

SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD IN THE COUNCIL CHAMBERS, MENZIES, ON FRIDAY 18TH FEBRUARY 2005 COMMENCING AT 9.25am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

Due to there being a number of visitors present and no members of the public present, Council addressed items 2 and 3 before returning to the visitors.

The Council's visitors were introduced and requested to present their presentations in the following order;

Mr David Munro **Policy Manager** - **Dept of Industry and Resources**
Mr Ross Guyton **Project Manager** - **Dept of Industry and Resources**

Mr. Guyton and Mr. Munro outlined the effect on the Council in regards to the Kalgoorlie Nickel Project. (Goongarrie)

Mr. Munro presented the Council with a WALGA and DOIR signed protocol that outlines the obligations of both parties when a major project is involved.

Mr. Guyton gave a small presentation on his recent project (Ravensthorpe Nickel Project) and advised that he will be the contact for Council for the Kalgoorlie Nickel Project.

Ross Guyton David Munro and Jolene Nottle left the meeting at 9.50am

Jolene Nottle returned 9.52am

Mr Dean Holder **Goldfields Area Mgr** - **Dept of Sport and Recreation**

Mr Holder was asked to present his letter to Council regarding the proposed Northern Goldfields Recreation and Youth Officer.

Mr. Holder tabled a letter from the Dept. Sport and Recreation advising of a recent meeting held in Leonora to discuss the above subject.

A draft budget was presented with a request for Council funding for the amount of \$10,000.00, and Council was advised that the position would most likely be based in Leonora.

Mr. Holder stressed that the position will not be for Leonora "exclusively."

Cr. Earnshaw – Aren't other Shires likely to benefit more from the position due to their larger population? (And therefore why would be contributing the same amount?)

DH – Agreed that this is likely and that an adjustment to the budget might be in order.

Cr. McGregor – Due to the majority of the children and people involved being indigenous, couldn't we ask ICC for a larger proportion of the funding as it involves the aboriginal communities and the towns?

DH – Advised that this would be taken into consideration.

Cr. Finlayson – Is the position to be a Local Government position or is the proposed employee to be a public servant?

DH – It is envisaged that the wages will be paid through the Shire of Leonora office, however it is unclear on whether the position would be part of the public service.

Cr Finlayson – Stated that rather than utilizing Local Government (Leonora Shire) housing, possibly GEHA housing could be used. Why should Menzies pay the \$10,000.00 when others have larger population and higher demand than Menzies? Cr Finlayson believed that this may need to be a percentage of contribution rather than an equal figure to other Shires.

DH – Agreed that Shire contribution may need to be weighted in the right areas, (to be investigated further) Mr. Holder also noted Cr. Finlayson's comments.

Cr Finlayson – We also have the town of Kookynie to consider as well as outlying pastoral stations.

Cr. Earnshaw – Would there need to be a vehicle for the position also? There does not seem to be budget allocation for this?

DH – Yes. Hopefully a sponsor could be located to donate the vehicle.

Dean Holder thanked Council for inviting him and left the meeting at 10.30am

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

Present:	Cr K Finlayson	Shire President
	Cr K Pusey	Deputy Shire President
	Cr S Tonkin	
	Cr K Purchase	
	Cr I McGregor	
	Cr B Earnshaw	
	Mr. Tony Nottle	Chief Executive Officer
	Mrs Jolene Nottle	Deputy Chief Executive Officer
Apologies:	Cr P Kennedy	
Visitors:	Mr Ross Guyton	Department of Industry & Resources (To 9.50am)
	Mr Mike Munro	Department of Industry & Resources

Mr Dean Holder (To 9.50am)
Department of Sport & Recreation
Ms Paula Bennet (To 10.30am)
Tourism WA

3. PUBLIC QUESTION TIME:

As there were no members of the public present, Public Question Time was closed at 9.26am.

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL DECISION

ITEM 6.1

MOVED Cr K Pusey

SECONDED Cr I McGregor

That the minutes of the Ordinary Meeting held on 17th December 2004 as previously circulated be confirmed as a true and accurate record subject to the following changes:

- *In the heading box at the top of page 1, '19th November' be changed to '17th December'.*

CARRIED 6/0

7. STATUS REPORT

7.1 Status Report as at 11th February 2005.

COUNCIL DECISION

MOVED Cr K Pusey

SECONDED Cr B Earnshaw

That the Status Report as at 11th February 2005, be received.

CARRIED 6/0

8. FINANCIAL REPORTS

8.1 Financial Statements – to 31st January 2005.

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 8.1

MOVED Cr K Purchase

SECONDED Cr I McGregor

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

CARRIED 6/0

8.2 Accounts for Payment

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 8.2

MOVED Cr K Pusey

SECONDED Cr I McGregor

That cheque numbers 2642 - 2739 and direct bank payments totaling \$236,316.14 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

Council adjourned for morning tea at 11.15am.

Council resumed the meeting at 11.50am with Paula Bennet, Tourism WA and Patrick Kelly, Ranger.

Patrick Kelly was requested to present his report.

Discussion regarding dog control and controlled breeding took place. Council requested the CEO to inform the public of the proposed "Dog Sterilisation Program" offering the operation on the animals free of charge as a trial.

Patrick Kelly left the meeting at 12.30pm

10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS

10.1 Environmental Health Officers Report
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The Environmental Health Officers Report was tabled for Councillor information.

10.2 Rangers Report

The Ranger's Report for January was tabled for Councillor information.

COUNCIL DECISION \ OFFICER RECOMMENDATION
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ITEM 11.1.1

MOVED Cr S Tonkin

SECONDED Cr K Purchase

That the Environmental Health and Building Officers Report, and the Ranger's Report for January 2005 be received.

