



MINUTES

“EXTRA-ORDINARY” COUNCIL MEETING

Menzies Council Chambers
Thursday March 11th, 2010
Commencing At 9.14 am

SHIRE OF MENZIES

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SHIRE OF MENZIES



President Dwyer called this "Extra-Ordinary meeting" in his written request as appended and in terms of the Local Government Act 1995, clause 5.5(2.), the CEO will convene a "Special meeting, when called to do so and where this is limited to precisely the items as determined by the "Caller" of the meeting, which may be the President alone, or three councillors together.

*The details of the items to be addressed
as are also listed in the following
"Table of Contents", as appended.*

**EXTRA-ORDINARY COUNCIL MEETING
MARCH 11TH, 2010
In The Menzies Council Chambers commencing at 9.14 am**

MINUTES

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Greg Dwyer) declared the meeting open, welcoming the attendees and proceeded with the agenda as planned

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

Attendance:

Councillors	Cr G Dwyer	President
	Cr K Pusey	Councillor
	Cr. M. Bandry	Councillor
	Cr I Tucker	Councillor
	Cr A Kelly	Councillor
Staff:	Mr B Seale	Chief Executive Officer
	Ms Carol Mc Allan	Deputy Chief Executive Officer
Teleconference:	Cr. J. Dwyer	Councillor
		10.04am – 10.25am
		10.49am – 11.17am
Apologies:	Cr. G Stubbs	Deputy President

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

NONE

4 PUBLIC QUESTION TIME

NONE

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

Cr. M Bandry declared an interest in Item 9.10

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

NONE

7 CONFIRMATION OF PREVIOUS MINUTES

Not Applicable for an Extra-ordinary meeting.

8	ANNOUNCEMENTS BY THE SHIRE PRESIDENT WITHOUT DISCUSSION / QUESTIONS ON NOTICE.
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Not applicable for an Extra-Ordinary meeting.

COUNCIL RESOLUTION

ITEM 8.1

QUESTIONS ON NOTICE

ITEM 8.2

Nil

9	REPORTS OF COMMITTEES AND OFFICERS
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- 9.6 Housing for Staff
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- 9.15 Skate Park
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- 9.19 Use of Shire owned Single Unit for Accommodation.
- 9.20 Annual Budget Provision of \$10,000 for unexpected Sport/Recreational Facilities

9.1 LOCAL GOVERNMENT REFORM PROCESS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To provide a response to the Minister as required by March 26th, 2010 following the results of the reform meeting as conducted at the Ascot Raceway on January 9th, 2010 and the recent meeting in Leonora with Sr. Berry regarding the "Regional Collaborative Group" concept..

BACKGROUND:

Copies of the February Minute is appended as required, giving background to councillors in this matter, together with the proposed "Agreement" for the regional Collaborative Group for the five Northern Goldfields..

Copies of the "systemic sustainability Study" report are available for all/any councillor wishing to obtain a copy.

COMMENT:

Council has made it clear that they oppose amalgamation, but prepared to maintain membership of the G.V.R.O.C. group in the interest of collaborative and co-operative functioning with the membership. There is a strong suggestion that the G.E.D.C. office is seen as the preferred option for reform of Local Government within the state. The submission form the Shire of Leonora is also appended to give some background to this item.

CONSULTATION

The planned meeting in Leonora with the CEO's from the five Shires in the Northern Goldfields as scheduled for the first week of March where Dr. Berry from the Department was in attendance to address this collaborative concept did not result in a clear consensus, though it did display opposition to a merger and an opposition to the "Regional Collaborative Group" concept..

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: None - Not Applicable

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.1

MOVED Cr A Kelly

SECONDED Cr K Pusey

To respond to the Minister's request on the Reform Strategy by March 26th, 2010 with opposition to any cooperative working arrangement with the Northern Goldfields Shires in a Regional Collaborative Group as proposed in the "Agreement" as attached and presented to Council, but to continue to support the Principles of membership under the "Goldfields Voluntary Regional Organization of Councils" where the Shire of Menzies is presently a member.

