



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

Menzies Council Chambers  
Thursday December 18<sup>th</sup>, 2009  
Commencing At 9.18 Am

# SHIRE OF MENZIES

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SHIRE OF MENZIES



**ORDINARY COUNCIL MEETING  
DECEMBER 18TH, 2009**

**MINUTES**

**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Shire President (Cr. Greg Dwyer) declared the meeting open at 9.18am, welcomes the attendees and proceeded with the agenda.

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

2.1	<i>Attendance:</i>	Councillors	Cr G Dwyer	President
			Cr G Stubbs	Deputy President
			Cr K Pusey	Councillor
			Cr. M. Bandry	Councillor
			Cr J Dwyer	Councillor
			Cr A Kelly	Councillor
		Staff:	Mr B Seale	Chief Executive Officer
2.2	<i>Apologies:</i>		Cr I Tucker	Councillor

**3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE**

**Question:**

What is the proposed outcome over the recent incident at the Hotel?

**Response-**

The Council conducted an information gathering session with the community in the Town Hall on December 2<sup>nd</sup> and invited the Police and a representative from the Department of Child Protection. Furthermore, Council will address this matter in the Council meeting scheduled for December 18<sup>th</sup>, 2009 with the object of determining an action for Council, once having collated the responses and evidence of issues from the Public.

**4 PUBLIC QUESTION TIME**

None

**5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.**

5.1 NO declarations of Interest provided.

5.2 Cr. Stubbs requested "Leave of Absence" from the January 2010 meeting, though quite prepared to attend by Tele-conference.

**6 PETITIONS / DEPUTATIONS / PRESENTATIONS**

None

**7 CONFIRMATION OF PREVIOUS MINUTES**

7.1 Confirmation of the Previous Minutes of Council held November 26<sup>nd</sup>, 2009, as presented, be adopted.

MOVED Cr Dwyer                      SECONDED                      Cr Kelly

**“Carried 6/0”**

**8 ANNOUNCEMENTS BY THE SHIRE PRESIDENT WITHOUT DISCUSSION / QUESTIONS ON NOTICE.**

8.1 Announcements by the President without Discussion.

- a.) President Dwyer provided details on his recent visit to the Tjuntjuntjara Community on Tuesday December 15<sup>th</sup>, 2009 with Councils consultants and a report on that visit will be provided later in the meeting.
- b.) President Dwyer commented also on the fact of having attended the official opening of the John Bowler office in Leonora on Thursday evening December 17<sup>th</sup>, 2009, as the local independent Member of Parliament.

8.2 Questions on Notice

**COUNCIL RESOLUTION** **ITEM 8.1**

MOVED Cr Kelly                      SECONDED                      Cr Stubbs

That the Presidents Report as presented be received.

**“Carried 6/0”**

**QUESTIONS ON NOTICE** **ITEM 8.2**

Nil

**9 REPORTS OF COMMITTEES AND OFFICERS**

**Chief Executive Officer**

<b>9.1 FINANCIAL STATEMENTS AND REPORTS TO THE STATEMENTS TO NOVEMBER 30<sup>TH</sup>, 2009</b>
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<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Carol Mc Allan, Rates and Accounting Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**BACKGROUND:**

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

**COMMENT:**

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) is a rates report and a report on reserves funds

At the time of preparation of this agenda, the Accounting data files had not been received back from the Haines Norton group and may not be available for inclusion on this agenda, though it is possible this will be forwarded during the week.

**CONSULTATION:**

Ms Mandy Wynne, Haines Norton.

**STATUTORY ENVIRONMENT:**

As per Local Government (Financial Management) Regulations 1996 Regulation 34

**POLICY IMPLICATIONS:**

None

**FINANCIAL IMPLICATIONS:**

Reporting on Financial Activity

**VOTING REQUIREMENTS:**

Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 9.1</b>
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MOVED

Cr

SECONDED

Cr

That the Financial Statements and Reports to the statements to **November 30<sup>th</sup>, 2009** as presented be adopted

*This item was not addressed as the statements were not available for presentation and Council requested this item be deferred to January Council meeting.*

**9.2 ACCOUNTS FOR PAYMENT AND RECEIPTS –November 30<sup>th</sup>, 2009**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Carol McAllan, Rates &amp; Accounting Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**BACKGROUND:**

Cheque numbers 6771 to 6866, including direct debits and bank statement transfers totalling \$505,671.99 are presented for payment as per the submitted lists as well as Receipts totalling \$1,142,485.96.

**COMMENT:**

This report was presented to the August meeting and deferred due to an anomaly in the cheque numbering sequence which shed doubt over the accounting integrity of the report. It was subsequently determined that it was a cheque printing issue problem and not an accounting/integrity problem.

**CONSULTATION:**

At the time of preparation of this agenda, the Accounting data files had not been received back from the Haines Norton group and may not be available for inclusion on this agenda, though it is possible this will be forwarded during the week.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996 Regulation 13

**POLICY IMPLICATIONS:**

All signing of cheques were carried out as per Policy 3.8.  
(All amounts over \$15,000.00 were counter signed by a Council Member).