CARRIED 6/0

9. WORKS REPORTS

9.1 Works Supervisor Report

The Report by Works Supervisor, Mr. Brad Pepper, for the period to 9th February 2005 was tabled for the information of Councillors.

COUNCIL DECISION \ OFFICER RECOMMENDATION
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ITEM 9.1

MOVED Cr I McGregor

SECONDED Cr K Purchase

That the Works Supervisors report for the period to 9th February 2005 be received.

CARRIED 6/0

Tony left the meeting at 12.56pm.

Discussion took place regarding the requirement for Council to look at purchasing a road train.

COUNCIL DECISION \ OFFICER RECOMMENDATION
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ITEM 9.2

MOVED Cr I McGregor

SECONDED Cr B Earnshaw

That Council invite tenders for the purchase of a road train, offering a trade or outright purchase of the Isuzu Giga Truck and Trailer (MN.831 & MN.823), International 6 wheel truck (MN.785) and the Mitsubishi 6 wheel truck (MN.27)

CARRIED 6/0

Tony returned to meeting at 12.59pm.

Jolene left the meeting at 1.15pm.

11. CHIEF EXECUTIVE OFFICER'S REPORT

11.1.1 Shire of Menzies Fees & Charges

Location:	N/A
Applicant:	N/A
File Ref:	406 / Budget
Disclosure of Interest:	None
Date:	2 nd February 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

The author requests the Council consider a “Fees and Charges” review in relation to plant items and private works.

Background

The fees and charges have not been reviewed in approximately four years, and are generally reviewed in July along with the adoption of the budget.

Comment

This financial year, Council has purchased major plant items, which many are being used in private works.

Staff have recently been analysing the cost of running each plant item and the amount charged for private works. It seems that in some cases, the Shire is not covering costs.

After comparing rates with other local governments and private contractors, a new schedule of rates has been prepared for Council’s consideration.

Plant Description	Rate/Hour
International Truck Rear Tip - MN785	\$95.00
Isuzu Giga Truck & Trailer Side Tip MN 831 & MN 823	\$120.00
Hino - MN749	\$80.00
Mitsubishi Water Truck & Trailer - MN23 & WR3906	\$115.00
Mitsubishi Truck - MN27	\$95.00
Mercedes Rubbish Truck - MN21	\$80.00
Cat 12H Grader - MN24	\$120.00
Komatsu 250 FE Loader - MN797	\$105.00
Komatsu 180 FE Loader - MN733	\$95.00
Kubota Generator - Camp	\$8.50
Float Trailer, ITAJ789 & 6 wheel Truck	\$115.00
Trailer Fire Unit Menzies - MN572	\$20.00
Trailer Fire Unit Kookynie - ITBB263	\$20.00
New Holland Tractor (FE Loader) - MN 813	\$80.00
Komatsu Skid Steer Loader - MN 812	\$85.00
Kubota Generator - W Pump	\$8.50
Honda Water Pump	\$6.50
Husqvarna Ride on Mower	\$65.00
Stihl Brushcutter	\$45.00
Honda Lawn Mower	\$45.00
Husqvarna Concrete Cutting Saw	\$50.00

These costs above include labour (if applicable) and as per Council’s previous request, these plant items are not available without a Shire employee to operate them.

Consultation –

No external consultation is required. If Council decides to adopt the above figures, a new schedule of fees & charges will be sent to affected parties, as well as notices placed on the public's notice board.

Statutory Environment

Local Government Act 1995

6.16. Imposition of fees and charges

(3) *Fees and charges are to be imposed when adopting the annual budget but may be*

(a) *imposed* during a financial year; and*

(b) *amended* from time to time during a financial year.*

* Absolute majority required.

Policy Implications –

There are no current policies relating directly to the adjustment of Council's fees and charges schedule.

Financial Implications –

Council's income from Private Works should increase. Plant on costs and public works overheads will now be more accurate as all costs are being recovered.

Voting Requirement – ABSOLUTE Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.1.1

MOVED Cr K Pusey

SECONDED Cr S Tonkin

That Council adopt the proposed fees and charges as listed above for the hire of Council plant and equipment.

CARRIED BY ABSOLUTE MAJORITY 6/0

11.1.2 Town Planning Scheme No 1 – Amendment No 1

Location:	N/A
Applicant:	N/A
File Ref:	231 TPS 01-01
Disclosure of Interest:	None
Date:	3 rd February 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

The author requests the Council's authorisation to proceed with the Shire of Menzies Town Planning Scheme No. 1 – Amendment No. 1 due to the advertising period for submissions expiring.

Background

Council was first presented the Amendment proposal at its Ordinary Meeting of Council held in August 2004.

Since the adoption of this original amendment, an advertisement was placed by the CEO in both the West Australian and Kalgoorlie Miner newspapers on the 15th December 2004, allowing 42 days as per the Town Planning Regulations 1967 for submissions.

Submissions closed 27th January 2005.

