

## SHIRE OF MENZIES

### MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD IN THE GRAND HOTEL, KOOKYNIIE, ON FRIDAY 20<sup>th</sup> AUGUST 2004 COMMENCING AT 9.21am.

#### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 9.21am.

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

Present:	Cr K Finlayson	Shire President
	Cr K Pusey	Deputy Shire President
	Cr I McGregor	
	Cr S Tonkin	
	Cr B Earnshaw	
	Cr K Purchase	
	Mr. Laurie Vicary	Acting Chief Executive Officer
	Mr. Brad Pepper	Works Supervisor

Apologies: Cr P Kennedy had applied for Leave of Absence

#### 3. PUBLIC QUESTION TIME:

As there were no members of the public present, Public Question Time was closed at 9.22am

Cr K Purchase left the meeting at 9.22am and returned at 9.24am.

#### 4. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr P Kennedy had submitted a written application for leave of absence for the meetings to be held on 20 August, 17 September and 15 October 2004.

### COUNCIL DECISION

### ITEM 4.0

MOVED Cr S Tonkin

SECONDED Cr I McGregor

That Cr P Kennedy be granted Leave of Absence for the Council Meetings to be held on 20 August, 17 September and 15 October 2004.

CARRIED 6/0

#### 5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

The Shire President advised that Mr. John Kitis of Western Power would be attending the meeting at about 11.00am to discuss the delivery of electric power to the Menzies Townsite

The Citizenship Ceremony that was to be conducted later in the meeting had been postponed due to the inability of the candidate, Mr. Russell Young, to attend. The Shire President indicated that alternative arrangements would be made.

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

<b>COUNCIL DECISION</b>	<b>ITEM 6.1</b>
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MOVED Cr K Pusey

SECONDED Cr K Purchase

That the minutes of the Ordinary Meeting of the Council held on 21 May, having previously been circulated, be confirmed.

CARRIED 6/0

<b>COUNCIL DECISION</b>	<b>ITEM 6.2</b>
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MOVED Cr B Earnshaw

SECONDED Cr I McGregor

That the minutes of the Special Meeting of the Council held on 17 July 2004, having previously been circulated, be confirmed.

CARRIED BY ABSOLUTE MAJORITY 6/0

## 7. STATUS REPORT

### 7.1 Status Report as at 12 August 2004.

The following matters were briefly discussed: -

- Item No 1 Further information must be given to the Department of Local Government and Regional Development before this matter can be resolved.
- Item No 2 While there is a delay in gaining access to another site for a caravan park, it was suggested the arrangements for management of the existing facility should be reviewed.
- Item No 5 The building has been removed and the item can be deleted from the list.
- Item No 8 The rail crossings have been repaired and the item can be removed from the list.
- Item No 12 The contact work has commenced and the item can be removed from the list.
- Item No 14 This item can be removed from the list.
- Item No 16 Staff should discuss the matter of the fencing with the pastoralist and report to Council with a recommendation for action.

<b>COUNCIL DECISION</b>	<b>ITEM 7.1</b>
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MOVED Cr

SECONDED Cr

That the information provided in the Status Report be noted.

CARRIED

## 8. FINANCIAL REPORTS

### 8.1 Financial Statements – to 30<sup>th</sup> June 2004.

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>	<b>ITEM 8.1</b>
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MOVED Cr K Pusey SECONDED Cr B Earnshaw

That the Financial Statements for the period to 30<sup>th</sup> June 2004 as presented, be adopted.

CARRIED 6/0

### 8.2 Accounts for Payment

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>	<b>ITEM 8.2</b>
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MOVED Cr K Pusey SECONDED Cr K Purchase

That cheque numbers 2229 -2303 and direct bank payments totaling \$859,129.63 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

### 8.3 Financial Statements – to 31<sup>st</sup> July 2004.

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>	<b>ITEM 8.3</b>
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MOVED Cr R Earnshaw SECONDED Cr S Tonkin

That the Financial Statements for the period to 31<sup>st</sup> July 2004 as presented, be adopted.

CARRIED 6/0

### 8.4 Accounts for Payment

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>	<b>ITEM 8.4</b>
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MOVED Cr S Tonkin SECONDED Cr K Pusey

That cheques numbered 2304 -2356 and direct bank payments totaling \$444,611.56 and cheques numbered 2357 – 2408 totaling \$194, 449.58 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 6/0

During discussion on the accounts for payment, the cost of attendance or non-attendance at functions such as Local Government Week was discussed. It was suggested that staff should confirm attendance with those who have nominated to attend the function, while it is still possible to cancel and get a refund of fees paid. If a person confirms the intention to attend and then doesn't, that person should be required to pay the cost. Clearly, extenuating circumstances would need to be recognised.

## **9. WORKS REPORTS**

The Report by Works Supervisor, Mr. Brad Pepper, for the period to 12 August 2004 was tabled for the information of Councillors.

Councillors raised the following matters during consideration of the Report by the Works Supervisor: -

- The views of the local RFDS pilot should be sought before too much work is carried out on the Menzies airstrip.
- The legal / environmental implications of clearing regrowth from road reserves should be investigated.

<b>COUNCIL DECISION</b>	<b>ITEM 7.1</b>
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MOVED Cr McGregor

SECONDED Cr R Earnshaw

That the Report by the Works Supervisor be received.

CARRIED 6/0

## **10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS**

<b>10.1 Environmental Health Officers Report</b>
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The report by the EHO had been tabled for the information of Councillors

<b>COUNCIL DECISION</b>	<b>ITEM 10.1</b>
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MOVED Cr Earnshaw

SECONDED Cr I McGregor

That the Report of the Environmental Health Officer be received and the Chief Executive Officer discuss the format for future reports with the new EHO.

CARRIED 6/0

<b>10.2 Rangers Report</b>
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The report by the Ranger had been tabled for the information of Councillors.

The Ranger had made reference to the unsatisfactory operation of the toilets provided at Niagara Dam. The Shire President said she had heard that the particular type of toilet had caused problems in other places and had been removed and replaced with "long drops". This option should be investigated.

<b>COUNCIL DECISION</b>	<b>ITEM 10.2</b>
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MOVED Cr Earnshaw

SECONDED Cr I McGregor

That the Report of the Ranger be received

CARRIED 6/0

Morning tea adjournment at 10.58am

The meeting was reconvened at 11.22am with all attendees who had been present before the adjournment, in attendance. Mr John Kitis and Mr Gordon Brown of Western Power were also present.

### **PRESENTATION BY WESTERN POWER.**

Mr Kitis, supported by Mr Brown, provided Council with advice of the options that had been considered for the supply of power to Menzies.

Extension of existing power lines from Kalgoorlie could not be supported due to the uncertainty of the supply and the delays that would result if there was any failures along the supply line.

