

SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE GRAND HOTEL, KOOKYNE, ON FRIDAY 15TH OCTOBER 2004 COMMENCING AT 8.50am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 8.50am.

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

Present:	Cr K Finlayson	Shire President
	Cr K Pusey	Deputy Shire President
	Cr R Earnshaw	
	Cr K Purchase	

	Mr. Tony Nottle	Chief Executive Officer
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Visitors:	Mr. John Kitis	Western Power (Arrived 10.20am left 10.50am)
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Apologies:	Cr I McGregor	
	Cr S Tonkin	
	Cr P Kennedy	- had been granted Leave of Absence at the Council Meeting on 20 August 2004 for the Council meetings in August, September and October.

3. PUBLIC QUESTION TIME:

As there were no members of the public present, Public Question Time was closed at 8.53am

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

Cr Finlayson thanked Cr Pusey for his generosity and hospitality for hosting the Council Meeting at such short notice.

Cr Finlayson informed Council that Mr. John Kitis from Western Power would be arriving at approximately 10.00am to discuss item 11.1.4 which involved Western Power.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

MOVED Cr R Earnshaw

SECONDED Cr K Pusey

That the minutes of the Ordinary Meeting of the Council held on 17th September 2004,

CARRIED 4/0

7. STATUS REPORT

7.1 Status Report as at 7th October 2004.

The following matters were briefly discussed: -

Item No 1 Council received a letter from the Local Government Grants Commission regarding the financial implications of the possible excision of land to the Shire of Laverton.

COUNCIL DECISION

MOVED Cr R Earnshaw

SECONDED Cr K Purchase

That the CEO and the Works Supervisor organise a meeting at Tjuntjuntjarra and assess the implications of retaining the community in the Menzies Shire.

CARRIED 4/0

Item No 2 Council requested that the CEO organise a meeting with Ian Mulholland of Rox Resources to discuss issues regarding the Caravan Park proposal to assist in infrastructure.

Item No 18 CEO was requested to write to the Shire of Sandstone indicating that the topic of the legal opinion regarding the camper's rights has previously been done before by the Mining Industry Liaison Committee with a booklet called "Series 5 Booklet."

COUNCIL DECISION

ITEM 7.1

MOVED Cr K Pusey

SECONDED Cr K Purchase

That the information provided in the Status Report be noted.

CARRIED 4/0

8. FINANCIAL REPORTS

8.1 Financial Statements – to 31st August 2004.

COUNCIL DECISION / OFFICER RECOMMENDATION /
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ITEM 8.1

MOVED Cr K Purchase

SECONDED Cr R Earnshaw

That the Financial Statements for the period to 30th September 2004 as presented, be adopted.

8.2 Accounts for Payment**COUNCIL DECISION / OFFICER RECOMMENDATION****ITEM 8.2**

MOVED Cr R Earnshaw

SECONDED Cr K Purchase

That cheque numbers 2433 - 2489 and direct bank payments totaling \$186,738.83 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 4/0

8.3 Final Audit Management Report for the Year Ended 30 June 2004

Location:	N/A
Applicant:	N/A
File Ref:	114
Disclosure of Interest:	None
Date:	7 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Background

Macleod Partners have compiled a report of their audit done for the Shire of Menzies for the year ended 30th June 2004.

Comment

Attached to this report, (and also seen in file 114) is the full report provided by Macleod Partners.

Items raised that will require attention include:

- Reserve fund transfers which were not recorded in the general ledger or bank reconciliation
- The bank credit listing to include date, receipt number, payee details and amount of individuals paying the Council in cash to assist the auditors in locating any possible errors
- Number of creditors not recorded at year end
- Review of doubtful debts annually

These issues have been discussed with staff members and Haines Norton Local Government services to rectify these as much as practicable.

Consultation

No external consultation has been carried out.

Statutory Environment

Section 7.9 (1) of the Local Government Act 1995 requires an auditor to examine the accounts and annual financial report submitted for audit.

Policy Implications - There are no current Council policies which relate to this item.

Financial Implications

This report discusses how the reporting of the Local Government's financial activity is carried out.

Voting Requirement – Simple Majority

COUNCIL DECISION \OFFICER RECOMMENDATION	ITEM 8.3
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MOVED Cr R Earnshaw

SECONDED Cr K Pusey

That Council receive the final audit management report for the year ended 30th June 2004 as prepared by Macleod Partners.

CARRIED 4/0

8.4	Rates Report as at 30th September 2004
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Location: N/A
Applicant: N/A
File Ref: 302
Disclosure of Interest: None
Date: 14th October 2004
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Background

Rates were struck in September this year with the due date being 22nd September 2004. Attached to this report is an updated rates report on the collection of the rates.

Comment

As Council is fully aware the "old lots" affect the percentage of collections. Final Notices have been sent to outstanding rates and if the rates are still not paid, they will be referred to the Council's nominated debt collecting agency.

Some outstanding amounts relate to the discount not yet applied.

Consultation - No external consultation has been carried out.

Statutory Environment -

Policy Implications – Council Policy 3.1 indicates the procedures which are to be carried in regards to rates collection.

Financial Implications

The attached report (also seen on file 302) reports on the collection rates and detail of the 2004/05 rating.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 8.4
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MOVED Cr K Pusey SECONDED Cr K Purchase

That the Rates Report as presented be received.

CARRIED 4/0

9. WORKS REPORTS

The Report by Works Supervisor, Mr. Brad Pepper, for the period to 17 September 2004 was tabled for the information of Councillors.

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.1
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MOVED Cr K Purchase SECONDED Cr R Earnshaw

That the Works Supervisor's Report be received.