Comment

Below is a short summary of the submissions received:

<p>The Area Manager Westrail Westrail Centre West Parade PERTH WA 6000</p> <p>Attention: Mr L Piggott</p>	<p>An electronic version of the Amendment was requested. This was given, however a response was not received by the closing date.</p>
<p>Senior Land Use Planning Geologist (Goldfields) Resource Access Planning Section Department of Minerals and Petroleum Resources 100 Plain Street EAST PERTH WA 6004</p> <p>Attention: Chris Kojan</p>	<p>(Now Department of Industry and Resources)</p> <p>Received correspondence 17th January 2005.</p> <p>Mentioned that area in question is in a current Mining lease, however it had no effect and raised no objections to the proposal.</p>
<p>The Chairman Menzies Aboriginal Corporation C/o Post Office MENZIES WA 6436</p> <p>Att. Ian Tucker</p>	<p>No response received</p>
<p>The Director Rox Resources PO Box 1081 WEST PERTH WA 6872</p> <p>Att. Ian Mulholland</p>	<p>No response received</p>
<p>The Manager South East Region Land Asset Management Services Department for Planning and Infrastructure PO Box 2222 MIDLAND WA 6936</p> <p>Attention: Ken McCrackan</p>	<p>No response received</p>
<p>The Regional Manager Main Roads Western Australia PO Box 99 KALGOORLIE WA 6430</p> <p>Attention: Peter Podlaha</p>	<p>Response received 11th January 2005.</p> <p>No objections or comments regarding Amendment proposal.</p>
<p>Cable Locations Co-Ordinator Telstra Cable Locations Locked Bag 2522 PERTH WA 6001</p> <p>Attention: Glenn Lowe</p>	<p>Response received 24th January 2005.</p> <p>A plan was sent to the Shire of Menzies to indicate the <i>approximate</i> locations of Telstra plant and equipment.</p> <p>While Telstra raised no objection to the proposal, it was requested that any future development be aware of the Telstra infrastructure.</p>

<p>District Manager Fire and Emergency Services PO Box 274 KALGOORLIE WA 6430 Attention: Bruce Lillywhite</p>	<p>No response received</p>
<p>The Regional Manager AlintaGas 14 Broadwood Street KALGOORLIE WA 6430</p>	<p>No response received</p>
<p>The Regional Manager Water Corporation PMB 12 KALGOORLIE WA 6430 Attention: Kevin Edwards</p>	<p>Response received 13th January 2005. While no objection was raised the Water Corporation made aware that Lots 1005 – 1007 have access to a water main, and that if any dwellings on the railway reserve need to connect to water, fees would apply.</p>
<p>Regional Manager Western Power Corporation PO Box 780 KALGOORLIE WA 6430 Attention:: Ed Wilcox</p>	<p>Response received 25th January 2005. No objections or comments regarding Amendment proposal.</p>
<p>The Director Department of Health PO Box 8172 Perth Business Centre PERTH WA 6849</p>	<p>No response received</p>
<p>The Regional Manager Swan Goldfields Agricultural Region Water and Rivers Commission 7 Ellam Street VICTORIA PARK WA 6100 Attention: Kathryn Clarkson</p>	<p>No response received</p>
<p>The Chief Executive Officer Goldfields-Esperance Development Commission PO Box 751 KALGOORLIE WA 6430 Attention: Annaliese Walster</p>	<p>Response received 14th January 2005. No objections or comments regarding Amendment proposal.</p>
<p>The Manager Goldfields Land and Sea Council PO Box 10006 KALGOORLIE WA 6430 Attention: Kathy Burns</p>	<p>No response received</p>

* A copy of the Town Planning Scheme No. 1 Amendment No. 1 was also sent to the Department of Environment for comment. No response was received after 42 days.

As none of the above indicated any objections or any comment affecting the proposal, Council may wish to adopt the amendment without change.

Consultation –

Should Council make no changes to Amendment No. 1, correspondence will be sent to the Western Australian Planning Commission (accompanied by other documentation) of Council's decision.

Statutory Environment

Town Planning Regulations 1967

18. Scheme to be forwarded to the Commission

- (1) Within 28 days of passing a resolution under regulation 17(2) the responsible authority shall forward the Scheme documents to the Commission together with —
- (a) a schedule of submissions made on the Scheme;
 - (b) its recommendations made in respect of those submissions;
 - (c) particulars of the modifications (if any) to the Scheme recommended by the responsible authority;
 - (d) a copy of the resolution passed under regulation 17(2); and
 - (e) if that resolution was a resolution under regulation 17(2)(b), a summary of the reasons why the responsible authority does not wish to proceed with the Scheme.

17. Consideration of submissions

- (2) After considering the submissions made pursuant to regulation 16(1) or if no submissions have been lodged within the period specified under regulation 15(5) for making submissions, the responsible authority shall pass a resolution either —
- (a) that the Scheme be adopted with or without modification; or
 - (b) that it does not wish to proceed with the Scheme.

As there are no objections to the Amendment proposal, Council may wish carry out proceedings as per Regulation 17(2)(a)

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

Financial Implications – It is not expected that the Council be subject to any further costs through the remainder of the process.

Voting Requirement – Simple Majority

MOVED Cr K Pusey

SECONDED Cr B Earnshaw

That Council, (having considered the submissions received), adopt Town Planning Scheme No. 1 – Amendment No.1 without change.

CARRIED 6/0

11.1.3 Town Planning Scheme No 1 – Amendment No 2

Location: N/A
 Applicant: Western Power
 File Ref: 207 / 231 TPS 01-02
 Disclosure of Interest: None
 Date: 3rd February 2005
 Author: Tony Nottle, Chief Executive Officer
 Signature of Author:

Summary

The author requests the Council's authorisation to proceed with the Shire of Menzies Town Planning Scheme No. 1 – Amendment No. 2 due to the advertising period for submissions expiring.

Background

Council was first made aware of the proposed amendment at the November Ordinary Meeting of Council.

Since the adoption of this original amendment, an advertisement was placed by the CEO in both the West Australian and Kalgoorlie Miner newspapers on the 15th December 2004, allowing 42 days as per the Town Planning Regulations 1967 for submissions.