It was therefore necessary to provide a new power station in Menzies. Various sites had been considered and the one that was considered most suitable was on the battery site to the west of the town. If that site is available it would be possible to meet the timetable for providing a new source of power within 12 months.

Council members suggested alternatives and the Western Power representatives undertook to investigate the possibility of a site near the battery on the South side of the road.

Luncheon adjournment at 12.30pm

The meeting was reconvened at 1.28pm with all attendees who had been present before the adjournment, (except Messrs Kitis and Brown) in attendance

## **11. CHIEF EXECUTIVE OFFICER'S REPORT**

<b>11.1.1</b>	<b>Old Playground Equipment</b>
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Location:	<b>N/A</b>
Applicant:	<b>Robbie &amp; Katrina Foulkes-Taylor</b>
File Ref:	133
Disclosure of Interest:	None
Date:	5 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **Summary**

A formal request has been received regarding the old playground equipment in the recreation reserve next to the basketball courts. Council must decide the future of the old playground equipment.

## **Background**

A fax from Mr. Robbie Foulkes-Taylor was received indicating that he would offer to remove the 9 pieces of playground equipment free of charge if Council would allow him to keep the equipment.

## **Comment**

It is highly likely that the old equipment would not meet the ever-changing Australian Standards and therefore could prove to be a liability for Council. Our general hand has made the equipment as safe as possible by removing some of the dangerous objects.

Although Mr. Foulkes-Taylor has brought this to our attention, it would seem that rather the equipment go to the Murchison region, Council should offer the equipment (pending the budget proposal) to the local public first.

It is the opinion of the author that this equipment is by far out dated and should be upgraded. If Council decides to commit to an upgrade of the playground facilities, then the old equipment can be given to whomever Council deems is entitled.

## **Consultation**

No external consultation has been carried out.

**Statutory Environment** – Section 3.58(2) of the Local Government Act 1995 states that a local government can only dispose of property to either the highest bidder at a public auction or the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender. If Council goes to tender, Statewide public notice must be given inviting submissions no less than two weeks after the notice is published.

**Policy Implications** – None that the author is aware.

**Financial Implications** – Depending on the outcome, revenue may be received for the purchase of the equipment.

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.1</b>
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That Council opts to dispose of property known as the old playground equipment by way of tender, inviting submissions to purchase and remove the equipment.

<b>COUNCIL DECISION</b>
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<b>ITEM 11.1.1</b>
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MOVED Cr Earnshaw

SECONDED Cr I McGregor

That no action be taken towards disposal of the old playground equipment until there is an outcome to the application to the GEDC for funding for new playground equipment.

CARRIED 6/0

Explanation for change: The elected members felt it was appropriate to keep the old equipment until there is some means of funding the acquisition of new equipment. There

was also a suggestion that the equipment should be kept as it may have some historical value in the future.

<b>11.1.2 Pastoral Lease Rights (Camping)</b>
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Location:	N/A
Applicant:	<b>Kim Hastie, CEO Shire of Sandstone</b>
File Ref:	206
Disclosure of Interest:	N/A
Date:	5 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **Summary**

The Shire of Sandstone seeks support from the Shire of Menzies to join forces and become a party to convince the State Government to clarify the rights of pastoralists, campers and prospectors in relation to the right to camp on a pastoral lease.

### **Background**

For some time the Shires of Sandstone and Yalgoo have been attempting to have the legislation relating to the rights of pastoralists etc. clarified.

Recently the Shire of Yalgoo has opted not to proceed with the joint approach. The Shire of Sandstone have since asked whether this is a concern for the Shire of Menzies and will the Shire join Sandstone in the quest to clarify the situation.

Sandstone has sought a legal opinion regarding this matter. (See attached correspondence in this agenda. (Also see file no. 206) The legal opinion given to Sandstone indicates that a prospector cannot camp on a pastoral lease.

The Department of Mineral and Petroleum Resources and the State Solicitors Officer's are contrary to this view.

### **Comment**

The Western Australian Local Government Association is of the opinion that under the regulations camping is only permitted;

- a) on road reserves in case of an emergency,
- b) for the purposes of mining or fossicking and written consent from the pastoralist only needs to be obtained in certain circumstances.

Obviously the Shire of Sandstone will have a stronger case if the Shire of Menzies was to join forces to assist them in their cause. The issue is, is it an issue for the Shire of Menzies? There have been many cases where the odd prospector or traveller feels it is their right to camp on the property with complete disregard of the pastoralist's rights.

Should Council feel that this issue is important enough to be involved in, joining forces with the Shire of Sandstone is ideal.

**Consultation** – Kim Hastie, Chief Executive Officer, Shire of Sandstone.

**Statutory Environment** – The clarification of the legislation relates to the Land Administration Act, Caravan Parks and Camping Grounds Regulations and the Mining Act 1978.

**Policy Implications** – None that the author is aware

**Financial Implications** – by joining forces Council will also need to assist in any legal costs that may occur in the future. At this stage, the other two Shires have done most of this. Really our support is to “supply a voice.”

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.2</b>
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For Council Consideration.

<b>COUNCIL DECISION</b>	<b>ITEM 11.1.2</b>
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MOVED Cr R Earnshaw

SECONDED Cr I McGregor

That, with a view to clarifying the situation with regard to camping on pastoral leases, the Chief Executive Officer liaise with the CEO at the Shire of Sandstone to ascertain the likely cost of a meeting with the appropriate Minister, in company with a solicitor from McLeods, and, if the cost is significant, the matter be referred to the Western Australian Local Government Association resolution.

CARRIED 6/0

<b>11.1.3 Interim Audit Report</b>
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Location:	N/A
Applicant:	N/A
File Ref:	114
Disclosure of Interest:	N/A
Date:	6 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

**Summary**

Macleod Partners auditors Janelle Kramer and Paul Gilbert performed their interim audit last month. For Council’s information a copy of the report has been included in the agenda, (also see file reference 114.) The author requests the Council to note the report.

**Background**

None required

**Comment**

Perusal of the report indicates that there are practically no issues of concern. Once again the topic regarding the “separation of duties” between the CEO and DCEO due to the relationship was mentioned.

Both Paul Gilbert and myself have discussed some ideas that will make their next visit quicker and easier by preparing some other reports.

### **Consultation**

No external consultation was carried out.

**Statutory Environment** – Section 7.2 of the Local Government Act 1995 states that a local government must have the accounts and the annual financial report audited each year. The interim audit focuses on the procedures and reports generated throughout the year.

**Policy Implications** – None that the author is aware

**Financial Implications** – None that the author is aware

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.3</b>
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That Council note the audit report as supplied by Macleod Partners for Council's interim audit.

<b>COUNCIL DECISION</b>
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<b>ITEM 11.1.3</b>
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MOVED Cr R Earnshaw

SECONDED Cr I McGregor

That Council note the audit report as supplied by Macleod Partners for Council's interim audit and the Acting CEO be directed to resolve the minor shortcomings that were drawn to attention, so far as that is possible.