CARRIED 4/0

10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS

10.1 Environmental Health Officers Report
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The Report by Principal Environmental Health / Building Officer, Mr. Marius Olsen, for the period to 17 September 2004 was tabled for the information of Councillors

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 10.1
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MOVED Cr K Pusey SECONDED Cr R Earnshaw

That the Environmental Health Officer / Building Surveyor's Report be received and any items mentioned in the Report be addressed by the Chief Executive Officer.

CARRIED 4/0

10.2 Rangers Report

Nil

Council broke for a tea break at 10.05am

Meeting resumed at 10.20am with all in attendance including John Kitis representing Western Power

11.1 CHIEF EXECUTIVE OFFICER'S REPORT

Council dealt with item 11.1.4 first on the Chief Executive Officer's Report to make use of Mr. Kitis' time available. Once this item was dealt with, Council resumed as per the agenda.

11.1.1	Delegations – Final Review
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Location:	N/A
Applicant:	N/A
File Ref:	113b
Disclosure of Interest:	None
Date:	4 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

This item is repeated after having been considered at the August & September 2004 meeting of Councillors (Item 11.1.9 and 11.1.1 respectively) however upon consultation with the Department of Local Government and Regional Development, the resolution did not adequately delegate all proposed delegations.

Summary

A new recommendation is put forward to Council in order to adopt the delegations as discussed last month correctly.

Background

At Council's September meeting, Council resolved:

"That pursuant to sections 5.42 and 5.46 of the Local Government Act 1995 Council Delegates delegation numbers 001 – 050 as presented in the draft document to the Chief Executive Officer"

While this Council decision seems to adopt all of the proposed delegations, it does not include any of the delegations under the Health Act 1996, Bush Fires Act 1954 or the Dog Act 1976.

Comment

A new recommendation has been put forward which covers all of the delegations that were presented to Council at its September meeting.

The details of the delegations can be seen in detail on "Annexure A" or file number 113b.

Consultation – Consultation was carried out between the Chief Executive Officer and a representative of the Department of Local Government and Regional Development.

Statutory Environment

Section 5.42 of the Local Government Act 1995 states that:

A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its powers or duties under this act.

Section 5.44 of the Local Government Act 1995 states that:

A CEO may delegate to any employee of the Local Government the exercise of the CEO's powers or the discharge of any of the CEO's duties under this Act other than the power of delegation.

Section 5.46 of the Local Government Act 1995 states that:

The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

At least once in every financial year, delegations made under this Division are to be reviewed by the delegator.

A person to whom a power or duty is delegated under this act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Policy Implications – There are no current policies in place relating to delegated authority, however the proposed delegations work in conjunction with the Shire's policies outlined in the Policy Manual.

Financial Implications – Some of the delegations authorise the Chief Executive Officer to expend funds as indicated in the Council's budget. No direct financial implications are apparent.

Voting Requirement – ABSOLUTE Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.1
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MOVED Cr K Purchase

SECONDED Cr K Pusey

That Council delegates the following delegations to the Chief Executive Officer:

1. Buildings – Issue of Licenses
2. Buildings - Removal of Neglected and Dilapidated
3. Buildings - Unlawful Works
4. Buildings - Demolition Licences
5. Bush Fire - Use of Council Plant
6. Staff - Housing Bonds
7. Recovery of Debts
8. Staff - Private Use of Council Vehicles
9. Legal Advice

10. Land Valuations
11. Tenders for Equipment Purchases
12. Staff - Attendances at Conferences and Training Courses
13. Plant - Use by Employees
14. Roads and Footpaths - Damage to
15. Private Works
16. Signs - Roads and Streets
17. Roadtrain Permits
18. Payment of Accounts Between Meetings
19. Hire Charges - Council Property & Equipment
20. Liquor - Sale of from Council Property
21. Contract Variations
22. Rate Book
23. Road Closures, Temporary
24. Disposal of Surplus Equipment, Materials, Tools etc
25. Buildings - Dangerous
26. Buildings - Certificates of Classification
27. Septic Tank Approvals
28. Finance - Preparation of Annual Financial Report
29. Award/Industrial Matters
30. Native Title
31. Telephones (Private) – Use by Employees for Council Business
32. Impounding Goods – Authorised Employee
33. Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
34. Insurance – Contracts of
35. Insurance – Public Liability Claims
36. Staff Housing
37. Contractors – Use on Works
38. Burning, Prohibited and Restricted Times (Variation)
39. Offences – Bush Fires Act
40. Mining Tenements
41. Proceedings under Dog Act
42. Dogs, Limitation as to the Number of
43. Investments
44. Staff Matters, Casual Employment
45. Issue of Notice on Private Land
46. Councillors, Approval of Travel and other Expenses

CARRIED 4/0 BY ABSOLUTE MAJORITY

11.1.2 Annual Roads Forum 2004

Location: Duxton Hotel, Perth
Applicant: N/A
File Ref: 400/141
Disclosure of Interest: None
Date: 6th October 2004
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The Annual Roads Forum is being held in Perth again this year. Council may wish to nominate representatives to attend the forum which should prove to be beneficial.

Background

The Annual Roads Forum is due to be held the 18th and 19th November at the Duxton Hotel in Perth.

As provided in the attachments, the schedule proves to be quite informative and beneficial for both Councillors and staff alike.

Comment

A problem exists for Council in the fact that the forum is held on the same day as Council's November meeting. Unfortunately, this makes it difficult for Council members or the Chief Executive Officer to attend.

This particular forum would be very beneficial for the Works Supervisor, as it includes ROMAN training, (which Council decided that the Shire's ROMAN data needed attention, therefore a trained ROMAN operator would be ideal.) land clearing, asset management and resource sharing among the topics.

Consultation –

Consultation was carried out with a representative from WALGA to determine if any cost was involved. Another LG representative was contacted to confirm the effectiveness of the forum.

Statutory Environment -

Policy Implications –

Policy 5.6 recognises the need to invest in staff training. This policy also mentions what the Local Government is responsible for.