This amendment was the result of the new power station being relocated in Menzies.

Comment

Below is a short summary of the submissions received:

<p>The Manager South East Region Land Asset Management Services Department for Planning and Infrastructure PO Box 2222 MIDLAND WA 6936</p> <p>Attention: Ken McCrackan</p>	<p>No response received.</p>
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<p>The Regional Manager Main Roads Western Australia PO Box 99 KALGOORLIE WA 6430</p> <p>Attention: Peter Podlaha</p>	<p>Response received 11th January 2005.</p> <p>Main Roads WA raised no objection and provided no comments for the proposed Amendment.</p>
<p>Cable Locations Co-Ordinator Telstra Cable Locations Locked Bag 2522 PERTH WA 6001</p> <p>Attention: Glenn Lowe</p>	<p>Response received 18th January 2005.</p> <p>Telstra raised no objection and provided no comments for the proposed Amendment.</p>
<p>District Manager Fire and Emergency Services PO Box 274 KALGOORLIE WA 6430</p> <p>Attention: Bruce Lillywhite</p>	<p>No response received.</p>
<p>The Regional Manager AlintaGas 14 Broadwood Street KALGOORLIE WA 6430</p>	<p>No response received.</p>
<p>The Regional Manager Water Corporation PMB 12 KALGOORLIE WA 6430</p> <p>Attention: Kevin Edwards</p>	<p>Response received 13th January 2005.</p> <p>The Water Corporation raised no objection and provided no comments for the proposed Amendment.</p>
<p>Regional Manager Western Power Corporation PO Box 780 KALGOORLIE WA 6430</p> <p>Attention: Ed Wilcox</p>	<p>No response received.</p>
<p>The Director Department of Health PO Box 8172 Perth Business Centre PERTH WA 6849</p>	<p>No response received.</p>
<p>The Regional Manager Swan Goldfields Agricultural Region Water and Rivers Commission 7 Ellam Street VICTORIA PARK WA 6100</p>	<p>No response received.</p>

Attention: Kathryn Clarkson	
<p>The Chief Executive Officer Goldfields-Esperance Development Commission PO Box 751 KALGOORLIE WA 6430</p> <p>Attention: Annaliese Walster</p>	<p>Response received 14th January 2005.</p> <p>Goldfields Esperance Development Commission raised no objection and provided no comments for the proposed Amendment.</p>
<p>The Manager Goldfields Land and Sea Council PO Box 10006 KALGOORLIE WA 6430</p> <p>Attention: Kathy Burns</p>	No response received.
<p>The Area Manager Westrail Westrail Centre West Parade PERTH WA 6000</p> <p>Attention: Mr L Piggott</p>	No response received.
<p>Senior Land Use Planning Geologist (Goldfields) Resource Access Planning Section Department of Minerals and Petroleum Resources 100 Plain Street EAST PERTH WA 6004</p> <p>Attention: Chris Kojan</p>	No response received.
<p>The Chairman Menzies Aboriginal Corporation C/o Post Office MENZIES WA 6436</p> <p>Att. Ian Tucker</p>	No response received.
<p>The Director Rox Resources PO Box 1081 WEST PERTH WA 6872</p> <p>Att. Ian Mulholland</p>	No response received.

* A copy was sent to the Department of Environment prior to advertising. No response has been received within the allotted time frame.

As none of the above indicated any objections or any comment affecting the proposal, Council may wish to adopt the amendment without change.

Consultation –

Should Council make no changes to Amendment No. 1, correspondence will be sent to the Western Australian Planning Commission (accompanied by other documentation) of Council's decision.

Statutory Environment

Town Planning Regulations 1967

18. Scheme to be forwarded to the Commission

(1) Within 28 days of passing a resolution under regulation 17(2) the responsible authority shall forward the Scheme documents to the Commission together with —

- (a) a schedule of submissions made on the Scheme;
- (b) its recommendations made in respect of those submissions;
- (c) particulars of the modifications (if any) to the Scheme recommended by the responsible authority;
- (d) a copy of the resolution passed under regulation 17(2); and
- (e) if that resolution was a resolution under regulation 17(2)(b), a summary of the reasons why the responsible authority does not wish to proceed with the Scheme.

17. Consideration of submissions

(2) After considering the submissions made pursuant to regulation 16(1) or if no submissions have been lodged within the period specified under regulation 15(5) for making submissions, the responsible authority shall pass a resolution either —

- (a) that the Scheme be adopted with or without modification; or
- (b) that it does not wish to proceed with the Scheme.

As there are no objections to the Amendment proposal, Council may wish carry out proceedings as per Regulation 17(2)(a)

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

Financial Implications – It is not expected that the Council be subject to any further costs through the remainder of the process.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.3
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MOVED Cr K Purchase

SECONDED Cr K Pusey

That Council, (having considered the submissions received), adopt Town Planning Scheme No. 1 – Amendment No.2 without change.

CARRIED 6/0

11.1.4 Application for Mining Tenement (Various)

Location: N/A
Applicant: Simmax Mining
File Ref: 213
Disclosure of Interest: None
Date: 7th February 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

Council has been requested to supply any comments or objection to an application for a mining tenement located near Diemels, near the Shire of Menzies / Shire of Yilgarn boundary. The tenements that have been applied for are P77/3538, P77/3539, P77/3540, P77/3541, P77/3542, P77/3543 and P77/3544.

Background

Council received an application via registered post on the 20th January 2005 from the applicant for Council's perusal.

Comment

After investigating the location and its surroundings, there does not seem to be any reason to object to the application.

