested to provide a letter of intent indicating the services it would provide to the Community.

Attached with this agenda (see also file CEO/Tjun) is a draft letter of intent for the Council to peruse prior to it being forwarded to the WA Local Government Advisory Board.

Comment

Council had been informed that if it placed all the roads in the district (servicing the Tjuntjuntjarra Community) it would receive sufficient funding to service the Community. While it is not clear if Council will receive sufficient funding, the letter of intent has been drafted as such to inform the Board that it is subject to funding only.

Consultation

Lindsay Bridge – Senior Project Officer DLGRD Indigenous Communities

Statutory Environment – N/A

Policy Implications - There are no current policies relating to this matter.

Financial Implications -

While figures are not known, Council will experience an increased expenditure on roads. However these services will only be provided should sufficient funding be given to the Shire.

Voting Requirement – Simple Majority

MOVED Cr I McGregor

SECONDED Cr I Tucker

That the Council adopt the "Draft Letter of Intent Regarding Services to the Tjuntjuntjarra Community" as the official letter of intent to be forwarded to the WA Local Government Advisory Board.

CARRIED 5/0

11.1.7 Haines Norton Remote Accounting Solutions – Service Agreement

Location: N/A
Applicant: David Tomasi – Partner Haines Norton Pty Ltd
File Ref: Contracts / 145
Disclosure of Interest: None
Date: 10th May 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

This report requests the Council to consider a Service Agreement to be negotiated between the Shire of Menzies and Haines Norton Pty Ltd.

Background

In May 2002, the Shire of Menzies entered into a Service Agreement with Haines Norton Pty Ltd for the provision of remote accounting services and general assistance. This agreement expired 17th May 2004.

The CEO and Mr. Tomasi agreed that the Service Agreement did not need to be renewed, due to the understanding between the two parties that already existed.

Comment

Due to the changes that will take place with staff in the next 2-3 months, it is believed that the staff will need assistance with the rating functions. This would mean that should Haines Norton provide this assistance then a new Service Agreement would need to be negotiated.

Mr Tomasi has provided Council with a quote relating to the extra fees involved in providing these services. (See attached in agenda or file 145).

Haines Norton has provided a professional service to the Shire of Menzies over the past three (3) years and has the capability of undertaking the Shire's rating functions. Mr. Tomasi has also included a quotation for training for the incoming staff.

Consultation

Statutory Environment

Council is required by the Local Government Act 1995 to keep a rate record and maintain its database of ratepayers.

The increased expenditure will total more than \$50,000 and therefore would be required invite tenders. However under Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996

“if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier”

As the software and services are unique to Haines Norton, there does not seem to be a requirement to invite tenders under this regulation.

Policy Implications - There are no current policies relating to this matter.

Financial Implications -

Council currently pays Haines Norton Pty Ltd \$36,000 ex GST per annum for the services already supplied each financial year.

As per Mr. Tomasi’s email the following extra costs are likely to be incurred (subject to Council’s decision) in the 2005/06 financial year:

Initial Service Agreement	\$37,080
Additional Rates Assistance	\$21,000
Training for Staff	\$ 5,000
Total	\$63,080

Voting Requirement – Absolute Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.7
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MOVED Cr I McGregor

SECONDED Cr A Kelly

1. That the CEO negotiate a suitable Service Agreement with Haines Norton Pty Ltd to assist with rating functions as required. (And current functions already supplied)
2. That the President and the CEO be authorised to sign appropriate documentation and affix the Common Seal of the Shire of Menzies for the Service Agreement with Haines Norton Pty Ltd.

CARRIED BY ABSOLUTE MAJORITY 5/0

11.2 CHIEF EXECUTIVE OFFICER SUPPLEMENTARY REPORT

11.2.1 Register of Heritage Places – Menzies Railway Station Precinct

Location: Menzies Townsite
Applicant: Heritage Council of WA
File Ref: 226
Disclosure of Interest: None
Date: 16th June 2005
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

The Heritage Council of Western Australia has advised council that the Railway Precinct in Menzies has been entered on the Register of Heritage Places on an interim basis, and that a permanent listed is being sought.