Policy 3.6 outlines the allowances available to attendees of conferences and the like, as well as what the attendee is entitled to claim.

Financial Implications –

It was confirmed that the Annual Roads Forum does not attract a nomination fee. As far as the conference costs are concerned, no cost applies. It is estimated that the cost of accommodation (approx. \$390) and vehicle and fuel (approx. \$200) would be the extent of the total cost. Some other minor costs, (lunch allowance) may be applicable.

There is sufficient provision provided in the budget.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION

ITEM 11.1.2

That Council nominate the Works Supervisor, Mr. Brad Pepper to attend the Annual Roads Forum 2004.

COUNCIL DECISION

ITEM 11.1.2

MOVED Cr K Pusey

SECONDED Cr R Earnshaw

That Council nominate the Works Supervisor, Mr. Brad Pepper to attend the Annual Roads Forum 2004 and Councillors be offered to attend.

CARRIED 4/0

Reason for Change –

Council decided that if enough members were interested in going to the Roads Forum, the November Ordinary Meeting of Council could be shifted to an earlier date, allowing the members to attend both.

11.1.3 Proposed Reserve to Accommodate the Gormley Statues Located in Lake Ballard - Menzies

Location: Lake Ballard
Applicant: Jan Pruyn, DPI Land Asset Management Services
File Ref: 151
Disclosure of Interest: None
Date: 6th October 2004
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The Department for Planning and Infrastructure, Land Asset Management Services (DPI, LAMS) have requested indemnification for the taking of Lot 301 from the Riverina Station Pastoral lease, in order to allow management of the area to be passed to the Shire of Menzies.

Background

Council will recall a decision made at the May Ordinary Meeting of Council regarding the request for an interim license for Lake Ballard. Council Resolved:

“That Council apply to the Department of Planning and Infrastructure for use of the area of unallocated Crown land that the Inside Australia exhibition is situated on and request:

- 1. That Council be granted an interim licence for 12 months until the application for excision is processed*
- 2. That Council apply for a Reservation and Management Order and that the above section of land be vested in the Shire of Menzies*
- 3. That Council apply for excision of the land area that is required for access from the Pastoral Lease of Riverina Station, and that such land be redefined for cultural tourism purposes and that Council be granted control of the site”*

CARRIED 5/0

DPI, LAMS have undertaken the necessary steps to accommodate requests number 1 (one) and 3 (three).

Comment

Attached immediately after this report, the correspondence received from DPI, LAMS is displayed. This letter and maps attend to points 1 (one) and 3 (three) of the Council decision as written in the background. Once these two points are finalised (after Council commitment) Point 2 (two) relating to the management order can progress further, to the ultimate goal of the order being given to the Shire of Menzies.

All the DPI LAMS require is an “indemnification” for taking of Lot 301 from the Pastoral Lease (as indicated on the attached maps) or a commitment from Council to assume full responsibility.

Consultation – Clarification was sort from DPI, LAMS. No other consultation is required.

Statutory Environment -

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

Financial Implications –

For Council to offer indemnification regarding this area, this will obviously impact on our insurance cover. Although the amount will not be known until all improvements and land issues are finalised, there is sufficient funds available in the budget to accommodate any changes that may be necessary.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.1.3

MOVED Cr K Pusey

SECONDED Cr R Earnshaw

That Council write to the Department for Planning and Infrastructure advising that Council accept responsibility for the taking of Lot 301 from the Riverina Pastoral Lease as indicated in the attached map.

CARRIED 4/0

The President invited Mr. John Kitis to address the Council regarding the following report and the correspondence that he sent to the Chief Executive Officer.

J Kitis – Problems in securing old battery site for new Power Station due to mining interests in the area.

Alternative sites on Mahon Street had been identified, (the reserve is subject to Native Title)

Western Power requests the approval of Council to acquire BOTH parcels of land and rezone the area and surrounds “Industrial”.

Completion date still predicted to be November 2005.

11.1.4 Proposed Menzies Power Station – Preferred Site

Location:	Menzies Townsite
Applicant:	N/A
File Ref:	207
Disclosure of Interest:	None
Date:	7 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

Western Power seeks endorsement from Council for a new site for the new power station. The old site (Menzies Battery Reserve) is no longer available due to a mining interest to which approval could not be obtained from that particular company.

Background

At Council’s September meeting held in Kookynie, Mr. John Kitis and Gordon Brown informed Council of Western Power’s decision to locate the new power station within the Menzies Battery Reserve. Since this meeting, situations have arose where the mining company holding the mining tenement over this area refused to allow the power station to be built on the proposed site.

Discussions were held with Mr. Kitis, Mr. Brown and the Managing Director of the mining company involved. However, it seems that it is not possible for the project to proceed on this site.

Western Power has since had to locate another possible site, free of Native Title constraints and within regulations that they are bound. Lots 864 and 865 Mahon Street have been proposed.

Further correspondence was received via email regarding a second option regarding the acquisition of a site. The other site nominated is public utility reserves 1650 & 1651. Perusal of the map indicates that these reserve numbers are actually 6150 and 6151.

Western Power seeks Council endorsement for both options.

Comment

Lots 864 and 865 Mahon Street are located in the Eastern sector of the townsite, and according to Western Power, there is a sufficient buffer zone present. The lots are freehold title, which has been reverted back to the State, therefore, free of Native Title constraints, and also should be relatively hassle free for Western Power to apply for ownership of the land.

While there is little prospect of the Eastern Sector of town being developed, there is always a possibility that it may, one day.

At present, these two blocks of land are zoned "rural" under the Shire of Menzies Town Planning Scheme No. 1. The classification of rural zoning as listed in the Shire of Menzies Town Planning Scheme No.1 is stated as:

Rural zone

The zone applies to the areas of Menzies and Kookynie Townsites that are not otherwise classified for other urban type uses.