**FINANCIAL IMPLICATIONS:** Reduction to the Municipal Fund Balance

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.2**

MOVED Cr Stubbs SECONDED Cr Kelly

To approve the payments of cheque numbers 6771 to 6866, including direct debits and bank statement transfers totalling \$505,671-99 as presented for payment as per the submitted lists as well as receipts totalling \$1,142,485-96.

**“Carried 6/0”**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>Thursday 18<sup>th</sup> December, 2009</b>
<b>AUTHOR:</b>	<b>Justin Lee, Community Development Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer.</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider support 'in principle' the Shire making an expression of interest application for the 'Former' Lady Shenton Hotel co-located facility, to be officially recognised and funded as a Community Resource Centre, with funding application of \$50,000 for initial infrastructure support in the 2010 year and \$40,000 for recurrent funding for the 2010/11 year and annually thereafter.

**BACKGROUND:**

The 'Former' Lady Shenton Hotel as a co-located facility incorporating the Menzies Visitor Centre, Library, Community Postal Agency, Spinifex Art Gallery and Telecentre Access is in a prime position to be officially recognised as a Community Resource Centre by the State Government.

Community Resource Centres are being established as part of the Royalties for Regions program. Existing Telecentres will have the opportunity to expand their services and become Community Resource Centres.

We are currently not funded as either a Community Resource Centre or a Telecentre, but already offer the majority of services that are expected of a Community Resource Centre.

**COMMENT:**

Applications have been made to the State Government on three separate occasions to gain funding to support the operation of a Telecentre in Menzies.

These applications were made in February & July 2008 to the previous State Government. The first of these applications was lost and the second was rejected prior to the state election in November 2008.

A third application was made to the new Minister responsible for this area, being the Hon. Brendon Grylls in December 2008. In February 2009 the Minister announced that funding would be available through Royalties for Regions for existing telecentre upgrades and the establishment of new expanded centres, to be known as Community Resource Centres.

The Shire of Menzies was advised in February 2009 that it is one of three new Community Resource Centres to be funded.

Existing & new applicants were invited to complete expressions of interest for the program on 17<sup>th</sup> November, with applications to close on Friday 22<sup>nd</sup> January, 2010.

**CONSULTATION:** Garry Ventris - Dept. of Regional Development & Lands.  
Robyn McCarthy - Resource Centre Co-ordinator - SOM  
Brian Seale – Chief Executive Officer - SOM

**STATUTORY ENVIRONMENT:** Not applicable

**POLICY IMPLICATIONS:** None

**FINANCIAL IMPLICATIONS:** Funding includes:

- A one off grant (\$30,000.00) to purchase equipment to establish a Community Resource Centre in an existing building in the community
- A one off grant (\$20,000.00) for fixtures and fittings and to assist in the establishment of utilities
- An annual Operational Support Grant (\$40,000.00 per annum) as a contribution towards the operational costs of the Community Resource Centre

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION</b>	<b>ITEM 9.3</b>
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MOVED Cr Kelly

SECONDED

Cr Dwyer J.

To approve support 'in principle', for the Shire to submit an expression of interest application for the 'Former' Lady Shenton Hotel co-located facility, to be officially recognised and funded as a Community Resource Centre, with funding application of \$50,000 for initial infrastructure support in the 2009/10 year and \$40,000 for recurrent funding for the 2010/11 year and annually thereafter, as proposed to be noted for tentative budget provision, as required.

**“Carried 6/0”**







**9.6 OFFICE FOR THE WORKS MANAGER AND DEPOT PERSON**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18th, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the acquisition of an office block for the Works Manager and Depot Person to be installed in the depot at a cost of \$20,000 to effect the supply and installation.

**BACKGROUND:**

The works Manager currently works from the administration and the Community Development officer works from the Resource Centre. There are inherent difficulties associated with this arrangement and the proposed office block acquisition will ease this matter, as proposed in the attached data.

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:**

\$20,000 will be required to proceed with this project.

Given that 20,000 has been presently budgeted for in the 2009/10 budget for Bronze Busts of prominent citizens, it is proposed to re-allocate this provision to the above and re-budget the Bronze Busts in the 2010/11 year.

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.6**

MOVED Cr Kelly SECONDED Cr Stubbs

To approve of the acquisition of an office block for the Works Manager and Depot Person to be installed in the depot at a cost of \$20,000 to effect the supply and installation, in terms of the attached quote with a budget variation of \$20,000 to be applied from the Bronze Busts concept for this purpose and to re-budget the Bronze Busts in the 2010/11 year, in order for the Community Development Officer to operate from the Administration Centre and the Works Manage to operate from the Depot.

**“Carried 6/0”**

10-05 am - Cr Bandry vacates chambers  
10-07 am - Cr Bandry returns to chambers

## 9.7 SHIRE BOUNDARY AMENDMENTS.

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

### **SUMMARY:**

To consider the four requests for Shire boundary changes as proposed by the Local Government Advisory Board in the attached letters of detail.