Carried 5/0

The CEO is to circulate the response letter to all Councillors for approval before it is sent.

9.2 TENDER NO 7/10 – SEALING OF THE KOOKYNIE ROAD.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Carol Mc Allan, Rates and Accounting Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

BACKGROUND:

To consider the submissions as called for under Tender number 7/10 for the Sealing of the Kookynie road, as advertised on February 20th, 2010 and opened on March 4th, 2010.

COMMENT:

Six submissions were received and a table of submissions detailing these submissions is appended, as required.

CONSULTATION:

Mark Burgess from “Rural Road Services” compiled the Schedule.

STATUTORY ENVIRONMENT:

Local Government (Functions and General) Regulations 1996 Clause 11.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Budget provision existing for this tender to proceed.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.2

MOVED Cr A Kelly

SECONDED Cr M Bandy

To approve the submission from “R n R” Contracting as called for under Tender number 7/10 for the Sealing of the Kookynie road, as advertised on February 20th, 2010 and opened on March 4th, 2010, as submitted in the sum of \$215,976.00

Carried 5/0

9.3 PURCHASE OF WATER CART.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Carol McAllan, Deputy CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

BACKGROUND:

To consider the purchase of a Water Trailer for the road maintenance team, as discussed and as approved "In Principle" by council, in terms of the attached data and quote.

COMMENT:

Photograph of the proposed Water Truck is appended.

CONSULTATION: Not Applicable.

STATUTORY ENVIRONMENT Not Applicable

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS: Budget Provision is available for this purchase.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.3

MOVED Cr A Kelly

SECONDED Cr K Pusey

To approve the purchase of the water trailer as proposed and as displayed in the attached data, at the Price of \$ 33,000 (incl. GST.), as quoted, to be purchased from Country and Marine Fuels of Moora.

Carried 5/0

9.4 MENZIES AWARENESS DAY

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the provision of an entrance fee for participants attending the "Menzies Awareness Day" activities scheduled for April 17th, 2010 mooted to be in the sum of \$20 per head for the day in terms of the discussions held and since Cr Kelly was instrumental in this project she may wish to comment in this matter..

BACKGROUND:

Council agreed to provide the event of singer "Norm Price" to attend, but no consideration was made to apply a fee at the time and subsequently, as a result of the Toodyay Fire catastrophe, it was suggested that a fee be applied. Application of a fee will require an absolute Majority resolution decision of Council and the mandatory fourteen days of advertising, before considering the results of the advertising at the next Council meeting.

COMMENT:

It is planned by the Menzies Sub-Branch of the St John's Ambulance Association to hold an official opening for the "Menzies Awareness Day" on Saturday afternoon April 17th, 2010, followed by play activities on the town oval and the Kookynie Volunteer Association providing the BBQ tea and followed by the Singer "Norm Price" into the evening, with the Menzies sub-branch of the St John's Ambulance Association providing beers and wines as a fund raising event for the local sub-branch..

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	Budget provision exists in the annual provision of \$25,000 for "Social Events"
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.4

MOVED Cr A Kelly

SECONDED Cr K Pusey

To decline the provision of an Entrance Fee for participants attending the "Menzies Awareness Day" activities estimated in the sum of \$20 per head for the day in view of the lateness of the proposal and the absence of advertising alluding to the provision of an entrance fee.

9.5 REVIEW OF THE C.E.O.'S PERFORMANCE.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the “Key Performance Indicators”, for the CEO as resolved in November 2009.

BACKGROUND:

The review of the CEO was conducted during the latter half of 2009 and the report was presented to Council on November 26th, 2009, with a resolution to address the K.P.I.'s within three months.