CARRIED 6/0

Explanation for change: Council members thought the resolution should provide some positive direction with regard to resolution of the audit queries.

<b>11.1.4 Lake Ballard Management Committee</b>
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Location:	<b>Lake Ballard</b>
Applicant:	<b>N/A</b>
File Ref:	151
Disclosure of Interest:	N/A
Date:	6 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **Summary**

With many parties being involved in the creation, maintenance and promotion of the Lake Ballard Inside Australia exhibition, it is difficult to determine to makes the decisions etc. regarding the management and funding for the project.

This report requests the Council to allow the Chief Executive Officer to organise a management committee, who makes the important decisions regarding the development of the area involved.

### **Background**

Since the inception of the “Inside Australia” exhibition it has never been clear as to who is responsible for maintenance, funding and promotion. It is also seen that the confused direction of the project can be put down to the fact that as there a numerous parties involved, some information is not passed on to others.

Ms Irena \_\_\_\_\_ organised a meeting with the Chief Executive Officer last month to run over the details of what had been achieved so far. It was clear at this meeting that both of us were not informed of some of the decisions made recently.

Two weeks ago the Western Australian Tourism Commission organised a meeting with senior staff at the Department of Local Government and Regional Development to discuss if they could put in submissions for a grant funding round, which had only just closed. This was agreed to, and Paula Bennett (Regional Manager – Goldfields Western Australian Tourism Commission) and the Chief Executive Officer were asked to prepare three (3) separate documents for the development and improvement of the site.

### **Comment**

The problem with the request to apply for funding was that several issues regarding the area were not considered. The applications were to provide toilet facilities, site plan, signs and interpretation, and improved access and barriers. These would all be a fine addition to the area however there has been no confirmation regarding Native Title clearance or even confirmation of a new temporary management order on the land involved.

It was decided that as most of the works is deemed removable and temporary, and as the Shire of Menzies has applied for the management of the area as well as clearance from Native Title the decision was to proceed with the funding application.

It is the opinion of the author that, why is it that the Western Australian Tourism Commission (WATC) instructs the Shire on what and what not to apply for? The first this came to our attention was a phone call from someone at the WATC instructing the Chief Executive Officer to apply for the funding.

It seems that everyone would like to see the Lake Ballard exhibition first of all, stay at Lake Ballard, and secondly that appropriate facilities be created to cater for the numerous tourists visiting the statues every day. The problem being that all the parties involved are not in the same “committee.”

The author requests the Council to establish a Lake Ballard Management Committee with the Chief Executive Officer to be a committee member. Other members would be invited from WATC, Perth International Arts Festival, Goldfields Esperance Development Commission, Department for Planning and Infrastructure and the Goldfields Land and Sea Council. It would be beneficial to hold these meetings at Menzies.

### **Consultation**

This matter has been discussed with Danielle Miller WATC, Ilena Abeling PIAF Karen Hayes GEDC and Paula Bennet WATC. All seem to agree that the committee would work better than the current arrangement.

**Statutory Environment** – Under the Local Government Act 1995 a Local Government can appoint a committee. However it seems that as this is a joint approach, the other parties should be invited to comment regarding the proposal.

**Policy Implications** - None that the author is aware

**Financial Implications** – None that the author is aware. Some meeting costs may be involved however this is catered for in the 2004/05 budget.

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.4</b>
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1. That Council request the Chief Executive Officer to create a Lake Ballard Management Committee to which he will be a member.
2. That the Chief Executive Officer invite representatives of the Western Australian Tourism Commission, Perth International Arts Festival, Goldfields Esperance Development Commission, Department for Planning and Infrastructure and the Goldfields Land and Sea Council to be members on this committee.

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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<b>ITEM 11.1.4</b>
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MOVED Cr R Earnshaw

SECONDED Cr I McGregor

1. That Council request the Chief Executive Officer to create a Lake Ballard Management Committee to which he will be a member.
2. That the Chief Executive Officer invite representatives of the Western Australian Tourism Commission, Perth International Arts Festival, Goldfields Esperance Development Commission, Department for Planning and Infrastructure and the Goldfields Land and Sea Council to be members on the committee that will also include a Council member and the Chief Executive Officer.

CARRIED BY ABSOLUTE MAJORITY 6/0

Explanation for change: Council members were keen to ensure there was no confusion with regard to the membership of the committee

<b>11.1.5 Toodyay Swimming Pool Committee</b>
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Location: **Toodyay**  
Applicant: **Margaret O’Sullivan, Treasurer TSPC**  
File Ref: 133  
Disclosure of Interest: N/A  
Date: 6<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

**Summary**

The Shire of Menzies has been requested to donate an amount of \$100.00 towards the construction of a swimming pool in Toodyay. The author wishes to deny the request.

**Background**

In an excerpt taken from the letter received by the Toodyay Swimming Pool Committee (TSPC) Treasurer Margaret O’Sullivan writes:

*“You may wonder how this involves you.*

*Well, be this cheeky, innovative or just plain bold, with approx 138 shires in WA, all who we are very aware work extremely hard in raising funds and keeping your own towns afloat, we ask you to consider donating to our Community swimming pool raising fund an amount of \$100.00 or an amount as you all saw fit to.”*

The letter further emphasises that they are sincere.

**Comment**

Be it cheeky, innovative or bold the Shire of Menzies can use its little revenue in the Shire boundary, not somewhere nearly 600 kilometres away.

**Consultation** - No external consultation has been carried out.

**Statutory Environment** – N/A

**Policy Implications** – None that the author is aware

**Financial Implications** – None that the author is aware

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION / COUNCIL</b>
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<b>ITEM 11.1.5</b>
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MOVED Cr S Tonkin

SECONDED Cr I McGregor

That Council not donate any funds towards the Toodyay Swimming Pool Action Committee.

CARRIED 6/0

## 11.1.6 After Hours Call Centre for Local Government

Location: N/A  
Applicant: N/A  
File Ref: 136  
Disclosure of Interest: N/A  
Date: 6<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

### **Summary**

The Western Australian Local Government Association (WALGA) has created a new after hours call centre to cater for all “out of business hours” queries that a local government receives. This report outlines the point that Menzies is not in need of an after hours service.

### **Background**

For some time Council would have noticed that WALGA have been working on creating an after hours call centre to attend to the calls that are made to the Local Government out of normal business hours. This need arose when larger Councils found difficulties in servicing certain situations that required urgent attention. (Eg: dog attacks etc.)

WALGA has since awarded the contract to the company who will administer the call centre. A price list has been provided and members have been invited to the launch in Perth.

### **Comment**

This service is a great idea for those large metropolitan type Councils who do not have after hours contact numbers in the first place. Our situation in Menzies is one that everyone knows the Chief Executive Officer, his Deputy and the Works Supervisor, and their numbers are made public for emergency reasons.