### **BACKGROUND:**

1. The Diemals station adjoins the Yilgarn Shire and Menzies Shire and given the majority exists in the Menzies shire it is felt that including the small portion presently in the Yilgarn Shire be converted to the Menzies Shire.
2. The Mt Jackson station adjoins the Yilgarn Shire and the Menzies Shire and given the small amount of area in the Menzies shire that this portion should be converted to the Yilgarn Shire.
3. The Mt Burgess Station adjoins the Kalgoorlie City and the Menzies Shire and given the small amount of area in the Menzies shire that this portion should be converted to the City of Kalgoorlie.
4. The former Credo station adjoins the Coolgardie and Kalgoorlie Shires and Menzies shire and given the majority of the land mass is already in the Menzies shire that it felt appropriate to convert the present areas in the Coolgardie and Kalgoorlie Shires to Menzies.

### **COMMENT:**

It is curious to note that this recommendation by the Advisory board seek for individual Shires to meet the costs of the survey work, even though these changes were not initiated from the Shires, thus I would challenge this advice.

<b>CONSULTATION</b>	Shires of Coolgardie, Yilgarn and Kalgoorlie City
<b>STATUTORY ENVIRONMENT:</b>	N/A
<b>POLICY IMPLICATIONS:</b>	None - Not Applicable
<b>FINANCIAL IMPLICATIONS:</b>	Hopefully None.
<b>VOTING REQUIREMENTS:</b>	Simple Majority required

MOVED

Cr Kelly

SECONDED

Cr Pusey

To approve the four requests for Shire boundary changes as proposed by the Local Government Advisory Board in the attached letters of detail and as detailed as follows, with the cost to be borne by the Advisory Board, with a submission to be presented to the Board in terms of Schedule 2.1 of the Local Government Act (1995.)

1. The Diemals station adjoins the Yilgarn Shire and Menzies Shire and given the majority exists in the Menzies shire it is recommended that including the small portion presently in the Yilgarn Shire be converted to the Menzies Shire.
2. The Mt Jackson station adjoins the Yilgarn and the Menzies Shire and given the small amount of area in the Menzies shire that this portion should be converted to the Yilgarn Shire.
3. The Mt Burgess Station adjoins the Kalgoorlie City and the Menzies Shire and given the small amount of area in the Menzies shire that this portion should be converted to the City of Kalgoorlie.
4. The former Credo station adjoins the Coolgardie, Kalgoorlie, and Menzies shire and given the majority of the land mass is already in the Menzies shire that it felt appropriate to convert the present areas in the Coolgardie and Kalgoorlie Shires to Menzies.

**“Carried 6/0”**

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**9.8 POLICY MANUAL AMENDMENT- SMOKING IN SHIRE VEHICLES**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider an amendment to the Policy Manual clause 5.18 to accommodate the provisions of “Not Smoking in Shire Vehicles or Premises”, in terms of the recent advices received, as attached from the Department of Health.

**BACKGROUND:**

**COMMENT:**

**CONSULTATION:**

**STATUTORY ENVIRONMENT:** Not Applicable

**POLICY IMPLICATIONS:**

Current Policy does not accommodate this provision.

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.8**

MOVED Cr Dwyer

SECONDED

Cr Kelly

To include in the current Policy Manual, clause 5.18 the prohibition of Smoking in Shire Vehicles or in Shire Premises and to respond to the Dept of Health as requested in the attached advice.

**“Carried 6/0”**

<b>9.9 PROVISION OF ‘CLOSED CIRCUIT T.V.’ SURVEILLANCE CAMERAS</b>
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<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18th, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the C.C.T.V. facility for Menzies at specified locations in Town to assist the Police in apprehending the offenders in town

**BACKGROUND:****COMMENT:**

This comment was raised in the “Interagency Meeting” conducted on Friday December 11<sup>th</sup>, 2009 and Cr. Kelly may wish to provide Council with greater details of the context of this item.

**CONSULTATION****STATUTORY ENVIRONMENT:**

<b>POLICY IMPLICATIONS:</b>	None - Not Applicable
<b>FINANCIAL IMPLICATIONS:</b>	Approximately \$20,000
<b>VOTING REQUIREMENTS:</b>	Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 9.9</b>
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MOVED	Cr Kelly	SECONDED	Cr Dwyer J.
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To approve of the provision of \$20,000 in the 2010/11 year for the installation of C.C.T.V. cameras in Menzies town, subject to Grant Funds to approximately 50% of the provision being approved for this purpose, with further advices to issue to Council as to location of the cameras, the management of same, security of the data and the maintenance of the facilities.

**“Carried 6/0”**

**9.10 RADAR SPEED TRAILER**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18th, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the provisions of a "Memorandum of Understanding" between the three shires for the acquisition, use and cost sharing arrangements of the Speed Trailer, in terms of the draft agreement as attached.

**BACKGROUND:**

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:**

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:**

Budget provision exists for this item in the current budget

**VOTING REQUIREMENTS:** "Simple Majority required.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.10**

MOVED

Cr Kelly

SECONDED

Cr Dwyer

To approve the Memorandum of Understanding (M.O.U.) as attached and as presented, subject to:

1. Grant funding being approved to support the acquisition, and
2. Any modifications Council may provide to edit the agreement, as advised to the Chief Executive Officer during the meeting.