This matter was addressed at the February meeting as resolved and deferred to the March meeting in order to research some appropriate K.P.I.'s for the year in question.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

By way of comment the following times of contractual KPI's are listed as possible inclusions:

1. The achievement of the Budget”, as approved by Council
2. Perform all statutory obligations including acting as “Returning Officer.”
3. Satisfy all Compliance Issues relative to Local Government, within the time frame.
4. Attend Council meetings and attend promptly and efficiently to all resolutions.
5. Communicate effectively with the President and Councillors all matters relative the operations and affairs of the Local Authority.
6. Ensure the Policy of Council is upheld and staff performs to a satisfactory Standard.
7. Represent Council when requested.
8. Ensure Council agendas and minutes are prepared and maintained correctly.
9. Ensure all statutory registers of the Local Authority are maintained and available for inspection, when called for.

10. Communicate personally with the Public competently and promptly when called upon to do so.
11. Prepare, review, and enforce Local Laws of the authority.
12. Prepare a "Plan for the Future of the District.
13. Prepare a budget annually for adoption by July 15th each year.
14. Ensure Tenders and Legal documents are prepared in a manner that reflects the requirements of Council.
15. Ensure the Road programme is carried out efficiently.
16. Ensure that issues relative to the Town Planning scheme are administered competently.
17. Ensure Councils interests are protected at all times.

Perhaps council again may wish to include these comments in the resolution.

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.5
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MOVED Cr K Pusey

SECONDED Cr A Kelly

To include the following a list of K.P.I.'s for the C.E.O. to focus on and achieve for the year between reviews, as a component of his employment contract, for evaluation at the end of a prescribed term.

1. The achievement of the Budget", as approved by Council
2. Perform all statutory obligations including acting as "Returning Officer."
3. Satisfy all Compliance Issues relative to Local Government, within the time frame.
4. Attend Council meetings and attend promptly and efficiently to all resolutions.
5. Communicate effectively with the President and Councillors all matters relative the operations and affairs of the Local Authority.
6. Ensure the Policy of Council is upheld and staff performs to a satisfactory Standard.
7. Represent Council when requested.
8. Ensure Council agendas and minutes are prepared and maintained correctly.
9. Ensure all statutory registers of the Local Authority are maintained and available for inspection, when called for.
10. Communicate personally with the Public competently and promptly when called upon to do so.
11. Prepare, review, and enforce Local Laws of the authority.
12. Prepare a "Plan for the Future of the District.
13. Prepare a budget annually for adoption by July 15th each year.
14. Ensure Tenders and Legal documents are prepared in a manner that reflects the requirements of Council.
15. Ensure the Road programme is carried out efficiently.
16. Ensure that issues relative to the Town Planning scheme are administered competently.
17. Ensure Councils interests are protected at all times.

Carried 5/0
Cr. J. Dwyer joins the meeting via teleconference at 10.04am

9.6 HOUSING FOR STAFF.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the issues of additional housing for staff in order to determine a clear direction for the future into the medium term.

BACKGROUND:

This item was raised in November 2009 with a request to revisit this by March 2010, though the current issues precipitate earlier consideration. Copy of the November item is appended to assist Councillors with the background to this item, as required, together with the February item where significant resolutions were made.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.6

MOVED Cr K Pusey

SECONDED Cr A Kelly

To approve **“In Principle Only”** the construction of a residence for the CEO with an estimated sum of \$400,000 being allocated to the 2010/11 year being applied to this cost centre and the restoration of the present residence for the Works supervisor (on the corner of Shenton Street and Wilson Street) in the sum of \$100,000 in the 2010/11 year, subject to the following:

1. Detailed costing to be provided to Council for both residences for budget provision in the 2010/11 year **“Prior”** to incurring any expense in these two residences.

2. The Council to have a significant involvement in the design of the New C.E.O.'s residence.

Carried 6/0

9.7 RESOURCE CENTRE ABLUTIONS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider an amendment to the ablutions at the Lady Shenton premises from the originally approved facility.

BACKGROUND:

Through error, the ablutions were constructed approximately 30 cm higher than ground level and this prevented disabled access from the planned rear of the building.