Background

In November 2004, Council was informed of the Heritage Council's intention to place the Menzies Railway Station Precinct on the Heritage Register of Western Australia.

At the November meeting, Council resolved:

1. *That Council nominate the President or the CEO to attend the meeting regarding the Menzies Railway Precinct to be included on the State Heritage Register*
2. *That Council is opposed to the Heritage listing of the Menzies Railway Precinct due to ongoing maintenance and repair costs.*

The President at the time, Mrs. Kathy Finlayson, attended the meeting via teleconference to represent Council's view.

The decision however did not reflect Council's position.

Council has received correspondence advising of the listing on the temporary Heritage list, and that the intention of the Heritage Council was to place the Railway Precinct on the permanent register.

Council has been advised that it may attend the meeting, however the option of providing a letter advising of Council's opinion may be forwarded to the Heritage Council of WA.

Comment

While Council has made it clear of its position to the Heritage Council of WA, it is unlikely that it will have any effect on the outcome of the listing.

However, it would be advantageous of Council to advise in writing of its position regarding the permanent listing of the Menzies Railway Precinct on the Register of Heritage Places.

Consultation

Heritage Council of WA.

Statutory Environment

Section 47 of the Heritage of Western Australia Act 1990. Interim register was gazetted 3rd June 2005.

Policy Implications

There are no current policies relating to this matter.

Financial Implications - N/A

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.2.1

MOVED Cr I McGregor

SECONDED Cr A Kelly

1. That Council note the correspondence received by the Heritage Council of Western Australia regarding the placement of the Menzies Railway Precinct on the interim Register of Heritage Places.
2. That Council advise the CEO to write to the Heritage Council of Western Australia to advise of its objection to have the Menzies Railway Precinct included on the permanent Register of Heritage Places.

CARRIED 5/0

11.2.2	Closure of Deep South & Safari Bore Minesite – (St. Barbara Mines)
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Location:	Deep South & Safari Bore M/Site
Applicant:	St. Barbara Mines (GM Darren Gibcus)
File Ref:	213
Disclosure of Interest:	None
Date:	16 th June 2005
Author:	A G Nottle, Chief Executive Officer
Signature of Author:	

Summary

Council has an opportunity to approach St. Barbara Mines regarding items of plant that may be of interest to Council. St. Barbara Mines have also requested that Council consider the vesting of the Haul Road from the Mining Company into the Shire of Menzies.

Background

Since the collapse of Sons of Gwalia (SOG), St. Barbara Mines (SBM) took over the SOG interests in the Menzies Shire.

On Monday 13th June, the President and the CEO met with General Manager Darren Gibcus to discuss options available to the Shire. The Shire is in the position to apply for certain items of equipment, eg: FM transmission stations and UHF repeater stations.

Mr. Gibcus also requires an undertaking from the Shire whether it will consider taking on responsibility of a portion of the haul road.

Comment

Council received similar items of equipment from Money Mining when its Granny Venn operations closed. (Red FM) The President and the CEO inspected some of the transportable accommodation, however none was seen a suitable for the caravan park.

It is believed that the UHF repeater infrastructure and the FM station equipment could be utilised within the Menzies townsite.

The haul road is a well constructed category 3 road with substantial support infrastructure located along its length. A turkey's nest dam and bore are situated in strategic locations for further road construction and maintenance.

After viewing the maps of the area, (circulated at the meeting. See also file 213) only a portion of the haul road would be strategically aligned with Council's other roads. This is the portion extending North from Yarri Road, which connects with Mt. Celia road near Mt. Celia Station.

The proponent is only requesting that Council indicate whether it will **consider** the acquisition of the road.

Consultation

Darren Gibcus – SBM

Statutory Environment - N/A

Policy Implications

There are no current policies relating to this matter.

Financial Implications

It is believed that the FM transmitter equipment could be supplied at no cost (donated to Council) if a request were made. It was not clear as to whether the UHF repeater stations could be donated in the same way.