**"Carried 6/0"**



- ❖ N.B.
  - As this item was raised within three months of this presentation, three councillors are required to agree to revisit this item, lest it cannot be re-considered, until February 2010.

⊕ *Crs. Kelly, Dwyer J., and Stubbs agreed to revisit this item.*

<b>9.11 REVIEW OF THE GOLDFIELDS SPORT AND RECREATION OFFICER</b>
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<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To reconsider the issue of the Salary package of the Sport and Recreation officer as addressed at the November meeting.

**BACKGROUND:**

This item was addressed at the November meeting and the increase in salary entitlements was declined. (Copy of the item is appended.)

**COMMENT:**

The views from Leonora Shire reflect concerns that if Menzies is not happy then they will recommend the programme terminate and not restart. (Refer attached).

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** N/A

**FINANCIAL IMPLICATIONS:**

Although each Shire has agreed to contribute \$10,000 towards this programme, we have not to date been asked to contribute this sum as we have utilized the Grant funding for the operational cost component to date. Furthermore, the employees request is not for greater cash, but greater leave accrual equivalent to the C.P.I. of 3% approximately.

**VOTING REQUIREMENTS:** Simple Majority required

MOVED

Cr Kelly

SECONDED

Cr Stubbs

To approve of the additional benefits as sought by the Officer as the Sport and Recreational office for the three Shires, with a renewed agreement for a further twelve months, subject to:

1. Written acceptance of this renewal by the Officer.
2. Continued Grant funding being available.
3. Implementation of the programme as presented by the Community Development Officer (Justin Lee).
4. Regular performance achievements and financial plans being presented monthly.
5. Clear determination as to who is responsible for the day to day supervision of the Officer.

**“Carried 6/0”**

**9.12 LEONORA / MENZIES LOCAL JUSTICE AGREEMENT.**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18th 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the issues surrounding the agreement entered into for the Leonora / Menzies Local Justice agreement as recently entered into.

**BACKGROUND:**

Allegedly discussion has taken place with the shire and allied agencies in this matter, though Menzies seems to have had little involvement.

**COMMENT:**

As this agreement seems to incorporate a swimming pool for Menzies amongst other issues, it seems appropriate to discuss this agreement, which we understand is not set in concrete and Cheryl Soggee will want to address Council on Friday December 18<sup>th</sup>, 2009, though only the President can permit a Presentation to Council, where his views are awaited.

**CONSULTATION:**

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

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 9.12</b>
MOVED Cr	SECONDED Cr

To consider the provisions of the agreement as presented, subject to modifications as issued to the Chief Executive Officer during the meeting.

<b>COUNCIL DECISION</b>	<b>ITEM 9.12</b>
MOVED Cr Kelly	SECONDED Cr Dwyer J.

***“To defer this item until the February 2010 Council meeting for further consideration.”***

**“Carried 6/0”**

**Explanation:**

The reason this item was deferred was the agreement contained some components which impacted on Menzies and the Council was not furnished with opportunity to address these aspects or provide input to this agreement.

**9.13 PUBLIC CONSULTATION MEETING ISSUES –DECEMBER 2<sup>ND</sup>, 2009**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the issues as emerged from the conduct of the public consultation meeting as conducted in the Menzies Town Hall on Wednesday December 2<sup>nd</sup>, 2009.

**BACKGROUND:**

President Dwyer approved the conduct of the meeting and facilitated the session with the object of listening to the concerns of the community so as to determine a composite list of the issues for attention in order to assess a direction for addressing these issues.

**COMMENT:**

The prime concerns as determined, are as follows:

1. The General Unrest in Town.
2. Suspension of the Ambulance Service.
3. The disrespect of adults by the younger members of the community.

**STATUTORY ENVIRONMENT:**

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICER RECOMMENDATION**

**ITEM 9.13**

MOVED Cr

SECONDED Cr

To notify the Department of Children Protection, the Leonora Police and the St John's Ambulance service of the concerns as raised and provide guidance to the Shire administration as to a direction in this matter in terms of advices provided to the Chief Executive Officer during the meeting.

**COUNCIL DECISION**

**ITEM 9.13**

MOVED

Cr Kelly

SECONDED

Cr Stubbs

***"To defer further consideration until the January 2010 meeting, to include a Reconciliation Action Plan"***

**"Carried 6/0"**

**9.14 CARAVAN PARK DEVELOPMENTS – TENDER 3/10**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18th, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the submissions for the Caravan Park Development programme as advertised in Tender number 3/10, for the Civil works, Electrical, Plumbing and Sewage requirements, in terms of the submissions as presented by Shires; Consulting engineer “Duncan Jack Group.”

**BACKGROUND:**

The closing date for submissions is Friday December 18<sup>th</sup>, 2009 at 12 Noon and at the time of writing this report, the closing date had not arrived and therefore the table of submissions was not available for inclusion in this agenda. It is advised however, that Council is not required to consider this item in view of the fact of the data not being made available for inclusion in the agenda and raise it now in the object of addressing these works during summer, when the off season accommodates the least number of travellers. Council meets again on February 25<sup>th</sup>, 2010.