- *To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.*
- *To protect land from urban uses and mining activities that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.*
- *To protect the land from closer development which would detract from the rural character and amenity of the area.*
- *To prevent any development which may affect the viability of a holding.*

It seems that Western Power could proceed with the acquisition of the land, however a Town Planning Scheme Amendment would need to be undertaken. Advice from Planwest indicated that it would be best for Council to advise Western Power to undertake this action themselves, and then present the amendment proposal to Council. This would provide Council with less administration responsibility, as Western Power have already offered to pay the costs involved.

It is the opinion of the author that development around the proposed site is unlikely, and that the proposed land acquisition is of no hindrance to Council activities. It is also in Council's best interest to assist Western Power, so that the process of building the new station is not stalled.

In regards to the public utility reserves, this would supply Western Power with a larger land mass, and the site is a little bit further away from development than option one.

The Shire of Menzies Town Planning Scheme No.1 lists these reserves as public purpose, and in the author's opinion would not require an amendment.

Consultation –

Consultation by way of advertising as per the Town Planning and Development Act 1928 and the Local Government Act 1995 will have to be undertaken in due course.

Internal Consultation has been carried out between the Chief Executive Officer and Planwest to assess the situation.

Statutory Environment –

At present the proposed land use is not catered for in the Shire of Menzies Town Planning Scheme No. 1. As mentioned previously, an amendment will need to be produced to Council.

Section 7 of the Town Planning and Development Act 1928 indicates that Local Government may make an amendment to a Town Planning Scheme.

Policy Implications –

There are no current policies of Council which relate to this particular circumstance.

Financial Implications –

Western Power have committed to covering all costs incurred by the engagement of town planning services to undertake the necessary amendment documents. This should bear no cost to Council.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION	ITEM 11.1.4
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1. That Council endorse the decision of Western Power to acquire Lots 864 and 865 Mahon Street or public utility reserves 6150 and 6151 in order to locate the new proposed power station.
2. That Council advise Western Power that they are to organise and prepare the necessary documentation to amend the Shire of Menzies Town Planning Scheme No.1 and put forward an amendment proposal to Council if applicable.

COUNCIL DECISION	ITEM 11.1.4
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MOVED Cr R Earnshaw

SECONDED Cr K Purchase

1. That Council endorse the decision of Western Power to acquire Lots 864 and 865 Mahon Street and public utility reserves 6150 and 6151 in order to locate the new proposed power station, and the proposals for cabling and access roads.
2. That Council advise Western Power that they are to organise and prepare the necessary documentation to amend the Shire of Menzies Town Planning Scheme No.1 and put forward an amendment proposal to Council.
3. That Council provide support documentation to Western Power as and when required.

Reason for Change-
During the discussions with Mr. Kitis it was found that Western Power wished to commence proceedings to acquire both portions of land. Council also wished to support Western Power as much as possible.

Mr. Kitis left the meeting at 10.50am

11.1.5	Golden Outback Holiday Planner
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Location:	N/A
Applicant:	N/A
File Ref:	120
Disclosure of Interest:	None
Date:	7 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

Australia's Golden Outback (State funded tourism association for our region) is developing the regional Golden Outback Regional Calendar. A request for funding to include Menzies is sought.

The Goldfields Tourism Association has also sent out an offer for exactly the same concept.

Background

Australia's Golden Outback is the organisation that promotes our area on the back of Tourism Western Australia (TWA).

Council will recall a similar request made by the Goldfields Tourism Association (GTA) in September 2003, when they were producing a similar calendar. Council opted not to contribute to the map as the request came after budget consideration.

The GTA have also offered for Menzies to join in with their program also.

Comment

TWA has a far greater ability to reach more people than the GTA due to the fact that they are a State organisation. A calendar produced by a branch of TWA is a great way to encourage travellers to visit our region.

The focus of the calendar for our region will be the Golden Quest Discovery Trail (GQDT) which will in turn promote the North Eastern Goldfields and the majority of the Shire of Menzies' tourist destinations. No doubt Lake Ballard would also feature should Council agree.

The size of advertisement in the calendar will be a half page, giving an introduction to the town, a brief description of the major tourist assets, contact details and a supporting image.

Attached to this item is the correspondence received by Australia's Golden Outback CEO Ms. Renata Zmack, detailing the proposal.

As the GQDT will also be featured in the Australia's Golden Outback 2005 Holiday Planner, it would compliment an advertisement from Menzies. Added to the fact that TWA has a greater promotion ability, it is the opinion of the author that the Shire's contribution would be best spent on the Australia's Golden Outback 2005 Holiday Planner.

Consultation – No consultation is required to be carried out.

Statutory Environment -

Policy Implications – No current policies apply to this matter.

Financial Implications

The cost to Council will involve a payment of \$1,650 including GST to participate in either publication. Officer's time will be required to assist the marketing manager in preparing the appropriate half page advertisement.

Council has allowed \$15,000 for "Tourism Promotion" (account E132030) with \$12,000 already committed to other projects. Therefore sufficient funds are available in the Council's budget.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION	ITEM 11.1.5
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That Council financially contribute \$1,650.00 including GST to the "Australia's Golden Outback 2005 Holiday Planner."

COUNCIL DECISION	ITEM 11.1.5
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MOVED Cr K Purchase

SECONDED Cr R Earnshaw

That Council endorse a financial contribution up to \$1,650 (incl. GST) to the "Australia's Golden Outback 2005 Holiday Planner" after consultation with Australia's Golden Outback, Golden Quest Trails Association and Tourism Western Australia to ensure a coordinated approach.

CARRIED 4/0

Reason for Change-

Council thought that a coordinated approach with other organisations may be a more powerful advert and more cost effective.