It is the opinion of the author that the proposed granting of these applications does not adversely affect the Shire of Menzies' interests.

Consultation – None required

Statutory Environment – Mining Act 1978 (secs. 41,58,74,86,91 Reg. 64)

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

Financial Implications – It is likely that these licenses may provide Council with increased rate revenue.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 11.1.4

MOVED Cr K Pusey

SECONDED Cr I McGregor

That Council raise no objection to the Application for Mining Tenement submitted by Simmax Mining Pty Ltd on tenements P77/3538, P77/3539, P77/3540, P77/3541, P77/3542, P77/3543 and P77/3544.

CARRIED 6/0

11.1.5 Application for Miscellaneous License 39/160

Location: N/A
Applicant: Anglogold Ashanti Australia
File Ref: 213
Disclosure of Interest: None
Date: 7th February 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

Council has been requested to supply any comments or objection to an application for a miscellaneous license. (Road, pipeline and powerline.)

Background

Council received an application via registered post on the 7th January 2005 from the applicant for Council's perusal.

Comment

After investigating the location and its surroundings, there does not seem to be any reason to object to the application.

It is the opinion of the author that the proposed granting of these applications does not adversely affect the Shire of Menzies' interests.

Consultation – None required

Statutory Environment – Mining Act 1978 (secs. 41,58,74,86,91 Reg. 64)

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

Financial Implications – This additional licence is likely to affect Council's rate revenue.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.1.5

MOVED Cr I McGregor

SECONDED Cr S Tonkin

That Council raise no objection to the Application for Mining Tenement – Miscellaneous License submitted by Anglogold Ashanti Australia on tenement 39/160.

CARRIED 6/0

Paula left the meeting at 1.20pm.

Jolene returned at 1.23pm.

Paula returned at 1.25pm.

11.1.6 Application by Aboriginal People – Lost Lands - Goldfields

Location: N/A
Applicant: Department for Planning & Infrastructure (LAMS)
File Ref: 131
Disclosure of Interest: None
Date: 7th February 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

Council has received correspondence relating to the former Arcoona Pastoral Station Lease. The Department for Planning and Infrastructure, Land Asset Management Services (DPI, LAMS) requests Council consider a proposal to create a reserve for “Use and Benefit of Aboriginal People and Cultural Heritage Protection.”

Background

Arcoona Pastoral Lease was deemed to be unviable, and was subsequently divided into other Pastoral Leases and the remainder set aside as UCL in 1985.

DPI, LAMS have recently received a submission from the Goldfields Land & Sea Council on behalf of Aboriginal Traditional Owners for the UCL to be created into a reserve as listed above.

Comment

It seems that this proposal has no adverse effect on the other operating Pastoral Leases in the area. Council may wish to raise no objection, provided access to areas of historical significance are not inhibited.

Consultation – None required

Statutory Environment –

Section 41 of the Land Administration Act 1997 allows the Minister to reserve Crown Land for public places of interest.

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

Financial Implications – None

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION**ITEM 11.1.6**

That Council raise no objection to the submission from the Goldfields Land and Sea Council to create a reserve for the "Use and Benefit of Aboriginal People and Cultural Heritage Protection" in regards to the former portion of Arcoona Pastoral Lease.

COUNCIL DECISION**ITEM 11.1.6**

MOVED K Purchase

SECONDED Cr K Pusey

That Council investigate the implications and contact the City of Kalgoorlie-Boulder as to their response.

CARRIED 6/0

Reason for Change: Due to the fact that a major mine access road exists on the Old Arcoona Pastoral Lease, further investigation would be required and Council suggested the City of Kalgoorlie – Boulder be contacted.

Council and visitors adjourned for lunch at 1:30pm.

Council returned at 2:07pm including Paula Bennet, Tourism WA.

11.1.7 Report on Delegated Authority Executed by the CEO

Location: N/A
 Applicant: N/A
 File Ref: 113B
 Disclosure of Interest: None
 Date: 7th February 2005
 Author: Tony Nottle, Chief Executive Officer
 Signature of Author:

Summary

Duties performed by the CEO under delegated authority have been presented for Councillors information.

Background

Council's new delegation register was prepared in 2004, to assist the CEO in carrying out various tasks that are required by Council.

Comment

The following tasks were carried out by the CEO under delegated authority in the period 24th December 2004 – 31st January 2005:

Delegation	Circumstance	Comment
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010 – Legal Advice	Engaged Minter Ellison to investigate claim that Shire owes rates that were received in 2001 – 2002 to the sum of \$5,179.60.	No advice received as yet. A mining company who is now in liquidation paid rates in 01/02 and the liquidators claim the Shire of Menzies are obligated to repay.
011 – Land Valuations	Request sent to Valuer General’s Office (pending permission from Dept. Local Government & Regional Dev.) to Value a particular minesite and development.	In following up Council’s request to rate operating minesites, mine camps and plant, a request was made to the DG of the Department of Local Government & Regional Dev. To authorise the Council to rate certain minesites by GRV. The Valuer General has been requested to value these particular parcels of land should approval be given.
016 – Private Works	Request from private company to reinstate gridlines and roads East of Pinjin Station	Total project undertaken by leading hand. Company was charged \$8,455.70.
020 – Hire Charges, Council Property & Equipment	Menzies Aboriginal Corporation requested some work to be carried out that their machinery was not capable of.	Use of the grader, loader and water cart for approx. 4 hours total. These services were donated to the MAC.

Consultation – None required

Statutory Environment –

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate * to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
* *Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Council has already adopted the above delegations, however the author is informing the Council of these duties undertaken.