**CONSULTATION**

In consultation with Shires; consulting Engineer “Duncan Jack Group”, a table of submissions will be forwarded to Council on Friday for addressing by Council, if council decides to do so.

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

**OFFICER RECOMMENDATION** **ITEM 9.14**

MOVED Cr SECONDED Cr

To adopt the tender submission from....., for the Civil works, plumbing, electrical and sewage works at the Menzies Caravan Park, in the sum of \$....., as submitted in Tender 3/10 and as presented to Council.

**COUNCIL DECISION** **ITEM 9.14**

MOVED Cr SECONDED Cr

***This item was not addressed as the Tender data was not available to address and Council requested this item be revisited at the January meeting.***

## 9.15 APPOINTMENT OF A DEPUTY CHIEF EXECUTIVE OFFICER

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council
<b>LOCATION:</b>	Shire of Menzies
<b>APPLICANT:</b>	N/A
<b>FILE REF:</b>	N/A
<b>DISCLOSURE OF INTEREST:</b>	None
<b>DATE:</b>	December 18 <sup>th</sup> , 2009
<b>AUTHOR:</b>	Brian Seale, Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	Brian Seale, Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

### **SUMMARY:**

To consider the appointment of a Deputy Chief Executive Officer for a contractual term of three years with an option to renew the contract at the expiry, in terms of the conditions of the contract as attached.

### **BACKGROUND:**

This matter was raised at the November meeting with comment raised to address the issue following the Ministers anticipated advices expected to be received in January/February 2010 for discussion and attention at the following meeting of Council.

Given these clear instructions from Council, the raising of the issue at this early stage is as a result of the receipt of the Ministers advices as presented at 9.5, and no desire to disobey the directive of council is intended.

### **CONSULTATION:**

Jim Epis from the Shire of Leonora was consulted in this matter as he referred one of the applicants to this shire.

### **COMMENT:**

Two applications were received following a period of statutory advertising for two weeks. The two applications were received from:

1. Tony Petzer (Non-Resident from South Africa)
2. Carol Mc Allan (Existing employee.)

### **STATUTORY ENVIRONMENT:**

Section 5.37(2.) of the Local Government Act (1995) governs the appointment of Senior employees, where the Chief Executive Officer appoints all staff including senior staff, but where the Council may reject the recommendation of the Chief Executive Officer and is required to provide reasons for the decision.

**POLICY IMPLICATIONS:** None - Not Applicable

### **FINANCIAL IMPLICATIONS:**

Budget provision for the Deputy role is captured in the current budget.

**VOTING REQUIREMENTS:** Simple Majority required

To appoint Carol Elizabeth Mc Allan to the position of Deputy Chief Executive Officer for the Shire of Menzies for the term of three years with commencement December 18<sup>th</sup>, 2009 on the conditions as outlined in the "Draft" contract as attached, subject to any amendments Council may issue to the Chief Executive Officer during the meeting.

MOVED Cr Kelly

SECONDED

Cr Pusey

**"Carried 6/0"**

**9.16 RESUMPTION OF VACANT LAND – LOT 576 SUITER ST. MENZIES**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the resumption of a vacant lot in Suiter Street at no cost to the rate payer, to be effected at the cost of the outstanding rates and associated conveyancing costs.

**BACKGROUND:**

The client advised Council of the intention to “Gift “the lot back to Council, as described in the attached email advice.

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:**

Whist there is no budget provision for this purpose, this event is an exercise of administration where the acquisition of the asset (land - Asset) is offset against the value of the Debt in the rate debtor balance (Sundry Debtor – Asset).

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:**

The value of the rate balance due to Council is \$1,308-93 and the conveyancing is expected to amount to a further \$500 (approximately)

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.16**

MOVED Cr Dwyer

SECONDED Cr Stubbs

To approve the transaction of the acquisition of the landed asset of lot 576 Suiter Street as voluntarily offered to Council for the value of the outstanding rate balance, as proposed by the ratepayer Warren Rodwell., in terms of the attached data.

**“Carried 6/0”**



**9.17 MENZIES SCHOOL STUDENTS WRITING COMPETITION**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider making budget provision in the sum of \$150 for prizes for the Menzies school student writing competition, as proposed in the attached advices.

**BACKGROUND:**

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:**

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:** \$150-00 to be provided annually.

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.17**

MOVED Cr Dwyer J SECONDED Cr Kelly

To approve of the total provision of \$150 as an annual "Menzies School Student Writing Competition" prize for junior, middle, and upper school levels at \$50 each, as proposed in the attached advices with budget provision to be made in the 2010/11 year and annually thereafter.

**"Carried 6/0"**

**9.18 SULLAGE TRAILER AND PUMPING EQUIPMENT**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the purchase of a Sullage trailer and pumping equipment for the ranger

**BACKGROUND:**

This issue was raised at the November meeting with the request to present details to the December meeting for discussion and assessment.

**COMMENT:**

Details of quotes are appended for this purpose and the approximate cost for the trailer is \$10,000 and the appropriate equipment is \$53,000

**CONSULTATION**

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:**

\$63,000 will be required for this purpose and has been included in the budget review adopted by Council for this current year.