Whilst the builder agreed to removed the existing facility, the facility is likely to be damaged in the process and an alternative was presented to the January meeting, albeit as a "Late Item", and council resolved to defer further consideration until the February meeting.

The Attached copy of the February meeting resolution was declined by Council.

COMMENT:

The attached proposal suggests retaining the original access from the rear of the Lady Shenton as always planned and as agreed upon which is now proposed to be accessible for able-bodied persons with a disabled access facility to be provided from Brown Street, in terms of the attached plan.

The bui9lderrs comments as attached suggest a slight amendment to that proposed from the February meeting and that being the ramp be located near the ablution facility, with a level landing component at the entrance of the door way to the ablution.

Copy of the builders plan reflecting this amendment will be made available and presented to Council by Thursday at 9am.

CONSULTATION

Should Council be feeling the access for both male and female through the one door on the South side be unacceptable, it is highlighted that this plan was approved by Council and the premises as approved are in place.

Should Council feel the dual access door for male and females on the South side be off-putting, then it is reasonable to dual use the disabled facility for use by females and accessed by Brown Street on the West side where the males could access the facility from the South

side and that potentially embarrassing situation of both males and females entering the facility through the same door is avoided.

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.7

MOVED Cr

SECONDED Cr

To approve the plan of the adaptation of the partly constructed ablution for the Lady Shenton premises as presented to reflect the continued use of the rear door at the West end of the building for access to the ablution as planned and previously approved for use by able-bodied members of the public and staff, with the adaptation of the disabled facility being created by the following:

1. The ramp to the West side from Brown Street to become a one level landing and not intended to provide disabled access.
2. The current "Labelled" Female toilet cubicle to become the male cubicle with an access door from the West side and no access door from the inside.
3. The "Right Hand Side" or East side of the new facility to become the female facility with access doorway from the South as is presently planned.
4. A gradient ramp to be designed from the West end of the Lady Shenton premises approximately one metre from / immediately adjacent to the new ablution to a landing to the West Side.
5. The disabled facility to be dual use for disabled unisex persons.

Defer to 25/03/2010

9.8 NEW RESIDENCE IN MERCER STREET.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the provision of steps and landings at the newly constructed residence at Mercer Street as this facility is not provided for in the present design.

BACKGROUND:

Council entered into a contract with the builder to construct the dwelling, though it appears the aspect of steps and landings to the residence was not considered at the time of the contract as it was intended to provide the residence on stumps in order to complete the project in a shorter time frame, than would be provided with a concrete slab floor.

COMMENT:

Opportunity to provide the steps and landings is now available and given the builder will have his men on-site; the issue of having tradesman attend Menzies for this creates accommodation and mobilization issues which are avoided by the builder attending to this aspect. The quote is attached together with plans as required.

Copy of the February meeting minute and attachments are enclosed to assist Council in this deliberation.

CONSULTATION

Brian Jackman – Fortress Home Building systems Pty Ltd.

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.8

MOVED Cr M Bandry

SECONDED Cr A Kelly

To approve of the quote to \$10,000 in the provision of steps and landings at the newly constructed residence at Mercer Street in terms of the attached quote as received from Fortress Homes Building systems Pty Ltd. and as presented to Council.

Council deferred this item to the next meeting to allow time to look at the plans.

Carried 6/0

9.9 ULARRING SOAK PICNIC LOCATION

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the details as proposed by the Dep't of Environment and Conservation to manage the ablation facility at this location consistent with details provided to the CEO during the meeting

BACKGROUND:

President Dwyer and Cr Kelly met with the representative from the D.E.C office on site recently and the design of an appropriate design for an ablation was discussed. This item is intended to progress that enquiry.

This issue was presented to the February meeting, where a copy of that minute is appended to assist Council in this deliberation.

COMMENT:

There is no anecdotal evidence to suggest the existing facility does not function properly or has malfunctioned where it is clear the management of the facility remains the concern

CONSULTATION

Kym Pearce from the Kalgoorlie office of the Department for Environment and Conservation.