Therefore it is the opinion of the author that this service is not required. However, if Council deem the call centre an essential service then we must undertake the appropriate measures to sign up to the generic contract supplied by WALGA.

**Consultation** - No external consultation has been carried out.

**Statutory Environment** – N/A

**Policy Implications** – None that the author is aware

**Financial Implications** – Increase in expenditure in the 2004 / 2005 budget. It does not seem like the service will cost this Council an exorbitant amount.

**Voting Requirement** – Simple Majority

MOVED Cr S Tonkin

SECONDED Cr K Pusey

That Council choose not to use the after hours call centre service supplied by the Western Australian Local Government Association.

CARRIED 6/0

**THE FOLLOWING ITEM WAS RESOLVED AT THE SPECIAL MEETING OF THE COUNCIL ON 17 JULY 2004****11.1.7 Budget Proposals for 2004 / 05 Financial Year**

Location: N/A  
Applicant: N/A  
File Ref: 113  
Disclosure of Interest: N/A  
Date: 6<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

**Summary**

Council is required to adopt the proposed budget.

**Background**

Circulated herewith, is the draft budget proposals for consideration and adoption for the 2004 / 2005 financial year.

**Comment**

At the 30 June 2004, Council's surplus was estimated at approximately \$358,648 and this has been allocated to reserve accounts as per Council's instruction at last month's meeting. This surplus has been brought about by either cost savings in expenditure or non expenditure (not proceeding) on budgeted projects, eg replacement of grader, Contract road maintenance.

The Local Government Act 1995 does allow a Council to adopt a budget with a deficit or surplus for the year of up to 10% of total rate income (ie \$49,000), however the draft presented to Council is a balanced budget. Changes of course can occur however for every \$ added, a project of similar value is required to be deleted or extra income to that value, required to be found.

Deletions, which include a wage or plant operation component, provide no savings as those costs remain fixed for the year and will require reallocation to another job, unless staff numbers are reduced or plant sold off.

With rating being done through Haines Norton, our accounting firm, required Council to adopt a penalty interest levy amount on rates and rubbish not paid by their due date.

An allowance has been made within the income budget document of \$10,000, similar to the amount raised last year. This of course can vary, depending on when a ratepayer chooses to make their payment.

Council will need to resolve the penalty amount (%) for outstanding rates and service charges unpaid at the expiry of the 35 day prescribed time or unpaid instalment on the due date. A penalty rate of 10% pa (maximum is 11%) for the one payment option and 5% pa (maximum is 5.5%) for the instalment option, both to be calculated on a daily basis from their due dates, is suggested.

The FESA levy, which will still be \$30 on around 75% of lots and mining tenements in the District, will attract 11% for late payment.

**Consultation** – All liaisons have been carried out with Haines Norton and various companies requested to provide quotations.

**Statutory Environment** – The annual budget of a local government is to be adopted by the 31<sup>st</sup> August each year. It is recommended that this be done in July as to provide direction for staff and to ensure the budget is adopted prior to the Acting CEO's arrival in August.

**Policy Implications** – Council Policy 3.5 relates.

**Financial Implications** – This is the adoption of Council's budget for the 2004 / 05 financial year.

**Voting Requirement** – ABSOLUTE Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.7</b>
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1. That the following rate levels to be imposed for the 2003/2004 financial year:
  - a) General rates

Unimproved values (except Pastoral)	6.77cents in the \$
Unimproved values (Pastoral)	3.39cents in the \$
Gross Rental values	4.91cents in the \$
Minimum Rate – all land	\$135
  - b) Payment Plan A – paid in full by due date  
A discount of 5% be offered on all rates paid in full by 4pm on Wednesday 22 September 2004
  - c) Payment Plan B – four equal payments

**Dates due for each payment**

First Instalment	22 September 2004
Second Instalment	24 November 2004
Third Instalment	26 January 2005
Fourth Instalment	23 March 2005

and for each instalment following the first payment, an administration fee of \$7 per assessment shall apply.

**Note\*** This payment plan is not available for rates and service charges of less than \$200.

d) Part Minimum Rate  
50% of minimum rate is payable on prospecting leases which overlap other Shire boundaries.

e) Rubbish Charges  
A Rubbish charge of \$110 per annum per 240 litre mobile garbage bin, be levied on serviced properties within the Menzies townsite.

be adopted.

4. That the Schedule of Fees & Charges for the 2004 / 2005 financial year as listed in section 8 of this budget document, be adopted.
5. That the transfers to or from Reserve accounts as listed in section 9 of this budget document, be adopted.
6. That the maximum level of Councillor meeting attendance fees of \$120 per Council meeting, as well as the maximum level of meeting fee for the Shire President of \$240 per Council meeting, be adopted.
7. That the Shire President be paid an allowance of \$3,000 pa in accord with section 5.98 (5) of the Local Government Act and the Deputy President an allowance of \$750 pa in accord with section 5.98A of the Local Government Act.
8. That the significant Accounting Policies, as listed in section 2 of this budget document, be adopted.
9. That a penalty rate of 10% be charged for late payment of rates under the 1 payment option and 5% be charged under the instalment option.
10. That the proposed budget ( as amended by Council where deemed appropriate ) be adopted for the 2004 / 2005 financial year and the levels of income and expenditure be authorised.

**NOTE\*\* Absolute Majority Council Decision is required – individually or in total.**

It was noted that this matter had been dealt with at a special meeting of the Council

<b>11.1.8 Rental of Goongarrie Station Master's House</b>
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Location:	<b>Goongarrie</b>
Applicant:	<b>John Humphries</b>
File Ref:	147
Disclosure of Interest:	N/A
Date:	7 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

**Summary**

Council is required to consider a request to rent the Station Master's House at Goongarrie.

**Background**

Approximately five (5) years ago, Mr. John Humphries rented the Station Master's House at Goongarrie prior to the building being vested in the Shire of Menzies.

Council will recall that at a recent meeting the Chief Executive Officer reported that the then tenant, Mr. Rene Blampain had vacated the premises as he wished to reside in Kalgoorlie.

Council has an issue that it is likely we will receive funding for the repair of the building as well as the two other railway cottages. The problem being that if a large amount of money is spent on these buildings, without a "caretaker" the risk of vandalism is quite high.

In the next two (2) to three (3) weeks Mr Humphries will be returning from the Eastern states provided he has a place to stay.

**Comment**

Ex CEO Mr. Greg Carter recalls that Mr Humphries resided at the Station Master's House at Goongarrie. He could not recall any problems associated with his presence at the house.

It is the opinion of the author that to help protect the Historically Listed buildings, that a "caretaker" type resident would be required. Should the Council allow Mr Humphries to rent the house a lease agreement should be signed to protect both parties.