**VOTING REQUIREMENTS:** Simple Majority required

**OFFICER RECOMMENDATION**

**ITEM 9.18**

MOVED Cr

SECONDED Cr

To approve of the purchase of a Sullage trailer from "Ditch Witch Australia" in the approximate sum of \$10,000 in terms of the attached quote and also the purchase of appropriate pumping equipment for the trailer in terms of the attached quote as presented by "Ditch Witch Australia" in the sum of \$53,000 approximately for the purposes of providing this equipment to the Ranger.

***"This item was not addressed as the previous council direction was to revisit this item following a term of data collection to assess the statistics of need in order to determine the size and capacity of the tank to be purchased."***

12-32 pm - Council adjourned.

1-50 pm -Council reconvened.

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1-58 pm - Cr Bandry vacates Chambers  
1-59 pm - Cr Bandry returns to Chambers

---

**9.19 PURCHASE OF A CAB – CHASSIS TRUCK AS THE RUBBISH TRUCK**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the purchase of a cab Chasis as a replacement Rubbish Truck, as resolved by Council; recently given the existing item is damaged.  
A small package of data is presented under separate cover.

**BACKGROUND:**

The existing rubbish truck has travelled over 200,000 kilometres and was purchase as a used unit some years ago and I am given to understand has been involved in a collision where the chassis is damaged as a result.

Council recently resolved to replace the truck with a new item and retain the existing compactor for this purpose.

This item was presented to the November meeting and asked to be revisited at the December meeting as it appears the details attached to the item were inconsistent with the description provided to Council.

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:**

\$45,000 approximately is required and this sum has been included in the current year's budget as approved in the recent budget review process.

**VOTING REQUIREMENTS:** Simple Majority required

MOVED

Cr Kelly

SECONDED

Cr Pusey

To purchase a replacement cab-chassis from Purchaser International for the rubbish truck work as proposed being a Fuso Canter 3.5 single cab in the sum of \$43,966 in terms of the quote attached.

**“Carried 6/0”**

<b>9.20 PURCHASE OF RANGERS TRUCK</b>
---------------------------------------

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the purchase of a suitable truck for the newly appointed Ranger, in terms of the small package of data provided to Council under separate cover.

**BACKGROUND:**

The position of Ranger is a newly created position for Council and commences January 11<sup>th</sup>, 2010 and requires a vehicle to facilitate the collection of refuse, sullage and delivery of potable water to the main sites of Niagara Dam, Ularring Soak and Lake Ballard.

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:**

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:** \$55,000 is required to facilitate this purchase.

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
--

<b>ITEM 9.20</b>
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MOVED

Cr Pusey

SECONDED

Cr Kelly

To approve of the purchase of the Rangers vehicle from Purcher International being a Fuso Canter 3.5 Single Cab Drop Side Steel Tray body at the quoted price of \$57,796, in terms of the attached data as presented, subject to a budget variation of 60,000 being accommodated from the presently approved budget provision of the Truck Bay Assembly area.

**“Carried 6/0”**

<b>9.21 ROAD ACCESS THROUGH RESERVE 24144 - "ROAD NAMING"</b>
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<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	<b>Status number 215/554</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the name for the road approval provided to the applicant for the road access through reserve number 24144 as previously approved in principle by Council in December 2008. (Copy attached.)

**BACKGROUND:**

Paul Kennedy applied to Council on May 26<sup>th</sup>, 2006 to arrange an access road through the reserve to a water source; though for reasons which remain obscure action was not initiated until December 2008. However, the process is all but complete and the attached advice from Land gate dated November 26<sup>th</sup>, 2009 request council views on the naming of this access road, where the initial comments present "Marlu Road." as the proposed preference. (I would be glad for advice from the Indigenous Councillors as to the spelling of this road name.)

**COMMENT:** Paul Kennedy is happy with the name.

**CONSULTATION**

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:** None

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 9.21</b>
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MOVED      Cr Kelly                                      SECONDED                      Cr Dwyer J.

To approve the name "Marlu Road" for the road access through reserve number 24144 as requested in the attached data received from the Land-gate office and in terms of the maps attached relative to this previously presented data and listed on the Status report under item 251.

**"Carried 6/0"**

## 9.22 TOWN PLANNING SCHEME VARIATION REQUEST

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

### **SUMMARY:**

To consider the application from a potential rate-payer in the currently unacceptable practice of living on a vacant lot in town in a forty foot bus with an outside ablution block being constructed, as proposed in the attached letter of request received on November 10<sup>th</sup>, 2009 from Bernard Greening.

### **BACKGROUND:**

This type of request has not previously been presented to Council that I can recall, though Council did recently approve of the "Donga Type" facility at Kookynie.

### **COMMENT:**

As it appears the applicant is planning to purchase land in Menzies and construct a dwelling at a future time, the accommodation of the bus appears a temporary arrangement and it may be prudent to encourage the purchase of land with the approval for this irregular housing arrangement for a short time.

### **CONSULTATION**

**STATUTORY ENVIRONMENT:** The Menzies Town Planning Scheme No 1.

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:** None.