11.1.6 Western Australian Wild Dog Management Strategy Draft

Location: N/A
Applicant: N/A
File Ref: 205
Disclosure of Interest: None
Date: 7th October 2004
Author: Tony Nottle, Chief Executive Officer
Signature of Author:

Summary

The "Draft" Western Australian Wild Dog Strategy has been produced and circulated to interest groups around the State. This draft Strategy was prepared by the Department of Agriculture in conjunction with the Agriculture Protection Board and is now released for comment. Council is requested to supply comments by 15th December 2004.

Background

Wild Dog issues have been hotly debated and discussed over a number of years. The increasing numbers of Wild Dogs and the lack of "Doggers" actually working the pastoral lands have caused widespread damage and loss to the pastoral industry.

This Draft Strategy seems to be (finally) a start to assessing the problem that the Wild Dogs are creating. Once the consultation period is completed, comments will be collated to help prepare the Final Draft to the Agriculture Protection Board.

Comment

Perusal of this document proves that a lot of thought has gone into the development of the strategy. It seems that the main goal is to increase the public awareness of the problem and to create a co-ordinated approach to controlling these animals by involving ALL parties.

The following objectives were listed in the report that was sent to Councillors previously:

1. Improve the Statewide coordination of the wild dog program
2. Implementation of best practice wild dog management on both private and public lands
3. Targeted research for best practice wild dog management
4. Effectively manage a whole of community response (private and public land managers) to the wild dog program
5. Encourage increased government participation including local government
6. Monitoring, evaluation and reporting
7. Broader community awareness of wild dog issues

This Strategy is obviously very important to the Shire of Menzies and time should be taken to peruse the document in detail and providing a response on behalf of the Council.

Council may wish to nominate representatives to submit Council's response regarding this draft strategy.

Consultation – The Draft Strategy is currently at the consultation phase. Once the interested parties have received the comments, a Final Draft will be presented to the Agriculture Protection Board.

Statutory Environment -

Policy Implications – No current policies apply to this matter.

Financial Implications

Council has committed to the local Wild Dog Action Groups to the tune of \$20,000. This particular strategy does not involve any financial commitment in the immediate future. It does however indicate that staff resources may be required to assist in carrying out some of these strategies.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION	ITEM 11.1.6
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For Council's consideration and direction.

COUNCIL DECISION	ITEM 11.1.6
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MOVED Cr K Pusey SECONDED Cr K Purchase

That Council endorse the Western Australian Wild Dog Management Strategy Draft in principle and request any comments from Cr S Tonkin and Cr I McGregor.

CARRIED 4/0

11.1.7	Application for Mining Tenement on Reserved Land
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Location:	Menzies
Applicant:	Westex Resources
File Ref:	213
Disclosure of Interest:	None
Date:	7 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

The Department of Industry and Resources (DoIR) have requested if Council has any objection to proposed mining on Recreation Reserve 46874. Council has vested interest in this Reserve and therefore has been requested to comment.

Background

Recreation Reserve 46874 was created in 1898 (formally reserve 5168) for the purposes of “Recreation – Racecourse.”

Council received notification on the 14th October 2003 that as at 15th August 2002, the reserve was given its current number, and management was vested in the Shire of Menzies.

Comment

The author is not aware of any current recreational activity on this particular reserve, and it does seem likely that there would not be any recreational activity in the future either.

What concerns the author greatly is that this mining tenement actually covers the cemetery and the rubbish tip. As Council has seen previously regarding the Mulline Cemetery, conditions may need to be set to make the mining company aware of the sensitive nature of mining so close to cemetery reserve.

The letter from the DoIR does not indicate that mining will be taking place next to the cemetery or the rubbish tip, however it might pay to make mention of the fact that this is a “no go” area in the views of Council.

The general distance that the mining companies are permitted to mine from such a reserve is 140 (one hundred and forty) metres from the reserve boundary.

Consultation

This letter is a standard letter sent out to the interested parties should the activity affect them. This is the perfect opportunity for Council to raise any objections they may have. (eg: cemetery)

Statutory Environment – Sections 23 to 26 of the Mining Act 1978

Policy Implications

No current policies apply to this matter. Precedent regarding the decision of the Mulline cemetery may be taken into account.

Financial Implications

There are no direct financial implications regarding this application for the mining tenement.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION

ITEM 11.1.7

1. That Council raise no objection to the proposed activity over the Recreation Reserve 46874.
2. That Council object to any mining activity near other reserves located within the current Prospecting License 29/1816 and in particular the Menzies Cemetery Reserve 3348.

COUNCIL DECISION	ITEM 11.1.7
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MOVED Cr K Purchase

SECONDED Cr R Earnshaw

That Council object to any mining activity near other reserves located within the current Prospecting License 29/1816 and in particular the Menzies Cemetery Reserve 3348, and request that the Department of Industry and Resources provide Council with an anthropological report regarding the surrounds of the reserve.

CARRIED 4/0

*Reason for Change-
Council objects to mining activity near cemetery reserves. There also needed to be investigation into the local "common knowledge" that the burial of bodies is likely to have taken place outside of the reserve boundaries.*

11.1.8	Labour Supply Contract
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Location:	Menzies
Applicant:	N/A
File Ref:	400 / Contracts
Disclosure of Interest:	None
Date:	8 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

Council is required to address the current situation with QL & DP Seinor regarding his Rural Road Maintenance Contract with the Shire. Mr. Seinor has verbally requested Council consider a 2 – year contract to provide stability with some changes.

Background

As Council is fully aware, Mr. Seinor currently provides his services to supply labour hire as well as a small amount (15 hours per week) of grading with his own grader.

Mr. Seinor's contract was due to expire in January this year, which Council extended his contract in February to carry on until 30th June 2004, and for a further three months in August.