There are no financial obligations at this stage regarding the acquisition of the haul road. This is due to St. Barbara Mines only requesting that we advise them whether we would consider it in the future.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.2.2
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council:

1. Write to St. Barbara Mines requesting a donation of the FM transmitter and UHF repeater equipment due to the closing down of the Safari Bore and Deep South mine sites
2. Write to St. Barbara Mines indicating that it would consider the acquisition of the haul road North of Yarri Road in the future upon request.

CARRIED 5/0

11.2.3 Establishment of Audit Committee
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Location:	N/A
Applicant:	N/A
File Ref:	114
Disclosure of Interest:	None
Date:	16 th June 2005
Author:	A G Nottle, Chief Executive Officer
Signature of Author:	

Summary

This report requests the Council to set up an Audit Committee as per section 7.1A of the Local Government Act 1995.

Background

Council will recall at its previous meeting it requested that the Audit Committee consisting of the entire membership of Council be created.

Comment

Council will require by absolute majority to establish this Audit Committee.

The CEO or any employee is not permitted to be a member of this committee.

Consultation – N/A

Statutory Environment

Section 7.1A of the Local Government Act 1995 requires a local government to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

Policy Implications - There are no current policies relating to this matter.

Financial Implications - N/A

Voting Requirement – ABSOLUTE Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.2.3

MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council establish the Audit Committee as per section 7.1A of the Local Government Act 1995, with the membership to comprise of all Council members.

CARRIED 5/0

12. REPORTS FROM COUNCILLORS

Nil

13. BUSINESS OF AN URGENT NATURE

13.1 COUNCILLORS

Cr. A Kelly –

Large number of dead kangaroos on the road into town. Asked to get them cleaned away. CEO advised that the road is under Main Roads WA jurisdiction and that contractor MacMahon Contracting had the contract for this duty. A letter will be written to MacMahon Contracting and Main Roads WA.

Cr. K Purchase –

Enquired as to when the lights in the main street were to be prepared. The CEO advised Cr. Purchase that Western Power contractor Powerchill had been given the order and were coming to repair the lights ASAP.

Cr. I Tucker – Nil

Cr. I McGregor –

- Would like budget provision made to paint the Council Chambers and the Hall and generally freshen up the Administration Building.
- Requested the Agenda to be emailed, but hard copy also sent
- Enquired into the status on Mr. Lloyd Lansdown's recovery to be aware of requirements when he returns to work
- Financial training to be considered for the Councillors in regards to the financial reports presented. CEO advised that should Haines Norton come to Menzies to provide training, they could also attend the meeting and train the Councillors.
- Requested that Council consider a "Decision Tree" for major financial decisions that will need to be made in future. CEO to investigate further.

Cr. I Tucker –

Enquired into whether staff had heard anything else back from DPI in regards to placing the toilet at the truck bay. CEO advised he would check with DPI.

13.2 CHIEF EXECUTIVE OFFICER

The Deputy CEO requested to address the Council regarding the organisation of certain events that she was working on.

Farewell for departing members –

The Deputy CEO advised that due to the anticipated amount of guests, that it would be unlikely that it could be held in Menzies due to the lack of accommodation.

Council was advised that the Hannan's Club in Kalgoorlie had been tentatively booked for 9th July 2005, and that a plated meal was to be organised for the menu.

The Deputy CEO suggested an appropriate gift that could be purchased for the ex-President, and some ideas for Mr Earnshaw and Mr Pusey also.

Council were asked if this met their expectations, to which Council were in favour.

The Deputy CEO advised that she would confirm these details with the Hannan's Club and a suitable caterer. No objections were raised.

Rate Debtors –

The Deputy CEO informed Council members that on their behalf a letter was issued to all ratepayers who had outstanding rate charges \$500.00 and over. This letter was designed to get a reaction from outstanding debtors and if the ratepayer makes no response, their details will be given to the Council Debt Collectors, Credipac, to further chase up and issue legal action. This will help further 'clean up' the rate book online and maximise Councils income.

Town Entry Statement Competition –

The Deputy CEO advised Council that the CEO and the Deputy CEO would be presenting the winner, Mrs. Sylvia Kennedy with her gold nugget and cash prize on Saturday 18th June.

Due to extra costs involved with designing another statement piece (of similar persuasion) Council decided to place one structure on the left side on both entries to the town.