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.9

MOVED Cr K Pusey

SECONDED Cr A Kelly

To provide guidance to the Dep't of Environment and Conservation as to the effective method of management of the existing facility to the ablation facility at the Ularring Soak location and provide confidence to the D.E.C that this management process is currently in place as the facility appears quite functional and replacement is decidedly not required or justified.

Carried 6/0

Cr. J Dwyer ends teleconference at 10.25
Council breaks at 10.25am
Council resumes at 10.47am
Cr. Dwyer rejoins via teleconference at 10.49am
Cr. Bandy declares an interest in this item No: 9.10

9.10 RATE ARREARS – MURRAY STUBBS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 10th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider an appropriate action to take in reference to the arrears matter for Murray Stubbs in terms of rate arrears as accumulated over the past few years, presently in the sum of \$6,733-96.

BACKGROUND:

This protracted issue has been outstanding for some years and the balance on this assessment is \$6,733-96, though a portion of this balance is attributed to the Legal accounts paid for in the attempt to recover this balance.

COMMENT:

I have spoken to the Rate-payer and he is keen to retain the property, but makes it clear that he was not issued a rate notice to make the payment and instead allegedly received a summons for the late payment. He was also of the understanding that the sale (approximately ten years ago) was subject to a building license issuing and failure would result in forfeiture of the land. Accordingly, there seems to be some elements of mishandling this matter from some years ago. Copy of the client's letter is appended.

This item was raised at the February meeting, but was unable to be addressed due to a "Loss of Quorum" to be deferred to the March meeting. A copy of the resolution is appended to assist council in the deliberation in this matter.

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

MOVED Cr K Pusey

SECONDED Cr A Kelly

To write off 50% of the legal fees attracted to this assessment as a measure of Good Faith” and to enter into an acceptable repayment schedule with Murray Stubbs to clear this matter of the outstanding rates issue by June 30th, 2010.

Carried 6/0

9.11 SALE OF LOTS 94 AND 95 MERCER STREET.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider a variation to an existing resolution dated February 25th, 2010 and numbered 9.22, where the successful applicant was Tralina Tucker (for one lot and Keith Purchase was the successful applicant for the other) where two applicants presented submissions for the same lots at lot 94 and 95 Mercer Street, where neither party was aware of the interest the other had in the sites. Subsequently, Keith purchase has negotiated with Tralina to withdraw from this process and seeks to purchase both site and also asks if Council will pay for the Survey costs applicable to these sites.

BACKGROUND:

This item was addressed at the February meeting where two applicants applied for the same above mentioned lots, where Tralina Tucker sought both lots and prepared to pay \$5,000 for each and where Keith Purchase applied for both but only prepared to pay \$3,000 for each.

Council's resolution, in the interest of balance, determined to sell one block to each applicant on the basis that the sale Price was \$5,000 each.

Both candidates were advised and although Tralina Tucker was happy to accept one lot, Keith Purchase has requested that for his proposed purposes he requires both sites and neither.

Accordingly, Keith, having spoken to Tralina, has agreed to relinquish her entitlement for one site in order to support Keith's direction, on the basis that an application could be submitted to purchase either lot 165 or 166 or both freehold from the Shire, where these lots are presently Reserves vested in the name of the shire for the purpose of "Housing".

Recent discussion with the Department of lands suggested a strong indication that these could be approved for free-holding, if sought.

COMMENT:

Copy of the previous resolution is appended to assist Council in this deliberation.

Furthermore Keith Purchase's application for both lots is appended and also his letter requesting Council support to pay for the survey of these lots is also appended.

It has been quite clear with the recent sales of vacant land in the Town sites that the low price reflected the need for the purchaser to provide his own survey costs.

Accordingly, deviating from that philosophy now may create a precedent for future purchasers and discomfort with current purchasers who have already paid for survey costs to their lots.