**VOTING REQUIREMENTS:** Simple Majority required

MOVED

Cr Kelly

SECONDED

Cr Dwyer J.

To approve of the request from Bernard Greening to use a forty foot bus as living quarters on a vacant lot in the town site of Menzies, subject to the following:

1. The purchase of a vacant lot within the town site ( the subject for this approval) to be effected within twelve months from this approval, and
2. The immediate construction of appropriate ablutions to comply with the Building code of Australia and the Health Act 1974 and to be presented to Council promptly and approved by the Shire Building Surveyor, prior to utilizing the facility as a living quarter.
3. Plans for the construction of a more substantial and permanent dwelling to be approved within three years of the date of this approval, with a caveat to be included on the title to reclaim the site at the price paid for it and protect Council in the event where the ratepayer elects not to build on the site, where the conveyancing costs are to be borne by the ratepayer.

**“Carried 6/0”**

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2-35 pm – B Seale vacates chambers

2-37 pm – B Seale returns to chambers

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**9.23 PURCHASE OF AN ABLUTION FOR THE TRUCK BAY ASSEMBLY AREA OR TOWN PARK (TOWN SQUARE CONCEPT)**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider the opportunity to purchase an ablution for the town park, being consistent with the "Town Square Concept", as proposed or relocated to the Truck Bay Assembly area, where existing budget provision exists for this purpose.

**BACKGROUND:**

An ablution block construction was awarded to Fortress Homes (by tender) to supply and install an ablution for the Lady Shenton premises and decidedly a prime component of the design was that it satisfied the provisions of the "Accreditation Requirements" with wheel chair access (e.t.c.).

It seems however the Shire's draftsman's design drawings provided, failed to highlight the need for ground level access and although the builder acknowledges wheel chair access would be prohibited with the construction approximately 30 cm higher than ground level, as presently provided to allow for plumbing services and maintenance, (e.t.c) he also feels his own organisation should have known there was no way of providing wheel chair access to a public building with the construction 30 cm higher than the surrounding levels.

Thus, there appears to be a degree of guilt on both sides. Accordingly, he has arranged to remove the existing structure and has commenced the manufacture of a replacement facility, where these components should be on site within the week.

However, the existing structure, whilst stable and functional is of no value to the builder other than for steel scrap components and it was felt that possibly Council may see value in this facility for the Town Square Concept or at the Truck Bay Assembly area, if acquired at a "Cost Effective " price.

**COMMENT:**

Thus, the builder is keen to dispose of the facility which is of little value to him and would require him to remove it from Menzies in order to reclaim the components and therefore he is looking to recover costs incurred thus far. Accordingly, his offer is to use the existing facility which would ordinarily cost Council an estimated \$80,000 / \$90,000 as a completed unit has offered to complete the existing facility on a new site of Councils direction for \$48,000, in terms of the attached advices.

**CONSULTATION**

Brian Jackman – Fortress Home Building systems Pty Ltd.

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** None - Not Applicable.

**FINANCIAL IMPLICATIONS:**

Budget provision exists for the Lady Shenton building construction and the Truck Bay assembly area. The builder is suggesting the following would generically apply:

Purchase of building	\$ 85,000.00 (approx.)
Septic system	\$ 15,000.00
Water and Electrical	\$ 5,000.00
Signage	<u>\$ 5,000.00</u>
<b>Total</b>	<b><u>\$110,000.00</u></b>

Though with the purchase of this existing facility the Cost to Council will be \$73,000

**VOTING REQUIREMENTS:** Simple Majority required

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 9.23</b>
--	------------------

MOVED Cr Stubbs SECONDED Cr Pusey

Given there is \$95,000 in the current budget for the Truck Bay Assembly area for an ablution block and with this circumstance before council where it could cost \$73,000 to complete the construction.

It is recommended to proceed with the purchase of the existing facility from Fortress Homs Building systems Pty Ltd at the Lady Shenton premises and now seen as unsuitable in this location and relocate this facility to the Truck Bay assembly area at a construction completion cost of \$48,000 (plus GST), as proposed in the attached plans and data subject to:

- 1.) Council approving of the proposed location of new ablution at the Truck Bay assembly area where potentially the Shire owned lots at 78 and 79 Shenton St is recommended and would satisfy the requirements, as this proposed unit does not have a shower as stipulated by Council.
- 2.) To be constructed in terms of the attached plans.
- 3.) Council waiving the requirement of the need to obey the Council Purchasing policy requiring three written quotes where the purchase price is anticipated to cost more than \$40,000.
- 4.) Suitable applications for the building, septic apparatus, water and electrical connections (e.t.c) being approved by the Health and Building Surveyor.
- 5.) Cost schedule being prepared to display the anticipated costs for the new facility at the Truck Bay assembly area.
- 6.) Completion of the purchase and the construction by June 30<sup>th</sup>, 2010.
- 7.) Adoption of the design for the Truck Bay Assembly area to be approved by Council

**“Lost 0/6”**







**9.27 TOURISM DEVELOPMENT PRIORITY COMMENTS**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider support or amendment to the proposed comments for the golden Quest Discovery Trail group, in terms of the attached data.