Cr A Kelly – Asked if an information bay could be considered with the Town Entry Statements.

Councillor Claim Forms –

The Deputy CEO advised Council that she would be issuing out a handful of Council Claim forms to each elected member for them to keep record of any extra km's or meetings they attend which they can claim on. This will be easier for the Deputy to complete claimed expenses.

Local Government Week 2005-

The Deputy CEO advised of the information sent regarding the booking for Local Government Week 2005. DCEO requested that Council complete and return ASAP due to the deadline of the details to be sent to WALGA.

The CEO advised Council of the following:

- Congratulations to Cr. McGregor on his family's new arrival. Flowers were sent to Cr. McGregor's wife on behalf of Council

- Invitation from National Reconciliation Forum to attend the next forum in Kalgoorlie 25th October 2005. Interested Councillors to inform CEO of their interest.
- Invitation to attend "Your Voice Your Choice" symposium in the Shire of Kent.
- Tabled a letter from DPI advising that the Wutha Claimant Group have raised objection to the new Proposed Caravan Park. A meeting with Mr. Phil Drayson will take place in the immediate future to discuss this
- Tabled a CV and letter from Mr. Kevin Pusey re: CEO position.

Cr. I Tucker requested that the doors be closed to the public including the CEO to discuss items that were raised throughout the meeting.

COUNCIL DECISION	ITEM 13.2A
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That Council close the meeting to the public to discuss matters raised during the meeting.

CARRIED 5/0

After discussion Council decided that a budget of \$5,000 for the provision of a function for departing members be set. And a gift budget of \$1,000 also is set.

14. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS

*** CONFIDENTIAL BUSINESS TO BE HEARD BEHIND CLOSED DOORS (IN CAMERA)**

COUNCIL DECISION	ITEM 14
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MOVED Cr I McGregor

SECONDED Cr A Kelly

That the meeting be closed to the general public and discussed in camera as it involves members of staff.

CARRIED 5/0

Mr. Peter Crawford, Mrs. Jolene Nottle and Mr. Brad Pepper departed the meeting at 11.15am

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 14.1.1
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MOVED Cr K Purchase

SECONDED Cr I McGregor

1. That Council appoint Mr. Peter Crawford as the Acting CEO for a period of six (6) months on a salary of \$65,000, commencing upon the departure of the current CEO or August 22nd, whichever is the former;
2. That Mr. Crawford be delegated the same powers and duties as the current Chief Executive Officer during his Acting appointment;

3. That all benefits and conditions currently available to the Chief Executive Officer, also be made available for Mr. Crawford in his Acting appointment.

CARRIED BY ABSOLUTE MAJORITY 5/0

Due to the author's interest in the following item, the CEO, Mr. Tony Nottle departed the meeting at 11.19am.

OFFICER RECOMMENDATION

ITEM 14.1.2

For Council Consideration.

Council discussed this item and believed that both items 14.1.2 and 14.1.3 were related and opted to make a decision on both of these items in one resolution.

COUNCIL DECISION

ITEM 14.1.2

MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council require the budget to be completed, and the rate notices sent out prior to the CEO and DCEO's departure on or after the 29th July, provided there was no unforeseen event where the CEO and the DCEO's expertise may be required.

CARRIED 5/0

Council requested the CEO and DCEO to return to the meeting to answer questions in regards to the status of the budget and rates for the 05/06 period.

The CEO and DCEO returned to the meeting at 11.48am

OFFICER RECOMMENDATION

ITEM 14.1.3

For Council Consideration.

The Council dealt with Item 14.1.3 in its resolution with 14.1.2

COUNCIL DECISION

ITEM 141.2A

MOVED Cr I McGregor

SECONDED Cr K Purchase

That the meeting be re-opened to the public.

CARRIED 5/0

Mr. Brad Pepper and Mr. K. Pusey returned to the meeting at 11.52am

15. NEXT MEETING

The next Ordinary Council Meeting is scheduled for Friday 15th July 2005, Menzies Council Chambers at 9.00 am.

16. CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 1.10pm.

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

CONFIRMED

SHIRE PRESIDENT.....