**Consultation** – Consultation with Greg Carter, CEO Pingelly and Allan Henderson who represents Mr Humphries.

**Statutory Environment** – N/A

**Policy Implications** – Although this report discusses the "caretaker" aspect, no employee policies are relevant as the potential tenant is not seen as an employee.

**Financial Implications** – Rental for this residence is currently set at \$30.00 per week. This amount of rent for the cottage (as well as the tenant "keeping an eye" on the place) seems to be justified.

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.8</b>
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That Council offer the Goongarrie Station Master's House to Mr. John Humphries for a rental of \$30.00 per week provided an appropriate agreement is made in writing, for a period of 12 months.

Since the preparation of this report item, two more applications/expressions of interest have been received. Copies of the letters from the two applicants are attached.

It may be best to allow the Chief Executive Officer to make further inquiries and to offer the premises to the person considered most appropriate in light of the likely upgrading of the buildings at Goongarrie

**COUNCIL DECISION**

**ITEM 11.1.8**

MOVED Cr I McGregor

SECONDED Cr S Tonkin

That the Acting Chief Executive Officer be authorised to negotiate with Mr E A O'Dell for him to occupy the Goongarrie Station Master's House with factors such as the amount of maintenance works and tourist information that Mr O'Dell will provide being taken into account when assessing the amount of rent that would be payable.

CARRIED 6/0

Explanation for change: Circumstance had change since the report was prepared.

**11.1.9 Delegations - Annual Review**

Location: N/A  
Applicant: N/A  
File Ref: 113b  
Disclosure of Interest: None  
Date: 26<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

**Summary**

The author requests Council review and adopt the current and proposed delegations to assist the Chief Executive Officer in carrying out his duties.

**Background**

Prior to October, Council had created three (3) delegations to assist the Chief Executive Officer (CEO) in carrying out decisions.

A review of the delegations was undertaken by the then Acting CEO and the current CEO at the Shire's November meeting. A further eighteen (18) delegations were adopted at this meeting. Time has come for Council to review the register again.

**Comment**

Over the past twelve (12) months it has become apparent to the CEO that there are more delegations required to carry out the day-to-day tasks.

Out of the delegations previously adopted by Council, there are none which empower the Environmental Health / Building Officer to carry out his / her duties either. A document has

been circulated (also see file no. 113b) showing the results of the review undertaken by the CEO.

A delegation register has been compiled, outlining the original adoption of the delegation and history of any amendments or additions on each particular delegation.

**Consultation** – No external consultation was required

**Statutory Environment**

Section 5.42 of the Local Government Act 1995 states that:

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

Section 5.44 of the Local Government Act 1995 states that:

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

Section 5.46 of the Local Government Act 1995 states that:

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

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

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

**Policy Implications** – None that the author is aware

**Financial Implications** – None that the author is aware.

**Voting Requirement** – ABSOLUTE Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.9</b>
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That pursuant to Sections 5.42 and 5.46 of the Local Government Act 1995 Council delegates delegation numbers 001 – 050 as presented in the draft document to the Chief Executive Officer.

**Note: The Draft Delegation Register that accompanies this agenda was prepared for presentation at the July Council Meeting that failed for want of a quorum. The “Date of Decision” on each of the delegations will need to be changed to the August meeting.**

MOVED Cr K Pusey

SECONDED Cr I McGregor

That the Chief Executive Officer be commended for the preparation of the Draft Delegation Register and that he be requested to consider some changes to his proposals and resubmit them to the next meeting of the Council.

CARRIED 6/0

Explanation for change: Council members were keen to discuss some of the delegation proposals with the CEO to gain a better understanding of his intentions.

**11.1.10 Reserve 44006 Lot 193 Kookynie (Old School House)**

Location: Kookynie Townsite  
Applicant: Jan Pruyn, DPI  
File Ref: 139  
Disclosure of Interest: N/A  
Date: 27<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

**Summary**

The Department for Planning and Infrastructure (DPI) has received an application for reserve 44006 to be leased to a private owner with an option to purchase.

**Background**

Council will recall that at a recent meeting, the DPI wrote to the Council asking if the Shire was prepared to take responsibility for the management of the old school house and land involved. This had come about from the dissolution of the Kookynie Social Club who had management of the reserve and buildings.

The Chief Executive Officer informed DPI of Council's decision not to assume responsibility for the reserve and buildings. Since then Mr Jamie Mazza has made an application for the use of this land.

**Comment**

Council opted not to assume responsibility of this land and buildings due to the state of the old schoolhouse and the asbestos fibres, which have been mentioned in numerous reports. Council's suggestion was to hand the interest back to the crown.

In a recent telephone discussion with Ken McCracken, Regional Manager for Land Asset Management Services, it is understood that after receiving a letter from our Environmental Health / Building Officer they have an obligation to tend to this asbestos problem.

Mr Pruyn requests Council's comments for the following:

1. Does Council have any objections to the lease / sale of this land?

2. Are Council aware of any other interested parties regarding Reserve 44006?

### **Consultation**

Ken McCracken – Regional Manager, Land Asset Management Services (DPI)  
Jan Pruyn – Assistant Project Officer Land Asset Management Services (DPI)

### **Statutory Environment**

Section 14 of the Land Administration Act states that before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.

**Policy Implications** - None that the author is aware

**Financial Implications** – None that the author is aware

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.10</b>
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For Council Consideration.

<b>COUNCIL DECISION</b>	<b>ITEM 11.1.10</b>
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MOVED Cr I McGregor

SECONDED Cr R Earnshaw

That the Department for Planning and Infrastructure be advised that Council has no objection to Reserve No 44006 (Former Kookynie School) being leased to a person with an option for that person to purchase the property and that the Council is not aware of any other interest in the site.

CARRIED 6/0

During the discussion on this matter, it was agreed the Department should be reminded of earlier correspondence by the environmental Health Officer that drew attention to the condition of the premises.

<b>11.1.11</b>	<b>Sub-Lease of Menzies Railway Station</b>
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Location:	Menzies Townsite
Applicant:	Ian Mulholland, Managing Director Rox Resources
File Ref:	Agreements
Disclosure of Interest:	N/A
Date:	28 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **Summary**

Due to changes within the Julia Corporation, Rox Resources have requested that a new lease agreement be created between the Shire of Menzies and Rox Resources for a period of 10 years.

### **Background**

The current lease agreement between the Shire of Menzies and Julia Corporation was signed in February 2000. As Julia Corporation and Deep Yellow have handed over gold interests in Menzies to Rox Resources; the occupiers of the Railway Station are no longer Deep Yellow or Julia Corporation employees.

This has brought about the need to draft up a new lease agreement with Rox Resources.

### **Comment**

When the last lease agreement was prepared, the Council instructed Julia Corporation to prepare the document prior to signing as since they requested the lease, they were to prepare the document.