Mr. Seinor has since verbally approached the Chief Executive Officer in regards to what is going on with the direction of Council and the future plans for the Shire's road crew and

other contractors. Mr. Seinor has indicated that a proper contract would be preferred to provide stability for himself and his employee.

Mr. Seinor has also requested that should Council continue to leave the Works Crew and himself (plus his driver) in a combined workforce, that he be allowed to sell his grader and provide labour hire and accommodation to work on the Council's equipment.

Comment

It is plain to see that Mr. Seinor has an advantage in the fact that due to his commuting in and out of Kalgoorlie, that he has a greater chance of employing staff out of Kalgoorlie.

We have problems employing staff due to our lack of accommodation in the town. This has been brought about with the amalgamation of the dongas in the caravan park currently rented to Barry Bell and Sha McGeady, Lot 102 Brown Street (Old Post Office) currently rented to Chris Deavin and 12B Walsh Street currently rented to Carol McAllan.

Mr. Seinor is able to source his workforce directly out of Kalgoorlie. His proposal includes:

- Provide a minimum of 2 employees to operate Council's equipment;
- Accommodation will be provided by Mr. Seinor for a minimum of 2 employees and
- Contract to be offered for a minimum of 2 years.

It is the opinion of the author that this arrangement could prove to be beneficial to the Shire of Menzies. If we have problems in recruiting personnel, Mr. Seinor may be able to employ another person who could use our accommodation. (We have room for four people). However, all this aside, Council will have to go out to tender for this proposed contract as it will exceed an amount of \$50,000 per year.

Discussions with the Works Supervisor has confirmed that the best possible contract would be for two people, to work the Council's equipment for labour hire only. Council does not necessarily have to chose QP & DP Seinor should other contractor's tender. It is not necessary to continue with the 15 hour grader arrangement.

Consultation

Consultation will have to be carried out as per the tender regulations by way of Statewide and local notice.

Statutory Environment

Section 3.57(1) of the Local Government Act 1995 provides that a Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services. Local Government (Functions and General) Regulation 11 states that the tenders must be invited if the consideration under the contract is expected to be worth more than \$50,000.00.

Policy Implications

Policies 7.1 and 7.2 prescribe how an operator of Council equipment is to maintain the equipment and fuel register.

Financial Implications

Currently the Shire pays QP & DP Senior at \$33.50 per hour. At approximately \$35.00 per hour it is estimated that a yearly cost would be approximately \$130,000.

There is provision in the budget for this cost to be catered for. (E122043 – Maintenance – Contract)

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.1.8

MOVED Cr K Pusey

SECONDED Cr R Earnshaw

That Council resolve to invite tenders from experienced road maintenance contractors to provide plant operators for a period of 2 years expiring 31st October 2006, who are capable of working in remote areas of the Shire, using Shire equipment.

CARRIED 4/0

11.1.9	GEHA Teacher Housing Project
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Location:	Menzies
Applicant:	N/A
File Ref:	GEHA / 126
Disclosure of Interest:	None
Date:	8 th October 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

Summary

Council has funds allocated within a “Staff Amenities” reserve to which approximately \$90,000 is allotted for the Government Employees’ Housing Authority (GEHA) housing project. The author requests that Council authorise the use of these funds to complete the project.

Background

After a request from GEHA the Council opted to raise a loan for the amount of \$250,000 which was the estimated cost of constructing and completing two 2 x 1 units.

This project has carried over from the previous financial year and the residual brought forward into the budget to cover the remainder of the project was not included. This residual amount only covered the capital cost for the building company.

Comment

In Council's budget, this above comment is seen on the Education and Welfare page of the Cash Budget section. The Capital Purchases table explains that only \$160,332 was allocated for the project between 03/04 and 04/05 budgets.

A remainder of \$89,668 remains for the outstanding works to be applied to the budget.

Council resolved in June to place surplus funds into reserve accounts which comprised of the following:

- 100,000 to the Road Reserve
- 50,000 to the Plant Reserve
- 30,000 to the Main Street Development Reserve
- 178,648 to the Staff Amenities Reserve

The unspent funds of the housing project were primarily placed into the Staff Amenities Reserve.

It is anticipated that the Council will require a further \$60,000 to complete the remainder of the fencing, concreting, Western Power headworks, landscaping, telephone connection, gas heaters and bottles, plant and wages.

Should the Council need only \$60,000 to complete the project, this will result in the total project coming under budget by approximately \$30,000.

Consultation

Consultation with the President, Deputy President and the Chief Executive Officer. Clarification was sought from the Department of Local Government and Regional Development. Council will be required to advertise in the Kalgoorlie Miner the "change of purpose" of the funds as per the Local Government Act 1995

Statutory Environment

Section 6.11 (2) states that before a Local Government changes the purpose of a reserve account or uses the money in a reserve account for other than its purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.

Policy Implications - No current policies apply to this item

Financial Implications

While the expenditure of these funds (\$60,000) is not provided in the 2004 / 2005 budget, the funds are available due to the loan funds being distributed into the Staff Amenities Reserve account. Therefore, with an absolute majority Council decision, Council can authorise the completion of this project.

Voting Requirement – ABSOLUTE Majority

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 11.1.9
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MOVED Cr R Earnshaw

SECONDED Cr K Purchase

That Council authorise funds from the Staff Amenities Reserve to complete the Government Employees Housing Authority housing project to a maximum of \$90,000.

CARRIED BY ABSOLUTE MAJORITY 4/0

11.2 CHIEF EXECUTIVE OFFICER SUPPLEMENTARY REPORT

11.2.1 Eastern Menzies Dogging Group Report (Dan Carlisle)

Location: Menzies East
Applicant: Eastern Menzies Dogging Group
File Ref: 125
Disclosure of Interest: None
Date: 13th October 2004
Author: A G Nottle, Chief Executive Officer
Signature of Author:

Summary

To inform the Council by way of report of the duties carried out by the Eastern Menzies Dogging Group and the statistics of dogs found in the area.