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

Financial Implications – Some of the above duties resulted in an increase in revenue for Private Works.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 11.1.7

MOVED Cr K Pusey

SECONDED Cr K Purchase

That the report on the Delegations exercised by the CEO from the period 24th December 2004 – 31st January 2005, be accepted.

CARRIED 6/0

11.1.8 Representation on Regional Road Group Technical Committee

Location:	N/A
Applicant:	N/A
File Ref:	409
Disclosure of Interest:	None
Date:	8 th February 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

An opportunity has presented itself that allows the Shire of Menzies to engage an experienced technical works operator to represent Menzies on the Regional Roads Group Technical Committee RRGTC.

Background

Council has not had a representative on the RRGTC since approximately 2001. This has also had an affect on the ability to access funding from the RRG.

Mr. Peter Crawford, (current Manager, Works and Services at the Shire of Laverton) already represents the Shire of Laverton on the RRGTC. Due to recent events Mr. Crawford will be moving to Menzies and has since indicated, that he would like to volunteer his services to the Shire of Menzies to represent the Council at the RRGTC.

Comment

It is clear to see that with no representation on the RRGTC it is difficult to attract further funding. The Shire of Esperance and the City of Kalgoorlie-Boulder have far larger road counts and it is difficult to compete for the regional funding.

Having a representative on the RRGTC will help Menzies put its case forward.

Consultation – None required

Statutory Environment – N/A

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

Financial Implications –Mr. Crawford has volunteered his services.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION	ITEM 11.1.8
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That Council authorise Mr. Peter Crawford to represent the Shire of Menzies on the Goldfields – Esperance Regional Road Group Technical Committee.

COUNCIL DECISION	ITEM 11.1.8
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MOVED Cr S Tonkin

SECONDED Cr B Earnshaw

1. That Council authorise Mr. Peter Crawford to represent the Shire of Menzies on the Goldfields – Esperance Regional Road Group Technical Committee.
2. That Council will cover Mr Crawford's 'out of pocket' expenses to attend the meetings. I.e. Travel etc.
3. That there be no obligation on the Shire of Menzies at any time to further contract Mr Peter Crawford's services.

CARRIED 6/0

Reason for Change: It was discussed that an observer should be sent along to these meetings with Mr Crawford to further develop his/her knowledge in this area. And that Mr. Crawford be reimbursed any costs. Council wished to make it clear that the volunteering of services did not require the Shire to contract other services from him in the future.

11.1.9	Application to Clear Native Vegetation
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Location: Sand Queen G. Mine Goldfields Highway
Applicant: Department of Environment / Reed Resources
File Ref: 221
Disclosure of Interest: None
Date: 8th February 2005
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The Department of Environment has requested that Council consider the application made by Reed Resources to clear Native Vegetation on their tenements.

Background

Council has received correspondence requesting comment regarding the proposed clearing. A map was finally sent indicating that the 14 ha area is located to the West of the Goldfields Highway. (Application number 358/1)

Current leases held by Reed Resources (L29/67, M29/52, M29/200, M29/233, M29/321) are affected.

Comment

It does not seem that the Shire of Menzies or its property will be affected by the proposal should it be approved.

Consultation – None required

Statutory Environment – Environmental Protection Act 1986

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

Financial Implications –

Approval of this application is obviously going to assist in the development of the Minesite. It is likely that rate revenue may increase.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.9
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MOVED Cr K Purchase

SECONDED Cr S Tonkin

That Council raise no objection to the Application to Clear Native Vegetation in regards to Application No. 358/1.

CARRIED 6/0

11.1.10 Compliance Audit Return 2004

Location:	N/A
Applicant:	N/A
File Ref:	200
Disclosure of Interest:	None
Date:	9 th February 2005
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

The author requests the Council to consider and adopt the Compliance Audit Return for 2004 as completed by the CEO.

Background

Each local government is to carry out a compliance audit for the period 1 January 2004 to 31 December 2004 against the requirements included in the 2004 Compliance Audit Return. The Compliance Audit Return is to be:

- ❑ Presented to Council at a meeting of the Council
- ❑ Adopted by the Council
- ❑ The adoption recorded in the minutes of the meeting at which it is adopted.

Comment

One point in the Certification page of the document requires that each Councillor be given the opportunity to review the Return and make comment to Council on it, so I would encourage all Councillors to peruse the document prior to the Council meeting.

Council may note that on some occasions when calling for tender, the documents did not always include selection criteria. Even though there were criteria in place, this was not pointed out in the documents.

Council is also encouraged to note that not all Annual Returns were received by 31st August 2004.

Consultation – None required

Statutory Environment –

Section 7.13 (i) of the Local Government Act 1995 requires a local government to carry out an audit of compliance in the manner and form approved by the Minister.

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 11.1.10

MOVED Cr I McGregor

SECONDED Cr B Earnshaw

That Council adopt the Compliance Audit Return, attached, as the official Return of Council for the period 1 January 2004 to 31 December 2004 and note the areas discussed in the above report.

CARRIED 6/0

11.2 CHIEF EXECUTIVE OFFICER SUPPLEMENTARY REPORT

11.2.1 Closure of Right Of Way's for new Power Station

Location: Menzies Townsite
Applicant: DPI LAMS (Jan Pruyn)
File Ref: 207
Disclosure of Interest: None
Date: 14th February 2005
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

Department for Planning and Infrastructure, Land Asset Management Services (DPI, LAMS) has requested Council to consider the two options in regards to the closure of the Right Of Way's (ROW's) between Mahon, Trafalgar, Florence and Walton Streets, which surrounds the proposed reserve 6150 and 6151 to be acquired by Western Power.