CONSULTATION

Terri Newman from the Department of Lands.

There has been some unsatisfactory decision making recently exhibited by the Department of Minerals and Petroleum relative to the approvals for applicants to purchase land or construct dwellings in Onslow Street, due to the opposition from the Lessees of the mining tenement of the "First Hit" and this opposition is adversely affecting the growth and development of the Town of Menzies.

STATUTORY ENVIRONMENT: Local Government Act 1996 – Clause 3.58

POLICY IMPLICATIONS: None - Not Applicable

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.11

MOVED Cr K Pusey

SECONDED Cr A Kelly

1. Rescind the previous resolution of council numbered 9.22 and dated February 25th, 2010, agreeing to sell one lot to each applicant. (Copy of which is appended).
2. To agree to sell lot 94 and 95 Mercer Street to Keith Purchase for \$5,000 as proposed in the attached letters of application, and
3. Subject to the statutory advertising requirement in terms of Section 3.58 of the Local Government Act 1995, and
4. To decline provision of survey costs for Keith Purchase due to the potential of creating discomfort for existing rate-payers and the precedent established, and
5. Subject to written evidence from Tralina Tucker that she is willing to relinquish her entitlement as resolved by Council to Keith Purchase, and
6. To seek the free holding of lots 165 and 166 Onslow Street for the purpose of on-selling either or both of these lots and/or constructing dwellings for Shire staffing needs, and
7. To seek support from the Minister for Local Government to overturn the decision from the Department of Minerals and Petroleum to permit applicants to purchase land and construct dwellings in the town of Menzies.

Carried 6/0

9.12 MENZIES CARAVAN PARK OVER-FLOW FACILITY

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the placement of the “potential” over-flow from the Caravan Park to an existing reserve number 4531 as bounded by Brown Street, Onslow Street, Mercer Street and Wilson Sts, with one of the existing ablution blocks being utilized for this purpose.

BACKGROUND:

The attached data provides some details to support this consideration, where the two ablution blocks is excessive for the needs of the enlarged caravan Park and could easily be utilized as an over-flow facility or made available to a mining company wanting to set up a mining camp” for their employees.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.12

MOVED Cr A Kelly

SECONDED Cr I Tucker

To approve **“In Principle Only”** of an Over-Flow: facility for the Menzies Caravan park at Reserve number 4531 bounded by Mercer, Brown, Onslow and Wilson Streets with an existing ablution as located at the new site to be relocated to this location, subject to the following :

1. Submission as to a defined cost to be established prior to relocation.
2. Submission to be presented to Council for the April meeting (or earlier) as to cost of earthworks at the new site.
3. Evaluation of approvals from the Department of Environment and Conservation as to rare plants and/or fauna (e.t.c)
4. Site Plan to be presented Council for approval, with the Health officer’s comments.

Carried 6/0

9.13 POLICY MANUAL AMENDMENT – DRUG AND ALCOHOL.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider an amendment to the current shire drug and alcohol policy to reflect recognition of the State legislation of a legal limit when driving, where the present policy prohibits deriving a Shire Vehicle if “Any Alcoholic beverage is consumed”.

BACKGROUND:

This issue was raised recently and whilst the staff is keen to obey the Council Policy, it seems that the current policy is quite restrictive and does not reflect the state legislative limited that apply to the public and it is therefore requested that Council consider an amendment.

COMMENT:

Prices are being sought for Breathalyser facilities to assist staff in this matter. The current legal limit is .05%

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.13

MOVED Cr K Pusey

SECONDED Cr A Kelly

To edit the shire Policy manual clause number 5.3 being the “Fitness for Work “clause to reflect a recognition of the State legislative limit of acceptable blood alcohol limit, as applies from time to time and where exceeding this limit prohibits the use of shire equipment and where it remains incumbent on the employee to satisfy him/herself that he/she satisfies the Council Policy at all times.

Carried 6/0

Cr. J Dwyer ends teleconference at 11.17am.