Background

In Council's 2004/05 budget, \$20,000 was set aside to support two of Menzies dogging groups, to help alleviate the escalating dog problem.

Council opted to support these groups provided a regular report was produced at least once every quarter to inform Council of the dogging group's progress.

Comment - None Required.

Consultation – None Required.

Statutory Environment – Dog Act 1976

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

Financial Implications – Council has previously agreed to a \$10,000 contribution to this dogging group.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 11.2.1

MOVED Cr R Earnshaw

SECONDED Cr K Purchase

That the Dogging Report provided by the Eastern Menzies Dogging Group be received.

CARRIED 4/0

11.2.2 Appointment of an Authorised Person

Location:	N/A
Applicant:	N/A
File Ref:	125
Disclosure of Interest:	None
Date:	14 th October 2004
Author:	A G Nottle, Chief Executive Officer
Signature of Author:	

Summary

If Council so desires, it may appoint an employee to be an authorised person under the Dog Act 1976, to address some of the dog issues in our area.

Background

At Council's September Ordinary Meeting of Council, the CEO was requested to investigate if the Works Supervisor was able to be appointed to control dogs while on road inspections.

The CEO has since investigated further and it seems that this is possible with a decision from Council.

Comment

While the Works Supervisor is able to carry out these duties once he is authorised, it is important to note that this is not his core duty. The issue of firearms within the vehicle will be discussed with the local Police to ensure open communication and to inform them of our intentions.

Council may wish to supply all relevant materials required in the case of the Works Supervisor coming across a dog.

Permission from the pastoral owners is preferred prior to any shooting taking place.

Consultation

Local public notice indicating that the Works Supervisor is an authorised person will be required. Letters should be sent to all pastoralists requesting permission to control dogs should the authorised person deem the action necessary.

Local Police will also be consulted regarding the fact that a firearm will be carried in the Work Supervisor's vehicle.

Statutory Environment

Section 29 (1) of the Dog Act 1976 states that a local government may, in writing, appoint persons to act on behalf of the local government the powers conferred on an authorised person.

Policy Implications

There are no current policies relating to this matter. Council may wish to create policies relating to the procedures or guidelines as to how and when the firearms should be used.

Financial Implications

While the Works Supervisor has offered to use his own firearms, Council will at least be required to purchase or reimburse him for any ammunition that may be required. Council may also wish to pay his license fees.

Voting Requirement – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 11.2.2

MOVED Cr K Pusey

SECONDED Cr K Purchase

That Council appoint the Works Supervisor, Mr. Bradley C Pepper, to be an authorised person under the Dog Act 1976.

CARRIED 4/0

12. REPORTS FROM COUNCILLORS

12.1.1 Report From Deputy President Cr. Kevin Pusey
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REPORT TO COUNCIL FOR OCTOBER 15 MEETING
FROM , COUNCILLOR K. PUSEY.

1. ATTENDED WALGA ZONE MEETING FRIDAY 24 SEPTEMBER HELD AT MENZIES.
REPRESENTATIONS BY;
 - a. DR GRANT WHITEMAN, REGARDING NATURAL RESOURCE MANAGEMENT.
 - b. CORE CONSULTATIVE COMMITTEE, REGARDING HAZARDOUS WASTE PRECINCTS.
 - c. MR ADRIAN BRAHIM, REGARDING ATSIK/ATSIK FUTURE DIRECTION.
 - d. KATH FINLAYSON, PRESENTATION ABOUT MENZIES SHIRE.

AS WELL AS THE OPPORTUNITY TO CATCH UP WITH COUNCILLORS AND CEO'S FROM THE SHIRES IN THE GOLDFIELDS ESPERANCE COUNTRY ZONE, THIS MEETING WAS BENEFICIAL AND INFORMATIVE.

2. ATTENDED KALGOORLIE REGIONAL CABINET WORKING BREAKFAST MONDAY 27 SEPTEMBER.

DISCUSSED ISSUES ABOUT DIFFICULTY OF EMPLOYING PEOPLE IN REMOTE AREAS, TOURIST TRENDS AND INDIGENOUS PROBLEMS WITH JOHN KOBELKE.

HAD A BRIEF DISCUSSION WITH BOB KUCERA ABOUT TOURISM TRENDS AND THE PROBLEMS THAT SMALL BUSINESS IN THE REGION FACES.

HAD BREAKFAST WITH KIM CHANCE AND WAS ABLE TO HAVE A LONG TALK TO HIM ABOUT THE PROBLEMS REGARDING WILD DOGS, NOXIOUS WEEDS AND THE NEED TO MAKE ALL LAND USERS AWARE OF THEIR RESPONSIBILITIES REGARDING THE ABOVE. KIM'S RESPONSE WAS INTERESTING AND INFORMATIVE, AND SOME PARTS WERE SURPRISING. HE TOLD ME THAT EVEN TO HIS SURPRISE SOME PARTIES CLAIMED THAT THEY DIDN'T MIND THE HIGH DOG NUMBERS BECAUSE THEY WERE KEEPING THE ROO NUMBERS DOWN.

ANY WAY, HE SEEMED TO LIKE THE IDEA OF TARGETING THE ROOT CAUSE OF THE PROBLEM AND AGREED THAT IT WOULD BE MORE COST EFFECTIVE TO PREVENT THE PROBLEM RATHER THAN TO HAVE TO CONTINUALLY CURE IT.