**BACKGROUND:**

Council is a strong supporter of the Golden Quest Discovery Trail (Inc.) group and this questionnaire gives opportunity to consider the features of the future for this region.

<b>COMMENT:</b>	None
<b>CONSULTATION</b>	None
<b>STATUTORY ENVIRONMENT:</b>	N/A
<b>POLICY IMPLICATIONS:</b>	None - Not Applicable
<b>FINANCIAL IMPLICATIONS:</b>	None
<b>VOTING REQUIREMENTS:</b>	Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.27**

MOVED Cr Stubbs

SECONDED Cr Pusey

To endorse the comment provided for the Golden Quest Discovery Trail group, as provided, subject to any modifications as provided to the Chief Executive Officer during the meeting.

**“Carried 6/0”**

**9.28 LIVE PLAY FOR THE MENZIES TOWN HALL**

<b>SUBMISSION TO:</b>	<b>Ordinary Meeting of Council</b>
<b>LOCATION:</b>	<b>Shire of Menzies</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REF:</b>	
<b>DISCLOSURE OF INTEREST:</b>	<b>None</b>
<b>DATE:</b>	<b>December 18<sup>th</sup>, 2009</b>
<b>AUTHOR:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	<b>Brian Seale, Chief Executive Officer</b>
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

To consider an amendment to the previously approved play "Educating Rita" as resolved in August 2009 to an alternative play "Men of Stone."

**BACKGROUND:**

Council approved of this facility in August and a copy of that resolution is appended, though it seems the relocation of the backdrops, scenes and props for the play is quite demanding and the Theatre group have asked if an alternative play could be provided and where the "Men of Stone": set is designed to be movable and more suitable to different venues.

**COMMENT:**

**CONSULTATION**

**STATUTORY ENVIRONMENT:** N/A

**POLICY IMPLICATIONS:** None - Not Applicable

**FINANCIAL IMPLICATIONS:**

The suggestion of a donation of \$1,000 to support this fledging troupe' has been mooted. Budget provision exists within the \$20,000 limit available for this type of event.

**VOTING REQUIREMENTS:** Simple Majority required

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 9.28**

MOVED Cr Kelly

SECONDED Cr Pusey

- 1.) To amend the previously provided resolution of approval for a Live Play in Menzies to reflect an amendment to provide a comedy play titled "Men of Stone" instead of Educating Rita to be performed by the Stage Left Theatre group from Kalgoorlie during 2010 (tentatively at the end of February 2010) in the Menzies Town Hall, **and**
- 2.) With \$1,000 donation to assist the troupe.
- 3.) Appropriate advertising to be provided, with
- 4.) Moderate dinner to be provided to encourage participation, and
- 5.) With the Sales of wine, beer and soft drink to be provided by the St John's Ambulance sub-branch as a fund raising activity.

**"Carried 6/0"**

<b>10</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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10.1 ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE.

None

10.2 CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS

▶ **To go behind "Closed doors"**

Moved: Cr Pusey                      Seconded: Cr Dwyer J.  
"Carried 6/0"

**"To forward a letter to the Education Department reflecting the concerns of the residents regarding the concerns and standards at the School"**

Moved: Cr Pusey                      Seconded: Cr Stubbs  
"Carried 6/0"

▶ **To come out from "Closed doors"**

Moved: Cr Dwyer                      Seconded: Cr Pusey

**"Carried 6/0"**

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4-12 pm - Cr Stubbs Vacates Chambers  
4-13 pm - Cr Stubbs Returns to chambers

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10.3 REPORTS OF COUNCILLORS AND STAFF

**Cr Stubbs:**

1. The solar lighting issue for Kookynie. Prepare an item for the next meeting.
2. Expression of thanks to issue to Jerry Lenane for his recent ambulance attendance.
3. Expression of thanks to issue to the staff in the assistance in the tyre changing issue.
4. Field Day was recently conducted relative to dogging.
5. T Ball and Baseball participants doing very well and a note of gratitude are extended to Council for the support.

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4-29 pm - Cr. Bandry vacates chambers  
4-31 pm - Cr. Bandry returns to chambers

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**Mr Seale B.**

- Purchase of Lot 1082 - *defer to the January meeting*
- Shade over the water testing point.- *defer to the January meeting*
- WA Planning application for Bogatchev in Shenton Street.  
– *oppose the application as submitted as it impacts on Councils Town Square concept.*
- Sale of Lot 63 Cumberland Street, Kookynie – *declined.*
- Occupational Health and Safety review – *Did not produce good results.*

**11 INFORMATION BULLETIN**

11.1 Information Bulletin as presented for discussion and resolutions (if required).

**12 NEXT MEETING / MEETING CLOSURE**

*The next Meeting will be held on **Thursday, January 28<sup>th</sup>, 2010**, commencing at 9.00am in Council Chambers, Menzies*

There being no further business to discuss, the President declared the meeting closed at: 5-40 pm.

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**These minutes were confirmed  
As a true and accurate record of proceedings at the  
Ordinary Meeting of Council, held Thursday, January 28th, 2009**

**Confirmed by the Shire of Menzies,  
President Gregory Dwyer**

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