9.14 TOWN SQUARE CONCEPT

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider response to the Department of Regional Development and Lands as to the proposed uses of the "Unallocated Crown Lands" sites within the Town Square concept precinct, in terms of the letter of request as attached.

BACKGROUND:

Council has endorsed "In Principle" the concept of developing the town square concept for the development of the Town with services and facilities which will enhance the quality of life for the constituents of the Shire.

As a result of this "generic" approval Council wrote to the Dept of Regional Development and Lands to access the U.C.L. to acquire these sites. The attached letter is the result of this initial advice.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.14

MOVED Cr A Kelly

SECONDED Cr I Tucker

To provide the response to the three questions as requested by the Department of Regional Development and the Lands as follows:

1. The reserve on the corner of Brown and Shenton Street be utilized as the War Memorial and Garden of Remembrance.
2. The site known as Lot 6 (six) Shenton Street be utilized as a Town Park, Gazebo, Bbq, ablutions, and gardens.
3. The small section of UCL land between lot 401 and 403 to be utilized as an Artistic display of art works.

Carried 5/0

9.15 SKATE PARK.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the results of the community survey for the provision of a "Skate Park" for Menzies, as tentatively approved by council, subject to Public consultation.

BACKGROUND:

The results of the survey are attached, though this does not support the provision of a Skate Park.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.15

MOVED Cr K Pusey

SECONDED Cr A Kelly

To decline the provision of a Skate Park for Menzies as proposed and consistent with the results of the Public Consultation process reflecting the views of this community and to proceed with the preferred options as illustrated in the attached data with future agenda items being presented for Council consideration as to these preferred options by June 2010.

Carried 5/0

9.16 GATE ACCESS THROUGH THE SPORTS COURTS TO ACCESS THE BBQ.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the provision of a personal access gate through the Sports Courts at the South side to permit access to the BBQ area.

BACKGROUND:

Council is in receipt of advices from the community suggesting the provision of an access gate would provide greater use of the BBQ facility at the Sports courts.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT: N/A

POLICY IMPLICATIONS: None - Not Applicable

FINANCIAL IMPLICATIONS: Limited cost is anticipated for this facility (say \$1,000), which could be accommodated from the Sports Courts maintenance provision.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.16

MOVED Cr A Kelly

SECONDED Cr K Pusey

To approve the provision of a personal access gate through the Sports Courts at the South side of the facility to permit access to the BBQ area, at an anticipated cost of \$1,000 in the 2009/10 year.

Carried 5/0

9.17 GYM CENTRE FACILITY FOR MENZIES

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the provision of a Gym Centre for Menzies, consistent with the recently addressed "Community Consultation Process", for anticipated construction on lot 301 and 302, being Shire owned land on the corner of brown Street and Walsh Street.

BACKGROUND:

Consistent with the resolution to improve the health issues of the constituents of the shire constituents as evidenced by Resolution number 9.31 and dated August 27th, 2009; this proposal supports this general principle. (Copy attached.)

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.17

MOVED Cr K Pusey

SECONDED Cr M Bandry

To approve "**In Principle Only**" the provision of a Gym Centre for Menzies, consistent with the recently addressed "Community Consultation Process", for anticipated construction on lot 301 and 302, being Shire owned land on the corner of brown Street and Walsh Street and subject to the following :

1. Cost schedule relative to the Capital component and the recurrent ongoing operational costs to be presented to Council before budget consideration will be considered.
2. Map of the proposed site to be provided for consideration. (i.e.) Location of the facility.
3. List of committed persons who will pay the membership and use the services.
4. Costs applicable to the provision of the internal services of the centre to be provided.
5. Clear Management plan to be presented to Council for assessment relative to: Membership, fee structure, cleaning, key control, after hours use, Public Liability issues, Insurances, and damages (e.t.c.).