The author suggests Council follow the same procedures as has been previously undertaken in regards to the document preparation. Provided the same conditions apply from the previous lease agreement, it is the opinion of the author that there are no issues of concern regarding this request.

### **Consultation**

No external consultation was carried out.

### **Statutory Environment** - N/A

### **Policy Implications** - None that the author is aware

### **Financial Implications** – None that the author is aware

### **Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.11</b>
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1. That Council authorise the Chief Executive Officer to organise the appropriate lease agreement between the Shire of Menzies and Rox Resources for the sub-lease of the Menzies Railway Station.
2. That Council authorise the Chief Executive Officer and the President to affix the common seal and sign the lease agreement upon completion.

<b>COUNCIL DECISION</b>	<b>ITEM 11.1.11</b>
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MOVED Cr S.Tonkin

SECONDED Cr R Earnshaw

That this matter be deferred to the next meeting of the Council to allow time for the ownership / security of tenure of the premises to be ascertained.

CARRIED 6/0

Explanation for change: The Acting CEO had questioned whether or not the Council “owned” the Railway Station or simply held it under a lease from the Railways Commission. He also questioned the condition of the building and whether it had been properly maintained under the terms of the existing lease to Julia Corporation.

<b>11.1.12</b>	<b>License to Erect or Maintain a Sign</b>
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Location:	Kookynie
Applicant:	Robyn McCarthy
File Ref:	139
Disclosure of Interest:	N/A
Date:	30 <sup>th</sup> July 2004
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

### **Summary**

Mrs. Robyn McCarthy has produced a plan indicating the positioning of signs that she wishes to display on Local Government property. A formal application has been made by Mrs. McCarthy to display these signs indicated within the plan.

### **Background**

Previous meetings have dealt with requests from Mrs. McCarthy to develop a new business operating from Hayes Street in Kookynie. Mrs McCarthy was requested to produce a plan of the business indicating parking etc. and also advised to apply to Council for any signs that she wished to display on Council property.

Mrs McCarthy has supplied a plan of the proposed signs and requested Council’s approval to display these signs. (Plan included with agenda, see file 139)

### **Comment**

After consultation with Mrs. McCarthy, an agreement has been made that the signs at the roundabout is to be minimised. A double-sided “finger” sign is to be installed rather than two separate signs as indicated in the plan.

The plan for the sign placement is clearly marked and indicates the planning put into the application. It is the opinion of the author that the signs are appropriate and are worthy of approval.

Council does not have a fee or charge relating to the erection of signs. Therefore no charge should apply.

**Consultation** – Robyn McCarthy, proprietor Old Miner’s Cottage Crafts.

**Statutory Environment** - N/A

**Policy Implications** - None that the author is aware

**Financial Implications** – None that the author is aware

**Voting Requirement** – Simple Majority

**OFFICER RECOMMENDATION**

**ITEM 11.1.12**

That Council raise no objection to the application from Mrs. Robyn McCarthy to erect and maintain signage for the promotion of “Old Miner’s Cottage Crafts.”

**COUNCIL DECISION**

**ITEM 11.1.12**

MOVED Cr R Earnshaw

SECONDED Cr I McGregor

That Mrs McCarthy be requested to produce the previously requested proof of insurance and that staff members meet with her onsite, after checking with Main Roads WA with regard to roadside signs standards, to discuss her proposals and to authorise the erection of signs in accordance with the standards.

CARRIED 6/0

**11.1.13**

**Town Planning Scheme No 1 – Amendment No 1**

Location:	Menzies Railway Reserve and former Railway Reserve
Applicant:	Shire of Menzies
File Ref:	231
Disclosure of Interest:	None
Date:	12 August 2004
Author:	Laurie Vicary, Acting Chief Executive Officer
Signature of Author:	

**Summary**

Council instigated the proposal to reclassify portions of the Railway Reserve and lots 1005-1007 Walsh Street from “Public Purposes” to “Residential R10” and to insert a new Additional Use in Schedule 2 of the Scheme. Amendment documents are now to hand and a formal resolution is required.

**The document will be available for inspection at the meeting.**

**Background**

The land in question (Railway Station, Station Masters house and three cottages) is no longer being used for “Public Purposes” and reclassification is appropriate and will enable the Council to exercise more control over what happens on the land.

**Comment**

It is thought that Council members are sufficiently aware of the proposal that additional information at this time is unnecessary.

**Consultation.**

The amendment process must be carried out in accordance with the provisions of the Town Planning and Development Act and that requires advertising and a 42-day submission period. Council must consider all submissions received and advise the WA Planning Commission of its recommendation with regard to each comment. Additionally, the Public Transport Authority, Western Power and WaterCorp must be notified of the proposal as part of the advertising process.

**Statutory Environment** - As mentioned, the provisions of the Town Planning and Development Act control the Town Planning Scheme amendment process. The amendment is at a very preliminary stage that simply requires a resolution of the Council to commence the procedure

**Policy Implications** - None of which the author is aware

**Financial Implications** – The exact cost of the amendment process is not known. Advertising need not be expensive but there will be a payment to the Planning Consultant for his efforts so far and for his further contributions to finalising the matter and for guidance with submissions should any be received. The budget allocation of \$4000 would seem to be adequate.

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.13</b>
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MOVED Cr R Earnshaw

SECONDED Cr K Pusey

That Town Planning Scheme No 1, Amendment No1, be formally adopted and that the Shire President and the Chief Executive Officer be authorised to attest to that fact by signing the Amendment Document confirming that the amendment was adopted by resolution of the Council of the Shire of Menzies at the Ordinary Meeting of the Council held on the 20<sup>th</sup> day of August 2004.

CARRIED 6/0

<b>11.1.14</b>	<b>State Cabinet Visit to the Region</b>
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Location:	N/A
Applicant:	Department of Premier and Cabinet
File Ref:	227
Disclosure of Interest:	None
Date:	12 August 2004
Author:	Laurie Vicary, Acting Chief Executive Officer
Signature of Author:	

**Summary**

Council members are invited to attend a working breakfast with members of Cabinet on Monday 27 September 2004. This item is for the purpose of resolving who is to attend and the detail of questions that may be put to Cabinet members.

**Background**

A similar function was held at about the same time last year. Those who attended may wish to comment on the value in attending.

**Comment**

The breakfast is to be held in the Goldfields Art Centre on Monday 27 September 2004 at 7.15am

Apart from the opportunity to meet with the members of Cabinet and to ask questions that may or may not be answered on the day, Council may wish to contribute to a Regional Presentation that is to be co-ordinated by Kalgoorlie-Boulder Chief Executives Office.

A copy of the Presentation Guidelines is attached.

**Consultation**

No external consultation has been carried out.

**Statutory Environment** – Not an issue.

**Policy Implications** - None of which the author is aware

**Financial Implications** – Only the cost of travel to the meeting and for any contribution the Council may choose to make to the Regional Presentation.