I FELT THAT THE DISCUSSION HAD A POSITIVE RESULT AND CAN ONLY HOPE THAT ALL THE MINING COMPANIES AND ABORIGINAL COMMUNITIES THAT HAVE PASTORAL LEASES AND USAGE RIGHTS WILL SOON BE RECEIVING LETTERS THAT PUT THEM ON NOTICE OF THEIR RESPONSIBILITIES.

MY OTHER TARGET WAS THE HON MINISTER FOR ENERGY, ERIC RIPPER EVEN THOUGH I WAS LUCKY ENOUGH TO BE SEATED AT HIS TABLE I DIDN'T GET MORE THAN A HAND SHAKE ACROSS THE TABLE. HE ARRIVED LATE, HALF WAY THROUGH THE BREAKFAST AND BOLTED AMONG THE FIRST TO ESCAPE.

I WAS INTRODUCED TO THE NEW MINISTER FOR LOCAL GOVT AND REGIONAL DEVELOPMENT; HERITAGE; THE KIMBERLY, PILBARA AND GASCOYNE; GOLDFIELDS-ESPERANCE, THE HON LJILJANNA RAVLICH

WE HAD A LIGHT HOW DO YOU DO DISCUSSION THAT ENDED WITH AN INVITATION FOR HER TO COME OUT AND SEE MENZIES AND KOOKYNIIE WHEN SHE SETTLED IN AND HAD THE TIME.

PLEASANT LADY THAT SHOWS INTEREST AND HAS A FRESH ATTITUDE.

WENT DOWN AND BACK WITH TONY. WAS COST EFFECTIVE AND HAD A COUPLE OF HOURS TO HAVE A YARN. GOOD VALUE.

3. TOURIST NUMBERS FOR SEPTEMBER IN THE AREA INCREASED, MOST OF WHICH HAD FAVOURABLE COMMENTS ABOUT THEIR EXPERIENCE.
ALONG WITH THE INCREASE IN TOURISTS CAME AN INCREASE OF REQUESTS TO DO SOMETHING ABOUT THE CONDITION OF THE TOILETS AT NIAGARA. THIS ISSUE REALLY HAS BECOME A PRIORITY.
4. COUNCILLOR EARNSHAW AND I ATTENDED A MEETING AT MENZIES, FRIDAY 1 OCTOBER WITH DARREL FORREST AND CLEM KERP REGARDING THE CEO SUPPORT PROGRAM.
THESE MEETINGS ARE QUITE FRANK AND BENEFICIAL TO BOTH TONY AND COUNCIL IN AS MUCH THAT ALL IS REVEALED AND SOLUTIONS TO ANY PROBLEMS THAT ARE IDENTIFIED ARE DISCUSSED AND SOLUTIONS FORMULATED.
DARREL AND CLEM CONDUCT THEIR OWN TYPE OF PERFORMANCE INDICATOR FOR BOTH TONY AND COUNCIL, IDENTIFY ANY ISSUES AND THEN RECOMMEND POSSIBLE ACTIONS.

TONY'S RECENT ANNUAL P.I. WAS DISCUSSED AT LENGTH AS BOTH DARREL AND CLEM WERE INTERESTED IN THE OUTCOMES OF THOSE ISSUES. OTHER ISSUES THAT WE DISCUSSED INVOLVED STAFF SUPPORT FROM COUNCIL, PROFESSIONAL ISOLATION, AND THE BENEFIT OF RELEVANT MEETINGS AND TRAINING.

DARREL HAS ALSO COMPILED A "TASK ORGANIZER" RELEVANT TO COMPLIANCE AND RESPONSIBILITIES ISSUES FOR A LOCAL GOVT CEO. THIS WILL BE VERY HELPFUL FOR TONY AND WILL HELP SHORTCUT THE LEARNING BY EXPERIENCE SCENARIO. THERE ARE A COUPLE OF SMALL ISSUES THAT NEED TO BE DISCUSSED BY COUNCIL, IF I DON'T GET THE CHANCE BEFORE, I WILL MENTION THEM AT OUR NEXT MEETING. IN ALL IT WAS A GOOD MEETING WITH POSITIVE OUTCOMES.

COUNCILLOR KEVIN PUSEY.

07/10/2004.

Cr Pusey discussed briefly some issues that were discussed during the CEO Support program.

Cr Pusey also commented on the good quality of an email sent to a tourist in regard to Lake Ballard. (Included in Councillors Information Bulletin September) and wished for his comments to be passed the Deputy CEO for her efforts.

12.1.2 Lack of Police Presence and Others

Cr K Purchase – Requested that the Council write to the District Superintendent of Police and invite him to attend the next meeting to address issues discussed.

*CEO to write to District Superintendent.

12.1.3 Faulty Western Power Streetlights

Cr K Purchase – Commented on the numerous flickering and faulty streetlights in the mainstreet. Despite many calls from locals to Western Power nothing seems to have been done.

*CEO to investigate.

13. BUSINESS OF AN URGENT NATURE

13.1 COUNCILLORS

Nil

13.2 CHIEF EXECUTIVE OFFICER

The CEO reported the following:

- Local Government Grants Commission seeking interest in holding a forum in the Goldfields to address impact of population data used by Commission. CEO to inform Grants Commission that Menzies expresses their interest to attend.
- Regional Road Group on Friday 22nd October 2004.
- National Rural Health Conference

- Informed Council of the thank you letter received from Mrs. Robyn McCarthy for our assistance. Copy will be put in next month's info bulletin.
- AGM and winding up of GTA
- John Flynn Scholarship Scheme – CEO to discuss with Nurse at Menzies Nursing Post.

14. NEXT MEETING

The next Ordinary Council Meeting is scheduled for Friday 19th November 2004, Menzies Council Chambers.

15. CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 12.08 pm.

These Minutes were confirmed as a true
and accurate record of proceedings, at the
Ordinary Council Meeting held on 19th November 2004

CONFIRMED

SHIRE PRESIDENT.....