Background

In the past, Council has indicated to Western Power that it would support the acquisition of the land, as well as assist in the closure of these ROW's.

Comment -

A circulated map (see file No. 207) indicates where the ROW's are situated. Two (2) options that the DPI, LAMS have presented are to:

- 1) Close all of the ROW's between Mahon, Trafalgar, Florence and Walton Streets, and that the portion of land in line with the reserve be included in that reserve.
- 2) Close the ROW's only where they fall in line with the reserve, and include the land within that reserve.

Further development (be it residential, industrial or commercial) will not be permitted to go ahead due to the buffer zone placed over the entire block in a recent planning amendment. Therefore the closure of all of the ROW's between these streets should not cause any hindrance. It is the opinion of the author that option no. 1 be the best possible option.

Consultation –

Once Council has passed resolution, it will be required to carry out advertising as per section 58 of the Land Administration Act 1997. Submissions will be invited and collated.

Statutory Environment –

Section 58 Land Administration Act 1997 allows the local government to request the closure of the ROW's. Western Power have requested that the land which will no longer be a ROW be included in the reserve which they wish to purchase.

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

Financial Implications – Some minor advertising costs (approximately \$100.00) there is provision in the budget for this advertising.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.2.1

MOVED Cr K Pusey

SECONDED Cr I McGregor

That Council request the closure of the Right of Way's between Mahon, Trafalgar, Florence and Walton Streets as per Plan no. 1 as supplied by the Department for Planning and Infrastructure, Land Asset Management Services.

CARRIED 6/0

11.2.2 Town Entry Statements

Location: N/A
Applicant: N/A
File Ref: 120
Disclosure of Interest: None
Date: 14th February 2005
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

The author requests the Council to consider a proposal to create a competition for the design of the Menzies town entry statements.

Background

Over the past two years Council has made provision in the budget to upgrade the main street and for town beautification. Last year's allocation was placed into a Main Street Reserve which currently amounts to \$31,011.28.

Town Entry Statements are seen to be the beginning of this project.

Comment -

While Council could simply request a landscape architect to provide concept designs for the entry statements, it would give the community a sense of ownership if they were involved in the theme and decision making process of this project.

While the competition would encourage residents to use their imagination, it would be requested that the themes of Menzies, (mining, pastoralism and Lake Ballard Statues) be considered in their entry.

Should Council agree with the proposal, an interagency meeting will be organised between the Menzies Remote Community School, Police, Nursing Post and the Fire Brigade to get behind this project.

Consultation –

It is hoped that at the conclusion of this Council Meeting, the details of the competition will be circulated amongst the residents. Entries would close one week prior to the March Council Meeting. All entries in the competition will be presented to Council for their judgement at the March Council Meeting (18th)

Statutory Environment – N/A

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

Financial Implications – Prize Value – approx. \$200.00

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION	ITEM 11.2.2
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That Council endorse a competition to be run amongst the residents for the design of town entry statements for Menzies.

COUNCIL DECISION	ITEM 11.2.2
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MOVED Cr B Earnshaw SECONDED Cr K Purchase

That Council authorise the Chief Executive Officer to commence and run an open competition for the design of town entry statements for Menzies.

CARRIED 6/0

Reason for Change: Council requested the CEO to formulate competition guidelines for an “open” competition to be run and that the CEO organise the publicity required.

11.2.3	Menzies Hotel Effluent Disposal
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Cr Keith Purchase declared a financial interest in item 11.2.3

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.2.3A
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MOVED Cr K Pusey SECONDED Cr I McGregor

That Cr. Keith Purchase be allowed to remain in the chambers to answer any questions in relation to the Menzies Hotel.

CARRIED 5/0

Location:	N/A
Applicant:	Kalchoice Pty Ltd
File Ref:	H13
Disclosure of Interest:	None
Date:	17 th February 2005

Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

The owners of the Menzies Hotel (Kalchoice Pty Ltd) have requested that Council give them a further six months to complete the works required to dispose of sewage.

Background

The Menzies Hotel continues to have an inadequate sewage treatment and disposal apparatus installed to adequately handle to effluent produced on the site.

At Ordinary Council Meeting held on 17th December 1999, Council at the time resolved to allow additional accommodation and ablution facilities to be located at the Hotel, subject to the liquid waste disposal system being improved to comply with legislative requirements before 30 April 2000.

Significant works to adequately meet this requirement have not yet been completed.

Investigations and consideration by Council has been given to install a limited effluent system in conjunction with other business in town including the Shire's Caravan Park, but to no avail. In correspondence dated 8 May 2003, Menzies Hotel Owner, (the applicant) was informed of this, and requested to inform Council of his intentions to rectify the situation.

The applicant replied on 1st August 2003, informing Council that he had sought advice from a wastewater consultant and begun preliminary works to investigate available options.

The applicant then made a request to Council for approval of an easement for the sewage line to existing ponds at the Battery. Council approved this application in principal at the Ordinary Meeting on 17th October 2003.

Further discussions took place with Council regarding splitting the cost with the applicant if the Caravan Park and the Shire Offices were to use the disposal apparatus. Council opted not to enter into a partnership on this project.

Council met in June 2004 to discuss the matter further due to a report presented by then EHO/Building Surveyor Mr. Tim Young at which Council resolved:

That Council resolve to serve Health Notice on the Owners of the Menzies Hotel, as under Section 108(3) of the Health Act 1911, requiring the submission of "Application to Construct or Install Apparatus for the Treatment of Sewage", to gain approval for proposed works, and to carry out the required works to ensure that the apparatus adequately treats and disposes of effluent from the premise in accordance with legislative requirements.