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM</b>
<b>11.1.14</b>	

MOVED Cr S Tonkin

SECONDED Cr k Pusey

That: -

- (a) the Shire President, Deputy Shire President and the Chief Executive Officer be nominated to attend the working breakfast with members of Cabinet in Kalgoorlie on Monday 27 September 2004;
- (b) Council members advise the Chief Executive Officer of questions that they wish to have put to members of the Cabinet on the occasion of their visit; and
- (c) the Chief Executive Officer liaise with the Office of the CEO of the City of Kalgoorlie-Boulder to ensure the Region is adequately represented in the Regional presentation to the Cabinet.

CARRIED 6/0

*Cr R Earnshaw left the meeting at 3.30pm and returned at 3.35pm*

Matter to be raised with the Cabinet members included: -

- Responsibility for abandoned mine shafts. Cr Finlayson
- Wild dog eradication Cr I McGregor
- Rating non-rated land users such as sandalwood cutters. Cr S Tonkin

<b>11.1.15</b>	<b>GEDC - Board of Management</b>
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Location: N/A  
Applicant: Goldfields Esperance Development Commission  
File Ref: 219  
Disclosure of Interest: None  
Date: 12 August 2004  
Author: Laurie Vicary, Acting Chief Executive Officer  
Signature of Author:

### **Summary**

The GEDC will have five (5) vacancies on the Board of Management. Nominations are being sought to fill one (1) vacancy from the community, two (2) vacancies from Local Government and two (2) Ministers discretion appointees.

### **Background**

Council can nominate candidates for appointment to the Board. Council members can self nominate or be nominated by a community organisation to serve as community representatives or Ministerial appointments.

### **Comment**

Cr Finlayson may wish to comment on the role and responsibilities of Board membership.

Nomination close on 9 September 2004. Nomination forms and a copy of the Guidelines and Policies for Board Members will be available at the Council Meeting

### **Consultation**

There may be value in seeking the involvement of community members

**Statutory Environment** – Not an issue.

**Policy Implications** - None of which the author is aware

**Financial Implications** – None of which the author is aware

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.15</b>
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That Council direct the Acting CEO in the matter of nominations to the Board of Management of the Goldfields Esperance Regional Development Commission.

MOVED Cr K Pusey

SECONDED Cr R Earnshaw

That no action be taken to nominate a person or persons to fill vacancies on the Goldfields Esperance Development Commission board of Management.

CARRIED 6/0

*The Shire President left the meeting at this time (3.35pm) and the Deputy President, Cr K Pusey, took chair.*

**11.1.16 GDA for Exploration Drilling at Menzies**

Location: Menzies Town Common –Reserve 8509  
Applicant: Rox Resources  
File Ref: 122  
Disclosure of Interest: None  
Date: 13 August 2004  
Author: L A Vicary, Acting Chief Executive Officer  
Signature of Author:

**Summary**

Rox Resources have advised of a Ground Disturbance Approval Application that has been submitted to the Department of Industry and Resources.

**Background**

The application relates to re-entry into the pits at the Selkirk and First Hit prospects for the purpose of undertaking drilling to intersect down dip extensions of gold resources previously mined

**Comment**

It is expected the advice to the Council is a statutory requirement imposed by the Mining Act. The activity is on previously mined or disturbed areas close to Menzies.

The work is planned to commence on 30 August and be completed by 30 September 2004.

**Consultation**

The advice from Rox Resources is “consultation” with the Council. It is expected other forms of consultation imposed by the Mining Act will have been observed.

**Statutory Environment – Mining Act**

**Policy Implications** - None of which the author is aware.

**Financial Implications** – None of which the author is aware

**Voting Requirement** – Simple Majority

***NOTE: -The Acting Chief Executive Officer advised of receipt of a further Ground Disturbance Approval Application since the original report had been prepared. That application related to drilling in the Yunndaga locality. He suggested the decision of the Council could relate to both areas of activity***

**OFFICER RECOMMENDATION**

**ITEM 11.1.16**

That the advice of the Ground Disturbance Approval Application from Rox Resources that relates to work within Crown Reserve 8509 – Menzies Town Common, be noted.

**COUNCIL DECISION**

**ITEM 11.1.16**

MOVED Cr I McGregor

SECONDED Cr K Purchase

That the advice of the Ground Disturbance Approval Application from Rox Resources that relates to work within Crown Reserve 8509 – Menzies Town Common and in the Yunndaga locality, be noted.

CARRIED 5/0

**11.1.17 Application for Mining Tenement**

Location: Menzies  
Applicant: Westex Resources Pty Ltd  
File Ref: 122  
Disclosure of Interest: None  
Date: 13 August 2004  
Author: L A Vicary, Acting Chief Executive Officer  
Signature of Author:

**Summary**

The application encroaches upon private land. It is located to the Northwest of the Menzies Townsite and its boundaries are identical to a previously surveyed tenement.

**Background**

As mentioned, the tenement application relates to an area previously surveyed as MC 29/2731

**Comment**

See plan attached

**Consultation**

The applicant is required to satisfy the provisions of the Mining Act with regard to consultation.

**Statutory Environment** – Mining Act

**Policy Implications** - None of which the author is aware

**Financial Implications** – None of which the author is aware

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.1.17</b>
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MOVED Cr K Purchase

SECONDED Cr R Earnshaw

That the Application for Mining Tenement by Westex Resources (Mining Lease 29/339) be noted.

CARRIED 5/0

## **11.2 CHIEF EXECUTIVE OFFICER SUPPLEMENTARY REPORT**

<b>11.2.1 TRAFFIC SIGNS &amp; DEVICES AT ROADWORKS</b>
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Location:	District
Applicant:	Main Roads Western Australia
File Ref:	402/407
Disclosure of Interest:	None
Date:	18 August 2004
Author:	L A Vicary
Signature of Author:	Acting Chief Executive Officer

### **Summary**

To remove any confusion that may exist with regard to the authority of Council works staff to place Traffic Signs and Devices at Roadworks.

### **Background**

The Main Roads Commissioner has the authority to erect road signs, traffic control signals and other devices under a regulation of the Road Traffic Code. The Commissioner can delegate that authority subject to any conditions specified in an Instrument of Authorisation.

Unless it has been delegated to them, Local Governments do not have the authority to erect road signs etc including the use of traffic signs at roadworks.

In 2001, Main Roads offered an Instrument of Authorisation to all Local Governments that would enable them to use traffic signs at roadworks subject to conditions. Not all Local Governments executed the Instrument of Authorisation, potentially leaving them exposed to liability issues if they use signs and traffic control devices at roadworks without prior approval from Main Roads.

Additionally, there was a belief amongst some Local Governments that an authorisation from Main Roads in 1975 provided them with the authority to use traffic signs and other devices at roadwork sites. The 1975 authority was relatively limited in its scope.