Carried 5/0

9.18 PROVISION OF T.V. SETS FOR THE GRADER DRIVERS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the provision of T.V. sets for the Grader Drivers for use whilst camping out, where the absence of any entertainment creates much angst and boredom from our employees, where it is preferable to avoid this, where possible.

BACKGROUND:

We are given to understand that other shires (Laverton) provide TV sets in the camp units and this is seen as not unreasonable.

COMMENT: None - Not Applicable

CONSULTATION

STATUTORY ENVIRONMENT: N/A

POLICY IMPLICATIONS: None - Not Applicable

FINANCIAL IMPLICATIONS:

This will take some funding and planning, though it is not anticipated to be a difficult issue.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION**ITEM 9.18**

MOVED Cr A Kelly

SECONDED Cr K Pusey

To make budget provision of \$5,000 in the 2010/11 year to provide T.V/DVD sets, Satellite dish and set top boxes for the men camping out, subject to budget approval in normal course.

Carried 5/0

Cr Bandy leaves chambers at 12.01pm
Cr Bandy returns at 12.05pm

9.19 USE OF THE SHIRE OWNED SINGLE PERSONS UNIT.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11th, 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the use of the shire owned unit for travellers in terms of the submission received from the Resource Centre Co-ordinator and as attached.

BACKGROUND:

Council; addressed this matter in September 2009 and approved the attached resolution which supports the provision of the facility for tourists and travellers and consultants to the Community.

COMMENT:

It appears the provision of this facility has been so well received that it has impacted adversely on the hotel trade.

Whilst it is admirable for the staff to be anxious and keen to see profits attributed to the Shire, it is decidedly not the mandate of the shire to create profits and furthermore, council is Captured by the "National Competition Policy" where the Shire must identify that it does not compete with private enterprise or take an advantage of its position as a Government.

CONSULTATION David Mc Kenna – the Menzies Hotel.

STATUTORY ENVIRONMENT: N/A

POLICY IMPLICATIONS: None - Not Applicable

FINANCIAL IMPLICATIONS: To be determined.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.19

MOVED Cr I Tucker

SECONDED Cr K Pusey

To continue to provide the single persons unit in Shenton Street to those consultants supporting the shire (consultants, ambulance training personnel, medical practitioners, auditors, and accountants e.t.c), consistent with the Council resolution as approved in September 2009, and in terms of the fee structure as approved by Council.

Carried 5/0

CEO leaves chambers at 12.14pm

CEO returns at 12.15pm

9.20 BUDGET PROVISION FOR UNEXPECTED SPORTING AND RECREATIONAL FACILITIES PROPOSED DURING THE YEAR.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	March 11 th , 2010
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider annual financial support of \$10,000 as an unallocated sum each year to enable the community to participate in events and seek funding support during the year to assist in participation.

BACKGROUND:

Council is often asked to support a sporting or recreational event, but without specific budget provision is unable to do so. Furthermore, some clubs and groups may commence during the year and not made application for Shire support in time for budget deliberations. Accordingly, this provision will provide for any sporting group requiring some support to access funding during the year, if approved by Council.

COMMENT:

CONSULTATION

STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	None - Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

⊕ *This issue was raised by a Councillor to give support to sporting and recreational clubs and groups during the year.*

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.31

MOVED Cr I Tucker

SECONDED Cr M Bandry

To approve an annual Budget Provision of financial support of \$10,000 as an Unallocated sum each year to enable the community sporting and recreational groups to participate in events and seek funding support from the Shire during the year to assist in participation, commencing with the 2010/11 year and every year thereafter.

To be deferred to 25/03/2010 for more consideration.

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Not Presented. This not an applicable item for an Extra-Ordinary meeting.

11 INFORMATION BULLETIN

Not Presented. This not an applicable item for an Extra-Ordinary meeting.

12 NEXT MEETING / MEETING CLOSURE

The next Council Meeting will be held on Thursday, March 25th, 2010 in Council Chambers, Menzies, commencing at 9.00am.

There being no further business to discuss, the President declared the meeting closed at: 12.15pm.