1. Council support the application made by Mr Kennedy, and the decisions of the CEO and the Environmental Health Officer.

2. Works are to be substantially commenced within 14 days after official approval by the Health Department has been given.

3. All works are to be fully completed six weeks from commencement of works.

Health Department approval was received 15th November 2004.

The applicant contacted the CEO explaining that due to the pending Christmas break and the time it took to order the equipment, that if he supplied a scope of works and a proposed completion date, could he have an extension?

The CEO responded with agreement and the applicant gave a completion date (correspondence received 29th November 2004) of the 15th March 2005. The applicant's scope of works also stated that:

“(We) are currently in the process of ordering PVC, poly pipe, sump and pump units required for the proposed works for the septic system”

Correspondence was received February 17th 2005 requesting an extension of six months (from March 15th 2005) due to financial circumstances.

Comment -

In repeating Mr. Young's previous comments made in his June report,

“It is obvious that Council has been very accommodating and patient...(with the applicant)...resolution is now well overdue.”

Council is able to grant an extension to the applicant if it deems it necessary. The author would like to point out that the completion date was given to Council by the applicant themselves and it was only in late November that the applicant had full intentions of carrying out the works.

It still stands that the Menzies Hotel has inadequate sewage disposal. Council will need to be aware that closure will need to be reached at some stage regarding this particular matter.

It is clear that ordering of the equipment has not taken place as previously suggested.

Should Council choose not to grant the applicant an extension of the works order the consequences are either a fine (initial and daily) or possible closure of the establishment.

Consultation –

Extensive consultation has been carried out between the applicant, ex Environmental Health Officer, current Environmental Health Officer, Health Department and the licensee.

Statutory Environment –

Section 108 (3) of the Health Act 1911.

If the same, on examination, appears to be in a bad condition, or to require alteration or amendment, the local government shall forthwith cause notice, in writing, to be given to the owner or occupier of the land requiring him forthwith or within a time therein specified, to do the necessary works.

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

Financial Implications – N/A

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION

ITEM 11.2.3

For Council discussion and consideration.

COUNCIL DECISION

ITEM 11.2.3

MOVED Cr K Pusey

SECONDED Cr I McGregor

1. That the owners of the Menzies Hotel (Kalchoice Pty Ltd) be granted an extension in principle, for a further six months to complete the works required to dispose of sewage.
2. That the Chief Executive Officer liaise with the Health and Building Officer, to formulate a letter to Kalchoice Pty Ltd, outlining Council's concerns and certain conditions placed on this approval. The letter is to be delivered in person to the Menzies Hotel.

CARRIED 5/0

Paula Bennet was invited to address the Council.

Ms Bennet explained to Council her role at Tourism WA

Advised that she was influential in accessing the \$55,000.00 from State Government to improve the facilities at Lake Ballard.

Suggested to Council that the proposed Management Committee (for Lake Ballard) may need to start now so that processes can be sped up once land tenure is organised.

Advised that further funding may be available to supply bollards to prevent damage to the lake area.

13. BUSINESS OF AN URGENT NATURE

13.1 COUNCILLORS

Cr K Finlayson –

- Briefed Council on the presentation by heron Resources at the WALGA meeting in Esperance.
- Informed Council on the update from Telstra regarding Mobile coverage
- Briefed Council on the Broadband Package information.
- Discussed the dogging groups
- Discussed the WALGA minutes from the meeting held in Esperance in January.
- That the new (or existing) Minister of Local Government be invited to attend the next Council meeting.

Cr S Tonkin –

- Asked for further information regarding the presentation delivered by Paula Bennet.
- Ms. Bennet replied that she helps develop tourism opportunities like Station Stays.

Cr I McGregor –

- Requested that a couple of ‘dead cars’ have been noticed piling up in certain areas near Yarri Rd and the Kookynie airstrip. Can these be removed when possible?
- Asked to have the map showing the shire boundaries updated for the Council Chambers.
- Brought to Council’s attention that the employee’s pay slips may not be adequate, and need to be updated.

The Deputy CEO assured Cr McGregor that this process was already underway.

Cr B Earnshaw left the meeting at 3.38pm.

Cr K Purchase left the meeting at 3.45pm.

13.2	CHIEF EXECUTIVE OFFICER
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- Mr Dwyer had offered to purchase the grid moulds from the Shire for \$300.00.
Council thought it in the Shires best interest to keep ownership of these.
- Western Power has contacted the Shire of Menzies regarding a permanent loan of a Ruston and Hornsby engine.
- The Amalgamate, Cooperate or Disintegrate Conference in Geraldton will be held on the 2nd to 4th March. So far Cr Finlayson and the CEO will be attending.
- Summary of Current Vacancies tabled.
- Letter from Jamie Edwards MLA tabled.
- New Playground layout and design circulated to Council.
- Invitation to the Council and CEO from the Shire of Menzies to attend a Council meeting with the Shire of Coolgardie.
- CEO Support Program Notes from Darrell Forrest tabled.
- Bruce Henderson, Town hand, has given the Council his resignation. A luncheon will be organised for him, at the next Council Meeting in March.
- Local Government Election Notices have been issued.
- An interim FESA vehicle has been delivered for the use of the Menzies Volunteer Fire Brigade.
- Mr Tim Stephens has completed a Risk Assessment of the operations in the road crew and town crew.

14. NEXT MEETING

The next Ordinary Council Meeting is scheduled for Friday 18th March, Menzies Council Chambers at 9.00am.

15. CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 3.50pm.

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 18th March 2005

CONFIRMED

SHIRE PRESIDENT.....