**Comment**

The author is not aware of the situation at the Shire of Menzies but sees the present offer by Main Roads as a good opportunity to ensure the correct and current authorisation is in place for the erection of signs and other devices at roadworks.

The new authorisation is prepared in a fashion that does not require changes each time there is a change to the parent legislation

**Consultation** – External consultation not required

**Statutory Environment**

The Regulation made under the Road Traffic Code authorises the Main Roads Commissioner to erect sign and other devices and to delegate that authority to others.

**Policy Implications** – None of which the author is aware

**Financial Implications** – None of which the author is aware.

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.2.1</b>
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MOVED Cr S Tonkin

SECONDED Cr I McGregor

That the Council of the Shire of Menzies accept the Instrument of Authorisation from the Main Roads Commissioner that gives the Council authority to use a full range of traffic signs and devices at roadworks; and,

the Shire President and the Chief Executive Officer be authorised to affix the Common Seal of the Council to that Instrument of Authorisation.

CARRIED 5/0

## **11.2.2 MORAPOI STATION – TOURIST DEVELOPMENT**

Location: Morapoi  
Applicant: Department for Planning and Infrastructure  
File Ref: 120 / 231  
Disclosure of Interest: None  
Date: 18 August 2004  
Author: L A Vicary, Acting Chief Executive Officer  
Signature of Author:

### **Summary**

The Pastoral Board has received applications from the lessee of Morapoi Station for permits to conduct: -

- a pastoral based tourism venture consisting of station stay and tours: and
- training activities and social camps.

The activities proposed can be approved under sections 121 and 122 of the Land Administration Act 1997.

### **Background**

The author is not aware whether or not this proposal has been considered by the Council in the past.

A copy of the conditions for these types of permits was made available and clearly shows that the permit holder must comply with the requirements of the Local Government and the lessee shall perform, discharge and execute all requisitions and works on the permit area required by any local government or public authority operating under any statute, by-law or regulation.

A copy of the letter that accompanied the applications, and the permit conditions, will be available at the Council meeting.

Conditions can be changed during this consultation process. Responses must be submitted by 21 September 2004. If there is no response, it will be assumed the Council has no objection to the proposal.

### **Comment**

It should be possible to assume that the applicant has done his homework and is aware of the likely cost to provide the facilities proposed to the standards of the Council and the other public authorities.

It should be possible to also assume that the applicant has developed a business plan to give some indication of the viability of the proposal.

### **Consultation**

There has not been sufficient time since receiving the advice for any external consultation.

Councils planning consultant did not believe the proposal would be in conflict with the provisions of the Town Planning Scheme.

### **Statutory Environment**

Apart from the Land Administration Act, Council should expect compliance with health, building and planning regulations for which it is responsible.

**Policy Implications** - None of which the author is aware.

### **Financial Implications**

There will need to be a reasonable level of supervision of building and health matters during the early stages of the development. This will involve the EHO based in Leonora.

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.2.2</b>
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MOVED Cr I McGregor

SECONDED Cr R Earnshaw

That no objection be raised to the applications from the lessee of Morapoi Station for permits to conduct: -

- a pastoral based tourism venture consisting of station stay and tours: and
  - training activities and social camps,
- on the clear understanding that buildings and facilities must be provided to the standard nominated by the Council before any of the proposed activities may be commenced.

CARRIED 5/0

<b>11.2.3 HEAVY VEHICLE ACCESS PROJECT</b>
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Location:	District
Applicant:	Main Roads Western Australia
File Ref:	402
Disclosure of Interest:	None
Date:	119 August 2004
Author:	L A Vicary, Acting Chief Executive Officer
Signature of Author:	

### **Summary**

Council has been given a list of Class 2 and 3 Notice Roads within the district. This is consistent with advice given at Consultation Workshops conducted during June and July 2004.

Council has been asked to review the draft listings and to endorse the documents provided

### **Background**

It is not known whether Council was involved in the Consultation Workshops.

These first networks only incorporate roads that currently operate as general endorsement routes under permit conditions. They do not include recently requested route extensions or deletions. Amendments can provide for future extensions.

**Comment**

The Acting CEO has very limited knowledge of the possible impact the approved routes can have on roads in the Shire but has noted that only roads that currently operate as general endorsement routes under permit conditions.

Main Roads has requested a response within 6-8 weeks so there is time for a review of the plans and a the submission of a recommendation to the next Council meeting. Some Council members may wish to be involved in an informal review of the documents before the next meeting.

While only a few roads under the control of the Council are involved, it is important that the implications of the Heavy Vehicle Access Project be fully understood before indicating approval to the routes nominated.

**Consultation** – No external consultation has been undertaken to date. It is intended that Main Roads WA will be contacted for more information about the proposal.

**Statutory Environment** – N/A

**Policy Implications** - None of which the author is aware.

**Financial Implications** - None of which the author is aware.

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.2.3</b>
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MOVED Cr S Tonkin

SECONDED Cr I McGregor

That:

1. Main Roads WA be advised that Council will not respond to the request for review and endorsement of the documents provided as part of the Heavy Vehicle Access Project until after the September meeting of the Council;
2. That the Acting Chief Executive Officer review the documents and plans provided and seek advice from others before preparing a recommendation for consideration by Councillors at their September 2004 meeting; and
3. Council members also review the plans and documents provided by Main Roads WA and advise the Acting CEO of their views.

CARRIED 5/0

The Shire President returned to the meeting at 3.45pm and resumed the chair.

**12. REPORTS FROM COUNCILLORS**

**12.1.1 Shire Banner**

Cr S Tonkin thanked the Council for the loan of a Shire banner that he had displayed at an Isolated Children’s Parents Association activity. The banner was returned.

**12.1.2 Employment of Staff-Policy / Standards**

Cr Pusey suggested a policy or standard should be adopted to ensure that staff employed by the Council are adequate for the role in which they are to be engaged. Such a policy or standard would involve a position description that would include essential and /or desirable qualifications and experience.

**12.1.3 Shire Presidents Reports**

Cr Finlayson advised that due to the lateness of the hour, she would report on Local Government Week and the Open Community Meeting she had recently attended in Coolgardie. The meeting in Coolgardie was for the purpose of discussing the delivery of services to indigenous people following the demise of ATSIC.

**13. BUSINESS OF AN URGENT NATURE**

None

**14. NEXT MEETING**

The next Ordinary Council Meeting is scheduled for Friday 17<sup>th</sup> September 2004, in the Council Chambers, Menzies, commencing at 9:00am.

**15. CLOSURE**

The Shire President closed the meeting at 3.47pm and in doing so, she thanked Alison and Laurie Vicary for relieving Jolene and Tony Nottle so they could take annual leave. The remarks by the Shire President were supported by acclamation.

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 17 September 2004

**CONFIRMED**

**SHIRE PRESIDENT.....**